PURPOSE
The purpose of this document is to briefly describe the reasons that this project will not have a significant effect on the environment and therefore does not require the preparation of an environmental impact report under the California Environmental Quality Act (CEQA). This document was prepared pursuant to CEQA and the CEQA Guidelines (Public Resources Code, Division 13 and California Code of Regulations, Title 14, Chapter 3) for the project described below.

PUBLIC REVIEW AND COMMENT

From June 4, 2014 to June 24, 2014 at 5 p.m.*, this document and its initial study of environmental effects are available for public review during normal office hours at the Land Use Planning Division, 2120 Milvia Street, 2nd floor, Berkeley, CA. Members of the public must arrive by 4 p.m. in order to view documents.

During this period, written comments may be submitted to:

Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704
Attn: Leslie Mendez, Associate Planner
E-mail: lmendez@cityofberkeley.info

* Hand-delivered documents must be submitted by 4 p.m.
The Planning Department Offices are closed the second Friday of the month (June 13, 2014)
PROJECT DESCRIPTION

Zoning District: General Commercial (C-1)

General Plan Designation: Avenue Commercial (AC)

Neighborhood Setting:
The subject neighborhood is a mix of commercial and residential uses surrounding the high traffic intersection of Ashby Avenue and Telegraph Avenue. Lots fronting Telegraph Avenue are predominately used for commercial purposes and lots located to the rear (east) are used for residential purposes. The new mixed use development (3001 Telegraph Avenue) is located kitty corner to the subject site, and a Whole Foods Market is located directly across Ashby Avenue. LeConte Elementary School is located approximately two blocks to the northwest and Alta Bates Hospital is located a block east.

Proposed Project:
The project involves the remodel and expansion of an existing 2,200-square-foot auto service building for use as a 2,475-square-foot convenience store with wine and beer sales for off-site consumption (Type 20 ABC license) with hours of operation from 7:00 a.m. to 12:00 a.m., and a 1,950-square-foot quick food service restaurant with an outdoor seating area (± 500 sq. ft.) with hours of operation from 7:00 a.m. to 8:00 p.m.. The project also includes the demolition of the existing ±200-square-foot sales/retail kiosk and installation of a 5,000-gallon underground diesel storage tank, a 500-gallon above ground propane storage tank, a new (6th) fuel dispenser, a new trash enclosure, an electric car charging station, and landscaping. The project remodel also includes closing the southerly most driveway on Telegraph (at the corner of Ashby), per the City of Berkeley’s request. The applicant is considering the option of installing solar panels on the top of the fuel canopy.

PROJECT APPLICANT
Ron Jacobs, PM Design Group, 24565 Bennett Valley Road, C-102, Santa Rosa, CA  95404

MANDATORY FINDING OF SIGNIFICANCE
There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

Prepared by: Leslie Mendez, Associate Planner  Date: June 3, 2014
Phone: (510) 981-7426
Salkhi Petroleum Chevron Station
2996 Telegraph Avenue

June 2014
Planning and Development Department
Land Use Planning Division

PROJECT SUMMARY INFORMATION

1. PROJECT TITLE: Salkhi Petroleum Chevron Station

2. LEAD AGENCY: Planning and Development Department
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

3. CONTACT PERSON: Leslie Mendez, Associate Planner
Phone: (510) 981-7426
Email: lmendez@ci.berkeley.ca.us

4. PROJECT LOCATION: 2996 Telegraph Avenue
Berkeley, CA 94705
APN: 052-1578-006-02

5. PROJECT SPONSOR: Ron Jacobs
PM Design Group
2455 Bennett Valley Road, C-102
Santa Rosa, CA 95404

6. GENERAL PLAN DESIGNATION Avenue Commercial (AC)

7. ZONING: General Commercial (C-1)

8. DESCRIPTION OF PROJECT:
The project involves the remodel and expansion of an existing 2,200-square-foot auto service building for use as a 2,475-square-foot convenience store with wine and beer sales for off-site consumption (Type 20 ABC license) with hours of operation from 7:00 a.m. to 12:00 a.m., and a 1,950-square-foot quick food service restaurant with an outdoor seating area (± 500 sq. ft.) with hours of operation from 7:00 a.m. to 8:00 p.m. The project also includes the demolition of the existing ±200-square-foot sales/retail kiosk and installation of a 5,000-gallon underground diesel storage tank, a 500-gallon above ground propane storage tank, a new (6th) fuel dispenser, a new trash enclosure, an electric car charging station, and landscaping. The project remodel also includes closing the southerly most
driveway on Telegraph (at the corner of Ashby), per the City of Berkeley’s request. The applicant is considering the option of installing solar panels on the top of the fuel canopy.

**Discretionary Actions**
Under the Berkeley Municipal Code, the project requires the following Use Permits:

- Use Permit to demolish a commercial building/structure (23.C.08.050.A);
- Use Permit for retail sales of beer and wine (23.E.36.030 and 23.E.16.040.A); and
- Administrative Use Permit to establish a quick service restaurant greater than 1,500 sq. ft. (23.E.36.030).

9. **SURROUNDING LAND USES AND SETTING:**
Surrounding uses include a two-story medical office building and single-family houses to the north; residential uses to the west; retail, commercial, and medical offices to the east across Telegraph Avenue, and the Whole Foods grocery store with surface parking lot across Ashby Avenue to the south.

10. **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:**
None.
Figure 1: Site Photo
Figure 2: Regional Map

SUBJECT SITE
2996 Telegraph
Figure 3: Vicinity Map
Figure 4: Site Plan
Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least four impacts that are “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because 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.

Leslie Mendez, Associate Planner
City of Berkeley

June 3, 2014
Date
CHECKLIST

I. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?
   Potentially Significant Impact □  Potentially Significant Unless Mitigation Incorporated □  Less Than Significant Impact □  No Impact □

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?
   Potentially Significant Impact □  Potentially Significant Unless Mitigation Incorporated □  Less Than Significant Impact □  No Impact □

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   Potentially Significant Impact □  Potentially Significant Unless Mitigation Incorporated □  Less Than Significant Impact □  No Impact □

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
   Potentially Significant Impact □  Potentially Significant Unless Mitigation Incorporated □  Less Than Significant Impact □  No Impact □

Discussion

a) The City’s Zoning Ordinance defines a view corridor as one that provides, “a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.”¹ The project is not located within a designated view corridor, but views of the Berkeley and Oakland hills are available from several points in the vicinity looking east along the east-west running streets. The proposed project would remodel an existing building, resulting in an increase of the structure’s average height from 16 feet to 19.6 feet. As the adjacent building to the east (2920 Telegraph) is a two-story office building, the three and a half foot increase in height of the subject building would have no impact on publicly accessible scenic vistas in or around the vicinity of the site.

b) The project site is located approximately 2.25 miles east of Interstate 580, and is not located within a designated scenic highway or within a protected visual corridor. Because the site is not within, or visible from, a scenic highway or roadway, the proposed project would have no impact on scenic corridors.²

c) In 1986, the City Council amended the Zoning Ordinance to include requirements for design review for proposed new construction and exterior alterations in non-residential zoning districts to help preserve and promote the architectural integrity and character of buildings. Design

¹ Berkeley, City of. Municipal Code, Title 23, Zoning Ordinance.
guidelines have been adopted for use in the design review process. The guidelines are intended to assist project designers, City staff, and City decision makers with the design review process. The proposed project is remodeling an auto repair garage that was built in 1969. The project is subject to design review by the Design Review Committee (DRC) who reviewed the proposal on November 21, 2013. The DRC feels the project meets the City’s aesthetic standards and design renovation guidelines, and forwarded a positive recommendation to the Zoning Adjustment Board (ZAB). Therefore, there are expected to be no adverse impacts to the visual character or quality of the site and its surrounding.

d) The project does not include any substantial new outdoor light sources and the project would comply with the City of Berkeley Zoning Ordinance regulations for commercially zoned lots abutting residential zones. Specifically, the BMC Section 23E.04.060.C requires that “exterior lighting shall be shielded in a manner which avoids direct glare onto abutting lots in a residential district.” Compliance with these regulations would ensure that installation of any new lighting would not result in any significant impacts.
II. AGRICULTURAL AND FORESTRY RESOURCES.\(^3\)

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 a non-agricultural use? 

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? 

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Discussion

a - e) The neighborhood that surrounds the project site is currently characterized as a mixture of commercial, residential, educational, and light industrial uses. The project site is shown as Urban and Built-Up Land on the California Department of Conservation’s 2010 farmland map, and it is not governed by a Williamson Act contract.\(^4\) Additionally, according to the City of Berkeley General Plan, “Agriculture in Berkeley is limited to personal and community gardens.”

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\(^3\) In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

The subject property is designated as Avenue Commercial by the Berkeley General Plan and is zoned General Commercial (C-1) by the Berkeley Zoning Ordinance and has no association with forestland or timberland. There is no farmland or forest land in the project vicinity. No impacts or conflict related to agricultural or timberland resources would occur as a result of the proposed project.
III. AIR QUALITY.\(^5\) Would the project:

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<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<tr>
<td>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)?</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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Discussion

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the San Francisco Bay Area. At the State level, the California Air Resources Board (a part of the California Environmental Protection Agency) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has published updated CEQA Air Quality Guidelines\(^6\) that are used in this assessment to evaluate air quality impacts of the proposed project.

a) The most recent clean air plan is the Bay Area 2010 Clean Air Plan that was adopted by BAAQMD in September 2010. The proposed project would not conflict with the latest Clean Air planning efforts because (1) the project would have emissions well below the BAAQMD thresholds (see Impact b and c), (2) development of the project site would renovate an existing service station that has traditionally had similar types of uses, and (3) development would be near existing transit with regional connections. The project is below the threshold requirement to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

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\(^5\) 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.

\(^6\) Bay Area Air Quality Management District (BAAQMD), California Environmental Quality Act Air Quality Guidelines, updated May 2012.
b) Ambient air quality standards have been established at both the State and federal level. The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter ($\text{PM}_{2.5}$) under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers ($\text{PM}_{10}$) under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area’s attempts to reduce ozone levels. Highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter, or particles that have a diameter of 10 micrometers or less ($\text{PM}_{10}$), and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($\text{PM}_{2.5}$). Elevated concentrations of $\text{PM}_{10}$ and $\text{PM}_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants listed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State’s Proposition 65 or under the federal Hazardous Air Pollutants programs.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of Diesel Particulate Matter (DPM). Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the heavy-duty diesel truck and bus regulations. In 2008 CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from
existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2011 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the region. At the State level, the California Air Resources Board (a part of the California Environmental Protection Agency) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has recently published new CEQA Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of the proposed project.

As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter (i.e., PM$_{10}$ and PM$_{2.5}$), in June 2010, BAAQMD established thresholds of significance (“Thresholds”) for these air pollutants and their precursors. The Thresholds are for ozone precursor pollutants (ROG and NOx), PM$_{10}$ and PM$_{2.5}$ and are to apply to both construction period and operational period impacts. Projects that have emissions below these thresholds were not considered to cause or contribute to the violations of ozone, PM$_{10}$ or PM$_{2.5}$ standards in the Bay Area. Although the Thresholds were placed in abeyance upon an Alameda County Superior Court judgment that the Air District failed to comply with CEQA when it adopted the Thresholds, the City of Berkeley, as lead agency, still relies on these thresholds as a generally applicable measure of a project’s significant air quality impacts.

Based on the project size, construction period emissions would be less than significant. The Thresholds identify the size of land use projects that could result in significant air pollutant emissions. For construction impacts, the screening size for both a fast food restaurant without drive through and a convenience market is identified at 277,000 square feet. For operational impacts, the screening size for these land use projects is identified at 8,000 square feet and 5,000 square feet respectively. Projects of smaller size would be expected to have less-than-significant impacts with respect to construction- and operational-period emissions. Since the project proposes 2,475 square feet for a convenience store and 1,950 square feet for a quick service restaurant, it is concluded that emissions would be below the significance Thresholds for both construction exhaust and operational emissions. Stationary sources of air pollution (such as generators and boilers) have not been identified with this project, and therefore, are not anticipated as part of the proposed project. Any ancillary on-site stationary sources, such as a backup generator, associated with the project may also affect local pollutant concentrations, but since they would be subject to BAAQMD permit requirements, they are presumed to have a less-than-significant effect on local pollutant concentrations.

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has
been designated as attainment for the standard. From December 2007 to December 2010 the BAAQMD sited a mobile ambient air monitoring station in West Berkeley to measure carbon monoxide concentrations. During the monitoring period, “West Berkeley air quality levels were well below all applicable State and National Ambient Air Quality Standards (NAAQS) for gaseous criteria pollutants including ozone, CO, SO2, and NO2.” The BAAQMD CEQA Air Quality Guidelines state that projects would have less than significant impacts with respect to carbon monoxide concentrations if the project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. According to the project applicant’s traffic study, prepared by Whitlock & Weinberger Transportation, Inc., none of the intersections that would be impacted by the proposed project have much lower traffic volumes. The intersection of Ashby Avenue and Telegraph Avenue has the highest peak hour (p.m.) volume at 3,269 and an a.m. peak hour volume at 2,531 vehicle trips. The proposed project is projected to generate up to 47 a.m. peak hour trips and 18 p.m. peak hour trips, trips which would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour at any intersection. As a result, the project would not cause or contribute to a violation of an ambient air quality standard.

c) As described in item b) above, due to the size and use of the proposed project, both construction and operation emissions would be below the significance Thresholds for emissions of ozone precursor pollutants, PM$_{10}$ and PM$_{2.5}$. As a result, the project would not 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. Also as discussed under Impact b), the project would not cause or contribute to violations of a carbon monoxide standard. Therefore, the project’s contribution to the cumulative air quality of the region would be less than significant.

d) The project would involve demolition of an existing kiosk, and addition and renovation to an existing structure, and installation of fuel tanks, a new fuel dispenser and additional landscaping. These activities are anticipated to occur within a 4-month time frame. Construction activities could temporarily expose sensitive receptors (located adjacent to the project site) to substantial pollutant concentrations, principally PM$_{10}$, from fugitive dust sources. Without appropriate dust controls, the impact could be significant. However, as a Standard Condition of Approval the City requires that all large construction projects comply with the BAAQMD’s Basic Control Measures for reducing construction emissions of PM$_{10}$. Implementation of the BAAQMD’s recommended Best Management Practices for construction would reduce the impact to less than significant. Compliance with the following City of Berkeley Standard Condition of Approval would reduce impacts from dust to a less-than-significant level:

During construction, the project sponsor should require the construction contractor to implement the following BAAQMD’s basic dust control measures:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be

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7 Whitlock & Weinberger Transportation, Traffic Engineering Analysis for 2996 Telegraph Avenue Project in Berkeley, April 2014.
necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

If asbestos were found to be present in building materials to be removed, demolition and disposal would be required to be conducted in accordance with the procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD’s regulations. Required compliance with existing regulation would reduce the potential for public health hazards associated with airborne asbestos fibers or dust to a less-than-significant level.

With implementation of the above Standard Condition of Approval and adherence to existing regulations, project construction would not be expected to violate any air quality standard or contribute to an existing or projected air quality violation in the project vicinity.

Some objectionable odors may be generated from the operation of diesel-powered construction equipment and/or asphalt paving during the project construction period. As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities, and transfer stations. Operational uses including the gasoline pumps—although this use is already present on the site—and restaurant may also generate objectionable odors. The construction activities and gasoline pump operation will be monitored by The Bay Area Air Quality Management District (BAAQMD). Additionally, a Berkeley Standard Condition of Approval requires the applicant to prepare a Soil and Groundwater Management Plan (SGMP) that includes procedures to manage odors, dust and other potential nuisance conditions. The SGMP is required to be submitted and approved by the Toxics Management Division prior to issuance of the building permit. BAAQMD monitoring and SGMP compliance would reduce impacts from construction and fueling odors a less-than-significant:

And as related to the food service use:

_Cooking odors, noise, exterior lighting and operation of any parking area shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive._

_Smoke and odor control equipment approved by the City Environmental Health Division and providing adequate protection to residential uses above and to the east of the restaurant shall be installed prior to issuance of an Occupancy Permit._

Based on the scope of the project and the implementation of the City’s Standard Conditions of Approval, the project is not expected to create objectionable odors that would affect a

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8 The agency requires that construction activity that generates pollutants must obtain a permit.
substantial number of people. Also, there are no existing odor sources in the vicinity of the project site that would significantly affect the project occupants (i.e. employees and customers).
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?

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 U.S. Fish and Wildlife Service?

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?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

Discussion

a- f) The entire project site is developed and disturbed and located in an urbanized area in the City of Berkeley. The existing structure and paved parking and service areas cover almost the entire subject site (a ±5 foot planter strip runs along most of the property’s perimeter).

There are no known plants or animals of importance on the project site and it is not part of a riparian habitat or other natural community, nor is it part of a federally protected wetland. Further, according to the City’s interactive creek map, the site is not subject to the provisions
found in Berkeley Municipal Code (BMC) Chapter 17.08 “Preservation and Restoration of Natural Watercourses.” There are no Habitat Conservation Plans or other resource plans applicable to the site and there are no Coast Live Oaks on the site. Therefore, the project would not impact any significant biological resources.

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10 See the City of Berkeley’s Coast Live Oak Tree Ordinance, 2006. Ordinance No. 6,905-N.S., amending Ordinance 6,321-N.S. March 9, 2006.
V. CULTURAL RESOURCES. Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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</table>

Discussion

a) The project does not involve a historic resource as defined §15064.5; it is not on the City’s List of Designated Landmarks, Structures of Merits and Historic Districts, or Landmarks Map.\textsuperscript{11}

b-d) Native American archaeological sites in this portion of Alameda County tend to be situated on terraces adjacent to former and present creek channels, and along the margins of San Francisco Bay. The project vicinity encompasses portions of a broad alluvial plain approximately a mile from any freshwater source. In addition, the project site and vicinity have been heavily disturbed due to past development, including installation of underground fuel tanks. Therefore, there is a low potential for Native American archaeological or sacred sites on the project site.

Implementation of the following City of Berkeley Standard Conditions of Approval would ensure no significant impacts would result.

*If an archaeological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified archaeologist shall be consulted to determine the necessity for monitoring the remaining excavation and to evaluate any cultural resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the archaeologist. Cultural resources*

\textsuperscript{11} City of Berkeley Historic Resource Information, accessed November 13, 2013: [http://www.ci.berkeley.ca.us/Planning_and_Development/Home/Landmarks_Preservation_Commission.aspx](http://www.ci.berkeley.ca.us/Planning_and_Development/Home/Landmarks_Preservation_Commission.aspx)
include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal. Identified cultural resources shall be recorded on DPR 523 (historic properties) forms.

If a paleontological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist or archaeologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the paleontologist or archaeologist.

In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project applicant shall immediately notify the County Coroner and the City of Berkeley. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. In addition, all excavation work within ten feet of the find shall cease immediately.

The project would require excavation to install a new 5,000 gallon underground diesel storage tank next to the existing underground unleaded and supreme tanks located towards the south eastern area of the parcel. Although this is earth disturbing activity, as described above, the potential for encountering unknown archaeological or paleontological resources at the site is low. As a result, no significant impacts are anticipated and no mitigation measures are required.
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?

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

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?

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?

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?

Discussion

a.i) The project site is not within an Alquist-Priolo Fault Rupture Zone, as designated by the Alquist-Priolo Earthquake Fault Zoning Act. Because the project is not located on an active or

potentially active fault, the potential for surface fault rapture is low and this impact would be less than significant.

a.ii) The project site is located in the San Francisco Bay Area, a seismically active region of California with numerous active faults. Seismic activity in the region is dominated by the San Andreas Fault system, which includes San Andreas, Hayward, and Calaveras faults. The project site is located approximately 7/8ths of a mile west of the Hayward Fault. According to the U.S. Geological Survey (USGS) Working Group on Earthquake Probabilities,\(^\text{13}\) the probability of one or more earthquakes of Richter magnitude 6.7 or higher occurring in the San Francisco Bay Area for the 30-year period from 2003 to 2032 is 63 percent. Of the Bay Area faults, the Hayward and San Andreas faults are the most likely to experience a major earthquake. The probability of a large Hayward Fault earthquake, occurring in the vicinity of the project site during the 30-year period, is 31 percent; the probability for an earthquake on the San Andreas Fault is 21 percent. In the event of a major earthquake on one of these faults, especially the Hayward Fault (due to its proximity to the project site), the project site would experience substantial ground shaking. The Association of Bay Area Governments (ABAG) has developed Earthquake Shaking Hazard Maps, which predict the potential for ground shaking during major earthquakes on the active fault in the Bay Area.\(^\text{14}\) The Shaking Hazard Maps rank degrees of ground shaking intensity based on the Modified Mercalli Intensity (MMI) scale. The MMI scale, originally developed by G. Mercalli in 1902, is commonly used to measure earthquake effects due to ground shaking. It is a useful scale because it describes ground motion in terms of effects observed by people in various types of structures during past earthquakes. The MMI values for intensities range from MM-I (earthquake not felt by people), through more common, moderate earthquakes at MMI-VI, to major catastrophic events at MMI-XII (damage nearly total).\(^\text{15}\) Because the site is close to the Hayward Fault, the ground shaking intensity could range from very strong (MMI-VIII moderate damage) to very violent (MMI-X, extreme damage).

The entire Bay Area is located within a high seismic activity area. The 2010 California Building Code (CBC) and the National Earthquake Hazards Reduction Program (NEHRP) indicate the Bay Area is mapped within areas of high ground acceleration and soils parameters that do not perform well in earthquakes. The City of Berkeley is known to have weak soils and is expected to experience strong earthquake ground shaking, therefore, engineering has to meet the most stringent requirements for seismic design. While building codes assume that some damage would occur during an earthquake, they are designed to prevent loss of life and limb and reduce

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\(^\text{15}\) Intensities ranging from IV to X could cause moderate to significant structural damage. The damage level represents the estimated overall level of damage that will occur for various MM intensity levels. Some buildings will experience substantially more damage than this overall level, and others will experience substantially less damage. Not all buildings perform identically in an earthquake. The age, material, type, method of construction, size, and shape of a building all affect its performance.
the potential of structural collapse. The proposed project would be required to comply with the geotechnical and seismic design criteria required for construction as listed in Chapter 16 of the California Building Code (Title 24, part 2), and building codes as adopted by the City of Berkeley. Although ground shaking at the subject site would be substantial during a large earthquake on the Hayward Fault, and could be considerable during an earthquake on other Bay Area faults, compliance with the California Building Code, and building code requirements as adopted by the City of Berkeley, may reduce the effects of an earthquake so that people may escape the possibility of substantial injury and death and property would not undergo significant loss. Compliance with the building code provisions for structural design and construction in high earthquake hazard areas is expected to reduce the ground shaking effects at the project site to acceptable levels.

a.iii) Soil liquefaction is primarily associated with saturated soil layers located near the ground surface. Soils that are most susceptible to liquefaction are relatively loose, clean, poorly-graded, fine-grained sands. These soils lose strength during ground shaking and become incapable of supporting overlying structures. Due to the loss of strength, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Densification, a closely-related phenomenon, occurs when ground-shaking causes predominantly granular soils to become compact and occupy less volume, which results in settlement.

The project site is not located within a potential liquefaction zone in an area classified as having low liquefaction susceptibility.\(^\text{16}\) Given that the project location is outside of a potential liquefaction zone, the potential for earthquake induced liquefaction as well as secondary ground failure associated with liquefaction is low. Therefore, the project would not be constructed on geologic materials that are unstable or otherwise prone to collapse. Required compliance with applicable City ordinances and Title 24 would ensure that potential impacts associated with ground shaking and liquefaction remains less than significant.

a.iv) The project site is relatively flat land surrounded by urban development that is also located on relatively flat land. The site is not located within a mapped landslide or landslide hazard area, or within an official zone of Required Investigation for seismically-induced landsliding and the City of Berkeley General Plan, Disaster Preparedness and Safety Element, does not identify this area as being within a potential landslide area.\(^\text{17}\) The proposed project would not be subject to substantial risk from landslides, as the site is not underlain by, or adjacent to, an area subject to slope hazards.


b) Project construction on the relatively flat property would include earthmoving activities related to the addition of an existing building and to the installation of an underground diesel fuel tank under an area that is currently paved and will be re-paved. Compliance with the Standard Condition of Approval for dust control listed above in Section III.d), Air Quality, would ensure that construction of the project would not result in substantial soil erosion or loss of topsoil.

c) The project site is located in a developed mixed-use residential and commercial area of Berkeley in an area whose soil (Soil Type C) has a moderate shear-wave velocity (Vs) of 750 m/sec > Vs > 350 m/sec. The site would not be graded and is not located within a potential liquefaction zone or landslide area or near a free face, such as a stream bank, that could cause lateral spreading or lurching. Compliance with the building code provisions would ensure that effects of expansive soils on new foundations and slabs would remain less than significant.

d) Expansion and contraction of volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes markedly. As a consequence of such volume changes, structural damage to building and infrastructure may occur if the potentially expansive soils were not considered in project design and during construction. The site is mapped as Urban land – Tierra complex, 2 to 5 percent slopes. Urban land (man-made fill) can be composed of varying amounts of natural soil materials, construction debris, dredging materials, municipal solid waste and other fill. The Natural Resources Conservation Service does not assign engineering properties to soils of the Urban Land classification, as they are variable in content and characteristics. The following City of Berkeley Standard Condition of Approval would ensure that proposed improvements are designed to address the expansive soils and ensure substantial risks to life or property:

Prior to issuance of a building permit, the applicant shall submit any geotechnical plans and recommendations required by the Building and Safety Division. A soils report shall be submitted to the City and all the report’s recommendations incorporated into the project.

e) The proposed project is located within the City of Berkeley and would use City services for potable water delivery and wastewater disposal; septic systems are not proposed. The proposed project would not result in any impacts related to septic tanks or wastewater disposal.

VII. **GREENHOUSE GAS EMISSIONS.** Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? [ ] [ ] [ ] [ ]

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? [ ] [ ] [ ] [ ]

**Discussion**

a) The Bay Area Air Quality Management District (BAAQMD) has prepared screening criteria which provide a conservative estimate of whether or not a project could result in significant greenhouse gas (GHG) related impacts. The proposed project falls below the screening size criteria for construction related GHG impacts, but exceeds the screening size for operational GHG impacts. To evaluate the long-term regional emissions associated with project-related vehicular trips and indirect source emissions including electricity usage and waste water treatment, city staff analyzed the project’s metrics using California Emissions Estimator Model (CalEEMod). Netting out the existing operations from the proposed operations and including the subject location’s distance to mass transit, the project renovation is expected to generate 1,065 metric tons of CO$_2$e (carbon dioxide equivalent) annually, which falls below the Air District’s significance threshold of 1,100 metric tons of CO$_2$e for operational GHG emissions and would, therefore, have a less than significant impact. (See Appendix A for Operational Summary).

b) In June 2005, Governor Schwarzenegger established California’s GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals for the State of California: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050. California’s major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the “Global Warming Solutions Act,” passed by the California State legislature on August 31, 2006. This effort aims at reducing GHG emissions to 1990 levels by 2020.

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21 Bay Area Air Quality Management District, 2011. CEQA Guidelines (Table 3-1). May 2011.

22 Carbon dioxide equivalent is a measure for comparing carbon dioxide with other greenhouse gases. Tonnes carbon dioxide equivalent is calculated by multiplying the tones of a greenhouse gas by its associated global warming potential.
At the regional level, the BAAQMD established a climate protection program in 2005 to acknowledge the link between climate change and air quality. BAAQMD regularly prepares inventories of criteria and toxic air pollutants to support planning, regulatory and other programs. In addition, the City of Berkeley residents approved Measure G in 2006 that seeks to reduce the entire community’s greenhouse gas emissions by 80 percent by 2050. In 2009, the City adopted a Climate Action Plan (CAP) to provide guidance in addressing impacts on global warming. These planning policies are used during the permitting process to determine if particular projects are consistent with the policies and whether they meet the established goals to reduce GHS’s. The project is consistent with the city’s General Plan, Climate Action Plan and all regulations regarding the reduction of greenhouse gasses.
### VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

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<tr>
<td>a)</td>
<td>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<td>b)</td>
<td>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?</td>
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<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<tr>
<td>d)</td>
<td>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?</td>
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<tr>
<td>e)</td>
<td>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?</td>
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<td>f)</td>
<td>For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
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<td>g)</td>
<td>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>h)</td>
<td>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?</td>
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Discussion

a) The proposed project would involve the transport, use or disposal of small quantities of hazardous materials during both the construction period and the operation period.

Construction Period. In the short-term, construction activities would require the use of certain materials such as fuels, oils, solvents, and glues that, in large quantities, could pose a potential hazard to the public or environment if improperly used or inadvertently released. Inadvertent release of large quantities of these materials into the environment could also adversely impact soil, surface waters, or groundwater quality. However, the on-site storage or disposal of large quantities — exceeding the reportable quantity, which is typically 25 gallons or more — of potentially hazardous materials is not required for a construction project of the proposed size and type. Considering the relatively small quantities of hazardous materials required for such a project, an accidental spill would only impact a small and localized area for a short period of time and, therefore, the impact would be less than significant. The applicant or the applicant’s contractor would be responsible for adequate clean-up and disposal of affected media. If large spills of hazardous materials occurred on the project site, the applicant or its contractor would be responsible under State law to report such a spill to the appropriate agencies and clean-up the spill to acceptable levels.

Implementation of the following City of Berkeley Standard Condition of Approval required before construction commences would ensure no significant impact results:

Soil and Groundwater Management Plan: A Soil and Groundwater Management Plan (SGMP) shall be required for all non-residential projects, and residential or mixed-use projects with four or more units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be submitted to the Toxics Management Division (TMD) with the project’s building permit application and shall be approved by TMD prior to issuance of the building permit. The EMA map is available online at: http://www.ci.berkeley.ca.us/Planning_and_Development/Toxics_Management/Environmental_Management_Area.aspx

The SGMP shall identify procedures for soil and groundwater management including identification of pollutants and disposal methods and shall comply with the hazardous materials and waste management standards required by Berkeley Municipal Code Section 15.12.100, the San Francisco Bay Regional Water Quality Control Board’s Order No. R2-2009-0074 C3 and C6, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66360 et seq.), and the East Bay Municipal Utility District’s Ordinance 311.

The SGMP shall also include:

- A requirement that TMD be notified within 24 hours of the discovery of any previously undiscovered contamination;
- Procedures to manage odors, dust and other potential nuisance conditions expected during development.
• A requirement that the name and phone number of the individual responsible for implementing the SGMP and responding to community questions and complaints be posted at the construction site on the same notice required under Condition __ for noise management.

TMD shall review the SGMP and may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

Additionally, implementation of the following City of Berkeley Standard Condition of Approval would ensure no significant impact results in relation to the demolition of the existing kiosk:

**Demolitions:** Prior to approving any permit for partial or complete demolition activities, a hazardous materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, PCB containing equipment, treated wood and mercury containing devices. The survey shall include hazardous materials removal and disposal procedures to be implemented that fully comply with hazardous waste generator requirements (22 California Code of Regulations (CCR) 66360 et seq.). If the survey identifies hazardous materials, the removal and disposal procedures included in the survey shall become conditions of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

**Operational Period.** The proposed project is a renovation of a service station that includes a new convenience store, quick service food establishment, and a new underground diesel storage tank and above ground propane tank. The expanded tank facility and transport of diesel and propane gas would be subject to standard regulations related to the routine transportation, storage and dispensing of gasoline, in order to ensure that the gas station would not create a significant hazard to the public or environment. Although small quantities of cleaning supplies may be used within the operation of other components of the use (window wash, restaurant, convenience store), no other components of the proposal would involve the routine transportation, use or disposal of significant quantities of hazardous materials. Fuel pump dispensers at the gas station would be required to be equipped with automatic shutoffs and other safety devices and signage (as required by Fire, Building and Health codes). In accordance with the California Code of Regulations, Title 23, section 2635 (b), underground storage tanks would be required to have spill containment and overfill prevention systems.

Therefore, implementation of the proposed project would not create a permanent significant hazard to the public or environment through compliance of Berkeley’s Standard Conditions of approval and required State regulations.

b) See discussion under VIII.a above.
c) Both Le Conte Elementary School (2241 Russell Street) and Willard Middle School (2425 Stuart Street) are located within one-quarter mile of the project site. However, as discussed under section VII.a above, implementation of the City’s Standard Conditions of Approval; Fire, Building, and Health Codes; as well as compliance with the relevant California Code of Regulations regarding Underground Storage Tanks; would ensure the construction or operation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school.

d) Based on a review of regulatory databases, including listed hazardous materials release sites compiled pursuant to Government Code Section 65962.5, the project site is listed as a Leaking Underground Storage Tank (LUST) Cleanup Site that is eligible for closure. 23 Conestoga-Rovers & Associates (“Consultants”) conducted a review of site background and existing conditions and prepared a Case Closure Request, dated October 23, 2009, with a follow up Addendum to Case Closure Request, dated November 6, 2012. The last monitoring report available for the site (February 2011) indicates the site meets the State Water Resources Control Board criteria for Low Threat Underground Storage Tank Case Closure. 24 As such, and as discussed under section VII.a above, implementation of the City’s Standard Conditions of Approval; Fire, Building, and Health Codes, as well as compliance with the relevant California Code of Regulations regarding Underground Storage Tanks; would ensure that the project would not impact the public or the environment with respect to a reported release or disposal of hazardous materials related to a listed site and thus be less than significant.

e,f) The project site is not located within an airport land use plan and is not within two miles of a public airport or public-use airport. Additionally, the project site is not within the vicinity of a private airstrip.

f) The project site is located at the intersection of Ashby Avenue and Telegraph Avenue. According to Figure 9, Emergency Access and Evacuation Routes of the Berkeley General Plan, both these streets are designated as Emergency Access and Evacuation Routes. 25 The proposed project would not obstruct or interfere with established emergency access and evacuation routes nor would it interfere with other adopted emergency response plans during construction or during project operations. The proposed project includes closing the southerly most driveway on Telegraph to facilitate traffic movement and vehicle and pedestrian and vehicle safety near the intersection. No other project components would affect the two Avenues. The proposed project is, therefore, not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

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23 EnviroStor website, (Chevron Service Station-- RB Case #:01-0354 Loc Case #TT01-0354): http://www.envirostor.dtsc.ca.gov/public/, (accessed January 27, 2014)
24 “Low Threat Underground Storage Tank Case Closure Policy,” adopted by the State Water Resources Control Board on August 17, 2012 (Resolution No. 2012-0016)
h) For a discussion of fire protection services, see Section XIV. *Public Services*, below. According to the Berkeley General Plan, Berkeley “faces a significant wildland fire danger along its hillsides where the wildland and residential areas interface.” According to Figure 14, *Hazardous Hill Area, Fire Station Locations and Evacuation Routes* in the Berkeley General Plan, the project site is not located within a Hill Fire Hazard Area.²⁶ Therefore, there would be no risk of loss, injury, or death involving wildland fires at the proposed project.

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²⁶ Ibid.
**IX. HYDROLOGY AND WATER QUALITY.** Would the project:

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<td><strong>a)</strong> Violate any water quality standards or waste discharge requirements?</td>
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<td><strong>b)</strong> 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)?</td>
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<td><strong>c)</strong> 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?</td>
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<td><strong>d)</strong> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td><strong>e)</strong> 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?</td>
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<td><strong>f)</strong> Otherwise substantially degrade water quality?</td>
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<td><strong>g)</strong> 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?</td>
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<td><strong>h)</strong> Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?

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j) Inundation by seiche, tsunami, or mudflow?

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**Discussion**

a) The majority of the 36,812-square-foot project site is impervious surface: covered by either concrete or structures. The project will involve some soil disturbance to install a new 500-gallon, underground fuel tank; however, overall the project will increase the landscaping area on site, thereby reducing the total amount of impervious surface. Therefore, the project is not expected to change the amount of pollutants such as sediment, petroleum based oils, and pesticides found in stormwater runoff. Because the installation of the fuel tank would disturb an area of less than 10,000 square feet, a project-specific National Pollutant Discharge Elimination System (NPDES) permit is not required. The project would apply for a city-wide permit and would comply with its requirements. Therefore, the project would not violate any waste discharge requirements or water quality standards. The impact would be less than significant.

b) The project would obtain water supplies from East Bay Municipal Utility District (EBMUD) and would not use the local groundwater supply. The area of impervious surfaces of the project site would decrease slightly, thereby, resulting in a very minor positive change to groundwater filtration and recharge, if any, due to requirements for infiltration basins/planters. The project would not lower the local groundwater table or aquifer volume and would have a less-than-significant impact.

c-d) The project site is a relatively flat urban parcel and the project proposes a slight decrease in impervious area of the site. There is no stream or river in the vicinity of the project. The project would, therefore, result in a less-than-significant impact associated with alteration of the existing drainage pattern that could result in erosion or flooding, since all storm drainage would enter the municipal storm drain system.

e-f) The project site is currently almost entirely paved, with the exception of a narrow landscaping strip that runs almost the full perimeter of the property (minus the driveway entrances and the northeast property line). Surface water runoff volumes and rates generated on the site are not expected to increase due to the property improvements and the increase in landscaped areas is expected to increase opportunities for surface water infiltration. Additionally, the project would be required to comply with the City of Berkeley’s Standard Condition of Approvals which address contamination found during demolition or construction to prevent degradation of water quality and describes runoff reduction measures. Compliance with the SGMP condition (see VIII.a. above)
and the following Standard Conditions of Approval would ensure that impacts would be reduced to less than significant:

COA: **Storm Water Requirements.** The applicant shall demonstrate compliance with the requirements of the City’s National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code Section 17.20. The following conditions apply:

A. The project plans shall identify and show site-specific BMP’s appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to storm water pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any storm water quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City’s overall storm water quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. Beginning August 15, 2006, all private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to
remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

g-j) The project site does not lie within the 100-year or 500-year flood hazard area and the project does not propose housing. Therefore, there would be no impact associated with this project.

The project is not located behind a dam or levee failure area, or in the path of the flow of water from a dam or levee. The project is located above sea level and not in an area that would expose people or structures to flooding as a result of the failure of a dam or levee and, therefore, there are no impacts.

The project site is not likely to be inundated by a seiche or tsunami based on hazard maps found in the Berkeley General Plan Disaster Preparedness and Safety Element. There would be no impact to people or structures as a result of a seiche or tsunami.
X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?

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?

Discussion

a) The project site is fully developed and surrounded by established commercial and residential uses. The proposed development would renovate and upgrade an existing service station; the project does not propose any new thoroughfares or additional development that would physically divide an established community.

b) The project site is designated Avenue Commercial by the Berkeley General Plan and C-1 General Commercial by the Berkeley Zoning Ordinance. Both the Avenue Commercial and the C-1 land use designations permit encourage a wide variety of activities along thoroughfares, including automobile fueling stations. The renovation and upgrade of an existing service station would, therefore, be consistent with the site’s General Plan and Zoning designations and would not conflict with any plans or policies adopted for the purposes of avoiding or mitigating a significant environmental effect.

c) There are no habitat conservation plans or natural community conservation plans that are applicable to the site or its surroundings. As a result, the project would not conflict with any such plans.
XI. 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?

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?

Discussion

a,b) No mineral resources are identified within or around the project site by the City of Berkeley’s General Plan. The proposed project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resources. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that is valuable on a local, regional or state-wide basis.
XII. **NOISE.** Would the project result in:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>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?</td>
<td>☐ ☐ ☒ ☒</td>
<td>☒ ☐ ☒ ☐</td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td>Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td>☐ ☐ ☒ ☒</td>
<td>☒ ☐ ☒ ☐</td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐ ☐ ☒ ☒</td>
<td>☒ ☐ ☒ ☐</td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐ ☐ ☒ ☒</td>
<td>☒ ☐ ☒ ☐</td>
<td></td>
</tr>
<tr>
<td>e)</td>
<td>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?</td>
<td>☐ ☐ ☒ ☒</td>
<td>☒ ☐ ☒ ☐</td>
<td></td>
</tr>
<tr>
<td>f)</td>
<td>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?</td>
<td>☐ ☐ ☒ ☒</td>
<td>☒ ☐ ☒ ☐</td>
<td></td>
</tr>
</tbody>
</table>

**Discussion**

a) Noise standards applicable to the proposed project include City of Berkeley General Plan policies and City of Berkeley Noise Ordinance standards. The proposed project is not noise sensitive and would be compatible with the noise environment at the site. However, as discussed below, the proposed project could increase noise levels nearby on a temporary or permanent basis.

**Noise Policies and Standards.** The Environmental Management Element of the City of Berkeley General Plan sets forth policies and actions to address community noise in Berkeley. Policy EM-43 addresses noise reduction through increased enforcement of the noise ordinance, improvements to the noise ordinance, and increased public awareness. Policy EM-44 addresses noise prevention and elimination by incorporating noise considerations into land use planning decisions, ensuring active enforcement of noise level limits, coordinating with CAL OSHA, and supporting federal and state legislation to lower motor vehicle noise limits. Policy EM-45 addresses reducing traffic noise by reducing local and regional traffic, encouraging neighborhood
traffic calming strategies, restricting taxis and shuttles from honking in neighborhoods, and improving street circulation, traffic routing, and other traffic control measures, promoting new vehicle technologies, enforcing muffler laws, working with AC Transit to reduce bus noise, and establishing noise emission limits on sources under the jurisdiction of the City. Policy EM-46 requires noise mitigation in new construction and major rehabilitation and where noise would impact parks and public open space. Policy EM-47 guides the City in land use planning that is compatible with the noise environment.

The City of Berkeley’s Noise Ordinance (Chapter 13.40 of the Municipal Code) establishes noise regulations in the City of Berkeley. Section 13.40.050 (Exterior Noise Standards) provides the exterior noise limits not to be exceeded more than 30 minutes out of any hour (see Table 7). The Municipal Code also stipulates that if the measured ambient noise level exceeds these limits, the allowable noise exposure standard would be the ambient noise level. The project site is in a Commercial zone, but is adjacent to R-2 and R-2A Residential zones, so the more restrictive standard applies.

Table 7: Exterior Noise Limits

<table>
<thead>
<tr>
<th>Zone</th>
<th>Time Period</th>
<th>L_{50} Noise Level, dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2</td>
<td>7:00 a.m. - 10:00 p.m.</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. - 7:00 a.m.</td>
<td>45</td>
</tr>
<tr>
<td>R-3 and above</td>
<td>7:00 a.m. - 10:00 p.m.</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. - 7:00 a.m.</td>
<td>55</td>
</tr>
<tr>
<td>Commercial</td>
<td>7:00 a.m. - 10:00 p.m.</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. - 7:00 a.m.</td>
<td>60</td>
</tr>
<tr>
<td>Industry</td>
<td>Anytime</td>
<td>70</td>
</tr>
</tbody>
</table>

Source: City of Berkeley Municipal Code Section 13.40

Noise limits for maximum noise levels and cumulative noise levels of shorter durations are also provided in the Noise Ordinance. However, the noise limits specified in Table 7 are the most conservative noise limits that would be applicable.

Code section 13.40.070 of the City’s Noise Ordinance regulates construction noise as follows:

*Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition across a residential or commercial real property line violates Section 13.40.050 or 13.40.060, except for emergency work of public service utilities or by variance issued by the EHD. (This section shall not apply to the use of domestic power tools as specified in subsection B.11 of this section.)*

*Noise Restrictions at Affected Properties. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:*
At residential properties: Mobile Equipment. Maximum sound levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment:

<table>
<thead>
<tr>
<th></th>
<th>R-1, R-2 Residential</th>
<th>R-3 and above Multi-Family Residential</th>
<th>Commercial/Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays 7:00 a.m. to 7:00 p.m.</td>
<td>75 dBA</td>
<td>80 dBA</td>
<td>85 dBA</td>
</tr>
<tr>
<td>Weekends 9:00 a.m. to 8:00 p.m. and legal holidays</td>
<td>60 dBA</td>
<td>65 dBA</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

Stationary Equipment. Maximum sound levels for repetitively scheduled and relatively long term operation (period of ten days or more) of stationary equipment:

<table>
<thead>
<tr>
<th></th>
<th>R-1, R-2 Residential</th>
<th>R-3 and above Multi-Family Residential</th>
<th>Commercial/Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays 7:00 a.m. to 7:00 p.m.</td>
<td>60 dBA</td>
<td>65 dBA</td>
<td>70 dBA</td>
</tr>
<tr>
<td>Weekends 9:00 a.m. to 8:00 p.m. and legal holidays</td>
<td>50 dBA</td>
<td>55 dBA</td>
<td>60 dBA</td>
</tr>
</tbody>
</table>

The project site and the properties to the northeast, south and east are zoned C-1, the properties to the southwest are zoned R-2 and the properties to the west are zoned R-2A.

Construction Noise. Construction of the proposed project would involve various types of trucks and equipment. The total duration of the project is estimated to be four months, with the noisiest phases of project constructed limited to the first two months. The remaining two months of construction would be primarily within the building or limited in scope, if outdoors. Residences and businesses surround the site and would be temporarily affected by construction noise. Noise impacts resulting from construction activities would depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts over extended periods of time.

The City of Berkeley Noise Ordinance regulates the hours allowed for construction and demolition work and has guidelines for maximum allowable construction-related noise levels for residential and commercial/industrial areas. Specifically, the Noise Ordinance restricts construction to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on weekends or legal holidays, unless a variance is secured from the Noise Control Officer.

Also, where technically and economically feasible, the Noise Ordinance requires that construction activities be conducted in such a manner that the maximum noise levels at affected properties
would not exceed the maximum allowable noise levels designated in the Ordinance. The project abuts both an R-2 and an R-2A residential area, so that applicable standards for this project would include maximum noise levels of 75 dBA on weekdays and 60 dBA on weekends and legal holidays for short-term, mobile equipment such as jackhammers, drills, and saws, and maximum noise levels of 60 dBA on weekdays and 50 dBA on weekends and legal holidays for stationary, repetitively-scheduled equipment.

Based on this analysis, exterior construction activities could expose existing area residences to construction-generated noise exceeding the Municipal Code noise limits over the construction period. Construction noise levels resulting from activities occurring indoors would not be expected to exceed General Plan and Municipal Code noise limits. Given the relatively short construction period for exterior construction and limited scope of the project, demolition and construction activities would result in a less-than-significant short-term noise impact provided that the following City of Berkeley’s Standard Condition of Approvals are implemented:

*Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.*

*Prior to issuance of a building permit, the applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual’s name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request.*

*Pile driving shall be prohibited. The use of vibratory rollers or tampers capable of generating substantial vibrations within adjacent structures shall be avoided.*

*Construction Noise. To ensure compliance with the City of Berkeley’s Noise Ordinance, the Zoning Officer is authorized to place additional limitations on the hours of operation and/or halt construction until corrective measures are taken.*

**Operational Noise.** During daytime hours, trucks would deliver products and supplies to the proposed commercial uses and tanker trucks would come to refuel the tanks. Maximum noise levels resulting from truck deliveries typically range from 65 to 75 dBA Lmax at a distance of 50 feet and would be of a short term (approx. 30 minute) duration. Intermittent truck movements or trash pick-up would not substantially increase hourly average or daily average noise levels at residential uses south of the site, as these activities already occur for the existing station. For these reasons, operational impacts due to loading and unloading of truck deliveries would be less than significant.

Mechanical equipment at the commercial would likely include heating, ventilating, and air conditioning equipment. The operation of new mechanical equipment could generate noise levels
that affect existing residences in the vicinity. The proposed project would be subject to the City’s Noise Ordinance, which sets limits for permissible noise levels during the day and night according to the land use zoning of the area. Provided that the equipment is designed and used in a manner that complies with those Noise Ordinance, as proposed, the related noise impact to on-site residents and adjacent land uses would be less-than-significant. Therefore, operational noise from HVAC and other mechanical equipment for the project would not be expected to expose persons to, or generate noise levels in, excess of standards established in the local general plan or noise ordinance. This impact would be less than significant.

b) The proposed project would not expose persons to, or generate, excessive groundborne noise.

Vibration regulations in the City of Berkeley Municipal Code are as follows: Operating or permitting the operation of any device that creates a vibration, which annoys or disturbs at least two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source, if on private property, or at least 150 feet (46 meters) from the source, if on a public space or public right-of-way (BMC §13.40.070.B.8).

Heavy construction on the site would be limited because the proposed project involves an expansion of an existing building, demolition of a kiosk, and installation of a fueling pump, underground tank and above ground tank. Impact or vibratory pile driving, which typically produces the highest vibration levels, is not anticipated to occur. Therefore, groundborne vibration levels resulting from project construction activities would be less than significant.

For measuring structural damage, the California Department of Transportation uses a vibration limit of 0.5 in/sec, Peak Particle Velocity (PPV) for buildings structurally sound and designed to modern engineering standards, 0.2 in/sec, PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec, PPV for ancient buildings or buildings that are documented to be structurally weakened.

Project construction activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may at times generate perceptible vibration levels in the immediate vicinity of the site. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. At a distance of 25 feet, construction activities would not likely generate vibration levels exceeding the 0.2 in/sec PPV threshold for buildings that are found to be structurally sound (e.g., adjacent residences). Therefore, groundborne vibration levels resulting from project construction activities would be less than significant.

Although the project is not expected to cause structural damage or significant groundborne vibration noise, vibration levels may still be perceptible to surrounding properties during construction. This perceptible level of vibration is common in any type of construction and would
not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (jackhammers and other high power tools).

c) As the project site is already developed as a gas station with an automotive repair shop, the proposed project improvements, including replacing the auto repair use with convenience store and quick service establishments, are not expected to provide a substantial permanent increase in ambient noise level at what is an existing busy commercial intersection at the corner of Ashby Avenue and Telegraph Avenue. The impact would, therefore, be less than significant.

d) Construction equipment could result in the temporary increase of noise levels in the project vicinity, as discussed under section XII.a, above. The City’s Noise Ordinance regulates construction noise levels. Following the best practices specified in the City of Berkeley Standard Condition of Approval detailed above would reduce construction related noise to a less-than-significant level. There may be short-term noise increases related to construction even with implementation of the identified Condition of Approval, but they would be of limited duration and with the implementation of the identified conditions such temporary noise impacts would be less than significant.

e) Oakland International Airport is located approximately 12 miles southwest of the project site, and the site is not covered by the airport’s land use plan. No existing or proposed public or public-use airports are located within two miles of the site and aircraft operations would not expose persons to excessive aircraft noise. Thus, the project would have no impact.

f) The project site is not located within two miles of a private airstrip. Thus the project would have no impact related to proximity of a private airstrip.
XIII. POPULATION AND HOUSING. Would the project:

<table>
<thead>
<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✔</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✔</td>
</tr>
</tbody>
</table>

Discussion

a) There are no growth-inducing elements to the project. The remodel and upgrade of an existing service station would not generate any additional resident population. No extension of facilities, infrastructure or services would be needed to implement the project; therefore there is no impact.

b) The project site is currently occupied by an existing commercial building and use. There are no existing residences at the proposed project site. No residents or residential housing units would be displaced by the proposed project.

c) See response to section XIII.b., above. No persons currently reside at the site, and, therefore, the project would not result in displacement of substantial numbers of persons resulting in a need for replacement housing elsewhere.
XIV. PUBLIC SERVICES.

a) 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:

- Fire protection? ☐ ☐ ☐ ■
- Police protection? ☐ ☐ ☐ ■
- Schools? ☐ ☐ ☐ ■
- Parks? ☐ ☐ ☐ ■
- Other public facilities? ☐ ☐ ☐ ■

Discussion

a) The project is an existing service station that will be renovated and upgraded. The project will not involve construction or alteration of government facilities or adding new residents, so there would be no impact to public services including schools, parks, and other public facilities.

Additionally, the project would be expected to follow standard procedures in the City of Berkeley to ensure compliance with Uniform Building Codes (UBC) and Uniform Fire Codes (UFC) to ensure installation of adequate fire prevention measures and would not result in the need to expand either the Police or Fire department's facilities in order to maintain acceptable service ratios, response times, or other performance objectives.
XV. RECREATION.

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?

Discussion

a-b) The proposed project is not expected to generate any additional residents, and is not expected to result in substantial additional users of neighborhood and regional parks or other recreational facilities. Therefore, the project would not require the construction or expansion of recreational facilities or contribute to substantial physical deterioration of these facilities and would have no impact.
XVI. TRANSPORTATION/TRAFFIC. Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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?

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

e) Result in inadequate emergency access?

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Discussion

a-b,

e) Establishment of the proposed project would increase the amount of commercial retail/quick service food space within this area of Berkeley. The applicant had a traffic study prepared by Whitlock & Weinberger Transportation, Inc. (W-Trans) that evaluated weekday a.m. and p.m. peak hour traffic counts and the intersection of Ashby Avenue (State Route 13) and Telegraph Avenue, which is located immediately southeast of the project site.27 The resulting traffic engineering analysis estimated the project would result in an increase of 47 a.m. peak hour trips

and 18 p.m. peak hour trips. Taking into account newly approved development, other growth, and projected generated trips, the Ashby/Telegraph intersection is expected to continue to operate at an acceptable level (LOS C). The project is, therefore, not expected to conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system; conflict with an applicable congestion management project, or result in inadequate emergency access.

c) The proposed project is not located in an airport land use plan area nor would it impact traffic levels related to travel to or from a regional airport.

d, f) In addition to discussion in section a-b, g above, the project includes the closure of an existing driveway on Telegraph Avenue at the corner near Ashby Avenue. The closure of the driveway will decrease potential vehicular collisions with other vehicles, pedestrians, and bicyclists. The project will, therefore, decrease hazards and have no negative impact on policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

<table>
<thead>
<tr>
<th></th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d</td>
<td>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g</td>
<td>Comply with federal, State, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion

The proposed project involves the reuse of an existing structure that is currently served by all necessary utilities and services. Development of the project would not require any new facilities or expansion of existing facilities related to utilities and services. No significant impacts to utilities or service systems would occur.
## XVIII. 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? |
|---|---|---|---|
| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
| ☐ | ☐ | ☒ | ☐ |

| 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.) |
|---|---|---|---|
| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
| ☐ | ☐ | ☒ | ☐ |

| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? |
|---|---|---|---|
| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
| ☐ | ☐ | ☒ | ☐ |

### Discussion

a) The proposed project would not degrade the quality of the environment with respect to plant or animal habitats as the proposed project site is located in an urban area where no known significant species or habitats currently exist. No important examples of major periods of California history or prehistory are known to exist on the site. Implementation of the City’s standard conditions of approval adopted will reduce any potential impacts to less than significant.

b) Given the scale of the proposed project, the incremental effects of the project cannot reasonably be expected to be cumulatively considerable. Project development is consistent with the General Plan and zoning designations for the site. The traffic and GHG analyses indicate no significant cumulative effects will occur. Expected project impacts are typical of infill development projects and will be reduced to a less-than-significant level through implementation of the standard conditions of approval instituted by the City for all construction projects, which ensure that any impacts will not be cumulatively considerable in the context of impacts associated with other pending and/or planned development projects.

c) Please refer to Section XVIII,b above.
REPORT PREPARATION

A. PREPARERS

City of Berkeley
2120 Milvia Street
Berkeley, CA 94704
Leslie Mendez, Associate Planner

B. REFERENCES

Association of Bay Area Governments (ABAG) Earthquake and Hazards Maps/Info,
http://quake.abag.ca.gov/earthquakes/ and

Association of Bay Area Governments, 2003. Earthquake Shaking Hazard Map Viewer

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Guidelines, updated May 2012.


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Ordinance 6,321-N.S. March 9, 2006.

Berkeley, City of, General Information, Creeks Ordinance Administration (2004).

Berkeley, City of, Historic Resource Information, accessed November 13, 2013:
http://www.ci.berkeley.ca.us/Planning_and_Development/Home/Landmarks_Preservation_Commission.aspx


Berkeley, City of, Municipal Code, Title 23, Zoning Ordinance.

California Department of Conservation, Seismic Hazards Map

California Department of Transportation, California Scenic Highway Mapping System. Website:

EnviroStor website, (Chevron Service Station-- RB Case #:01-0354 Loc Case #TT01-0354):


Whitlock & Weinberger Transportation, Traffic Engineering Analysis for 2996 Telegraph Avenue Project in Berkeley, April 2014
1.0 Project Characteristics (Existing Conditions)

1.1 Land Usage

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<thead>
<tr>
<th>Land Uses</th>
<th>Size</th>
<th>Metric</th>
<th>Lot Acreage</th>
<th>Floor Surface Area</th>
<th>Population</th>
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1.2 Other Project Characteristics

- Urbanization: Urban
- Wind Speed (m/s): 2.2
- Precipitation Freq (Days): 64
- Climate Zone: 5
- Operational Year: 2014
- Utility Company: Pacific Gas & Electric Company
- CO2 Intensity (lb/MWhr): 641.35
- CH4 Intensity (lb/MWhr): 0.029
- N2O Intensity (lb/MWhr): 0.006

1.3 User Entered Comments & Non-Default Data

- Project Characteristics -
- Land Use - EXISTING Conditions
- Mobile Land Use Mitigation - Added miles to Ashby BART station.
- Mobile Commute Mitigation -

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## 2.0 Emissions Summary

### 2.2 Overall Operational

#### Unmitigated Operational

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<th>Fugitive PM2.5</th>
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<th>PM2.5 Total</th>
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<th>PM2.5 Total</th>
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<th>NBio-CO2</th>
<th>Total CO2</th>
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<th>CO2e</th>
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1.0 Project Characteristics
   Proposed Conditions

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1.2 Other Project Characteristics

- Urbanization: Urban
- Wind Speed (m/s): 2.2
- Precipitation Freq (Days): 64
- Climate Zone: 5
- Operational Year: 2014
- Utility Company: Pacific Gas & Electric Company
- CO2 Intensity (lb/MWhr): 641.35
- CH4 Intensity (lb/MWhr): 0.029
- N2O Intensity (lb/MWhr): 0.006

1.3 User Entered Comments & Non-Default Data

- Project Characteristics -
- Land Use - PROPOSED conditions
- Mobile Land Use Mitigation - Added miles to Ashby BART station.
- Mobile Commute Mitigation -

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## 2.0 Emissions Summary

### 2.2 Overall Operational

#### Unmitigated Operational

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<tr>
<th>Category</th>
<th>ROG</th>
<th>NOx</th>
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