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 November 20 to December 10, 2013 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: Aaron Sage, Senior Planner
E-mail: asage@cityofberkeley.info

* Hand-delivered documents must be submitted by 4 p.m.

PROJECT DESCRIPTION

Zoning District: C-E, Elmwood Commercial
General Plan Designation: Neighborhood Commercial

Neighborhood Setting:

The project site is located near the intersection of College and Ashby Avenues, in the Elmwood Commercial (C-E) Zoning District. The District contains a mixture of commercial uses, primarily retail, restaurants, and personal/household services, with residential uses located on the upper floors of
some commercial buildings. There are currently 20 restaurants with on-site dining (eight full-service and 12 quick-service) in the District, and two restaurants with take-out food only. The District is surrounded primarily by low- and medium density residential uses.

*Proposed Project:*

The proposed project would establish a Full Service Restaurant (FSR) in the larger of the two existing vacant spaces. The subject tenant space is located in the southeast corner of the building and includes 3,405 square feet at the ground floor and the 1,877-square-foot basement (for a total of 5,282 square feet). In addition to the other features mentioned below, the FSR requires Use Permits because it involves a change of use of over 3,000 square feet of floor area, and it exceeds the District’s limit on the number of FSRs (this would be the ninth FSR, where the limit is seven).

The ground floor space would be used for the kitchen, dining area, bar and restrooms, and the basement would be used for storage. The proposed floor plan shows a total of 87 customer seats, including 12 bar seats and 12 seats in a private dining room at the rear. The applicant has requested that the Use Permit allow up to 100 seats to accommodate possible changes in the seating arrangement.

The project also includes incidental service of beer, wine and spirits with meals, and extended hours of operation until 11:30 p.m., Sunday through Thursday, and 12 midnight, Friday and Saturday.

**PROJECT APPLICANT**

John Paluska, Belt and Suspenders, LLC, 126 Lomita Drive, Mill Valley, CA 94941

**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: Aaron Sage, AICP, Senior Planner

Phone: (510) 981-7425

Date: November 20, 2013

G:\LANDUSE\Projects by Address\Ashby\2629-35\UP2013-0033\DOCUMENT FINALS\2013-11-20_Negative Declaration_2635 Ashby.docx
California Environmental Quality Act (CEQA) Initial Study and Environmental Review Checklist

2635 Ashby Avenue
Use Permit #2013-0033

November 2013
Planning and Development Department
Land Use Planning Division

1. PROJECT TITLE:
2635 Ashby Avenue / Use Permit #2013-0033

2. LEAD AGENCY:
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

3. CONTACT PERSON:
Aaron Sage, AICP, Senior Planner
Phone: (510) 981-7425
Email: asage@ci.berkeley.ca.us

4. PROJECT SPONSOR:
John Paluska
Belt and Suspenders, LLC
126 Lomita Drive
Mill Valley, CA 94941

5. GENERAL PLAN DESIGNATION:
Neighborhood Commercial

6. ZONING:
Elmwood Commercial (C-E)

7. PROJECT LOCATION:
The 13,650 sq. ft. project site is located in Southeast Berkeley, on the north side of Ashby Avenue just west of College Avenue. The site lies within the Elmwood Commercial (C-E) Zoning District. The Assessor’s Parcel Number for the site is 52-1568-12-1.

8. DESCRIPTION OF PROJECT:
The project involves the establishment of a full-service restaurant with incidental service of beer, wine and distilled spirits within an existing one-story commercial building previously used as an automotive repair garage. The restaurant would occupy an existing vacant lease space and would not involve any exterior changes to the building other than new signage and rooftop mechanical vents. The project application includes a request to exceed the C-E District’s limitation on the number and size of full-
service restaurants. According to the applicant, it may also be necessary to add a new water line, or replace the existing water line, depending on the needs of the new restaurant.

9. **SURROUNDING LAND USES AND SETTING:**

Surrounding uses include a three-unit apartment building to the west, a mixed-use building with retail and food service uses on the ground floor and apartments on the upper floor to the east, and a dry cleaner to the north. The site fronts Ashby Avenue, a major east-west roadway and designated State highway (Route 13) that runs from Interstate 80 located west of the site to Tunnel Road located to the east.

10. **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:**

There are no other public agencies requiring discretionary approval for this project.

**Figure 1:** Site Photo
Figure 2: Vicinity Map
Figure 3: Proposed Floor Plan

NORTH

Ashby Avenue
Discretionary Approvals:

The proposed project would require the following discretionary approvals under the Berkeley Municipal Code (BMC):

- Use Permit to exceed limit on number of full-service restaurants in C-E District (BMC Section 23E.44.040.A)
- Use Permit to allow hours of operation until 11:30 p.m., Sunday through Thursday and 12:00 midnight, Friday and Saturday (BMC Section 23E.44.060.A)
- Use Permit to establish incidental service of beer, wine and distilled spirits (BMC Section 23E.44.030.A)
- Administrative Use Permit to establish full-service restaurant (BMC Section 23E.44.030.A)
- Design Review to allow exterior signage (BMC Section 23E.08.020)

Environmental Factors Potentially Affected:

As indicated by the checklist on the following pages, the project would not have any potentially significant effects on the environment.

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.

November 20, 2013

Aaron Sage, Senior Planner
City of Berkeley
CHECKLIST

I. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? (No Impact)

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? (No Impact)

c) Substantially degrade the existing visual character or quality of the site and its surroundings? (No Impact)

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (No Impact)

---

a) Have a substantial adverse effect on a scenic vista? (No Impact)

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 As noted in the project description above, the restaurant would occupy an existing vacant lease space and would not involve any exterior changes to the building other than new signage and rooftop mechanical vents, which would project only minimally above the existing roof and would not be visible from street level. The project will therefore have no impact on any scenic vistas in the vicinity.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? (No Impact)

There are no State scenic highways within the vicinity.2 Therefore, the proposed project would not have an adverse affect on scenic resources associated with a State scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? (No Impact)

In 1986, the City Council amended the Zoning Ordinance to include requirements for design review of proposed new construction and exterior alterations in non-residential zones to help preserve the architectural integrity and character of buildings. In most cases design review is done by the City staff or Design Review Committee (DRC), depending on the type of permit required. For projects that require

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a public hearing before the Zoning Adjustments Board, the DRC makes a recommendation to the Board. Design 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 expansion of the building complies with the University Avenue Strategic Plan, design guidelines and has been approved by the City’s Design Review Committee on February 16, 2012 (subject to final design review). The Committee has recommended that the Board approve the project subject to specific design review conditions that will be included in the Permit.

d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (No Impact)**

The project does not include any substantial new outdoor light sources and will be subject to a standard condition of approval requiring all light sources to be shielded and directed away from adjacent properties.

### II. AGRICULTURAL AND FORESTRY RESOURCES

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. Would the project:

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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?**

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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))?  

- Potentially Significant Impact: ☐
- Potentially Significant Unless Mitigation Incorporated: ☐
- Less Than Significant Impact: ☐
- No Impact: ☐

The project site and vicinity are located within an urban area in the City of Berkeley. There are no agricultural resources located on or near the project site. The site is classified as “Urban and Built-Up Land” by the State Department of Conservation. Therefore, development of the proposed project would not convert agricultural land to non-agricultural uses. The proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (No Impact)

The project site is zoned as West Berkeley Commercial District (C-W) on the City’s Zoning Map and is not subject to a Williamson Act Contract. Therefore, the proposed project would not 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))? (No Impact)

The project site is located within an urban area in the City of Berkeley and is within the C-W zoning district. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor result in the loss of forest land or conversion of forest land to non-forest uses.

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d) Result in the loss of forest land or conversion of forest land to non-forest use? (No Impact)

Refer to Section II.c. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses.

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? (No Impact)

The Environmental Management Element of the City's General Plan states that, “Agriculture in Berkeley is limited to personal and community gardens.” No existing or proposed community gardens are located within the vicinity of the site. Therefore, the proposed project would not result in: the extension of infrastructure into an undeveloped area, the development of urban uses on a greenfield site, or other physical changes that would result in the conversion of farmland to non-agricultural uses or conversion of forest land to non-forest use.

### III. AIR QUALITY

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

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<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<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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<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e) Create objectionable odors affecting a substantial number of people?</td>
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a) Conflict with or obstruct implementation of the applicable air quality plan? (Less Than Significant Impact)
The project is consistent with the growth projections of the 2001 General Plan, and the General Plan’s consistency with the applicable air quality plan was analyzed under the General Plan EIR, which was duly certified. Therefore, no further analysis of this issue is required and the project has no impact related to the air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *(Less Than Significant Impact)*

See III(a) above.

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)? *(Less Than Significant Impact)*

See III(a) above.

d) Expose sensitive receptors to substantial pollutant concentrations? *(Less Than Significant Impact)*

Construction activities, especially grading, can generate dust if not properly controlled. The City of Berkeley includes standard conditions of approval for construction in order to ensure that dust is minimized to a less than significant level. The condition reads as follows:

“The following dust-control measures shall be implemented during construction: regular watering of all active construction areas, covering of debris and other loose materials, maintaining two feet of board and covering trucks hauling any loose materials to or from the site, and sweeping all materials from public streets and sidewalks.”

e) Create objectionable odors affecting a substantial number of people? *(Less Than Significant Impact)*

The proposed food service activities will be subject to the following standard conditions of approval:

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 controls required by these conditions, and the fact that food service uses are already prevalent in the surrounding area, operation of the restaurant is not anticipated to create substantial objectionable odors. Furthermore, construction activities will occur almost exclusively inside the building and therefore would not be anticipated to generate any objectionable odors. This impact is therefore considered less than significant.
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?  

The proposed project is located in an urbanized area and the site is currently developed with a one-story commercial building. Existing vegetation on the site consists of street trees and landscaping shrubs. Due to the urban location and limited amount of landscaping on site, these trees and shrubs are unlikely to provide suitable habitat for special-status bird species. Common wildlife species that are adapted to urban environments would continue to use the site after redevelopment. The site is not occupied by, or
suited for, any special status species. Therefore, the proposed project would not result in direct or indirect adverse effects on special-status plant or wildlife species.

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? (No Impact)

The project site is located in the West Berkeley Commercial District and does not support any riparian habitats or other sensitive natural communities. Therefore, no impact to these habitats or communities would occur as a result of the proposed project.

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? (No Impact)

The project site does not support any federally protected wetlands. Therefore, no impact to federally protected wetlands would occur as a result of the proposed project.

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? (No Impact)

The project site is fully covered with an existing one-story building and is not located in proximity to any surface waters or migratory wildlife movement corridors. Therefore, the project would not have any impact on the movement of any native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or 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? (No Impact)

The City of Berkeley’s Coast Live Oak Tree Ordinance regulates removal and pruning of this particular tree species. However, the project site does not contain any Coast Live Oaks or other trees. Therefore, there would be no impact related to local policies or ordinances protecting biological resources.

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? (No Impact)

The project site is not located within the boundaries of an adopted conservation plan. Therefore, the proposed project would not conflict with the provisions of a habitat conservation plan, natural community plan or other approved local, regional, or State habitat conservation plan.

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V. CULTURAL RESOURCES. Would the project:

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Responses in this section rely on the information and findings provided in the West Berkeley Project Draft EIR,\(^8\) unless otherwise noted. This report is available for review at the City of Berkeley, Planning and Development Department.


- **a)** Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? *(No Impact)*

  The existing building is not a historic resource as defined in §15064.5. In any event, the project does not include any exterior modifications to the building other than new signage, and rooftop vents which will not be visible from street level. Therefore, there is no potential for any impact to historical resources.

- **b)** Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? *(No Impact)*

  The project does not involve any new excavation or building expansion, and therefore would not have any impact on any archaeological resources.

- **c)** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *(No Impact)*

  The project does not involve any new excavation or building expansion, and therefore would not have any impact on any paleontological resources.

- **d)** Disturb any human remains, including those interred outside of formal cemeteries? *(No Impact)*

  The project does not involve any new excavation or building expansion, and therefore would not have any impact on any buried human remains.
VI. GEOLGY 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.

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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?

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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?

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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?

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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?

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Responses in this section rely on the information and findings provided in the preliminary Geotechnical Evaluation prepared for the project site, unless otherwise noted. This report is available for review at the City of Berkeley, Planning and Development Department.

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.

Korbacher, Bruno, Geotechnical Study 2635 Ashby Avenue, Korbacher Engineering, 2012.
Special Publication 42; ii) Strong seismic ground shaking; iii) Seismic-related ground failure, including liquefaction; iv) Landslides? (No Impact)

Fault Rupture. No portion of the proposed project site is within the established Alquist-Priolo Earthquake Fault Zone (A-PEFZ), and no active faults have been mapped on the project site by the United States Geological Survey (USGS) or the California Geological Survey (CGS). The nearest known fault is located over 0.5 miles from the site. Therefore, there would be no impacts due to fault rupture.

Ground Shaking. Ground shaking is likely to occur within the life of the project as a result of future earthquakes. The closest known active fault to the project site is the Hayward Fault, which has been mapped in an A-PEFZ approximately 3.6 miles northeast of the site. Other active faults within 25 miles of the project site include the Calaveras, Rodgers Creek, and Concord-Green Valley Faults. The Working Group on California Earthquake Probabilities report and the USGS predicted there is a 31 percent probability of a 6.7 magnitude or greater earthquake on the Hayward/Rodgers Creek fault system between 2007 and 2037. The Association of Bay Area Governments (ABAG) has classified the Modified Mercalli Intensity Shaking Severity Level of ground shaking in the proposed project vicinity due to an earthquake on the North Hayward segment of the Hayward-Rodgers Creek Fault System as “IX-Violent”. Violent shaking would result in collapse or serious damage to masonry buildings; shifting of unbolted wood structures off their foundations; and underground pipe breakage.

The proposed restaurant would occupy an existing structure which has been seismically strengthened in accordance with the California Building Code (CBC), and all subsequent building modifications to implement the project would not affect the structure’s resistance to ground shaking. Therefore, the project would not result in any additional impacts due to ground shaking.

Liquefaction. Liquefaction of soils can occur when ground shaking causes saturated soils to lose strength due to an increase in pore pressure. ABAG has identified the liquefaction hazard in this area of West Berkeley as generally “moderate low” to “very low.” Liquefaction susceptibility depends on the engineering properties of the sediments below individual structures. Review of the official seismic hazard map for this area prepared by the CGS indicates the site is not in an area requiring a liquefaction investigation according to Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California of the California Division of Mines and Geology (CDMG). Therefore, there would be no impacts due to liquefaction.

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**Landslides.** 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.\(^{16}\) Improvements proposed as part of the project do not include substantial mounding of earth or other substantive changes to grade that would create slope instability hazards. Therefore, there would be no impacts due to landslides.

\(b\)  \textit{Result in substantial soil erosion or the loss of topsoil? (No Impact)}

The proposed project would occupy an existing building and would not disturb any exposed soil. Therefore, there would be no impact on soil erosion or loss of topsoil.

\(c\)  \textit{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? (No Impact)}

The proposed project would occupy an existing building on a flat site with no history of landslides, lateral spreading, subsidence, liquefaction or collapse. Therefore, there would be no impact related to this issue.

\(d\)  \textit{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? (No Impact)}

The proposed project would occupy an existing building on a flat site with no history of problems related to expansive soils. Furthermore, the existing structure has been extensively remodeled and seismically strengthened in accordance with the California Building Code (CBC), and all CBC requirements applicable to this issue were met. Therefore, there would be no impact related to this issue.

\(e\)  \textit{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? (No Impact)}

The proposed project does include the installation or use of septic or on-site wastewater disposal systems, and would be connected to City of Berkeley sanitary sewer system. Therefore, the proposed project would have no impacts associated with soils incapable of supporting alternative wastewater disposal systems.

---

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?

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less-than-Significant Impact)

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. Generally, and without consideration for the location of the project (i.e., whether or not it is a greenfield or infill site) or implementation of any mitigation measures, the screening criteria indicate that a “quality restaurant” greater than 9,000 square feet could exceed operational GHG thresholds. Because the proposed restaurant (including the basement) would not exceed this criterion, the project would not exceed the BAAQMD’s thresholds of significance for GHG impacts.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (No Impact)

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.

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 GHG’s. The project is consistent with the city’s General Plan, Climate Action Plan and all regulations adopted for the purpose of reducing GHG emissions.

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17 Bay Area Air Quality Management District, 2011. CEQA Guidelines (Table 3-1). May 2011.
## VIII. HAZARDS AND HAZARDOUS MATERIALS.
Would the project:

<table>
<thead>
<tr>
<th>Option</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>f) 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>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

*a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less-Than-Significant Impact)*
Establishment of a restaurant within an existing commercial space would not involve the routine transport, use, or disposal of significant quantities of hazardous materials. The project would routinely handle and use small quantities of commercially-available cleaning supplies. However, these materials are not expected to be used in sufficient quantities, or contrary to normal use, so as to pose a threat to human health or the environment. The project would therefore have a less-than-significant impact on the public and the environment related to the routine transport, use, and handling of hazardous materials.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Less Than Significant Impact)

See previous response.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less Than Significant Impact)

The East Bay School for Girls is located less than ¼ mile north of the project site. As discussed in items VIII.a and VIII.d, the project would not involve the use of significant quantities of hazardous materials, and a previous regulatory case related to the former automotive repair use has been closed. Therefore, potential impacts associated with hazardous materials releases within proximity to nearby schools would be reduced to less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Less Than Significant Impact)

Prior to its conversion to retail use in 2008, the site was operated as an automotive repair business. 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 hazardous materials site; however the case has been closed by the California State Water Resources Control Board (CSWRCB). The CSWRCB closed the case in 2002, and there have been no further regulatory actions taken at the site regarding hazardous materials. In addition, the City’s Toxics Management Division (TMD) issued a letter in 2007 indicating that groundwater pollution detected beneath the subject property is likely the result of the migration of pollutants in groundwater from the 2942 College Avenue site, and no further remedial action related to this pollution would be required.

As noted earlier, the project involves the establishment of a restaurant within an existing commercial space, with no excavation or construction proposed other than replacement of a water line, and interior improvements such as new restaurant equipment and fixtures, non-structural partition walls, furniture, and finishes. Furthermore, TMD has indicated that all potential health risks associated with residual contaminants from the prior use were addressed in 2008 when the subject building was extensively remodeled and pre-existing walls, floors and other interior surfaces were removed or refinished. Therefore, there is no potential for a significant hazard to the public or the environment due to the site being listed pursuant to Government Code Section 65962.5, and this impact is deemed less than significant.

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19 Geoff Fiedler, Berkeley Toxics Management Division, letter to property owner dated February 2, 2007
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (No Impact)

The project site is located approximately 10 miles north of the Oakland International Airport. The project site does not lie within any restrictive area in the Oakland International Master Plan. Therefore, the proposed project would not result a safety hazard to people working or residing in the area due to the proximity of an airport.

f) 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? (No Impact)

The proposed project is not within the vicinity of a private airstrip. Therefore, the proposed project would not result in a safety hazard to people working or residing in the area due to the proximity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Less-than-Significant Impact)

Ashby and College Avenues are designated Emergency Access and Evacuation Routes. However, the proposed project does not propose any changes to these roadways. Any temporary construction activities within the public right-of-way, such as water line replacement, would be subject to the approval of the City’s traffic engineer and Caltrans, who would ensure that such activities do not interfere with emergency access in accordance with the California Manual on Uniform Traffic Devices. Therefore, the proposed project would substantially impair or interfere with emergency response or evacuation.

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

The project site is not within or adjacent to a wildland fire hazard area, and it is approximately 0.9 miles from the nearest wildlands. Therefore, the proposed project would not expose people or structures to a significant impact related to loss, injury or death involving wildland fires.

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IX. HYDROLOGY AND WATER QUALITY. Would the project:

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

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

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

d) 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?

e) 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?

f) Otherwise substantially degrade water quality?

g) 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?

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

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?
a) **Violate any water quality standards or waste discharge requirements? (No Impact)**

The project would not involve any construction activities other than interior tenant improvements and minor exterior modifications to the existing building. All waste discharge will be to the existing sanitary sewer facilities serving the site. Therefore, the project would not have any negative impacts regarding water quality standards or waste discharge requirements.

b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (No Impact)**

The proposed project would not involve any new impervious coverage on the site and therefore would have no impact on groundwater supplies or groundwater recharge.

c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (No Impact)**

The proposed project would not involve any exterior alterations that could result in erosion or siltation.

d) **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? (No Impact)**

The proposed project would not involve any exterior alterations that could result in flooding.

e) **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? (No Impact)**

The proposed project would not involve any new impervious coverage on the site and therefore would have no impact on runoff water.

f) **Otherwise substantially degrade water quality? (No Impact)**

Due to the limited nature of the project there is no potential for any other impacts to water quality.

g) **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? (No Impact)**

The project does not include housing.
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? *(No Impact)*

The project does not involve any new structures.

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? *(No Impact)*

The project is not within any inundation hazard area from a levee or dam.22

j) Inundation by seiche, tsunami, or mudflow? *(No Impact)*

The project site is located over 2.5 miles from the San Francisco Bay and is therefore not located within a tsunami prone area.23 The project site and nearby properties are relatively level in elevation and not located near slopes that would be subject to mudflows. As no lakes or other surface water bodies are located in the project site vicinity, there is no potential for impacts from a seismically-induced seiche.24 Therefore, the proposed project would not be subject to inundation due to seiche, tsunami, or mudflows.

<table>
<thead>
<tr>
<th>X. LAND USE AND PLANNING. Would the project:</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) Physically divide an established community?</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
<td>☐ ☐ ☐ ☐</td>
</tr>
</tbody>
</table>

a) Physically divide an established community? *(No Impact)*

The project does not propose any new thoroughfares or additional development that would 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?

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22 Berkeley, City of, 2002, op. cit. Figure 16: Reservoir Inundation Hazards.
23 Berkeley, City of, 2002, op. cit. Figure 15: Flood and Tsunami Prone Areas.
24 A seiche is a standing wave observed in an enclosed or partially enclosed water body.
zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (No Impact)

The proposed project is allowed under the City’s Zoning Ordinance with a Use Permit, and does not conflict with any plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This also applies to the project’s request to exceed the limit on the number of full-service restaurants in the C-E Zoning District. Such exceedance is not considered to be in conflict with the Zoning Ordinance given that the Zoning Ordinance allows the exceedance subject to a Use Permit and required findings (see BMC Section 23E.44.040.A). In any case, this limit was not adopted for the purpose of avoiding or mitigating an environmental effect.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (No Impact)

Please refer to Section IV.f. The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plans.

<table>
<thead>
<tr>
<th>XI. MINERAL RESOURCES. Would the project:</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) 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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
</tbody>
</table>

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? (No Impact)

The proposed project is located within an urban area on a developed site. There are no known mineral resources within or in the vicinity of the project site. The proposed project would not result in the loss of availability of a known mineral resource of value to the region or 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? (No Impact)

Please refer to Section X.a. The proposed project would not result in the loss of availability of any known locally-important mineral resource recovery site.

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) 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>
<td>□</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>c) 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>
<td>□</td>
</tr>
<tr>
<td>d) 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>
<td>□</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
</tbody>
</table>

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

The City of Berkeley addresses noise levels in the General Plan and Municipal Code. The standards within the City of Berkeley’s General Plan Environmental Management Element noise section determine the acceptable noise environment for proposed land uses. The City of Berkeley Municipal Code\(^\text{26}\) establishes exterior noise level standards for residential, commercial, and industrial land uses. Noise sources that are an exception to the standards are noise sources for the purpose of emergency notification, warning devices, and train horns. The noise ordinance also specifies that construction activities are to be limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday and 9:00 a.m. to 8 p.m. on weekends or holidays, and that such activities must adhere to specified noise limits “where technically and economically feasible.”

\(^{26}\) Berkeley, City of, Municipal Code Section 13.40.
The discussion below briefly describes potential noise impacts that could occur as a result of short-term construction and long-term operation of the proposed project.

**Short-Term Impacts.** The bulk of the construction activities for the proposed project would occur within the existing building and would not require the use of earthmovers or other heavy equipment, except for possible excavation in order to replace the existing water line, if necessary. The project site is located in a commercial area of West Berkeley that includes residential, office, and commercial uses. The City of Berkeley requires all projects requiring a discretionary permit to adhere to a standard set of conditions of approval to mitigate potential noise impacts that could result from construction activities. Based on these conditions, and the limited nature of proposed construction activities, this impact would be less than significant.

**Long-Term Impacts.** The project site is located in an existing commercial area, and the most significant noise source in the vicinity is vehicle traffic on Ashby and College Avenues. The proposed restaurant would generate noise both from activities occurring within the restaurant itself (e.g., patrons talking, plates and glasses “clinking,” food being prepared, equipment operating), and from activities outside the restaurant (e.g., additional traffic to/from the restaurant, patrons conversing outside the building). Interior noise would not have any significant impact on nearby noise-sensitive uses because the subject tenant space adjoins Ashby Avenue, the primary noise source in the area, and does not have any windows or doors adjoining a residential use, nor does it share a wall with any residential use. Noise impacts from additional traffic generated by the restaurant would also be less than significant, because the additional traffic is not great enough to produce a noticeable increase in ambient noise levels due to the relatively high existing traffic volumes. In addition, the restaurant would be subject to standard conditions of approval requiring the operator to monitor the adjacent sidewalk in order to limit noise impacts from patrons entering or leaving the premises, particularly at later hours. Based on these considerations, the long-term operation of the restaurant is not anticipated to exceed the standards of the City’s noise ordinance, and this impact would be less than significant.

b) **Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?** *(Less-Than-Significant Impact)*

Please refer to Section XII.a.

c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?** *(Less-Than-Significant Impact)*

Please refer to Section XII.a.

d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?** *(Less-Than-Significant Impact)*

Please refer to Section XII.a.

e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?** *(No Impact)*

The project site is located about 10 miles north of Oakland International Airport (the nearest airport) and 15 miles northeast of San Francisco International Airport. Due to the relatively high ambient noise
levels at the site and the fact that restaurant patrons and employees will be inside of a building, there would be no noise impact from aviation sources at the site.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (No Impact)

The project site is not located in the vicinity of a private airstrip.27

<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>
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<tbody>
<tr>
<td>a)</td>
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<td>b)</td>
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<td>c)</td>
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XIII. POPULATION AND HOUSING. Would the project:

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)?

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

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

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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? □ □ □ ●

**No Impact**

The project does not increase the intensity of the uses at the site to a degree that would warrant the construction or expansion of any governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any public service. While the need for fire and police services may increase slightly due to the establishment or a more intense use, existing fire and police facilities are adequate to provide this increased service, and the City’s Fire and Police Departments already have established plans and procedures to monitor demand for services and ensure that facilities are adequate.
Potentially Significant Impact
Potentially Significant Impact
Unless Mitigation Incorporated
Less Than Significant Impact
No Impact

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?

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? (No Impact)

The proposed project does not include residential uses and is therefore not expected to increase the use of existing neighborhood and regional parks or other recreational facilities.

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? (No Impact)

The project does not include or require the construction or expansion of public recreational facilities.

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 polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  □  □  ■  □

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? (Less-Than-Significant Impact)

A traffic impact analysis (TIA)\(^{28}\) and parking analysis\(^{29}\) were prepared for the project under the direction of, and accepted by, the City’s Transportation Division. Traffic conditions for the proposed restaurant project were analyzed for existing and future traffic conditions. The study evaluated weekday and weekend Saturday conditions during the mid-day lunch period, p.m. commute period, and the later evening period corresponding with the restaurant’s peak period of trip generation. Existing traffic conditions at the study intersection of Ashby Avenue/College Avenue without the project range from level of service ‘C’ to ‘E’. Near term (Year 2015) conditions reflecting anticipated short term growth with approved developments (including the Safeway expansion project at College and Claremont Avenues) and intersection control improvements were also evaluated. Levels of service would range from LOS ‘B’ to LOS ‘E’ on weekdays and LOS ‘D’ on Saturdays. Traffic operations were also analyzed for cumulative (Year 2035) conditions based on transportation model forecasts and historical volume data. Conditions without the project would range from LOS ‘C’ at night to LOS ‘F’ during the pm commute period based on the growth projections.

In each of the above scenarios, the project would not generate sufficient vehicle trips to exceed any of the City’s thresholds for significant traffic impacts, which are as follows:

- If a signalized intersection operating at LOS ‘D’ without the project degrades to LOS ‘E’ or worse


\(^{29}\)“Updated Parking & Trip Generation Study for the Proposed Restaurant Business at 2635 Ashby Avenue, Berkeley, CA,” Omni Means, Ltd., October 17, 2013.
with a greater than two second increase in delay with the project;

- If a signalized intersection operating at LOS ‘E’ without the project experiences more than a three second increase in delay with the project;
- If a signalized intersection operating at LOS ‘F’ without the project experiences a change in the volume-to-capacity ratio of more than 0.01 with the project.

According to the parking analysis, at least 111, and as many as 219, public parking spaces are typically available (i.e. not occupied) within the study area during the restaurant’s peak demand periods (weekdays from 12-1 p.m. and 7-8 p.m.). This does not include spaces with time limits of 60 minutes or less, or spaces that prohibit parking at certain times of day. The study also calculated the restaurant’s parking demand during the peak periods at 37 spaces. Therefore, the number of available parking spaces would exceed the restaurant’s peak demand by at least 74 spaces. According to these data, there would be sufficient parking in the vicinity to accommodate the restaurant’s patrons, while still leaving a large enough surplus that nearby residents and others seeking parking in the area would be able to find a space without substantial difficulty. Therefore, the project would not have any substantial adverse impacts related to lack of parking.

It should be noted that, pursuant to Public Resources Code Section 21099(d)(1), which will take effect on January 1, 2014, “… parking impacts of a[n] … employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.”

The project complies with the definitions of PRC Section 21099(a) applicable to the above provision, as follows:

1. “Employment center project” means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.

   The subject property is zoned for commercial uses, has a floor area of approximately 1.1 (gross building area of 15,267 sq. ft. divided by lot area of 13,650 sq. ft.), and is located within a “transit priority area” as discussed below.

2. “Floor area ratio” means the ratio of gross building area of the development, excluding structured parking areas, proposed for the project divided by the net lot area.

3. “Gross building area” means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

4. “Infill site” means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

   The subject lot is located within an urban area and has been previously developed.

5. “Lot” means all parcels utilized by the project.

6. “Net lot area” means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.

7. “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon

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30 Adopted pursuant to Senate Bill 743, September 27, 2013.
The project would not conflict with any other applicable plans, ordinances or policies regarding the performance of the circulation system.

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? (Less-Than-Significant Impact)*

The proposed project would not generate 100 net additional trips and is therefore exempt from review by the Alameda County Transportation Congestion (the local congestion management agency). Any impact to the CMA network is therefore anticipated to be less than significant.

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (No Impact)*

The project site is located approximately 10 miles from Oakland International Airport and does not involve any building construction or expansion. Therefore, the proposed project would have no impact on air traffic patterns.

d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (No Impact)*

The proposed project does not introduce any new design features to any public roadways or sidewalks, nor does it involve any incompatible uses. In accordance with standard procedures, an on-street truck loading zone will be created for the site if deemed necessary by the City’s Transportation Division, in order to prevent double-parking of commercial vehicles in front of the site.

e) *Result in inadequate emergency access? (No Impact)*

While potential short-term construction activities (i.e., not more than 2 weeks) within the public right-of-way (e.g., potential water line replacement) may affect emergency vehicle access, such activities would be subject to review and approval by the City’s Public Works Department and Transportation Division, which would apply standard procedures and requirements for ensuring that adequate emergency vehicle access is maintained.

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? (Less-Than-Significant Impact)*

Because the project does not alter or substantially increase the use of public transit, bicycle, or pedestrian facilities, it would not conflict with any such policies, plans, or programs, or otherwise decrease the performance or safety of such facilities. While potential short-term construction activities within the public right-of-way (e.g., potential water line replacement) may affect bicycle or pedestrian
access on Ashby Avenue, such activities would be subject to review and approval by the City’s Public Works Department and Transportation Division, which would apply standard procedures and requirements for ensuring that bicycle and pedestrian access are not adversely affected.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☐ ☑

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☑

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☑

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☐ ☐ ☐ ☑

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? ☐ ☐ ☐ ☑

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

g) Comply with federal, State, and local statutes and regulations related to solid waste? ☐ ☐ ☐ ☑

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Less-Than-Significant Impact)

The City’s sewer system is connected to trunk lines which convey flows to East Bay Municipal Utility District’s (EBMUD’s) wastewater interceptors, which direct flows to EBMUD’s Main Wastewater Treatment Plant (MWWTP) in the City of Oakland. Because all wastewater from the project will be directed to the MWWTP, all applicable wastewater treatment requirements will be met.
b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Less-than-Significant Impact)**

As discussed in the project description, it may be necessary to add a new water line, or replace the existing water line, depending on the needs of the new restaurant. The existing sewer facilities are adequate to serve the project and there is adequate capacity at the MWWTP to treat any additional wastewater from the project.

c) **Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (No Impact)**

The project is located inside an existing commercial building and will not require new or expanded stormwater drainage facilities.

d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (No Impact)**

Although the project may utilize additional water beyond current usage levels for the site, the increased usage would be relatively minor and would be accommodated within EBMUD’s existing and/or planned water capacity.

e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? (No Impact)**

Please refer to Section XVII(a). The proposed project would not exceed the capacity of the wastewater treatment system.

f) **Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (No Impact)**

Development of the proposed project on an existing commercial site would not substantially increase waste demand or generation at the project site such that new or expanded landfill facilities would be required.

g) **Comply with federal, State, and local statutes and regulations related to solid waste? (No Impact)**

The proposed project would comply with all federal, State, and local solid waste statutes and/or regulations related to solid waste.
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

As discussed in Sections IV and V, the proposed project would have no impacts on biological or cultural resources due to its limited scope.

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

The project would not have any cumulatively considerable impacts. As discussed in Section XVI, the project’s traffic impact analysis (TIA) found that the additional traffic generated by the project would not exceed the City’s thresholds of significance for traffic impacts. While the project contributes some additional delay to the Ashby/College intersection in the 2035 scenario, the project’s contribution is relatively minor and not “cumulatively considerable.”
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **(No Impact)**

As discussed in the foregoing portions of this checklist, the project would not have environmental effects which will cause substantial adverse environmental effects on human beings.

**REPORT PREPARATION & REFERENCES**

**A. PREPARERS**

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**B. REFERENCES**


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


California Code of Regulations, *Title 22 CCR Division 4.5*.

California Code of Regulations, *Title 8 CCR 1532.1*.


