



Z O N I N G
A D J U S T M E N T S
B O A R D
S T A F F R E P O R T

FOR BOARD ACTION
SEPTEMBER 28, 2023

2996 Telegraph Avenue –

Use Permit #ZP2020-0055 to construct a 1,704 square-foot self-service car wash (14 feet in height) at an existing 36,812 square-foot lot that includes a gas station, quick food service, and a convenience store. The scope also includes a new 165-foot long wall at the west and the north property lines, two new electric vehicle charging stations, new landscaping, and new parking stall stripping.

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial (AC)
- Zoning: Corridor Commercial District (C-C)

B. Zoning Permits Required:

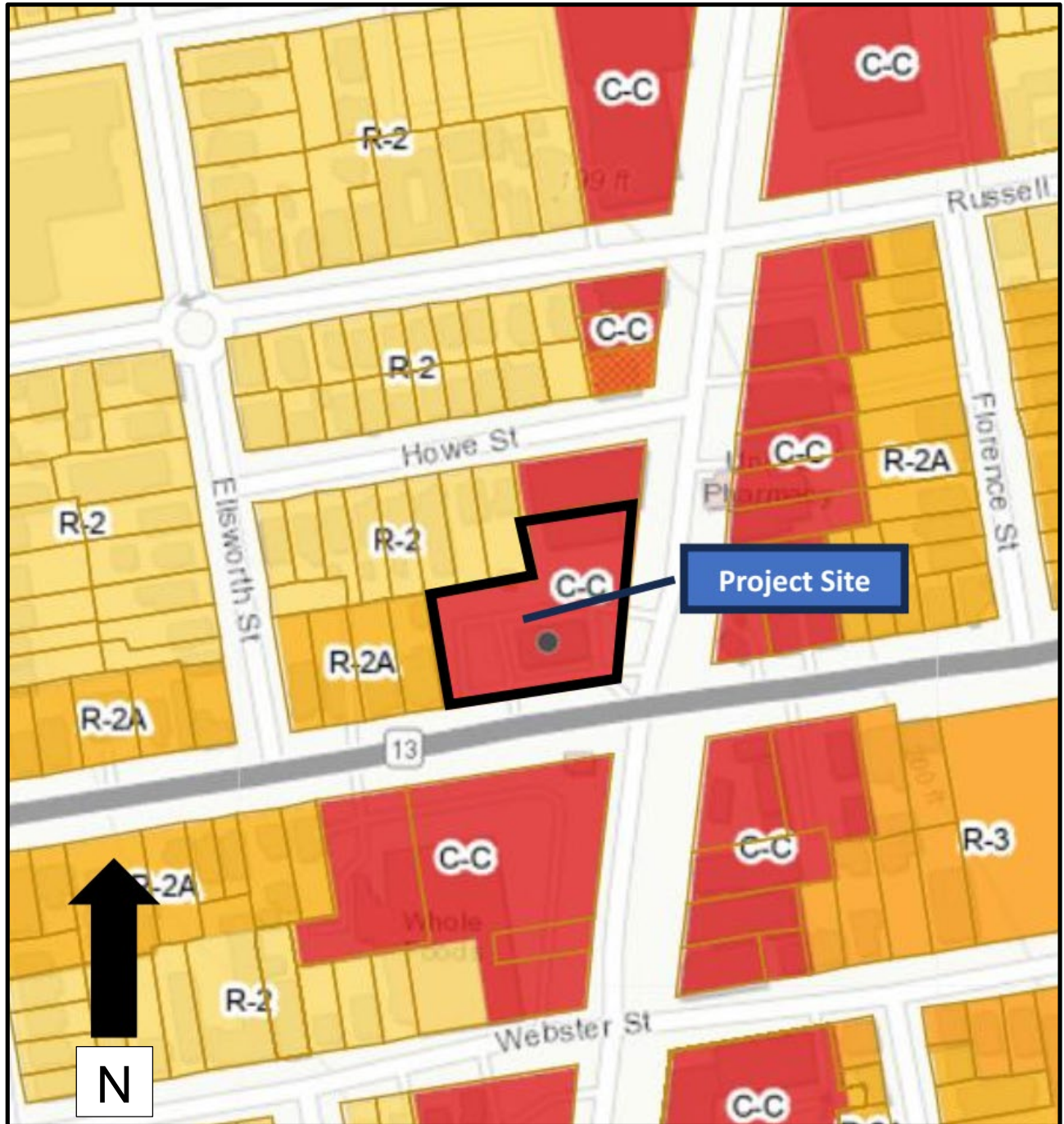
- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.020(A) to construct a 1,704 square foot self-service car wash (vehicle wash) at an existing gas station
- Use Permit pursuant to BMC 23.304.030(C)(2)(b) to allow smaller setbacks for lots in a Commercial District that abut or confront one or more lots in a Residential District

C. CEQA Recommendation: It is staff's recommendation to Zoning Adjustments Board (ZAB) to Adopt an Initial Study and proposed Negative Declaration (IS/ND) prepared pursuant to Article 6 of the CEQA Guidelines (see Attachment 2). The determination is made by ZAB.

D. Parties Involved:

- Applicant Barghausen Consulting Engineers, Inc., 18215 72nd Avenue
South Kent, Washington 98032
- Property Owner Salkhi Petroleum, Arash Salkhi, 2145 Mendocino Avenue,
Santa Rosa, California 95401

Figure 1: Vicinity Map



Zoning
Project Site: Corridor Commercial (C-C)
North C-C and Restricted Two-Family Residential District (R-2)
South: C-C
East: C-C
West: Restricted Multiple-Family Residential District (R-2A)

Figure 4: Proposed Elevation facing Telegraph Avenue (east):

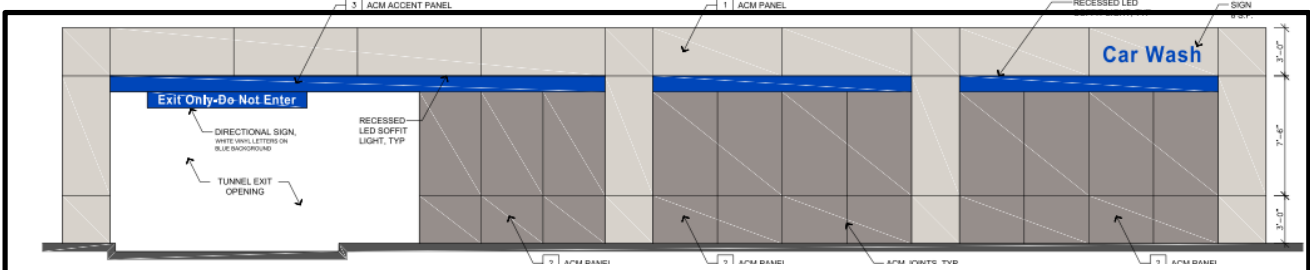


Figure 5: Proposed Elevation facing Residential (west):

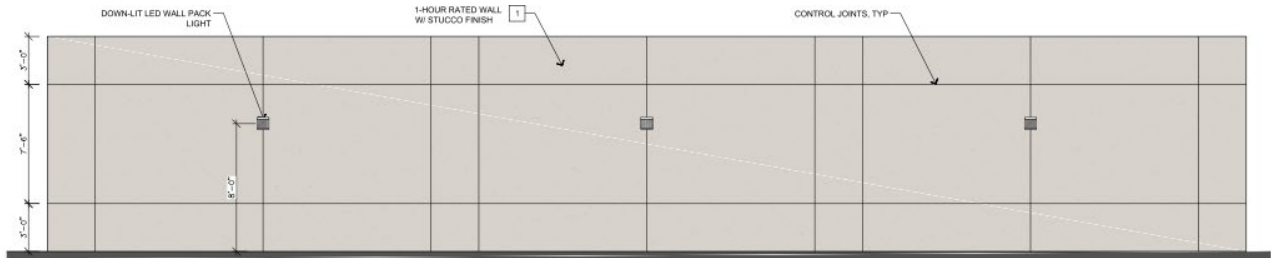


Figure 6: Proposed Elevation facing north and south:

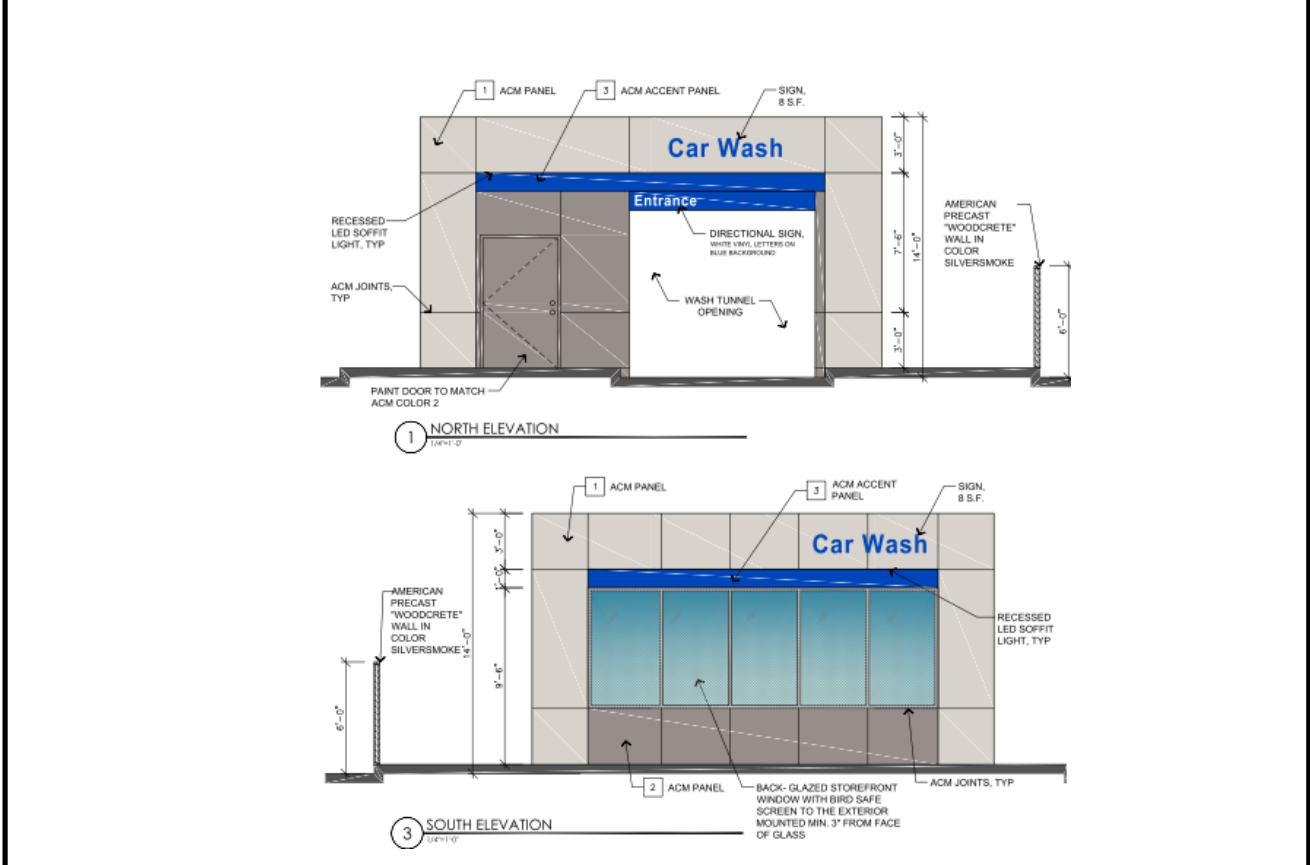


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Gas station, convenience store and fast food restaurant	Corridor Commercial (C-C)	Avenue Commercial (AC)
Surrounding Properties	North	Medical offices and detached residential	Corridor Commercial (C-C) and Restricted Two-Family Residential District (R-2)	Avenue Commercial (AC) and Low Medium Density Residential (LMDR)
	South	Whole Foods Market and commercial uses	Corridor Commercial (C-C)	Avenue Commercial (AC)
	East	Telegraph Avenue, offices and restaurants		
	West	Detached residential	Restricted Multiple-Family Residential District (R-2A)	Medium Density Residential (MDR)

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net new nonresidential floor area over 7,500 square feet. The proposed project includes 1,704 square feet of nonresidential gross floor area. Therefore, the project would not be subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	The project is not a housing development project, as defined in BMC 22.65.020 ¹ , and these provisions are not applicable.
Alcohol Sales/Service	No	This project does not include a request for the sale or service of alcohol; however, a Use Permit was previously approved by the ZAB to allow the sale of beer and wine at the existing convenience store.
Creeks	No	The site is not near a mapped creek or a creek culvert.
Historic Resources	No	The project site is not designated as a Landmark by the City and has not previously been surveyed individually for historical significance under local, state, or federal historic significance criteria.
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	The proposed project is a carwash and does not meet the definition of a "Housing Development Project" per Government Code Section
Housing Crisis Act of 2019 (SB330)	No	

¹ BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.

Characteristic	Applies to Project?	Explanation
		65589.5(h)(2) ² . The Housing Accountability Act and the Housing Crisis Act of 2019 do not apply.
Oak Trees	No	There are no oak trees on the property.
Rent Controlled Units	No	The project would involve the demolition of nonresidential structures; no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	No	The existing and proposed uses are non-residential.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, fault rupture, or landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	Yes	The project site is not listed on the Cortese List. ³ The project site is located within the City's Environmental Management Area. The City prepared an IS/ND to pursuant to CEQA (Refer to Section V for more information). During the building permit review phase, the Toxics Management Division will refer this project for sign off by the Regional Water Quality Control Board, Department of Toxic Substances Control, or the Alameda County Department of Environmental Health. Also, standard Conditions of Approval related to hazardous materials would apply (Refer to Attachment 1).
Transit	Yes	This site is served by the by Alameda County (AC) Transit Line 6 along Telegraph Avenue and Transit Line 800 on Ashby Avenue. The Ashby BART station is located on Adeline Street and Ashby Avenue, approximately 0.7 miles west from the project site. The project would construct a car wash; therefore, public transit is not anticipated to be a primary mode of transportation to the site.

² Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.

³ The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.

Table 3: Project Chronology

Date	Action
June 12, 2020	Application submitted
July 9, 2020	Application deemed incomplete
November 25, 2020	Applicant requested to put application on hold until June 1, 2021
September 8, 2021	Revised application materials submitted
October 7, 2021	Application deemed incomplete
November 5, 2021	Revised application materials submitted
December 3, 2021	Application deemed Complete
October 6, 2022	Revised application material submitted
November 6, 2022	Application deemed incomplete
February 8, 2023	Initial Studies Screencheck Draft Issued
February 8, 2023 – March 10, 2023	Public Review Period for IS/ND
February 16, 2023	DRC meeting
March 28, 2023	Revised application materials submitted
April 26, 2023	Application deemed incomplete
June 16, 2023	Revised application materials submitted
July 17, 2023	Application deemed incomplete
July 27, 2023	Revised application materials submitted
July 28, 2023	Application deemed incomplete
July 31, 2023	Revised application materials submitted
August 30, 2023	Application deemed complete
September 14, 2023	Public hearing notices mailed/posted
September 28, 2023	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23.204.050				
Lot Area (sq. ft.)		36,812	N/A	N/A
Gross Floor Area (sq. ft.) for the lot		4,425	6,129	N/A
Gross Floor Area (sq. ft.) for the proposed carwash		0	1,704	N/A
Floor Area Ratio		0.12	0.17	3 max
Building Heights	Maximum (ft.)	19.4 (Gas Station) N/A for Car Wash	14	40 max
	Stories	1	1	2 max
Building Setbacks (ft.) for Car Wash	Front	N/A	3'-6" to 4'-1"	15 min
	Rear	N/A	50	10
	Left Side	N/A	8'-6"	5 min
	Right Side	N/A	185	6 min
Lot Coverage (%)		21%	27%	100% max
Usable Open Space (sq. ft.)		N/A	N/A	N/A
Parking	Automobile	29	17	N/A ^a
	Bicycle for the proposed project	0	1	1 min
	Bicycle for the site	2	1	3 min
Notes:				
a: AB-2097, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses.				
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				

II. Project Setting

A. Neighborhood/Area Description: The project site is located on the northwest corner of Telegraph Avenue and Ashby Avenue. The area is fully developed with a mix of commercial and office uses to the south and east. Residential uses border the property to the north and west of the proposed car wash location. Sylvia Mendez Elementary School is located less than 0.25 miles to the northwest of the project site. Two (2) bus stops are directly adjacent to the project site, one on Ashby Avenue and the other on Telegraph Avenue.

B. Site Conditions: The project site is approximately 0.8 acres (36,812 square feet) and is currently developed with a Chevron gas station that includes 12 gas pumps, a 2,475 square foot convenience store, a 1,950 square foot fast-food restaurant, and 29

surface parking spaces. A metal fence on the northern property line and trash enclosure are proposed to remain, these structures were approved by the City's Department of Public Works on February 17, 2022. Existing lighting is located along the site boundary, at the gas pumps, and convenience store. Site access is provided via two (2) existing driveways on Ashby Avenue and one (1) existing driveway on Telegraph Avenue.

III. Project Description

The project applicant is proposing to construct a 1,704 square-foot self-service, single bay roll-over automated vehicle wash, including a 744 square-foot enclosed exit tunnel, on the north-west corner of the project site. The project also includes installation of two (2) electric vehicle charging stalls and revisions and restriping of the existing parking lot to reduce parking from the 29 existing parking spaces to the proposed 17 parking spaces. New lights would be added to illuminate the parking stalls and car wash. Consistent with BMC 23.304.130(C)(2), lighting would be shielded and directed downward consistent with. Landscaping would be modified and added to the site. Three (3) trees are proposed for removal but are proposed to be replaced with new trees (Refer to Section IV.B). A six (6) foot wall would be constructed along the west and northern property lines surrounding the vehicle wash. The vehicle wash would include a reclaim system to facilitate recycling of discharge rinse water from vehicle wash operations. Hours of operation for the car wash would be limited to 7:00 a.m. and 10:00 p.m.

A total of three 8 square foot "Car Wash" signs are proposed on the building, one (1) on each elevation except the west side of the building. Entrance and exit directional signs are also proposed.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, a pre-application poster was installed by the applicant in June 2020. Due to the long history of the project, the Applicant mailed the updated project description and plans to all the abutting and confronting residential properties via certified mail in July 2023. On September 14, 2023, the City mailed public hearing notices to property owners and occupants to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices within the neighborhood in three locations.

At the time of this writing, staff has received the following communications (Attachment 5) regarding the project:

- Email from Ronald Kowalski (neighbor 2309 Ashby), dated June 25, 2020 – Concerns regarding proximity of new building, blocking of views, and quality of life
- Email from Diane Erwin (neighbor – 2315 Ashby), dated July 6, 2020 – Concerns regarding noise, trash, transients
- Email from Diane Erwin, dated February 22, 2023 – Concerns regarding trash, noise

Additional comments were provided on the IS/ND as part of the environmental review process and are listed under Section V. "Environmental Review" below (See Attachment 6).

B. Committee Review: The Design Review Committee (DRC) conducted Preliminary Design Review at a meeting held on February 16, 2023 where it forwarded a favorable recommendation to the ZAB and provided the following direction for Final Design Review (FDR): MOTION: (Woo, Tam) VOTE (5-0-0-2) Finacom, Kahn – recused themselves.

Recommendations

- Maximize taller landscape in the west planting area, including more trees.
- Light fixtures should be lower on West wall.
- Recommend an upgraded fence finish, including added detail and/or cap.
- Consider five glass panels facing Ashby, instead of three, and bird safety as well.
- Consider vines or mural on the West wall to deter graffiti.
- Provide final plant list to Staff for review before permitting.
- Recommend implementing as many green measures as possible.

V. Environmental Review

A. CEQA Approach: In accordance with the CEQA (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), an Initial Study (IS) was prepared to evaluate the potential environmental effects associated with the construction and operation of the project. The IS included a description of the proposed project, evaluated each of the environmental issue areas identified in the environmental checklist form provided on Page 8 of the IS, and determined that all impacts would be less than significant or less than significant with required adherence to the City's standard conditions of approval.

Pursuant to Section 15367 of the State CEQA Guidelines, the City of Berkeley (City) is the Lead Agency for the project. The Lead Agency is the public agency that has the principal responsibility for carrying out or approving a project. The City has the authority for environmental review in accordance with CEQA and adoption of the environmental documentation. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with the implementation of the project.

B. Initial Study-Negative Declaration: In accordance with Section 15072 of the CEQA Guidelines, the City of Berkeley provided a notice of intent to adopt a negative declaration for the project to the public, responsible agencies, trustee agencies, and the county clerk. The notice of intent to adopt the negative declaration was also mailed to owners and occupants of property within 300 feet of the project site, posted on the project site and published in a newspaper of general circulation. The public review period for the negative declaration took place between February 8, 2023 and March 10, 2023.

A total of two comment letters/responses were received during the public review period:

- Letter from East Bay Municipal Utility District dated March 1, 2023 – Describing District requirements for service and water conservation.
- Letter from Ronald and Virginia Kowalski, dated February 21, 2023 – Letter objecting to the car wash

Additional communication from Corrina Gould, Tribal Chair of the Confederated Villages of Lisjan Nation was received on February 6, 2023, requesting whether the City had conducted a Sacred Lands File Search. Additionally, the City received email communication from Kanyon Consulting, LLC, representing the Indian Canyon Band of Costanoan Ohlone People on February 17, 2023, that recommended monitoring and Cultural Sensitivity Training. The City responded to both communications via email and stated that this site has been previously approved and other development has occurred around the project area and discoveries are not expected with the devotement of this vehicle wash. Staff added that in case of preparation and grading activity resulting in potentially significant impact to Native American cultural resources, Condition of Approval #59 for Archeological Resources and #60 for Human Remains are implemented.

The Final IS-ND includes responses to comments received related to the IS-ND, including those not relating to the analysis or conclusions of the environmental analysis. All public comments (Attachment 6) must be considered by ZAB while making a determination on the project. None of the responses received resulted in substantial revision of the negative declaration or require recirculation of the IS/ND as described in CEQA Guidelines Section 15073.5.

As stated in the IS/ND, potential impacts to the environment would be reduced to a less-than-significant level with implementation of the City's standards conditions of approval. Proposed conditions of approval are included in the attached Findings and Conditions for the proposed project (Refer to Attachment 1).

VI. Issues and Analysis

- A. General Non-Detriment Finding:** BMC Section 23.406.040(E) requires that, before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Staff Analysis: The project site is located on the northwest corner of Telegraph Avenue and Ashby Avenue, an area that is fully developed with a mix of commercial, office

and residential uses. The proposed project would not interfere with existing improvements on adjacent properties or the surrounding area.

The proposed car wash includes an enclosed tunnel at the exit of the wash to reduce noise levels to the existing residence to the west of the site. The project also includes the construction of a six-foot CMU wall along the north and west side of the car wash in addition to the tunnel. Additional landscaping would be added around the north, west and southern portion of the car wash building which would provide screening of the building to residential uses to the north and west and to views from Ashby Avenue to the south. Additional lighting would be directed downward and shielded to avoid spillover onto adjacent properties. The car wash would include a reclaim system to facilitate recycling of discharge rinse water from vehicle wash operations.

An Environmental Noise Assessment dated September 2021 was prepared for the project. The report determined that the most significant noise source associated with the proposed project would be the vehicle wash dryer assembly – used for drying the vehicles at the end of the wash cycle. No exterior vacuum systems are proposed by the applicant. The noise levels of the vehicle wash drying assembly are predicted to be 50 decibels (dB) at the residential property line to the west and 37 dB at the residential property line to the north with incorporation of project design and operational features including the proposed block wall, exit tunnel and automated closing of the tunnel doors while the dryer is in use.⁴ The noise levels are below the exterior noise levels allowed under BMC 13.40.050, Exterior noise standards. Interior noise levels at the residence to the west of the site would be approximately 30 dB, which also complies with the BMC 13.40.060 interior noise level limit of 45 dB.⁵

In addition, project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring that the project would not be substantially detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

- B. Findings for Use Permits in C-C District:** Per BMC Section 23.204.050(E) for Use Permits the ZAB must find that the proposed use or structure:
- a. Is compatible with the purpose of the district;
 - b. Is compatible with the surrounding uses and buildings;
 - c. Does not interfere with the continuity of retail and service facilities at the ground level; and,
 - d. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

⁴ A Decibel (dB) is unit describing the amplitude of sound.

⁵ Community noise levels are usually closely related to the intensity of human activity. Noise levels are generally considered low when below 45 dBA, moderate in the 45 to 60 dBA range, and high above 60 dBA.

Staff Analysis: The purpose of the C-C district is to: 1) Implement the General Plan designations for Avenue Commercial areas; 2) Provide locations for a wide variety of activities along thoroughfares; 3) Encourage development in underutilized neighborhood and community shopping areas; and, 4) Promote development compatible with adjacent commercial and residential areas. The proposed commercial use is consistent with the Avenue Commercial land use designation. The project site is located on Telegraph Avenue and Ashby Avenue, both major roadways within the City of Berkeley. The project is an addition to a site that contains an existing gas station, convenience store and fast-food restaurant, thereby promoting development of an underutilized site. The project is generally compatible with surrounding land uses as described under Finding A. Therefore, the project is compatible with the purposes of the district and with surrounding uses and buildings.

The proposed project would not interfere with the continuity of retail and service facilities at the ground floor which are already occurring on the site. A car wash is a complimentary use to the existing gas station. The site would be served by adequate parking to accommodate the uses within the property. The project would not exceed the available traffic capacity available to the site.

- C. Setback Modifications in Commercial Districts.** Per BMC Section 23.304.030(C)(2)(b) for lots in a Commercial District that abut or confront one or more lots in a Residential District, the ZAB may approve a Use Permit to allow setbacks smaller than required in Table 23.304-3 upon finding that the reduced setback would provide greater privacy or improved amenities to a lot in the Residential District.

The front yard setback for the building is required to be 15 feet; however, the project proposes a setback of 3.56 feet. The front portion of the building that extends into the setback consists of an exit tunnel which shields vehicles existing the car wash and reduces and buffers the noise from the car wash to the residence to the west. The tunnel would also block views of the car wash interior equipment and exit to vehicles and pedestrians from Ashby Avenue, which enhances the street view. The project meets the side and rear setbacks to the adjacent residential lots. The reduced setback to the front property line provides greater privacy from the car wash to the residence to the west.

V. Other Considerations

- D. General Plan Consistency:** The project site's General Plan land use designation, as described in the 2001 Berkeley General Plan Land Use Element, is Avenue Commercial (AC). These areas of Berkeley are characterized by pedestrian-oriented commercial development and multi-family residential structures. These areas are typically located on wide, multi-lane avenues served by transit or Bay Area Rapid Transit (BART). The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and

construction, and is compatible with neighboring land uses and architectural design and scale.

2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
4. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The car wash is proposed to be constructed on the same site as an existing gas station, convenience store and fast-food restaurant. The site is not environmentally sensitive. The project would add two (2) electric vehicle charging stations to the project site, where none exist now, and the car wash would also utilize a reclaim system to facilitate recycling of discharge rinse water from vehicle wash operations. The proposed height of the building is 14 feet, well below the maximum building height of 40 feet for the zone and is in scale with surrounding structures and residences. The proposed car wash building meets side and rear setbacks where the lot is adjacent to residential uses. The project is consistent with the above general plan policies.

VII. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

- A. ADOPT the proposed IS/ND; and
- B. APPROVE Use Permit #ZP2020-0055 pursuant to Section 23.406.040.D and subject to the attached Findings and Conditions (see Attachment 1) and the Final IS-ND (Attachment 2).

Attachments:

1. Findings and Conditions
2. Final IS/ND
3. Project Plans, received August 17, 2023
4. Notice of Public Hearing
5. Correspondence Received
6. Response to IS/ND comments

Staff Planner: Lisa Gordon (Rincon Consultants) & Nilu Karimzadegan, nkarimzadegan@berkeleyca.gov, (510) 981-7430

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 28, 2023

2996 Telegraph Avenue –

Use Permit #ZP2020-0055 to construct a 1,704 square-foot self-service car wash (14 feet in height) at an existing 36,812 square-foot lot that includes a gas station, quick food service, and a convenience store. The scope also includes a new 165-foot long wall at the west and the north property lines, two new electric vehicle charging stations, new landscaping, and new parking stall stripping.

PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.020(A) to construct a 1,704 square foot self-service car wash (vehicle wash) at an existing gas station
- Use Permit pursuant to BMC 23.304.030(C)(2)(b) to allow smaller setbacks for lots in a Commercial District that abut or confront one or more lots in a Residential District

I. CEQA FINDINGS

1. The Notice of Intent (NOI) to adopt a CEQA Mitigated Negative Declaration and Initial Study (IS-ND) were published on February 8, 2023 and the public review period ended at 5:00 P.M. on March 10, 2023. The Draft IS-ND was filed with the Alameda County Clerk-Recorder and was submitted to the State Clearinghouse (SCH # 2023020200) for distribution to interested state and regional agencies. four (4) comment letters were received on the Draft IS-MND and responses to those comments were provided. No substantive changes to Draft IS-MND resulted.

The Zoning Adjustments Board (ZAB) has considered the Mitigated Negative Declaration together with comments received during the public review process, and finds, on the basis of the whole record before it, that: (1) no potentially significant effects were identified that could not be reduced to less than significant levels by implementation of the mitigation measures and/or the City's standard conditions of approval, (2) there is no substantial evidence the project will have a significant effect on the environment, and (3) the Negative Declaration reflects the lead agency's independent judgment and analysis. The record of proceedings upon which this decision is based is located at the Permit Service Center, 1947 Center Street, 2nd Floor, Berkeley, California 94704.

II. FINDINGS FOR APPROVAL

1. As required by Section 23.406.040(E)(1).1 of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. The project conforms to the applicable provisions of the Berkeley Municipal Code (BMC) including FAR, height and rear and side setbacks. The project site is located on the northwest corner of Telegraph Avenue and Ashby Avenue, and will not interfere with existing improvements on adjacent properties or the surrounding area. The project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements.

 - B. The proposed car wash includes an enclosed tunnel at the exit of the wash to reduce noise levels to the existing residence to the west of the site. The project also includes the construction of a six-foot CMU wall along the north and west side of the car wash in addition to the tunnel. Additional landscaping will be added around the north, west and southern portion of the car wash building which provides screening of the building to residential uses to the north and west and to views from Ashby Avenue to the south. Additional lighting will be directed downward and shielded to avoid spillover onto adjacent properties. The carwash will include a reclaim system to facilitate recycling of discharge rinse water from vehicle wash operations.

 - C. The Environmental Noise Assessment dated September 2021 determined that the most significant noise source associated with the proposed project is the vehicle wash dryer assembly –which is located at the end of the wash cycle. No exterior vacuum systems are proposed by the applicant. The noise levels of the vehicle wash drying assembly are predicted to be 50 decibels (dB) at the residential property line to the west and 37 dB at the residential property line to the north with incorporation of project design and operational features including the proposed block wall, exit tunnel and automated closing of the tunnel doors while the dryer is in use. The noise levels are below the exterior noise levels allowed under BMC 13.40.050 Exterior noise standards. Interior noise levels at the residence to the west of the site will be approximately 30 dB, which also complies with the BMC 13.40.060 interior noise level limit of 45 dB; and,

 - D. The car wash will be constructed on the same site as an existing gas station, convenience store and fast-food restaurant. The site is not environmentally sensitive. The project will add two (2) electric vehicle charging stations to the project site, where none exists, and the car wash will-utilize a reclaim system to facilitate recycling of discharge rinse water from vehicle wash operations. The proposed height of the building is 14 feet, well below the maximum building height of 40 feet for the zone and is in scale with surrounding structures and residences. The proposed car wash building meets side and rear setbacks where the lot is adjacent to residential uses. The project is consistent with the general plan policies.
2. Pursuant to BMC Section 23.204.050(E) for Use Permits in the C-C district, the ZAB finds that the proposed use or structure:
- a. Is compatible with the purpose of the district;
 - b. Is compatible with the surrounding uses and buildings;
 - c. Does not interfere with the continuity of retail and service facilities at the ground level; and,
 - d. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

The project meets the purpose of the C-C district including: 1) Implement the General Plan designations for Avenue Commercial areas; 2) Provide locations for a wide variety of activities along thoroughfares; 3) Encourage development in underutilized neighborhood and community shopping areas; and, 4) Promote development compatible with adjacent commercial and residential areas. The proposed commercial use is consistent with the Avenue Commercial land use designation. The project site is located on Telegraph Avenue and Ashby Avenue, both major roadways within the City of Berkeley. The project is an addition to a site that contains an existing gas station, convenience store and fast-food restaurant, thereby promoting development of an underutilized site. The project is generally compatible with surrounding land uses as described under Finding A. Therefore, the project is compatible with the purposes of the district and with surrounding uses and buildings.

The proposed project will not interfere with the continuity of retail and service facilities at the ground floor which are already occurring on the site. A car wash is a complimentary use to the existing gas station. The site will be served by adequate parking to accommodate the uses within the property. The project will not exceed the available traffic capacity available to the site.

3. Pursuant to BMC Section 23.304.030(C)(2)(b) the ZAB finds that the reduction of required 15 feet front setback to 3.5 feet is allowable because the reduced setback to the front property line provides greater privacy from the car wash to the residence to the west. The front exit tunnel shields vehicles existing the car wash and reduces the noise from the car wash to the residence to the west. The tunnel blocks views of the car wash interior equipment and exit to vehicles and pedestrians from Ashby Avenue, which enhances the street view.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

Project Liaison _____
Name Phone #

11. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.

12. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

13. Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- E. Prohibit unnecessary idling of internal combustion engines.
- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier will be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation will only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.
- 14. Damage Due to Construction Vibration.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing condition study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall
- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
 - include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

- 15. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following:

(1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

- 16. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
- 17. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 18. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify

procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.

- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building 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, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition 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. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

19. Electric Vehicle (EV) Charging. The proposed Electric Vehicle Charging Stations (EVCS) equipped with EV chargers, as well as raceway equipped-EV spaces shall be provided as specified by the Berkeley Green Code (BMC Section 19.37.040). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
20. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.

21. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
22. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
23. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."

Prior to Demolition or Start of Construction:

24. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

25. Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
26. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
27. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
 - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.

- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 28. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 29. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 30. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard

permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 31. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 32. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 33. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities,

all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

- 34. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 35. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 36. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) 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 stormwater 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 stormwater 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 stormwater 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. 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 a Stormwater Requirement Checklist and 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.
- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating

that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.

- L. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - M. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
37. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
38. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
39. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
40. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
41. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
42. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

43. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Conditions of Approval.

44. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 17, 2023, except as modified by conditions of approval.

At All Times:

45. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
46. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
47. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
48. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
49. Bike Parking. Secure and on-site bike parking for the addition of at least one (1) bicycle shall be provided for the life of the building.
50. Transit Subsidy Condition applicable to 10+ employees for the proposed carwash. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
51. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
-

2996 Telegraph Avenue INITIAL STUDY

City of Berkeley

February 2023

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Appendices

Appendix A: Environmental Noise Assessment

I. PROJECT DESCRIPTION

1. Project Title:

2996 Telegraph Avenue, Salkhi Petroleum Car Wash

2. Lead Agency Name and Address:

City of Berkeley Planning & Development Department, Land Use Division
1947 Center Street, 2nd Floor
Berkeley, California 94704

3. Contact Person and Phone Number:

Nilu Karimzpadegan, Associate Planner
City of Berkeley
(510) 981-7430

4. Project Location:

The project site is located at 2996 Telegraph Avenue, at the northwest corner of Telegraph and Ashby Avenue in South Berkeley on Accessor's Parcel Number (APN) 052-1578-006-02 (see Figure 1). The project site is approximately 0.86 acres (37,327 square feet) and is currently developed with a Chevron gas station that includes 12 gas pumps, a convenience store, a fast food restaurant, and 30 surface parking spaces (see Figure 2).

5. Project Sponsor's Name and Address:

Erin Raya
Barghausen Consulting Engineers, Inc.
18215 72nd Avenue
Kent, WA 98032

6. General Plan Designation:

Avenue Commercial (AC)

7. Zoning:

Corridor Commercial (C-C)

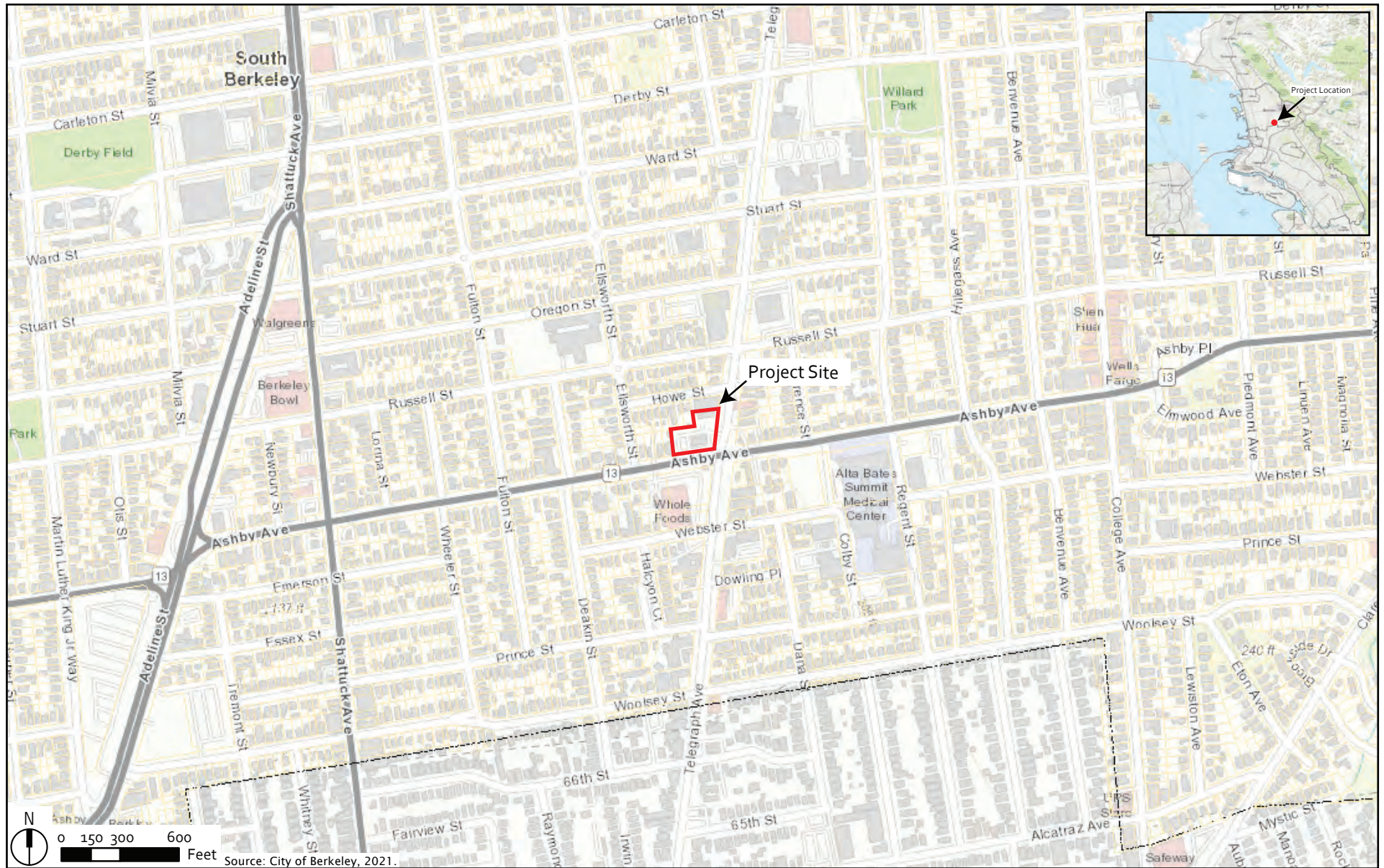


Figure 1
Project Location and Vicinity
2996 Telegraph Initial Study



Figure 2
Project Site and Context
2996 Telegraph Initial Study

8. Description of Project Components:

The project sponsor is proposing to construct a 960-square-foot self-service, single-bay, roll-over automated vehicle wash on the western corner of the project site. The project also includes three vacuum stations, two electric vehicle (EV) charging stations, and a 6-foot-tall concrete-masonry unit (CMU) wall constructed to the north and west of the proposed automated vehicle wash. All improvements would be located along the western portion of the project site (see Figure 3). The existing Chevron gas station, convenience store, fast food restaurant, and metal fence located along the northern property line are proposed to remain on site. The existing trash enclosure will be utilized and has been approved by the City's Department of Public Works on February 17, 2022. The proposed improvements would reduce the amount of existing impervious area from 6,522 square feet to 5,488 square feet (net reduction of 1,034 square feet). The existing facility employs 11 individuals and no new employees are proposed as part of the project.

The existing project site includes 30 existing parking stalls. The project proposes to re-stripe the existing parking area to provide a total of 15 parking stalls which includes 3 parking stalls dedicated to the vacuum stations. Direct access to the project site is provided via multiple driveways along Telegraph Avenue and Ashby Avenue. The project does not propose to alter access points.

Existing lighting is located along the site boundary, at the gas pumps, and convenience store. The project does not propose to alter the existing lighting; however, new lights would be added to illuminate the parking stalls and vehicle wash. All proposed lighting would be shielded and directed downward and conform to the City's exterior lighting requirements pursuant to Berkeley Municipal Code (BMC) 23.304.130(C)(2).

Pacific Gas and Electric (PG&E), the energy service provider, confirmed that the existing transformer is feasible for the project.¹ An additional panel would be required at the electrical cabinet and underground power service will be routed to serve the EV chargers and the vehicle wash.

The project site includes landscaping along the perimeter of the site comprised of ornamental shrubs and six trees. The landscape plan identifies three existing trees for removal, none of which qualify for protection under MBC Chapter 6.52, Moratorium on the Removal of Coast Live Oak Trees. The project would add a landscaped area with ornamental shrubs and three trees one along the eastern boundary of the proposed vehicle wash.

¹ Anderson, Sean, 2022. Email communication with Urban Planning Partners. March 15.

The vehicle wash proposes implementation of a reclaim system to facilitate recycling efforts of discharge rinse water from vehicle wash operations. An inlet will be installed at the vehicle wash slab to collect runoff route it through two 1,500-gallon reclaim tanks. The reclaim tanks will route the drainage through a system of baffle sections which allows the drainage to collect prior being conveyed to the next baffle area. This process allows discharge to separate contributing debris and solid particles to settle to the bottom of the tank and oils float to the top where they are trapped within the system. The final baffle section contains two 2-inch suction lines which pump treated water back to the reclaim system for reuse. The cleaning detergents used for the vehicle wash would be non-hazardous and any excess rinse water from the vehicle wash operations would be discharged to the public sewer system following reclamation. Settled solids and floating oils are periodically extracted (typically every three to six months) directly from the tank system via manual pumping and maintenance efforts. No secondary contamination is anticipated. Design of the reclaim tank system will be included during construction permitting efforts.

Construction of the proposed carwash would require the use of typical diesel-powered construction equipment. Construction is anticipated to begin upon permit approval in 2023 and would occur over a period of approximately three months.²

9. Surrounding Land Uses and Setting:

The surrounding neighborhood includes a mix of commercial and residential uses (see Figure 2, above). The project site is bounded by single-family residential and commercial land uses to the north, commercial uses to the east and south, and single-family residential to the west. Sylvia Mendez Elementary School is located less than 0.25 miles to the northwest of the project site. As noted above, the project site is completely developed with a Chevron gas station and associated structures. On-site landscaping includes ornamental shrubs and six trees along the perimeter of the site.

10. Other Public Agencies Whose Approval is Required:

None.

² Ibid.

- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Upon receipt of the project application, the City of Berkeley notified the Ohlone Tribe in September 2020. No request for consultation was received in response.

12. Requested Applications:

Lead Agency	Required Permit
City of Berkeley	Design Review ³ Use Permit ⁴

³ Pursuant to Berkeley Municipal Code Section 23.406.070.

⁴ Pursuant to Berkeley Municipal Code Section 23.406.040.

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I. PROJECT DESCRIPTION

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II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Parks and Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Land Use/Planning | |

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.

Signature

Date

III. ENVIRONMENTAL CHECKLIST

A. AESTHETICS

Environmental Setting

The project is located in the City of Berkeley, on the eastern shore of the San Francisco Bay in northern Alameda County. The project site is currently occupied by an existing Chevron gas station that includes 12 gas pumps, a convenience store, a fast-food restaurant, and 30 surface parking spaces. The project site is bounded by single-family residential and commercial land uses to the north, commercial uses to the east and south, and single-family residential to the west. Sylvia Mendez Elementary School is located less than 0.25 miles to the northwest of the project site. On-site landscaping includes ornamental shrubs and six trees along the perimeter of the site.

There are no eligible or officially designated State Scenic Highways near the project site. The nearest State-designated Scenic Highway, State Route 24 (SR-24), is located 3 miles east of the project site.⁵

Impact Analysis

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁵ California Department of Transportation (Caltrans), 2018. California State Scenic Highway System Map. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed January 12, 2023.

a) *Have a substantial adverse effect on a scenic vista?*

No impact. The project is not located within a designated view corridor; however, views of the Berkeley and Oakland hills are available from the public right of way looking east along the east-west running streets. The project does not propose any improvements along the public right of way, and proposed construction of the 14-foot-tall vehicle wash facility would not substantially block any of these views along the public right of way. Therefore, the project would not adversely affect a scenic vista and no impact would occur.

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 eligible or officially designated State Scenic Highways near the project site. The nearest State-designated Scenic Highway, State Route 24 (SR-24), is located 3 miles east of the project site.⁶ Therefore, the proposed project would not substantially damage scenic resources within a State Scenic Highway, and no impact would occur.

c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?)*

Less Than Significant. The project is in an urbanized area, is completely paved, and serves as an existing gas station. The proposed project would construct a 960-square vehicle wash with associated structures on the western corner of the project site.

The proposed project is consistent with the Avenue Commercial (AC) land use designation and Corridor Commercial (C-C) Zoning District which allow for vehicle wash uses on the project site. In addition, enforcement of the City's design review process would avoid conflict with regulations governing scenic quality. Pursuant to BMC 23.406.070, the City's design review process evaluates projects for conformance with the adopted non-residential design guidelines and other applicable design standards. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality, and the impact would be less than significant.

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

Less Than Significant. Proposed on-site lighting would be required to comply with the City of Berkeley's Zoning regulations regarding commercial lots abutting residential lots. Specifically, BMC Section 23.304.130(C)(2) 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

⁶ Ibid.

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III. ENVIRONMENTAL CHECKLIST

and required design review would ensure that installation of new lighting would only result in a less-than-significant impact.

B. AGRICULTURAL AND FOREST RESOURCES

Environmental Setting

The project is within an urban area in Berkeley, California and is not designated as any of the agricultural and forestry resources listed in the CEQA checklist below.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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 Department 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 significantly environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection (CAL FIRE) regarding the State's inventory of forest land, including the Fire and Range Assessment Program and the Forest Legacy Program, and forest carbon measurement methodology provided in forest protocols adopted by the California Air Resources Board. Would the project:</p>				
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 Natural Resources Agency, to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Governmental Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>a) <i>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?</i></p>				

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III. ENVIRONMENTAL CHECKLIST

- 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?*

No Impact (a through e). The project site is in an urbanized area surrounded by residential and commercial land uses, and the site does not have any farmland, Williamson Act contracts, or forest land. The property's C-C zoning is not associated with agricultural, forestland, or timber productions. Therefore, the project would not conflict or result in the loss of agricultural, forestland, or timberland resources. No impact would occur.

C. AIR QUALITY

Environmental Setting

All criteria air pollutants that would be generated by the project are associated with adverse health effects (e.g., cardiovascular disease and asthma). In accordance with the federal Clean Air Act and California Clean Air Act, areas in California are classified as either in attainment, maintenance (i.e., formerly nonattainment), or nonattainment of the National Ambient Air Quality Standards and California Ambient Air Quality Standards for each criteria air pollutant. These standards were designed to minimize health risks to communities exposed to criteria air pollutants. The project site is in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB is designated as a nonattainment area for ozone, coarse particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).

Regional air pollutants, such as ozone, PM₁₀, and PM_{2.5}, can be formed and/or transported over long distances and affect ambient air quality far from the emissions source. Ground-level ozone is formed through reactions of nitrogen oxides (NO_x) and reactive organic gases (ROG) in the presence of sunlight. The magnitude and location of specific health effects from exposure to increased ozone, PM₁₀, and PM_{2.5} concentrations are the result of emissions generated by numerous sources throughout the SFBAAB, rather than a single project. The BAAQMD has adopted thresholds of significance to assist lead agencies in the evaluation of ozone precursors (NO_x and ROG), PM₁₀, and PM_{2.5} emitted from individual projects that could have a cumulatively considerable contribution to adverse air quality in the SFBAAB.⁷

Localized air pollutants generally dissipate with distance from the emission source but can pose a health risk to nearby populations. Toxic air contaminants (TACs), such as diesel particulate matter (DPM), are considered localized pollutants. PM_{2.5} is also considered a localized air pollutant, in addition to being considered a regional air pollutant. Air dispersion models are used to reliably quantify the health risks to nearby receptors associated with emissions of localized air pollutants from an individual project. The BAAQMD has adopted thresholds of significance to assist lead agencies in the evaluation of health risks for people exposed to TACs and PM_{2.5} emissions from an individual project.

The BAAQMD and other air districts use regional air dispersion models to correlate the cumulative emissions of regional pollutants to potential community health effects. However, these dispersion models have limited sensitivity to the relatively small (or negligible) changes in criteria air pollutant concentrations associated with an individual project. Therefore, it is not

⁷ Bay Area Air Quality Management District (BAAQMD), 2017a. CEQA Air Quality Guidelines. May. Available at: https://www.baaqmd.gov/-/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed January 12, 2023.

feasible to provide reliable estimates of specific health risks associated with regional air pollutant emissions from the proposed project.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

Less Than Significant. In accordance with the federal Clean Air Act and California Clean Air Act, BAAQMD is required to prepare and update an air quality plan that identifies measures by which both stationary and mobile sources of pollutants can be controlled to achieve federal and State ambient air quality standards. In April 2017, the BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP), which includes 85 control measures to reduce ROG, NOx, PM10, PM2.5, TACs, and greenhouse gases (GHGs).⁸ The 2017 CAP was developed based on a multi-pollutant evaluation method that incorporates well-established studies and methods in quantifying the health benefits and air quality regulations, computer modeling and analysis of existing air quality monitoring data and emission inventories, and growth projections prepared by the Metropolitan Transportation Commission and the Association of Bay Area Governments.

Based on the BAAQMD's current CEQA Air Quality Guidelines, the following criteria should be considered to determine if a project would conflict with or obstruct implementation of the 2017 CAP:

- Does the project include applicable control measures from the air quality plan?

⁸ Bay Area Air Quality Management District (BAAQMD), 2017b. Clean Air Plan: Spare the Air, Cool the Climate. April 19. Available at: https://www.baaqmd.gov/-/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-_proposed-final-cap-vol-1-pdf.pdf?la=en, accessed January 12, 2023.

- Does the project disrupt or hinder implementation of any air quality plan control measures?
- Does the project support the primary goals of the air quality plan?

The 2017 CAP includes control measures that aim to reduce air pollution and GHGs from stationary, area, and mobile sources. The control measures are organized into nine categories: stationary sources, transportation, buildings, energy, agriculture, natural and working lands, waste, water, and super-GHG pollutants (e.g., methane, black carbon, and fluorinated gases). As described in Table 1, the project would be consistent with applicable control measures from the 2017 CAP. Because the project would not result in any significant and unavoidable air quality impacts related to emissions, ambient concentrations, or public exposures (see subsections b through d below and *Section III.H, Greenhouse Gas Emissions*), the project supports the primary goals of the 2017 CAP. Therefore, based on the BAAQMD’s CEQA Air Quality Guidelines, the project would not conflict with or obstruct implementation of the applicable air quality plan, and the impact would be less than significant.

TABLE 1 PROJECT CONSISTENCY WITH BAAQMD’S 2017 CAP

Control Measures	Project Consistency
Stationary Source	The stationary source measures, which are designed to reduce emissions from stationary sources, are incorporated into rules adopted by the BAAQMD and then enforced by the BAAQMD’s Permit and Inspection programs. Since the project would not include any stationary sources, the stationary source control measures of the 2017 CAP are not applicable to the project.
Transportation	The transportation control measures are designed to reduce vehicle trips, use, miles traveled, idling, or traffic congestion for the purpose of reducing vehicle emissions. The project is not expected to result in a substantial increase in vehicle trips. Furthermore, adding a vehicle wash service to an existing gas station with a convenience store and food restaurant allows users to access multiple services at one location rather than making separate trips to different locations for each service. Therefore, the project would be consistent with the goals for transportation control in the 2017 CAP.
Energy	The energy control measures are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the energy control measures of the 2017 CAP are not applicable to the project. However, the project’s electricity is supplied PG&E, which supplies 93 percent of its electric power mix from a combination of renewable and GHG-free sources. ^a
Buildings	The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters but has limited authority to regulate buildings themselves. Therefore, the building control measures focus on working with local governments that have authority over local building codes to facilitate adoption of best practices and policies to control GHG emissions. In accordance with the City of Berkeley Natural Gas Prohibition & Reach Code for Electrification, the project would exceed the 2019 Title 24 energy efficiency standards through the construction of an all-electric building (i.e., no natural gas). Therefore, the project would not conflict with any of the Building Control Measures.

TABLE 1 PROJECT CONSISTENCY WITH BAAQMD’S 2017 CAP

Control Measures	Project Consistency
Agriculture	The agriculture control measures are designed to primarily reduce emissions of methane. Since the project does not include any agricultural activities, the agriculture control measures of the 2017 CAP are not applicable to the project.
Natural and Working Lands	The control measures for the natural and working lands sector focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to ordinances that promote urban-tree plantings. Since the project does not include the disturbance of any rangelands or wetlands, the natural and working lands control measures of the 2017 CAP are not applicable to the project.
Waste Management	The waste management measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The project would comply with local requirements for waste management. Therefore, the project would be consistent with the waste management control measures of the 2017 CAP.
Water	The water control measures to reduce emissions from the water sector will reduce emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Because these measures apply to POTWs and local government agencies (and not individual projects), the water control measures of the 2017 CAP are not applicable to the project.
Super GHGs	The super-GHG control measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Because these measures do not apply to individual projects, the super-GHG control measures of the 2017 CAP are not applicable to the project.

⁹ Pacific Gas and Electric (PG&E), 2022. Clean Energy Solutions. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page, accessed January 12, 2023.
 Source: Bay Area Air Quality Management District (BAAQMD), 2017a, op. cit.

b) *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?*

Less than Significant. The SFBAAB is designated as a nonattainment area for ozone, PM₁₀, and PM_{2.5}. Construction and operation of the project would generate criteria pollutant emissions that could potentially impact regional air quality. The BAAQMD has developed screening criteria for ozone precursors (ROG and NO_x) and exhaust PM₁₀ and PM_{2.5} to conservatively evaluate whether a project would result in a cumulatively considerable net increase in criteria pollutants for which the SFBAAB is non-attainment.⁹ For general light industry, the screening criteria for emissions from construction and operation apply to buildings larger than 259,000 square feet and 541,000 square feet, respectively. The proposed vehicle wash building is 960 square feet, which is well below the BAAQMD’s screening criteria for criteria air pollutant emissions.

⁹ Bay Area Air Quality Management District (BAAQMD), 2017a, op. cit.

Fugitive dust emissions of PM₁₀ and PM_{2.5} would be generated by soil disturbance activities and demolition. The BAAQMD does not have a quantitative threshold of significance for fugitive dust PM₁₀ and PM_{2.5} emissions; however, the BAAQMD considers implementation of best management (BMPs) practices to control dust during construction sufficient to reduce potential impacts to a less-than-significant level. The project would comply with **Condition of Approval (COA): Public Works – Implement BAAQMD-Recommended Measures during Construction (#52)** to reduce fugitive dust emissions in accordance with the BAAQMD's recommended BMPs. With implementation of the City's COA, construction of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment. Therefore, the air quality impact related to the generation of criteria pollutant emissions during project construction and operation would be less than significant.

Standard Conditions of Approval:

COA: Public Works – Implement BAAQMD-Recommended Measures during Construction (#52). For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action

within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant. The project does not include operation of an emergency diesel generator or any other stationary sources of TACs. Therefore, project operations would have no impact on nearby sensitive receptors associated with the exposure to substantial pollutant concentrations.

Project construction would generate DPM and PM_{2.5} emissions from the exhaust of off-road diesel construction equipment. Construction of the vehicle wash building would require the use of typical diesel-powered construction equipment and would be completed in about three months. In accordance with **COA: Air Quality – Diesel Particulate Matter during Construction (#53)**, the project will use off-road equipment with Tier 4 engines or Tier 2 and Tier 3 engines equipped with the most effective VDECS, as defined below (e.g., level III diesel particulate filters). Based on the temporary nature of construction activities and the use of best available control technologies, project construction would not expose sensitive receptors to substantial pollutant concentrations with implementation of the City's COA and the impact would be less than significant.

Standard Conditions of Approval:

COA: Air Quality – Diesel Particulate Matter during Construction (#53). All off-road construction equipment used for projects with construction lasting more than two months shall comply with one of the following measures:

- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the City of Berkeley Planning and Development Department, Land Use Division for review and approval prior to the issuance of building permits; or
- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification

number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

No Impact. Project construction and operation would not be expected to generate significant odors because the project would not include handling or generation of noxious materials. Therefore, the project would have no impact related to other emissions.

D. BIOLOGICAL RESOURCES

Environmental Setting

The project site is located in a developed commercial and residential area. Most of the site is paved and developed with an existing building. Existing landscaping is limited to the edges of the parcel. There are six existing street trees surrounding the project site along the sidewalk.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>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?</i>				

- 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 State- or federally protected wetlands (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?*

No Impact (a through f). The project site is located on a developed property within an urbanized area. There are no known plants or animals of importance on the project site, the site is not part of a riparian habitat or other natural community, nor is it part of a federally protected wetland. According to the City's interactive creek map,¹⁰ the site is not subject to the provisions found in BMC Chapter 17.08 "Preservation and Restoration of Natural Watercourses." There are no Habitat Conservation Plans or other resource plans applicable to the site. The landscape plan identifies three existing trees for removal, none of which qualify for protection under MBC Chapter 6.52, Moratorium on the Removal of Coast Live Oak Trees. Therefore, the project would have no impact on biological resources.

¹⁰ City of Berkeley, 2023. Community GIS Portal. Available at: <https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&>, accessed January 12, 2023.

E. CULTURAL RESOURCES

Environmental Setting

Cultural resources are defined as buildings, sites, structures, or objects that may have historic, architectural, archaeological, cultural, or scientific importance. Under CEQA, public agencies must consider the effects of their actions on historical resources, defined by CEQA as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the National Register of Historic Places. Pursuant to Public Resources Code Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Demolition, replacement, substantial alteration, and relocation of historic properties are actions that would change the significance of an historic resource.

Typically, structures under 50 years of age are not considered historic resources. No evidence of historic buildings, sites, structures, or objects is present on the project site.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				

Less Than Significant (a and b). The project site is a developed property in an urbanized area. The project does not include any historic resources as defined by CEQA Guidelines Section 15064.5; it is not on the City’s List of Designated Landmarks or Structures of Merits and Historic

Districts.¹¹ Prehistoric archaeological deposits, should they be located within the project area, may be buried by alluvial soils. For these reasons, while unlikely, ground-disturbing activities associated with new construction and related underground utility installation (including runoff inlet and underground power service routing) could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would be a potentially significant impact. However, the following COA for projects in the City of Berkeley would ensure impacts avoid disturbance to any potential archeological resources:

Standard Conditions of Approval:

COA: Archaeological Resources (#59). Pursuant to CEQA Guidelines Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian, or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

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

Less Than Significant. The potential to discover Native American human remains exists in locations throughout California. The site has been previously developed and other development has occurred around the project area, therefore, discoveries are not expected. Although not

¹¹ Ibid.

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anticipated, previously undiscovered human remains could be identified during site preparations and grading activities. However, the following COA for projects in the City of Berkeley would ensure impacts avoid disturbance to any potential human remains:

Standard Conditions of Approval:

COA: Human Remains (#6o). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

F. ENERGY

Environmental Setting

California's Building Standards Code (24 CCR) includes two parts 1) the Building Energy Efficiency Standards (Energy Code), Part 6 of Title 24, and 2) the California Green Building Standards (CALGreen Code), Part 11 of Title 24. The Energy Code applies to newly constructed buildings, additions, and alterations.

Within the project area, electricity and natural gas were used historically during operation of the existing facilities. No natural gas will be used in the project. Electricity is currently provided at the site by PG&E.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) <i>Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</i>				
b) <i>Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</i>				

Less Than Significant (a and b). The project would cause an increased demand for electrical services but would be developed in a location where such services are already being provided with adequate capacity to accommodate the project. The vehicle wash would not contain any features that would result in the wasteful or inefficient usage of energy because it would operate from the hours of 7:00 a.m. to 10:00 p.m. and would not use a significant amount of energy while not in use.

Natural gas infrastructure in new buildings of all types is prohibited pursuant to BMC Chapter 12.80 BMC, Prohibition of Natural Gas Infrastructure in New Buildings. For building energy use, the project is required to comply with BMC Chapter 12.80, pursuant to **COA: Prohibition of Natural Gas Infrastructure in New Buildings (#43)**. The project will not include natural gas appliances or natural gas plumbing and will be all-electric. In accordance with **COA: Exterior Lighting (#83)**, all exterior lighting will be energy efficient where feasible. Operation of the proposed vehicle wash would also be automated and power down when not in use. Furthermore,

PG&E, the energy service provider, confirmed that the existing transformer is feasible for the project.²² Therefore, the project would not result in wasteful, inefficient, or unnecessary electrical usage.

The GHG reduction policies identified in the City of Berkeley's Climate Action Plan²³ do not directly apply to the proposed project. However, by complying with BMC Chapter 12.80, Prohibition of Natural Gas Infrastructure in New Buildings, this will be an all-electric building and thereby be consistent with, and not hinder, the GHG reduction goals set forth in the Climate Action Plan. For these reasons stated above, the project would result in a less-than-significant impact related to energy consumption and policy.

Standard Conditions of Approval:

COA: Prohibition of Natural Gas Infrastructure in New Buildings (#43). The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).

COA: Exterior Lighting (#83). All exterior lighting shall be energy efficient where feasible, and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

²² Anderson, Sean, 2022, op. cit.

²³ City of Berkeley, 2009. Climate Action Plan. June. Available at: <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf>, accessed January 12, 2023.

G. GEOLOGY AND SOILS

Environmental Setting

Berkeley is located on the East Bay Plain (the Plain), a flat area that extends 50 miles from Richmond in the north to San Jose in the south. The Plain is about 3 miles wide in the Berkeley area. At its eastern edge, the Plain transitions into hills, rising to approximately 1,683 feet at Barberr Peak, the highest point in Berkeley's Claremont Hills neighborhood. On its western edge, the Plain slopes down to San Francisco Bay.

Berkeley is located in the United States Geological Survey's (USGS) Richmond and Oakland West Quadrangle 7.5-minute topographic map areas. The area is typified by low topographic relief, with gentle slopes to the west in the direction of San Francisco Bay. By contrast, the Berkeley Hills that lie directly east of Berkeley have more pronounced topographic relief, with elevations that exceed 1,000 feet above mean sea level.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Directly or indirectly cause 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.*

No Impact. The project site is not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone.¹⁴ Therefore, the project would have no impact on people and structures related to fault rupture.

- ii) *Strong seismic ground shaking?*

Less than Significant. Seismic ground shaking generally refers to all aspects of motion of the earth's surface resulting from an earthquake and is normally the major cause of damage in seismic events. The project site is in a seismically active areas that would likely experience strong to very strong ground shaking during a large earthquake on one of the nearby faults.

The risk of ground shaking impacts is reduced through adherence to the design and materials standards set forth in the California Building Code (CBC) and recommendations in a site-specific geotechnical investigation and/or geotechnical report (which is required by the Seismic Hazards Mapping Act and City of Berkeley General Plan). The 2019 CBC provides for stringent construction requirements on projects in areas of high seismic risk. The seismic design standards of the 2019 CBC are intended to prevent catastrophic building failure in the most severe earthquakes currently anticipated. Therefore, compliance with the existing building codes, described above, would ensure that potential impacts related to seismic ground shaking would be reduced to the extent feasible and this impact is considered less than significant.

¹⁴ California Department of Conservation, 2021. Earthquake Zones of Required Investigation Map. Available at: <https://maps.conservation.ca.gov/cgs/EOZApp/app/>, accessed January 12, 2023.

iii) Seismic-related ground failure, including liquefaction?

No Impact. The potential for different types of seismic-related ground failure to occur at the project site is discussed below.

Liquefaction

The project site is not located within a CGS-designated Liquefaction Hazard Zone.¹⁵ Therefore, the project would have no impact related to liquefaction.

Lateral Spreading

Lateral spreading is a form of horizontal displacement of soil toward an open channel or other “free” face, such as an excavation boundary. In a lateral spread failure, a layer of ground at the surface is carried on an underlying layer of liquefied material over a nearly flat surface toward a river channel or other bank. The lateral spreading hazard tends to mirror the liquefaction hazard for a site (assuming a free face is located nearby). There would be no impacts related to lateral spreading because the project site is relatively flat and there are no slopes or free faces on or adjacent to the project site.

iv) Landslides?

No Impact. The project site is relatively flat and is not located within a Seismic Hazard Zone for seismically induced landslides.¹⁶ Therefore, no impacts related to landslides would occur.

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

Less than Significant. The topography of the project site and surroundings is relatively level, which reduces the likelihood of erosion. Soil erosion, which is discussed in detail below in *Section III.J, Hydrology and Water Quality*, could occur during project grading and construction. As described in *Section III.J, Hydrology and Water Quality*, compliance with the City’s COAs (#64, 65, 66, 67, and 68) related to water quality and stormwater protection during construction would ensure that the project would have a less-than-significant impact related to erosion or the loss of topsoil. In particular, **COA: Public Works (#68)** requires the project sponsor to prepare an erosion prevention plan, which must be approved by the City, for any soil disturbance activities during the rainy season. During operation of the project, the project site would be covered with buildings, pavement surfaces, and landscaping, which would minimize post-development erosion. Therefore, the potential impacts related to substantial erosion or loss of topsoil would be less than significant.

¹⁵ California Department of Conservation, 2021, op. cit.

¹⁶ Ibid.

- 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?*

Less than Significant. As previously discussed in subsection a, above, potential hazards related to unstable soil including liquefaction, lateral spreading, and landslides are not a concern for the project site due to the cohesion and density of the soil and the flat topography of the area.

Subsidence or collapse can result from the removal of subsurface water resulting in either catastrophic or gradual depression of the surface elevation of the project site. Temporary dewatering from excavations could be necessary during construction. However, the temporary dewatering of excavations (if needed) would be the only removal of subsurface water associated with the proposed project, and would be temporary, localized, and of relatively low magnitude. Additionally, land subsidence generally does not occur in response to declines in shallow groundwater;¹⁷ therefore, potential impacts related to subsidence or soil collapse would be less than significant.

Consolidation (or static settlement) of soils is a process by which the soil volume decreases as water is expelled from saturated soils or loose compressible soils consolidate under static loads. As the water moves out from the pore space of the soil, the solid particles realign into a denser configuration which results in settlement. Consolidation typically occurs from new buildings or fill materials being placed over compressible soils. Compliance with the mandatory building code structural specifications would ensure that potential impacts related to consolidation would be less than significant.

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

Less than Significant. Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. Shrink-swell potential is influenced by the amount and type of clay minerals present and can be measured by the percent change of the soil volume. According to previous soil boring logs prepared for the project site during the installation of groundwater monitoring wells, silty clay is present in the subsurface.¹⁸ The 2019 CBC identifies the maximum allowable load-bearing values to be used in building design based on the strength or compressibility of various soil classifications, such as clayey soils. Therefore, compliance with the existing building codes would ensure that potential

¹⁷ East Bay Municipal Utility District (EBMUD), Groundwater Sustainability Agency (GSA) and City of Hayward, Groundwater Sustainability Agency, 2022. East Bay Plan Subbasin, Groundwater Sustainability Plan. January. Available at: <https://www.ebmud.com/water/about-your-water/water-supply/groundwater-sustainability-agencies/east-bay-plain-subbasin-gsp-documents>, accessed January 12, 2023.

¹⁸ Groundwater Technology, 1993. Drilling Log MW-6 to MW-10. July.

impacts related to expansive soils would be reduced to the extent feasible and this impact is considered less than significant.

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 wastewater?*

No Impact. The project would not involve the use of septic tanks or alternative wastewater disposal systems; therefore, no impact would occur.

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

Less than Significant. There are no unique geologic features at the project site and there is no evidence or previous findings of paleontological resources in the vicinity of the project site.¹⁹ However, demolition, site preparation, and construction activities associated with the proposed project could adversely impact previously unidentified fossils. Such paleontological resources, if present, could be identified during excavation. Development projects that require a use permit are required to comply with **COA: Paleontological Resources (#61)**. Implementation of this COA would ensure that this impact would be less than significant.

Standard Conditions of Approval:

COA: Paleontological Resources (#61). (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

¹⁹ City of Berkeley, 1993. West Berkeley Plan Final Environmental Impact Report. October. Available at: https://berkeleyca.gov/sites/default/files/2022-03/12_14_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West%20Berkeley%20Area%20Plan%3B.pdf, accessed January 12, 2023.

H. GREENHOUSE GAS EMISSIONS

Environmental Setting

The proposed site is located in the City of Berkeley in Alameda County. The primary source of GHG within the city is from the transportation sector, representing approximately 60 percent of citywide GHG emissions. Other sources of GHG emissions include:²⁰

- Natural gas residential (approximately 17 percent)
- Natural gas commercial (approximately 15 percent)
- Landfill waste (approximately 3 percent)
- Electricity commercial (approximately 3 percent)
- Electricity residential (approximately 2 percent)
- Municipal buildings (approximately 0.3 percent)
- Water consumption and wastewater (approximately 0.3 percent)

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Climate change refers to change in the Earth’s weather patterns, including the rise in temperature due to an increase in heat-trapping GHGs in the atmosphere. According to CARB, some of the potential effects of increased GHG emissions and the associated climate change may include loss in snowpack (affecting water supply), sea level rise, more frequent extreme weather events, more large forest fires, and more drought years. In addition, climate change may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health.²¹

The primary GHG emissions of concern are carbon dioxide, methane, and nitrous oxide. Other GHGs of concern include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, but their

²⁰ City of Berkeley, 2022. Climate Action Plan Report. February 8. Available at: https://berkeleyca.gov/sites/default/files/2022-05/February%208%202022%20CAP%20Workshop_Slides_final_0.pdf, accessed January 19, 2023.

²¹ California Air Resources Board (CARB), 2017. California’s 2017 Climate Change Scoping Plan. January 20. Available at: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf, accessed January 13, 2023.

contribution to climate change is less than 1 percent of the total GHGs that are well mixed (i.e., that have atmospheric lifetimes long enough to be homogeneously mixed in the troposphere).²² Each GHG has a different global warming potential. As a result, emissions of GHGs are reported in metric tons of carbon dioxide equivalents (CO₂e), where each GHG is weighted by its global warming potential compared to carbon dioxide. Carbon dioxide emissions dominate the GHG inventory in the SFBAAB, accounting for more than 90 percent of the total CO₂e emissions reported.

For the State of California, Executive Order S-3-05 issued in 2005 set a GHG reduction goal of 80 percent below 1990 levels by 2050. The California State Legislature passed the California Global Warming Solutions Act (AB 32) in 2006, which requires the CARB to develop and implement regulatory and market mechanisms that will reduce GHG emissions to 1990 levels by 2020. In December 2008, CARB adopted the Scoping Plan, which outlines a statewide strategy to achieve AB 32 goals.²³ In 2016, the state legislature adopted Senate Bill (SB) 32, which requires further reduction of GHG emissions to 40 percent below the 1990 level by 2030. In 2017, CARB updated the Scoping Plan to identify measures to meet the 2030 target and adopted the revised Scoping Plan (2017 Scoping Plan).²⁴ In 2018, Executive Order B-55-18 set a statewide target to achieve carbon neutrality no later than 2045.

The project is in the SFBAAB, which is under the jurisdiction of BAAQMD. BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the SFBAAB. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

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

Less than Significant. Construction activities could generate GHG emissions from several sources, such as the operation of on-site heavy construction equipment and off-site construction vehicle trips, and worker commute trips. BAAQMD does not recommend a threshold of significance for GHG emissions during construction because there is not sufficient evidence to determine a level at which temporary construction emissions are significant. A construction contractor would also have no incentive to waste fuel during construction and, therefore, it is generally assumed that GHG emissions during construction would be minimized to the maximum

²² Intergovernmental Panel on Climate Change, 2013. Climate Change 2013, the Physical Science Basis. Available at: https://www.ipcc.ch/site/assets/uploads/2018/03/WG1AR5_Summary_Volume_FINAL.pdf, accessed January 13, 2023.

²³ California Air Resources Board (CARB), 2008. Climate Change Scoping Plan. December. Available at: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf, accessed January 13, 2023.

²⁴ California Air Resources Board (CARB), 2017, op. cit.

extent feasible. Furthermore, implementation of **COA: Public Works – Implement BAAQMD-Recommended Measures during Construction (#52)** (see *Section III.C, Air Quality*) will limit the idling times for off-road construction equipment to five minutes to reduce emissions from diesel-fueled vehicles. Therefore, GHG emissions from construction of the project would have a less-than-significant impact on the environment.

On April 20, 2022, BAAQMD adopted updated CEQA thresholds of significance for evaluating GHG emissions during operation of typical land use development projects, such as residential and commercial buildings.²⁵ The intent of the new thresholds is to identify design elements that an individual project would need to incorporate to do its “fair share” in achieving the State’s goals to reduce GHG emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045.

According to the BAAQMD’s updated GHG thresholds, projects must include, at a minimum, the following project design elements:

1. Buildings
 - a) The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b) The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the CEQA Guidelines.
2. Transportation
 - a) Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2.
 - b) Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT

Natural gas infrastructure in new buildings of all types is prohibited pursuant to BMC Chapter 12.80 BMC, Prohibition of Natural Gas Infrastructure in New Buildings. For building energy use, the project is required to comply with BMC 12.80, per **COA: Prohibition of Natural Gas**

²⁵ Bay Area Air Quality Management District (BAAQMD), 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Project and Plans. April. Available at: <https://www.baaqmd.gov/-/media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en>, accessed February 1, 2023.

Infrastructure in New Buildings (#43). The project will not include natural gas appliances or natural gas plumbing.

The project is not expected to result in a substantial net increase in vehicle trips, if any. The project may potentially even reduce VMT, because adding a vehicle wash service to an existing gas station with a convenience store and food restaurant allows users to access multiple services at one location rather than making separate trips to different locations for each service. Therefore, the project would not result in a net increase in regional VMT.

Overall, the project includes design elements that are generally consistent with the BAAQMD's updated thresholds. Therefore, the project will contribute its "fair share" to achieve the State's climate goals and have a less-than-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?

Less than Significant. Because the GHG emissions from the project would be below the BAAQMD's updated threshold, it can be assumed that the project is consistent, and not in conflict, with SB 32 and the 2017 Scoping Plan.

The City of Berkeley created and adopted the Climate Action Plan in 2009 to implement measures to reduce GHG emissions and adapt to climate change.²⁶ The 2009 Climate Action Plan sets the target of reducing the City of Berkeley's GHG emissions by 33 percent below the 2000 levels by 2020, and by 80 percent below the 2000 levels by 2050. The Climate Action Plan includes detailed recommendations for sustainable transportation and land use, building energy use, waste reduction and recycling, community outreach and empowerment, and preparing for climate change impacts. In addition, the City of Berkeley has added climate goals to support the implementation of the 2009 Climate Action Plan. In 2018, the City of Berkeley adopted a resolution establishing the goal of becoming a fossil fuel-free city and a Climate Emergency Declaration. In 2021, the City adopted a resolution to commit to the C40 Race to Zero Campaign and to achieve net-zero carbon emissions no later than 2045. The City of Berkeley has adopted the 2019 California Green Building Code and California Energy Code, with local amendments.

The GHG reduction policies identified in the City's Climate Action Plan do not directly apply to the project. However, by complying with the BMC Chapter 12.80, Prohibition of Natural Gas Infrastructure in New Buildings, this will be an all-electric building and thereby be consistent with, and not hinder, the GHG reduction goals set forth in the Climate Action Plan.

Overall, the project would not conflict with applicable GHG plans, policies or regulations and this impact would be less than significant.

²⁶ City of Berkeley, 2009, op. cit.

I. HAZARDS AND HAZARDOUS MATERIALS

Environmental Setting

The project is located within the City’s Environmental Management Area (EMA).²⁷ These areas in the city are known or suspected to have groundwater contamination. The project site has operated as a Chevron-branded service station since at least the mid-1980’s. An auto repair facility was located on the northern portion of the property before being demolished circa 2019. In 1987, a release of petroleum hydrocarbons from leaking underground storage tanks was reported at the project site during the renovation of the station building and dispenser islands. In 1994, three extraction wells (EW-1 through EW-3) were installed along the west boundary of the site as part of a groundwater extraction system designed to control off-site petroleum hydrocarbon migration.²⁸ On June 21, 2022, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) approved a Low-Threat-Closure Request for the subject property.²⁹ In accordance with the Regional Water Boards Case Closure requirements, all wells and borings installed for the purpose of investigating, remediating, or monitoring the unauthorized release will be properly destroyed in early 2023. The petroleum release is limited to the soil and shallow groundwater and any remaining petroleum hydrocarbon constituents do not pose a significant risk to human health, safety, or the environment under current conditions.³⁰

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

²⁷ City of Berkeley, 2022. City of Berkeley Community GIS Portal. Available at: <https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Environment>, accessed February 1, 2023.

²⁸ State Water Resources Control Board, 2022. GeoTracker Case Summary: Chevron Service Station (To600194038), 2996 Telegraph Ave Berkeley, CA 94704. https://geotracker.waterboards.ca.gov/profile_report?global_id=To600194038, accessed February 1, 2023.

²⁹ Regional Water Quality Control Board, 2022. Email Correspondence between John Jang and Bradley Rogers regarding the Chevron Station, 2996 Telegraph Avenue, Berkeley - Approve Closure Request & Request for Interested Parties List and Case Closure Summary. December 20.

³⁰ State Water Resources Control Board, 2022. Review Summary Report – Concur with Closure, Fourth Review – September 2022.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>				

Less than Significant. The project proposes the construction of an automated vehicle wash, installation of two EV charging stations, and associated site improvements (landscaping and revisions to parking stripping). These types of proposed land uses would generally not involve transport, use, or disposal of significant quantities of hazardous materials.

The vehicle wash proposes implementation of a reclaim system to facilitate recycling efforts of discharge rinse water from vehicle wash operations. An inlet will be installed at the vehicle wash slab to collect runoff route it through two 1,500-gallon reclaim tanks. The reclaim tanks will route the drainage through a system of baffle sections which allows the drainage to collect prior being conveyed to the next baffle area. This process allows discharge to separate contributing debris and solid particles to settle to the bottom of the tank and oils float to the top where they are trapped within the system. The final baffle section contains two 2-inch suction lines which pump treated water back to the reclaim system for reuse. Excess discharge will be released from the system to the public sewer. Settled solids and floating oils are periodically extracted (typically every three to six months) directly from the tank system via manual pumping and maintenance efforts. No secondary contamination is anticipated. Design of the reclaim tank system will be included during construction permitting efforts.

The cleaning detergents used for the vehicle wash would be non-hazardous. Small quantities of hazardous materials such as paints and cleaning products would be used for routine

maintenance. The vehicle wash requires 45 gallons of Alkaline Presoak and 45 gallons of Low PH Presoak to be stored on-site. On-site use of presoak detergents requires an updated Hazardous Materials Business Plan (HMBP) to be registered with the City of Berkeley Toxics Management Division (TMD), which is the Certified Unified Program Agency (CUPA) for the City.

During project construction, hazardous materials such as fuel, lubricants, paint, sealants, and adhesives would be transported and used at the project site. The routine transport, use, or disposal of these hazardous materials would not pose a significant hazard to the public or environment unless the hazardous materials were accidentally spilled or released into the environment, as discussed in sub-section b), below.

As noted above, all uses of hazardous materials during operation of the project site would be subject to existing regulatory programs for hazardous materials. The updated HMBP, in compliance with BMC Section 15.12.040, must be submitted to the TMD within 30 days if on-site hazardous materials exceed in aggregate any of the following: 55 gallons for liquids; 500 pounds for solids; or 200 cubic feet of gases at standard temperature and pressure. This requirement is described in **COA: Toxics (#25)**, below.

Worker health and safety is regulated at the federal level by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). OSHA regulations include training requirements for construction workers and a requirement that hazardous materials are accompanied by manufacturer's Safety Data Sheets (SDSs). The Federal Occupational Safety and Health Act of 1970 authorizes states to establish their own safety and health programs with OSHA approval. Worker health and safety protections in California are regulated by the California Department of Industrial Relations (DIR). The DIR includes the Division of Occupational Safety and Health (DOSH), which acts to protect workers from safety hazards through its California OSHA (Cal/OSHA) program. Cal/OSHA regulations include requirements for protective clothing, training, and limits on exposure to hazardous materials. California standards for workers dealing with hazardous materials are contained in CCR Title 8 and include practices for all industries (General Industrial Safety Orders), and specific practices for construction, and other industries.

In 1990 and 1994, the federal Hazardous Material Transportation Act was amended to improve the protection of life, property, and the environment from the inherent risks of transporting hazardous material in all major modes of commerce. The U.S. Department of Transportation (USDOT) developed hazardous materials regulations, which govern the classification, packaging, communication, transportation, and handling of hazardous materials, as well as employee training and incident reporting. The transportation of hazardous materials is subject to USDOT, Resource Conservation and Recovery Act (RCRA), and State regulations. The California Highway Patrol, the California Department of Transportation (Caltrans), and the California Environmental Protection Agency (Cal/EPA) Department of Toxic Substances Control (DTSC) are responsible for enforcing federal and State regulations pertaining to the transportation of hazardous materials.

Construction of the proposed project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that may be classified as hazardous waste. Hazardous wastes would be required to be transported by a licensed hazardous waste hauler and disposed of at facilities that are permitted to accept such materials as required by DOT, RCRA, and State regulations.

Compliance with the regulations described above, including BMC Section 15.12.040, OSHA and Cal/OSHA regulations, CCR Title 8, DOT, RCRA, and State regulations, would ensure that the proposed project would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction and operation of the project. Therefore, this impact would be less than significant.

Standard Conditions of Approval:

COA Toxics (#25). The applicant shall contact the TMD at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

a. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with five or more dwelling units located in the Environmental Management Area (EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate State, regional or County cleanup agency to evaluate the risks.
- 3) If the Phase I is over two years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

- b. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the EMA and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, State, and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- c. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building 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, polychlorinated biphenyl (PCB) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse, or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition 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. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made, and the J number must be made available to the City of Berkeley Permit Service Center.
- d. Hazardous Materials Business Plan:
- 1) An HMBP in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>.

- 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. As described above, the proposed project is located within the City's EMA.³¹ Construction activities that would involve the disturbance of soil and groundwater could exacerbate any residual hazardous materials conditions at the project site and potentially result in the release of hazardous materials into the environment in the form of vapors, dust, or dewatering discharges if contaminated soil and groundwater are encountered and not managed appropriately. However, development projects that require a use permit are required to comply with **COA: Toxics (#25)** that addresses these potential impacts (see sub-section a), above).

Part "a" of **COA: Toxics (#25)** requires the preparation of a Phase I Environmental Site Assessment (ESA) to identify potential contaminants of concern in soil, soil gas, and groundwater that could be encountered during project construction and operation. If potential contaminants of concern are identified, a Phase II ESA must be prepared to evaluate the potential extent and magnitude of contamination by collecting and analyzing samples of the potentially contaminated media, and to evaluate the associated health risks posed to people and the environment. In accordance with this COA, TMD should be contacted to determine if recent Phase I/II ESA reports prepared for the project site and ongoing groundwater monitoring activities adequately address this requirement.

Part "b" of **COA: Toxics (#25)** requires preparation of a Soil and Groundwater Management Plan (SGMP) that identifies procedures for managing contaminated soil and groundwater during project construction. The SGMP should incorporate the findings of the most recent Phase I/II ESA reports prepared for the project site. Implementation of a SGMP will ensure that any contamination encountered in the subsurface is properly managed.

Implementation of a Phase I/II ESA (if needed) and preparation and implementation of a SGMP under the oversight of the TMD, as required by **COA: Toxics (#25)**, will ensure that appropriate soil and groundwater management procedures are used to avoid an accidental release of hazardous materials into the environment due to subsurface contamination. With the implementation of **COA: Toxics (#25)**, potential impacts related to the accidental release of hazardous materials into the environment due to potential subsurface contamination would be less than significant.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school?*

Less than Significant. Sylvia Mendez Elementary School, located at 2840 Ellsworth Street in Berkeley, is less than 0.25 miles northwest of the project site. Compliance with federal, State, and

³¹ City of Berkeley, 2022, op. cit.

local regulations for the management of hazardous materials, as discussed in subsection a, above; and compliance with **COA: Toxics (#25)**, as discussed in subsections a and b, above, would ensure that potential impacts to nearby schools associated with hazardous materials emissions from the project site would be 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. Government Code Section 65962.5 requires the DTSC, the State Water Resources Control Board, the California Department of Health Services, and the California Department of Resources Recycling and Recovery (formerly the California Integrated Waste Management Board) to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, leaking underground storage tank (LUST) sites, and/or hazardous materials releases to the Secretary of Cal/EPA. The project site is located on a LUST site with an active groundwater remediation system.³² Compliance with **COA: Toxics (#25)**, as discussed in sub-sections a and b, above, would ensure that potential impacts related to being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 are less than significant.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

No Impact. The project site is not located within a public airport land use plan or within 2 miles of a public use airport.³³ The nearest airport, Oakland International Airport, is located approximately 10 miles south of the project site. Therefore, the project would not result in a safety hazard to people working or residing in the area due to the proximity of an airport.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less than Significant. The project would be consistent with the policies contained in the City of Berkeley General Plan's Disaster Preparedness and Safety Element.³⁴ Telegraph Avenue and Ashby Avenue are the designated emergency access and evacuation routes in the project area. The project would not alter the existing roadway network along Telegraph Avenue and Ashby

³² State Water Resources Control Board, 2022, op. cit.

³³ Alameda County Community Development Agency, 2010. Oakland International Airport, Airport Land Use Compatibility Plan. December. Available at: https://www.acgov.org/cda/planning/generalplans/documents/OAK_ALUCP_122010_FULL.pdf, accessed January 12, 2023.

³⁴ City of Berkeley, 2001. Disaster Preparedness and Safety Element. Available at: https://berkeleyca.gov/sites/default/files/documents/07_Disaster%20Preparedness%20and%20Safety%20Element-FINAL_o.pdf, accessed January 12, 2023.

Avenue. Therefore, the project would not be expected to impair the function of nearby emergency evacuation routes and would have a less-than-significant impact on implementation of an adopted emergency response plan or emergency evacuation plan.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The project site is in an urban area and is not within a Very High Fire Hazard Severity Zone.³⁵ Therefore, the project would not expose people or structures to a significant loss, injury or death involving wildland fires.

³⁵ CAL FIRE, 2008. CAL FIRE Fire Hazard Severity Zones in LRA – Berkeley. September 3. Available at: <https://osfm.fire.ca.gov/media/5604/berkeley.pdf>, accessed January 12, 2023.

J. HYDROLOGY AND WATER QUALITY

Environmental Setting

The project area is located on an existing developed parcel in an urban setting. The project site is approximately 0.86 acres (37,327 square feet) and is mostly covered in pavement with some landscaping areas around the site's perimeter. There are no waterways, drainages, or other surface water features bisecting the project area, or adjacent roadside drainages present. The project is located within the Cerrito Creek-Frontal San Francisco Bay Estuaries hydrologic unit, within the larger Central Basin of the San Francisco Bay Basin.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on or off site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiches zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Less than Significant. Pollutants of concern during construction include sediments, trash, concrete waste (dry and wet), petroleum products, and other chemicals typically used in construction. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, oils and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via storm water runoff into receiving waters (i.e., the Berkeley Aquatic Park and Central San Francisco Bay).³⁶

Compliance with the City's COAs, as outlined below, including incorporation of construction BMPs to target and reduce pollutants of concern in stormwater runoff, would ensure that potential impacts related to violation of waste discharge requirements and water quality standards and degradation of water quality during construction would be less than significant.

Recent groundwater monitoring activities at the project site indicate that groundwater is approximately 5 feet below ground surface.³⁷ As a result, dewatering from excavations could be required during construction. Improper management and discharge of dewatering effluent could adversely affect water quality because contaminants and sediment may be present in the dewatering effluent.

Groundwater dewatering effluent could be discharge to the sanitary sewer, subject to East Bay Municipal Utility District (EBMUD) permit requirements, which would ensure that discharge standards are met through permit requirements for dewatering effluent testing and treatment. Groundwater could also be discharged to the storm drain system; however, the discharger would be required to prepare a Report of Waste Discharge, and if approved by the Regional Water Board, be issued site-specific waste discharge requirements (WDRs) under NPDES regulations. Site-specific WDRs contain rigorous monitoring requirements and performance standards that, when implemented, ensure that receiving water quality is not substantially degraded.

As discussed in *Section III.I, Hazards and Hazardous Materials* above, groundwater beneath the project site may still be contaminated with residual petroleum hydrocarbons from the cleanup of leaking underground storage tanks. In accordance with **COA: Toxics (#25)**, the Toxics

³⁶ Sowers, Janet M., 1993. Creek and Watershed Map of Oakland and Berkeley, Potter/Derby Creeks Watershed Map. The Oakland Museum of California. Available at: <https://explore.museumca.org/creeks/1150-OMPotterDerby.html>, accessed January 12, 2023.

³⁷ Arcadis, 2022. Semi-Annual Status Report, Second Half 2021, Chevron Service Station 90972, 2996 Telegraph Avenue, Berkeley, CA, January 17.

Management Division (TDM) will require preparation and implementation of a SGMP that identifies procedures for groundwater management. Compliance with the City of Berkeley requirements would ensure that contaminated groundwater is not discharged to surface water. Therefore, potential groundwater dewatering impacts related to violation of waste discharge requirements and water quality standards and degradation of water quality would be less than significant.

Infiltration of stormwater has the potential to affect groundwater quality in areas of shallow groundwater. Proposed construction BMPs, as required by **COA: Stormwater Requirements (#64)**, would reduce infiltration of pollutants to groundwater during construction. Therefore, project construction would not substantially degrade groundwater quality and this impact would also be less than significant.

Operation of the vehicle wash would involve the use of chemical detergents and approximately 28 gallons of water per car. For each car, about 15 gallons of rinse water will be utilized from the on-site reclaim system and 13 gallons of potable water will be used. Overall, 6 gallons of rinse water will be lost to evaporation and carry out, and about 7 gallons of the rinse water will be discharged to the sewer system.

The vehicle wash proposes implementation of a reclaim system to facilitate recycling efforts of discharge rinse water from vehicle wash operations. An inlet will be installed at the vehicle wash slab to collect runoff route it through two 1,500-gallon reclaim tanks. The reclaim tanks will route the drainage through a system of baffle sections which allows the drainage to collect prior being conveyed to the next baffle area. This process allows discharge to separate contributing debris and solid particles to settle to the bottom of the tank and oils float to the top where they are trapped within the system. The final baffle section contains two 2-inch suction lines which pump treated water back to the reclaim system for reuse. Excess discharge will be released from the system to the public sewer. Settled solids and floating oils are periodically extracted (typically every three to six months) directly from the tank system via manual pumping and maintenance efforts. No secondary contamination is anticipated. Design of the reclaim tank system will be included during construction permitting efforts.

Compliance with the City's COAs would ensure that the project's impacts related to violation of waste discharge requirements and water quality standards and degradation of water quality would be less than significant during project construction and operation.

Standard Conditions of Approval:

COA: Stormwater Requirements (#64). The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

- A. The project plans shall identify and show site-specific BMPs 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 stormwater 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 stormwater 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 stormwater quality ordinances. This review shall be [sic] 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. 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 a Stormwater Requirement Checklist and 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 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.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval, and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less than Significant. The City of Berkeley is located within the Santa Clara Valley Groundwater Basin, East Bay Plain Subbasin, which encompasses approximately 122 square miles in Alameda and Contra Costa counties. The East Bay Plain Subbasin generally extends from north to south from the San Pablo Bay to the Niles Cone Groundwater Basin near Hayward. A substantial amount of artificial fill (thicknesses ranging from 1 to 50 feet) has been placed within the basin, with thickest deposits found nearer to San Francisco Bay. Historical groundwater levels in the East Bay Plain Subbasin have varied between 10 to 140 feet below mean sea level; however, levels have been rising continuously since the 1950s.³⁸

Based on recent groundwater monitoring reports, groundwater may be present as shallow as approximately 5 feet below the existing ground surface,³⁹ therefore dewatering from certain areas of excavation could be necessary during construction. Such dewatering would be localized and temporary and would not result in the lowering of surrounding groundwater levels.

³⁸ California Department of Water Resources. 2004. California’s Groundwater Bulletin 118 – Santa Clara Valley Groundwater Basin, East Bay Plain Subbasin. February 27. Available at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/2_009_04_East-BayPlainSubbasin.pdf, accessed January 12, 2023.

³⁹ Arcadis, 2022, op. cit.

Water supply to the proposed project would be provided by the EBMUD water system, which is supplied from the Mokelumne River.⁴⁰ Because EBMUD does not use groundwater from the East Bay Plain Subbasin for municipal water supply, water use during operation of the proposed project would not affect groundwater. Development of the project would not result in a net increase in impervious surfaces on the project site and would reduce the amount of impervious area from 6,544 square feet to 5,488 square feet (a net reduction of 1,034 square feet). Therefore, the project would not affect groundwater recharge. For the reason listed above, impacts related to the decrease of groundwater supplies or interference with groundwater recharge would be less than significant.

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?*

i) *result in substantial erosion or siltation on- or off-site;*

Less than Significant. The proposed project would not alter the course of a stream or a river. Site preparation and grading and excavation activities may slightly and temporarily alter on-site drainage; however, the existing drainage patterns would generally be maintained and would not be substantially altered or modified. The concrete slabs that facilitate ingress and egress to the vehicle wash facility, which are open to rainfall, will be graded away from the building structure to ensure rainfall does not enter the interior inlet. During construction, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. Compliance with the **COA: Stormwater Requirements (#64 through #68)**, which requires approval and implementation of an erosion prevention plan, would ensure that potential impacts related to erosion and siltation would be less than significant.

ii) *substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;*

No Impact. The project would not increase the amount of impervious surface area on the project site and rinse water not reclaimed by the vehicle wash would be discharged to the sewer system. Therefore, the project would have no potential impacts related to on- or off-site flooding related to an increase in runoff from the project site.

iii) *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; or*

Less than Significant. As discussed above, the project would not increase the amount of impervious surface area on the project site and rinse water not reclaimed by the vehicle wash

⁴⁰ East Bay Municipal Utility District (EBMUD), 2023. Water Supply. Available at: www.ebmud.com/water/about-your-water/water-supply, accessed January 12, 2023.

would be discharged to the sewer system. Therefore, the project would have no potential impacts related to runoff from the project site exceeding the capacity of existing or planned stormwater drainage systems. As discussed under subsection a, above, compliance with the requirements of **COA: Stormwater Requirements (#64 through #68)** would ensure that potential impacts related to additional sources of polluted runoff would be less than significant.

iv) impede or redirect flood flows?

No Impact. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No 06001C0057G,⁴¹ the project site is not located within a 100-year or 500-year flood hazard zone. Therefore, the proposed project would not impede or redirect flood flows.

d) In flood hazard, tsunami, or seiches zones, risk release of pollutants due to project inundation?

No Impact. As discussed in subsection c, above, the project site is not located within a 100-year or 500-year flood hazard zone. The project site is not located in an area mapped by the California Department of Conservation as being potentially inundated by a tsunami.⁴² Based on the distance of the project site from the Bay and Aquatic Park lagoons and its elevation above these water bodies, potential seiches in the Bay and Aquatic Park would not impact the project site. Therefore, no impacts would occur related to the release of pollutants in the event of inundation from flooding.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant. The Basin Plan establishes the water quality objectives and strategies needed to protect designated beneficial water uses in the San Francisco Bay region. The State Water Resources Control Board and the Regional Water Board enforce compliance with the water quality objectives of the Basin Plan through the issuance of NPDES permits. The project's compliance with existing permit requirements and the City's COAs would ensure that the proposed project would not have the potential to conflict with the Basin Plan.

A Groundwater Sustainability Plan (GSP) for the Santa Clara Valley Groundwater Basin, East Bay Plain Subbasin,⁴³ was recently issued by the EBMUD and City of Hayward groundwater sustainability agencies (GSAs). According to the GSP, the sustainability goal for the East Bay Plain Subbasin is to manage and protect the Subbasin in a manner that avoids the six undesirable

⁴¹ Federal Emergency Management Agency (FEMA), 2009. Flood Insurance Rate Map (FIRM) No. 06001C0057G. August 3. Available at: <https://msc.fema.gov/portal/firmette?latitude=37.85639898751695&longitude=-122.26013504073963>, accessed January 12, 2023.

⁴² California Department of Conservation, 2023. Alameda County Tsunami Hazard Areas. Available at: <https://www.conservation.ca.gov/cgs/tsunami/maps/alameda>, accessed January 12, 2023.

⁴³ EBMUD GSA and City of Hayward GSA, 2022, op. cit.

results listed below while continuing to collect and analyze data to support science-based decision making to evaluate new opportunities for sustainable groundwater beneficial uses:

- Chronic lowering of groundwater levels, indicating a significant and unreasonable depletion of supply.
- Significant and unreasonable reduction of groundwater storage.
- Significant and unreasonable seawater intrusion.
- Significant and unreasonable degraded water quality.
- Significant and unreasonable land subsidence.
- Depletions of interconnected surface water and groundwater that have significant and unreasonable reductions in beneficial uses of surface water, including beneficial use by ecosystems that depend on groundwater.

According to the GSP, the East Bay Plain Subbasin is not experiencing a chronic lowering of groundwater levels and is currently in a sustainable and stable condition because estimated groundwater pumping from the 1990s to present is well below the estimated sustainable yield of the Subbasin. Additionally, the Subbasin has not experienced significant seawater intrusion even during historical periods of much greater groundwater pumping than is occurring today, and the Subbasin has no observed inelastic land subsidence even during historical periods of much greater groundwater pumping and much lower confined aquifer groundwater elevations than are occurring today.

As detailed in subsection b, above, any groundwater extracted during construction dewatering would be minimal and the project would not have a substantial effect on groundwater recharge. Additionally, project operation would not include groundwater extraction, because municipal water for the project would not be supplied from the groundwater basin. For these reasons, the proposed project would not conflict with or obstruct the implementation of a sustainable groundwater management plan and this impact would be less than significant.

K. LAND USE AND PLANNING

Environmental Setting

The project site's General Plan land use designation, as described in the 2001 Berkeley General Plan Land Use Element, is Avenue Commercial (AC). These areas of Berkeley are characterized by pedestrian-oriented commercial development and multi-family residential structures. These areas are typically located on wide, multi-lane avenues served by transit or Bay Area Rapid Transit (BART). The project site's zoning designation is Corridor-Commercial (C-C). The C-C district is intended to implement the General Plan's designations for Avenue Commercial areas; provide locations for a wide variety of activities along thoroughfares; encourage development in underutilized neighborhood and community shopping areas; and promote development compatible with adjacent commercial and residential areas.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Physically divide an established community?*

No Impact. The proposed project would not result in development that would physically divide a community. Typically, division of an established community could result from the construction of a physical feature, such as a wall, interstate highway, airport, roadway, or railroad tracks, or the removal of a means of access, such as a local road or bridge that could impair mobility or constrain travel within an existing community, or between a community and outlying areas. The project would involve improvements to an existing gas station site, none of which would construct buildings or infrastructure that would restrict movement within the surrounding community. For these reasons, the project would have no impact related to the division of an established community.

b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

No Impact. The proposed uses would be consistent with the C-C zone's permitted uses, which includes EV charging stations and vehicle wash. Furthermore, the project would be consistent

with all applicable development standards and the project does not require use of any deviations from applicable standards. For these reasons, the project would have no impact related land use plans, policies, and regulations.

L. MINERAL RESOURCES

Environmental Setting

Minerals are naturally occurring chemical elements or compounds, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat, and oil-bearing rock, but excluding geothermal resources, natural gas, and petroleum.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>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?</i>				
<i>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?</i>				

No Impact (a and b). The project is in a highly urbanized area without known mineral resources of value. The project site does not contain unique conditions or features that would result in project-specific impacts. As such, the project would have no impacts related to mineral resources.

M. NOISE

Environmental Setting

Noise is defined as a sound or series of sounds that are intrusive, objectionable, or disruptive to daily life. Noise levels are measured to regulate ambient noise and protect residents of Berkeley from exposure to excessive noise. The acoustic environment on and near the project site is dominated by noises typical of residential and commercial neighborhoods, including vehicular traffic, pedestrian conversations, and doors slamming. The primary noise source in the surrounding area is vehicle traffic.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>				

Noise Generated During Project Construction

Less than Significant. Construction activities would temporarily increase noise levels in the vicinity of the project site. The primary source of noise during construction would be generated by off-road equipment activity on the project site. Construction noise levels would vary from day-to-day, depending on the number and condition of the equipment being used, the types and duration of activity being performed, the distance between the noise source and the receptor, and the presence or absence of barriers, if any, between the noise source and receptor. Pile driving, which can generate extreme levels of noise, is not proposed as part of the proposed project.

Construction would require limited use of heavy-duty equipment for short periods of time (e.g., less than 10 days), because the vehicle wash building will be prefabricated and assembled on-site. Typical heavy-duty equipment that may be used to assemble the prefabricated vehicle wash includes a forklift, small excavator, and crane. Therefore, construction is not expected to generate substantial noise in the project vicinity. Furthermore, implementation of the City's COAs, including **COA: Construction Noise Reduction Program (#17)**, **COA: Construction Noise Management – Public Notice Required (#21)**, **COA: Construction Phases (#22)**, **COA: Construction Hours (#49)**, **COA: Construction Hours – Exceptions (#50)**, and **COA: Project Construction Website (#51)**, would reduce construction noise levels at nearby receptors to the maximum extent that is technically and economically feasible. Because noise would be reduced to the maximum extent that is technically and economically feasible, the project construction would be consistent with the regulations outlined in the Berkeley noise ordinance, BMC Section 13.40.070. The proper implementation of these COAs would ensure that the construction of the proposed project would not conflict with the City of Berkeley's construction noise standards and therefore, construction noise impacts would be less than significant.

Standard Conditions of Approval:

- COA: Construction Noise Reduction Program (#17).** The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

- G. Construct solid plywood fences around construction sites adjacent to operational business, residences, or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

COA: Construction Noise Management – Public Notice Required (#21). At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

COA: Construction Phases (#22). The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

COA: Construction Hours (#49). Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

COA: Construction Hours – Exceptions (#50). It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents

within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

COA: Project Construction Website (#51). The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:

- Contact information (i.e., “hotline” phone number, and email address) for the project construction manager.
- Calendar and schedule of daily/weekly/monthly construction activities.
- The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

Noise Generated During Project Operation

In September 2021, an Environmental Noise Assessment was prepared for operation of the proposed project (Appendix A). The existing ambient noise environment in the immediate project vicinity is defined primarily by traffic on Ashby Avenue and Telegraph Avenue, and to a lesser extent by intermittent activities at adjacent commercial uses. Adjacent receptors include single-family residences to the west and north. Based on short-term noise level measurements collected at the southwest corner of the project site, the median and maximum noise levels at the project site are 61 decibels (dB) L_{50} and 74 dB L_{max} , respectively.^{44,45}

Noise generated by project-related activities were quantified through a combination of manufacturer reference noise level data and application of accepted noise modeling techniques. The most significant noise source associated with the proposed project has been identified as the vehicle wash dryer assembly—used for drying the vehicles at the end of the wash cycle. According to the project sponsor, the project would not have an exterior vacuum system. The project sponsor has indicated that the vehicle wash hours of operation will be limited to the hours of 7:00 a.m. to 10:00 p.m. Based on the measured ambient noise level data, and pursuant to the criteria established in BMC Section 13.40.050(A)(3), the following noise level standards shown in Table 2 have been applied to the project for the adjacent residential land uses to the west and north.

⁴⁴ L_x = The noise level exceeded X% of a specified time period. For example, L_{50} indicates a noise level exceeded 50 percent of the time.

⁴⁵ L_{max} = The maximum sound level during a single noise event.

TABLE 2 CITY OF BERKELEY DAYTIME NOISE LEVEL LIMITS APPLIED TO THE PROJECT

Receptor	Noise Standards Applied to the Project (dB)	
	Exterior, L ₅₀	Interior, L ₈
Residence (adjacent to west)	61 ^a	45 ^b
Residence (adjacent to north)	55 ^b	45 ^b

^a Pursuant to BMC Section 13.40.050 (A)(3), if the measured ambient noise level is greater than the level permissible, the sound level shall not exceed the ambient noise level.

^b In lieu of ambient noise level measurements, the City's unadjusted noise level standard was applied.

Source: Appendix A.

Vehicle wash drying assembly noise exposure was calculated at the nearest residential property lines and the results of those calculations are presented in Table 3. Table 3 results include consideration of the noise attenuation that would be provided by the following project design measures:

- A 5 dB noise level reduction at the adjacent residences to the west and north provided by the proposed 6-foot-tall concrete-masonry unit (CMU) wall constructed along the project property boundaries to the north and west of the proposed vehicle wash building.
- A 15 dB noise level reduction at the adjacent residence to the west provided by the western wall of the vehicle wash building.
- A 12 dB noise level reduction at the adjacent residences to the west and north provided by an automated closure of the tunnel entrance door. This system will always keep the tunnel entrance door in the closed position during operation of the vehicle wash drying system. Tunnel doors are automatic and coordinated with the dryer switch. The dryer will not operate until the door is shut.

As indicated in Table 3, operation of the proposed vehicle wash would comply with the applicable City of Berkeley exterior noise level limits at those property lines.

TABLE 3 ESTIMATED VEHICLE WASH DRYING ASSEMBLY NOISE LEVELS AT NEAREST RESIDENTIAL PROPERTY LINES

Receptor	Predicted Noise Levels, L ₅₀ (dB)	Applicable Exterior Noise Limit, L ₅₀ (dB)
Residence (adjacent to west)	50	61
Residence (adjacent to north)	37	55

Source: Appendix A.

Assuming standard spherical spreading loss (-6 dB per doubling of distance), the vehicle wash drying assembly noise level exposure is predicted to be 45 dB at the building facade of the

residence located adjacent to the west of the project. As shown in Table 2, vehicle wash drying equipment would be subject to the City of Berkeley interior daytime noise level standard of 45 dB L₈. With windows in the open configuration, the exterior to interior residential building facade noise level reduction is estimated to be 15 dB. The resulting vehicle wash drying equipment interior noise level of 30 dB L₈ would satisfy the applicable City of Berkeley 45 dB L₈ interior daytime noise level standard by 15 dB. As a result, operation of the proposed vehicle wash would comply with the applicable City of Berkeley interior noise level limits at the adjacent residences to the west and north, and operation noise impacts would be less than significant.

b) *Generation of excessive ground borne vibration or ground borne noise levels?*

Less than Significant.

Vibration Generated during Project Construction

Construction activities can result in varying degrees of ground vibration, depending on the equipment, activity, and relative proximity to sensitive receptors. As discussed above, construction would require limited use of heavy-duty equipment for short periods of time (e.g., less than 10 days) because the vehicle wash building will be prefabricated and assembled on-site. Because the site has already been developed for a parking lot, soil compaction activities that require the use of a vibratory roller, plate compactor, or similar equipment would be limited to the relatively small areas of excavation (e.g., trenches and vehicle wash building footprint). Therefore, construction is not expected to generate substantial vibration in the project vicinity. With implementation of **COA: Damage Due to Construction Vibration (#18)** for construction vibration, construction of the project would have a less-than-significant impact related to groundborne vibration or groundborne noise.

Standard Conditions of Approval:

COA: Damage Due to Construction Vibration (#18). The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and

the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall

- Establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
- Include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

Vibration Generated During Project Operation

The proposed project would not involve equipment or activities that generate excessive groundborne vibration or groundborne noise levels. Therefore, operation of the project would have a less-than-significant impact related to groundborne vibration or groundborne noise.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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 not located within the vicinity of a private airstrip. Therefore, the project would have no impact related to the exposure of people to excess noise levels from private airstrips. Oakland International Airport, located approximately 10 miles to the southeast, is the closest airport to the project site. The project site is not located within a public airport land use plan or within 2 miles of any other public use airport.⁴⁶ Therefore, the proposed project would have no impact related to the exposure of people to excess noise levels from public use airports.

⁴⁶ Alameda County Community Development Agency, 2010, op. cit.

N. PARKS AND RECREATION

Environmental Setting

Parks and other recreation facilities in Berkeley are under the jurisdiction of the Berkeley Parks, Recreation and Waterfront Department. The department manages the City's parks, playgrounds, pools, camps, community centers, and waterfront facilities. The nearest public parks are Bateman Mall Park (0.3 miles) and Willard Park (0.5 miles).

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>a) 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?</i>				
<i>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?</i>				

No Impact (a and b). The proposed project, which consists of a new vehicle wash and EV charging stations, would not result in direct or indirect new residents to Berkeley. For this reason, use of existing neighborhood, regional parks, and other recreational facilities is not anticipated to increase due to the project. Therefore, the project would not increase the use of or have an impact on existing recreational facilities and would not increase demand for new or expanded recreational facilities.

O. POPULATION AND HOUSING

Environmental Setting

As of 2020, Berkeley had an estimated population of 117,147 residents and an estimated housing stock of 50,228 dwelling units.^{47,48} Projections suggest that this population growth will continue. The population is expected to increase from 123,065 to 140,100 by the year 2040.⁴⁹

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Induce substantial unplanned 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)?</i>				
b) <i>Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</i>				

No Impact (a and b). The proposed project, which consists of a new vehicle wash and EV charging stations, would not result in new residents in Berkeley either directly or indirectly. The project also would be located on the site of an existing gas station, convenience store, and fast-food restaurant and would not cause the direct or indirect displacement of housing. Therefore, the project would have no impacts related to population growth or displacement of housing.

⁴⁷ American Community Survey, 2021. 1-year estimates (Population and Race). Available at: https://dof.ca.gov/wp-content/uploads/Reports/Demographic_Reports/American_Community_Survey/Web_ACS2021_Pop-Race.xlsx, accessed January 19, 2023.

⁴⁸ American Community Survey, 2021. 1-year estimates (Housing). Available at: https://dof.ca.gov/wp-content/uploads/Reports/Demographic_Reports/American_Community_Survey/Web_ACS2021_Housing.xlsx, accessed January 19, 2023.

⁴⁹ City of Berkeley, 2015. City of Berkeley 2015-2023 Housing Element. Available at: <https://cityofberkeley.app.box.com/s/x7cfk49vo09hr56iw3exsqogxow7e6y3>, accessed January 19, 2023.

P. PUBLIC SERVICES

Environmental Setting

The Berkeley Fire Department (BFD) provides fire protection and emergency medical services to the project site and the nearest fire station is Fire Station No. 3 (0.5 miles). The Berkeley Police Department serves the project site, which is within Northern Beat District 8. The proposed project is within the Berkeley Union School District and the nearest schools include Sylvia Mendez Elementary School (0.2 miles), Willard Middle School (0.2 miles), and Berkeley High School (1.4 miles). The Berkeley Parks and Recreation Department provides services to City residents and the nearest park is Bateman Mall Park approximately 0.3-miles to the southwest.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *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, or other public facilities?*

No Impact. No new residents in Berkeley are expected to be generated, either directly or indirectly, due to the nature of the project, which would add an automated vehicle wash system to an existing gas station. Thus, the project would not result in substantial adverse impacts due to the need for new or physically altered public facilities for services such as fire and police

protection, schools, and libraries. See *Section N, Recreation*, above regarding impacts on parks and recreation facilities. For these reasons, the project would have no impact on public services.

Q. TRANSPORTATION

Environmental Setting

The project site is at the intersection of Telegraph Avenue and Ashby Avenue, both of which are identified as major streets in the City of Berkeley General Plan.

The Ashby BART station is located on Adeline Street and Ashby Avenue, approximately 0.7 miles west from the project site. This station is located on the Richmond-Fremont Line, which connects to other destinations in the Bay Area at the MacArthur Station. Alameda-Contra Costa County Transit and the University of California shuttle services provide extensive bus transit service at the BART Station. There is also a bus stop adjacent to the site along Telegraph Avenue for the transit line 6.

A Class II bike lane is adjacent to the site along Telegraph Avenue and Ashby Avenue contains a Class III bike lane.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15-64.3, Subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?</i>				
<i>b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)?</i>				

Less Than Significant (a and b). The City of Berkeley's VMT Criteria and Thresholds⁵⁰ provides that vehicle miles traveled (VMT) analysis of smaller, less complex projects can be simplified by

⁵⁰ City of Berkeley, 2020. City of Berkeley VMT Criteria and Thresholds. June 29. Available at: <https://berkeleyca.gov/sites/default/files/2022-02/VMT-Criteria-and-Thresholds.pdf>, accessed January 12, 2023.

using a screening process. Specifically, non-residential projects which total less than 10,000 square feet are expected to result in less-than-significant impacts. Because the project only proposes to construct a self-service vehicle wash and other various site improvements, it is expected that the project would result in a less-than-significant impact and is screened out from a detailed VMT analysis. Furthermore, the project would introduce an auxiliary use to an existing use (i.e., adding a vehicle wash and EV charging stations to a site with an existing gas station, convenience store, and fast-food restaurant). For these reasons, it's reasonable to expect that the amount of VMT generated by the project would be minimal, as dedicated trips to utilize the vehicle wash is expected to be very low. The project may potentially even reduce trips, as users of the gas station would not be required to make a separate trip to another vehicle wash located elsewhere.

The proposed project would have a significant impact related to transit facilities if it would conflict with the goals and policies related to transit use in the Berkeley Strategic Transportation Plan or Berkeley Strategic Transportation Plan. In particular, the project would result in a conflict if it would discourage people from using transit or decrease transit efficiency or result in a conflict if it would impair the implementation of any planned bicycle boulevards, result in street design that would be unsafe for bicyclists or discourage bicycle use in the vicinity of the project site. The project proposes no modifications to any transit stops or bicycle infrastructure, nor would it impact transit use or affect any plans for such facilities.

For the reasons described above, the project would result in less-than-significant impacts related transportation plans and policies and VMT.

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- d) *Result in inadequate emergency access?*

Less Than Significant (c and d). The project would add a drive through vehicle wash to an existing gas station site and would not introduce any geometric design features or incompatible uses, nor would it modify circulation patterns in a manner that would affect emergency access. For this reason, the project would have a less than significant impact.

R. TRIBAL CULTURAL RESOURCES

Environmental Setting

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted, expanding CEQA by defining a new resource category, "tribal cultural resources." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency. The project site is currently developed with a gas station and other commercial uses. The project site is paved and covered with existing buildings. No historic resources have been identified at the project site.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) <i>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
i) <i>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or</i>				

- ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Less Than Significant. As described above in *Section III.E, Cultural Resources*, the project site is currently developed with a gas station and other commercial uses, the site is not on the City's List of Designated Landmarks or Landmarks Map, and the project would result in less-than-significant impacts related to Cultural Resources.

Upon receipt of application for this project, the City of Berkeley sent a notice of a received application to the Ohlone Tribe. As of date of issuance of this document, no correspondence or request for consultation has been received. Also, as described above in *Section III.E, Cultural Resources*, the potential to uncover Native American human remains exists in locations throughout California; however, the site has been previously developed, other development has occurred around the project area, and discoveries are not expected. Although not anticipated, human remains could be identified during site-preparation and grading activities, resulting in a potentially significant impact to Native American cultural resources, but with implementation of **COA: Archaeological Resources (#59)** and **COA: Human Remains (#60)** described above, impacts would remain less than significant.

S. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

The project site is located in an urban area and is served by existing utility systems. Water supply to the project would be provided by the EBMUD water system, which is supplied from the Mokelumne River.⁵¹ The City's owns and operates the wastewater collection system and is responsible for conveying wastewater to EMBUD's Wastewater Treatment Plan (WWTP). Solid waste, construction recyclable materials, and compostable materials collected by the City and its contracted companies are transported from the Berkeley Transfer Station, located at 1201 Second Street, for disposal, sorting, or composting.

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</i>				
<i>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?</i>				

⁵¹ East Bay Municipal Utility District (EBMUD), 2023, op. cit.

- c) *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?*

Less Than Significant (a, b, and c). Implementation of the project would not influence wastewater treatment requirements. The project would not install habitable structures or substantially increase activity at the site. Landscaped areas will be watered in minimal amounts. Operation of the vehicle wash would involve the use of approximately 28 gallons of water per car. For each car, about 15 gallons of rinse water will be utilized from the on-site reclaim system and 13 gallons of potable water will be used. Overall, 6 gallons of rinse water will be lost to evaporation and carry out, and about 7 gallons of the rinse water will be discharged to the sewer system. The vehicle wash is expected to have approximately 14,000 washes per year using approximately with an estimated 5,900 gallons of water used per day during the busier periods of the year. Daily water usage is expected to be less during winter and wet months. Assuming 14,000 washes per year (or approximately 38.3 washes per day) at a rate of 28 gallons per wash equates to a yearly amortized rate of approximately 1,074 gallons per day.

EBMUD's 2020 UWMP estimated the average daily water demand in its service area to be 180 million gallons per day (mgd).⁵² Conservatively assuming the project would use approximately 5,900 gallons per day, the additional water demand created by the project represents about a 0.003 percent of EBMUD's current water demand. This does not represent a significant increase in water usage that would otherwise necessitate the need to expand water facilities.

As described above, the City's owns and operates the wastewater collection system and is responsible for conveying wastewater to EMBUD's WWTP. EBMUD's WWTP receives and treats an average of 63 mgd with a maximum primary treatment capacity of 320 mgd and secondary treatment for up to 168 mgd. Conservatively assuming that the project would dispose of 5,900 gallons per day to the wastewater system, this would represent a 0.0018 percent increase over existing average treatment. This does not represent a significant increase in wastewater generate that would otherwise necessitate the need to expand wastewater facilities.

As part of the project design and approval process, the project will be required to prepare an analysis of the wastewater flows generated by the project, show how the sewer lateral design will have capacity to handle such flows, and assess whether the sewer main has sufficient capacity to serve the project. The City will review this information and determine if the project needs to increase the sewer main capacity and/or protect the existing sewer line from additional load.

While the site would require use of water and wastewater systems for the vehicle wash, it would not result in a significant increase in demand for water or wastewater services above what is

⁵² East Bay Municipal Utility District (EBMUD), 2021. Urban Water Management Plan 2020. June. Available at: https://www.ebmud.com/download_file/force/9151/735?UWMP-2020-FINAL-bookmarks.pdf, accessed on: January 19, 2023.

currently being used. Therefore, there would be less-than-significant impacts regarding water or wastewater.

- d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less Than Significant (d and e). Implementation of the project would not significantly affect generation of solid waste. Although construction activities may require the disposal of construction debris, solid waste generation would be temporary. Little to no increase in solid waste generation, which would consist only of possible disposable drying materials or waste from customer vehicles, would occur during operation of the proposed vehicle wash. No solid waste would be generated by the EV charging stations. Therefore, there would have less-than-significant impacts on the City's solid waste capacity and the project would comply with solid waste statutes and regulations related to solid waste.

T. WILDFIRE

Environmental Setting

The California Department of Forestry and Fire Protection (CAL FIRE) designates fire hazard severity zones for areas under state jurisdiction. For areas under local jurisdiction, CAL FIRE identifies areas that they consider to be Very High Fire Hazard Severity Zones (VHFHSZs). The project site is in an urban area and is not within a VHFHSZ.⁵³

Impact Analysis

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evaluation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Substantially impair an adopted emergency response plan or emergency evaluation plan?*

No Impact. The project site would not impair the implementation of, or interfere with, an adopted emergency response plan and is not within a VHFHSZ.⁵⁴ In addition, the project site is not located within a State Responsibility Area for fire service.⁵⁵ Therefore, the project would have no impacts related to wildfire emergency response and evacuation plans.

⁵³ CAL FIRE, 2008, op. cit.

⁵⁴ Ibid.

⁵⁵ CAL FIRE, 2007. CAL FIRE Fire Hazard Severity Zones in SRA – Alameda County. November 7. Available at: https://osfm.fire.ca.gov/media/7271/fhszs_map1.pdf, accessed January 12, 2023.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

No Impact. The project site is in a relatively flat area and is not subject to any other external factors which could exacerbate wildfire risks. Furthermore, the project site is not located in an area formally identified as subject to wildland fire hazards.⁵⁶ Therefore, the project would have no impacts related to wildfire risks.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

No Impact. The project as proposed does not include any additional infrastructure that could exacerbate fire risks.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Less Than Significant. The project site is in an urban area and is not within a VHFHSZ. The nearest designated fire zone is approximately 1 mile to the east.⁵⁷ Therefore, the project would not expose people or structures to significant risks due to post-fire instability or drainage changes.

⁵⁶ CAL FIRE, 2008, op. cit.

⁵⁷ Ibid.

U. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Does the project have the potential to substantially 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, substantially 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?*

No Impact. The project site is fully developed as an existing gasoline station in an urban area. The site is not expected to support any candidate or special-status species or species identified for protection in local, regional, or national wildlife plans or policies or associated habitat for such species; thus, the project does not have the potential to 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. Therefore, no impact would occur.

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.)*

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III. ENVIRONMENTAL CHECKLIST

Less Than Significant. No significant effects specific to the project or its site were identified that could not be reduced to a less-than-significant level. The COAs proposed in this document would mitigate any potential contribution to cumulative impacts. All other impacts would be less than significant. Therefore, the proposed project does not have impacts that are individually limited, but cumulatively considerable.

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

Less Than Significant. As described throughout this document, there is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, either directly or indirectly, with the implementation of COAs . Therefore, impacts would be less than significant.

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IV. LIST OF PREPARERS

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V. REFERENCES

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Environmental Noise Assessment

Automatic Car Wash at 2996 Telegraph Avenue

Berkeley, California

BAC Job # 2020-050

Prepared For:

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Prepared By:

Bollard Acoustical Consultants, Inc.



Dario Gotchet, Senior Consultant

September 2, 2021



Introduction

The proposed project consists of the construction of an Automatic Car Wash at 2996 Telegraph Avenue in Berkeley, California (APN: 052-1578-021-1). Existing land uses in the project vicinity include commercial uses to the south and east, and residential to the north and west. The project area and proposed site plan are shown on Figures 1 and 2, respectively.

Due to the proposed operations of the project and the proximity of existing residences, Bollard Acoustical Consultants, Inc. (BAC) was retained to prepare an assessment of potential noise impacts associated with the project. This report contains the analysis methodology and results.

Noise Fundamentals and Terminology

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard, and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second or Hertz (Hz). Definitions of acoustical terminology used in this report are presented in Appendix A.




Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals of pressure) as a point of reference defined as 0 dB. Other sound pressures are then compared to the reference pressure and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Figure 3 illustrates common noise levels associated with various sources.

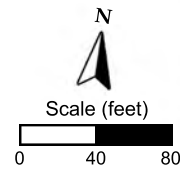
The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by weighting the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels.

Community noise is commonly described in terms of the “ambient” noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (L_{eq}) over a given time period (usually one hour). The L_{eq} is the foundation of the Day-Night Average Level noise descriptor, L_{dn} (or DNL), and shows very good correlation with community response to noise.



Legend

-  Project Area (Approximate)
-  Parcel Boundaries
-  Short-Term Noise Measurement Location

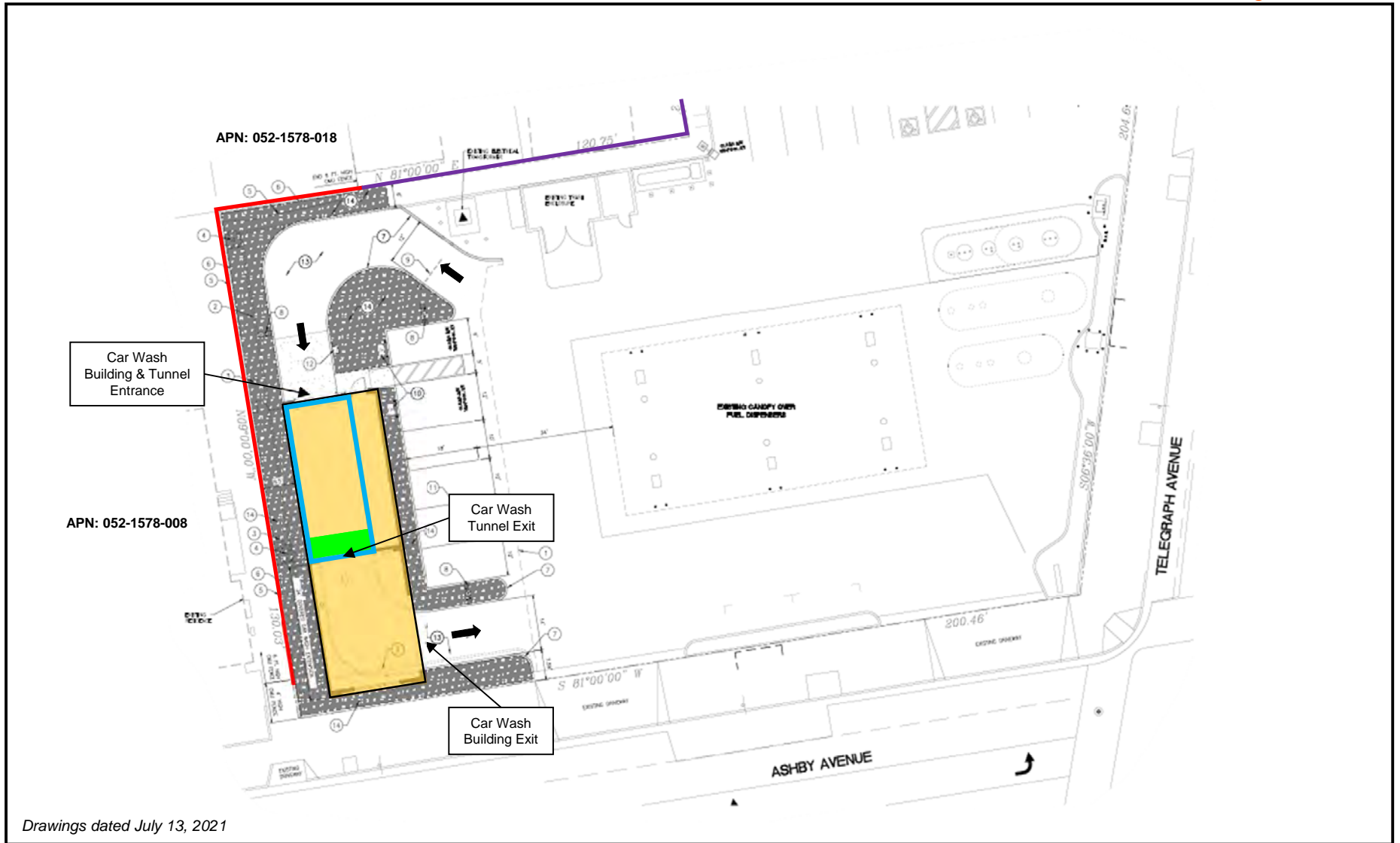


Automatic Car Wash
 2996 Telegraph Avenue
 Berkeley, California

Project Area

Figure 1





Legend

- Car Wash Building
- Car Wash Tunnel
- Drying Assembly Equipment
- Proposed 6' CMU Wall
- Existing 6' Solid Wood Fence

Automatic Car Wash
 2996 Telegraph Avenue
 Berkeley, California

Development Site Plan

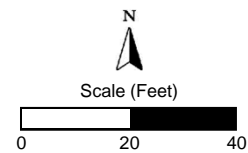
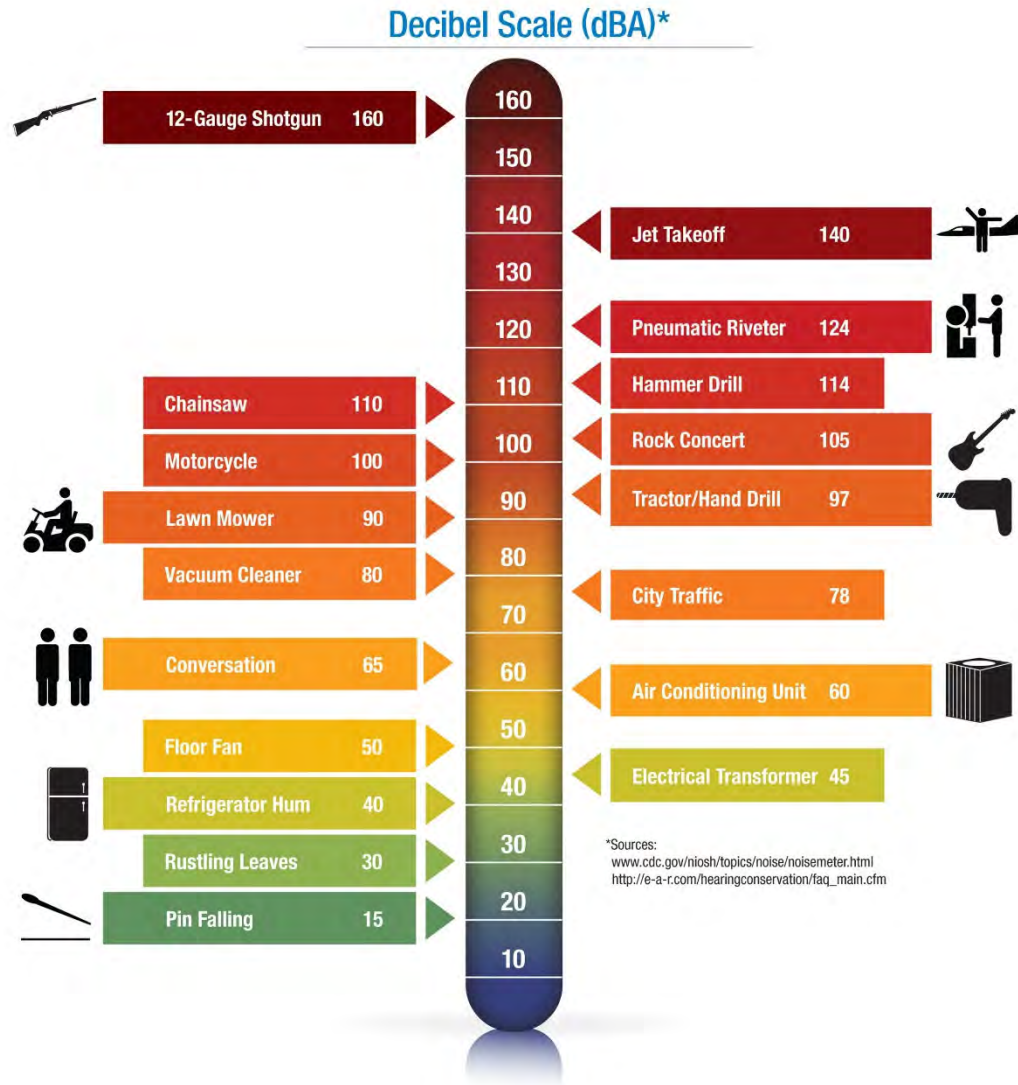


Figure 2



Figure 3
Typical A-Weighted Sound Levels of Common Noise Sources



DNL is based upon the average noise level over a 24-hour day, with a +10-decibel weighting applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because DNL represents a 24-hour average, it tends to disguise short-term variations in the noise environment. DNL-based noise standards are commonly used to assess noise impacts associated with traffic, railroad, and aircraft noise sources.

Existing Ambient Noise Environment

The existing ambient noise environment in the immediate project vicinity is defined primarily by traffic on Ashby Avenue and Telegraph Avenue, and to a lesser extent by intermittent activities at adjacent commercial uses. To generally quantify the existing ambient noise environment in the immediate project vicinity, BAC conducted short-term (15-minute) noise level measurements on Wednesday, June 3, 2020. The noise survey location is identified on Figure 1. Photographs of the noise level survey location are provided in Appendix B.

A Larson-Davis Laboratories (LDL) Model LxT precision integrating sound level meter was used to complete the noise level survey. The meter was calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4). The noise level measurement survey results are summarized below in Table 1.

Table 1
Summary of Short-Term Ambient Noise Survey Results – June 3, 2020

Site Description	Time	Measured Noise Levels, dB	
		L ₅₀	L _{max}
Site 1: Approximately 60' from centerline of Ashby Avenue	10:34 a.m.	61	74
<i>Source: Bollard Acoustical Consultants, Inc. (2020)</i>			

The Table 1 data indicate that measured median and maximum noise levels during the survey were 61 dB L₅₀ and 74 dB L_{max}, respectively. The significance of the measured ambient noise levels is discussed in the following section.

Criteria for Acceptable Noise Exposure

City of Berkeley Community Noise Ordinance

The City of Berkeley Community Noise Ordinance provides exterior and interior noise limits for stationary noise sources, such as those proposed by the project. The exterior noise limits are determined by the zoning district of the property subject to the noise. The City's interior noise limits are applicable to residential dwellings. The adjacent parcels to the north and west of the project are residentially zoned R-2 (two-family) and R-2A (multiple-family), respectively. The City code sections applicable to the project are provided below.

Section 13.40.050 Exterior noise standards.

- A. Maximum permissible sound levels shall be determined by the zoning district of the property subject to the noise, not the property from which the noise originates.

1. The noise standards for various categories of land use in Table 2 or 3 shall, unless otherwise specifically indicated in other codes, apply to all such property within a designated zone.
2. No person shall operate or cause to operate any source of sound at any location within the incorporated City or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on any other property to exceed:
 - a. The noise standard for a cumulative period of more than 30 minutes in any hour, or
 - b. The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour; or
 - c. The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or
 - d. The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour; or
 - e. The noise standard plus 20 dBA for any period of time.

Table 2
Exterior Noise Limits – Zoning Districts R-1, R-2, R-1A, R-2A and ESR (Summarized)

Duration Exceeded (Min.)	Statistical Descriptor	Noise Level (dB)	
		Daytime (7 AM-10 PM)	Nighttime (10 PM-7 AM)
30	L ₅₀	55	45
15	L ₂₅	60	50
5	L ₈	65	55
1	L ₂	70	60
Any	L _{max}	75	65

Source: City of Berkeley Community Noise Ordinance, Section 13.40.050, Table 13.40-1

3. If the measured ambient noise level is greater than the level permissible within any of the noise limit categories, the sound level when measured on any other property shall not exceed:
 - a. The ambient noise level for a cumulative period of more than 30 minutes in any hour, or
 - b. The ambient noise level plus 5 dBA for a cumulative period of more than 15 minutes in any hour; or
 - c. The ambient noise level plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or

- d. The ambient noise level plus 15 dBA for a cumulative period of more than 1 minute in any hour; or
- e. The ambient noise level plus 20 dBA for any period of time.

Section 13.40.060 Exterior noise standards.

- A. Maximum permissible dwelling interior sound levels.
 - 1. The interior noise standards for multi-family residential dwellings as presented in Table 3 shall apply, unless otherwise specifically indicated in other codes, within such dwellings with windows in their normal seasonal configuration.

**Table 3
 Interior Noise Limits**

Duration Exceeded (Min.)	Statistical Descriptor	Noise Level (dB)	
		Daytime (7 AM-10 PM)	Nighttime (10 PM-7 AM)
5	L ₈	45	40
1	L ₂	50	45
Any	L _{max}	55	50

Source: City of Berkeley Community Noise Ordinance, Section 13.40.060, Table 13.40-2

Noise Standards Applied to the Project

The project applicant has indicated that the car wash hours of operation will be limited to the hours of 8:00 a.m. to 8:00 p.m. Based on this information, the City’s *daytime* exterior and interior noise level standards would be applicable to the project. Because the car wash drying system is anticipated to operate throughout the duration of an hour during a worst-case busy hour (i.e., in excess of 30 minutes), the equipment would be subject to the exterior daytime median average noise level standard of 55 dB L₅₀ and interior daytime noise level standard of 45 dB L₈.

Comparison of ambient noise level data contained in Table 1 and the City’s exterior noise standard shown in Table 2 reveals that the City’s daytime median noise level standard of 55 dB L₅₀ is being exceeded at site 1, which was located near the property line of the adjacent residential use to the west (APN: 052-1578-008). Based on the measured ambient noise level data, and pursuant to the criteria established in Section 13.40.050(A)(3) of the City of Berkeley Municipal Code, the following exterior noise level standards shown in Table 4 have been applied to the project and assessed at the property line of the nearest (adjacent) residential uses to the north and west.

Table 4
City of Berkeley Daytime Noise Level Limits Applied to the Project

APN	Direction	Noise Standards Applied to the Project (dB)	
		Exterior, L ₅₀	Interior, L ₈
052-1578-008	West	61 ^a	45 ^b
052-1578-018	North	55 ^b	45 ^b

^a Pursuant to Section 13.40.050 (A)(3), if the measured ambient noise level is greater than the level permissible, the sound level shall not exceed the ambient noise level.
^b In lieu of ambient noise level measurements, the City's unadjusted noise level standard was applied.
 Source: City of Berkeley Community Noise Ordinance and BAC noise measurement data.

Satisfaction of the City's noise level standards at the nearest residential properties to the north and west would ensure satisfaction of the City's noise level limits at residential uses located farther away.

Evaluation of Project-Related Noise Levels

Noise generated by project-related activities were quantified through a combination of manufacturer reference noise level data and application of accepted noise modeling techniques. The most significant noise source associated with the proposed project has been identified as the car wash dryer assembly – used for drying the vehicles at the end of the wash cycle. According to the project applicant, the project does not propose to have an exterior vacuum system. As a result, the following analysis of project-related noise levels focuses on noise associated with the proposed car wash drying assembly equipment.

Predicted Exterior Car Wash Dryer Noise at Nearest Residential Property Lines

According to the project applicant, the project proposes the installation of four (4) PDQ LaserWash 360 On-Board dryers. The manufacturer's specifications for the PDQ LaserWash 360 system is provided as Appendix C. The reference noise levels indicated in the specification sheet are summarized in Table 5.

Table 5
PDQ LaserWash 360 Integrated Dryer System Reference Noise Levels

Door Orientation	Tunnel Entrance/Exit	Reference Noise Level at 10 Feet (dB)
Open	Entrance	82
	Exit	84
Closed	Entrance	70
	Exit	72

Source: PDQ Vehicle Wash Systems

According to BAC noise level measurements conducted at various car wash facilities in recent years, the noise level generation of car wash drying assemblies vary depending on the orientation of the measurement position relative to the tunnel opening. Worst-case drying assembly noise

levels occur at a position directly facing the car wash exit, considered to be 0 degrees off-axis. At off-axis positions, the building facade provides varying degrees of noise level reduction. At positions 45 degrees off-axis relative to the facade of the car wash exit and entrance, drying assembly noise levels are approximately 5 dB lower. At 90 degrees off-axis, drying assembly noise levels are approximately 10 dB lower.

The following car wash drying assembly noise levels presented below include offsets associated with the orientation to tunnel entrance/exit, as discussed above. Noise attenuation due to distance was calculated based on standard spherical spreading loss from a point source (-6 dB per doubling of distance). Distances from equipment relative to car wash entrance/exit used in the predictions were scaled using the provided site plan dated July 13, 2021. Car wash drying assembly noise exposure was calculated at the nearest residential property lines and the results of those calculations are presented in Table 6.

The predicted car wash drying assembly noise levels shown in Table 6 include consideration of the shielding that would be provided by a proposed 6-foot tall CMU wall constructed along the project property boundaries to the north and west. The location of the proposed 6-foot tall solid wall is illustrated on Figure 1. The proposed 6-foot tall CMU wall is estimated to provide approximately 5 dB of noise level reduction at the nearest residential uses to the north and west. The Table 6 results also include consideration of the noise attenuation that would be provided by car wash building construction at the nearest residential property to the west of the tunnel exit (APN: 052-1578-008), which is conservatively estimated to provide approximately 15 dB of noise level reduction.

Table 6
Predicted Car Wash Drying Assembly Noise Levels at Nearest Residential Property Lines

APN ¹	Direction	Nearest Tunnel Opening	Predicted Noise Levels, L ₅₀ (dB) ²		Applicable Exterior Noise Limit, L ₅₀ (dB) ³
			Doors Open	Doors Closed	
052-1578-008	West	Entrance	62	50	61
		Exit	49	37	
052-1578-018	North	Entrance	63	51	55

¹ Parcel boundaries are illustrated on Figure 1.
² Predicted noise levels at both properties include an adjustment of -5 dB to account for shielding that would be provided by the proposed 6-foot tall CMU wall along the adjacent residential property lines indicated on Figure 1. Predicted noise levels from tunnel exit at APN: 052-1578-008 (west) includes a conservative -15 dB offset to account for the noise attenuation that would be provided by the car wash building construction.
³ Pursuant to Section 13.40.050(A)(3) of the City of Berkeley Municipal Code.
 Source: Bollard Acoustical Consultants, Inc. (2021)

As indicated in Table 6, car wash drying assembly noise levels in the open-door configuration are predicted to exceed the applicable City of Berkeley exterior noise level standards at residential property lines nearest to the tunnel entrance. However, with the tunnel entrance door in the closed position, drying system noise levels are predicted to comply with the applicable City of Berkeley exterior noise level limits at those property lines.

To satisfy the applicable City of Berkeley exterior noise level standards at the nearest residential uses, the car wash tunnel entrance door should be in the closed position during all car drying assembly operations. Provided that the car wash tunnel entrance door is closed during all car wash drying system operations, and the project includes the construction of the 6-foot tall CMU wall at the location illustrated on Figure 2, no further consideration of drying equipment mitigation measures would be warranted for the project relative to the applicable City of Berkeley exterior noise level criteria.

Predicted Interior Car Wash Dryer Noise at Nearest Residences

The nearest residential building to the project is located to the west of the project on APN: 052-1578-008. As discussed in the previous section, the project drying system would be required to operate with the tunnel entrance door in the closed position to comply with the applicable City of Berkeley exterior noise level standards at the nearest residential property lines. Assuming standard spherical spreading loss (-6 dB per doubling of distance), car wash drying assembly noise level exposure with the tunnel entrance door in the closed position is predicted to be 45 dB at the building facade of the residence located on APN: 052-1578-008, including consideration of the shielding provided by the proposed 6-foot tall CMU wall.

As discussed previously, car wash drying equipment would be subject to the City of Berkeley interior daytime noise level standard of 45 dB L₈. With windows in the open configuration, the exterior to interior residential building facade noise level reduction is estimated to be 15 dB. The resulting car wash drying equipment interior noise level of 30 dB L₈ would satisfy the applicable City of Berkeley 45 dB L₈ interior daytime noise level standard by a wide margin. As a result, no exceedances of the City's interior noise level standard are identified.

Conclusions & Recommendations

Noise levels generated by car wash drying assembly operations at the proposed Automatic Car Wash at 2996 Telegraph Avenue are predicted to be satisfactory relative to the applicable City of Berkeley exterior and interior daytime noise level criteria provided that the following measures are implemented by the project:

1. The project includes the construction of a 6-foot tall CMU wall at the location illustrated on Figure 2, as proposed.
2. Operation of the car wash drying system should occur with the tunnel entrance door in the closed position at all times.
3. Car wash operations should be restricted to daytime hours only (8:00 a.m. to 10:00 p.m.).

These conclusions are based on the project site plan shown on Figure 2 (dated July 13, 2021), BAC ambient noise measurement results, equipment information and associated manufacturer's reference noise level data provided by the project applicant, and on the BAC reference noise level measurements conducted at various car wash facilities in recent years. Deviations from the above-mentioned resources could cause actual noise levels to differ from those predicted in this assessment.

This concludes BAC's environmental noise assessment for the proposed Automatic Car Wash at 2996 Telegraph Avenue in Berkeley, California. Please contact BAC at (916) 663-0500 or dariog@bacnoise.com with any questions regarding this assessment.

Appendix A Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
IIC	Impact Insulation Class (IIC): A single-number representation of a floor/ceiling partition's impact generated noise insulation performance. The field-measured version of this number is the FIIC.
L_{dn}	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
L_{max}	The highest root-mean-square (RMS) sound level measured over a given period of time.
Loudness	A subjective term for the sensation of the magnitude of sound.
Masking	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
STC	Sound Transmission Class (STC): A single-number representation of a partition's noise insulation performance. This number is based on laboratory-measured, 16-band (1/3-octave) transmission loss (TL) data of the subject partition. The field-measured version of this number is the FSTC.



Legend

- A** Facing south towards Ashby Avenue
- B** Facing south towards loading dock (across Ashby Avenue)
- C** Facing west towards residence
- D** Facing north towards project site

Automatic Car Wash
2996 Telegraph Avenue
Berkeley, California

Photographs of Survey Location

Appendix B



Appendix C



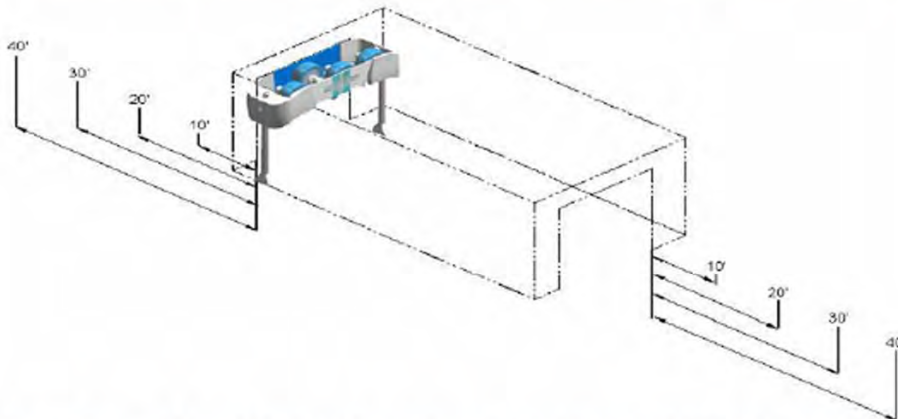
PDQ LaserWash 360 Integrated Dryer Decibel Reading

Below is the test data and associated decibel readings of the PDQ LaserWash 360 with 4 On-Board dryers, with and without doors, on the carwash bay.

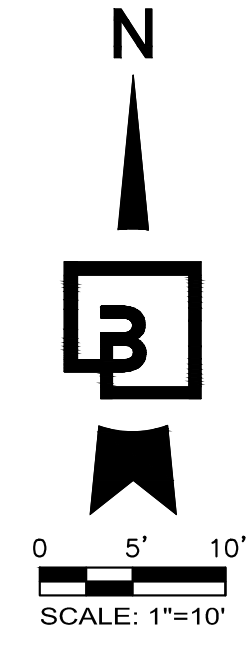
DOOR OPEN/CLOSED	ENTRANCE/EXIT	dBA AT DISTANCE FROM DOOR OPENING			
		0' (3.04M)	05' (6.09M)	10' (9.14M)	20' (12.19M)
DOOR OPEN	ENTRANCE	90	87	82	76
	EXIT	92	88	84	78
DOOR CLOSED	ENTRANCE	77	73	70	67
	EXIT	79	75	72	69

Bay Dimensions: 12' (3.65M) H x 15' (4.57M) W x 50' (15.24M) L

Building Materials: Modular steel building with fiberglass lined inner walls; Glass windows on right side

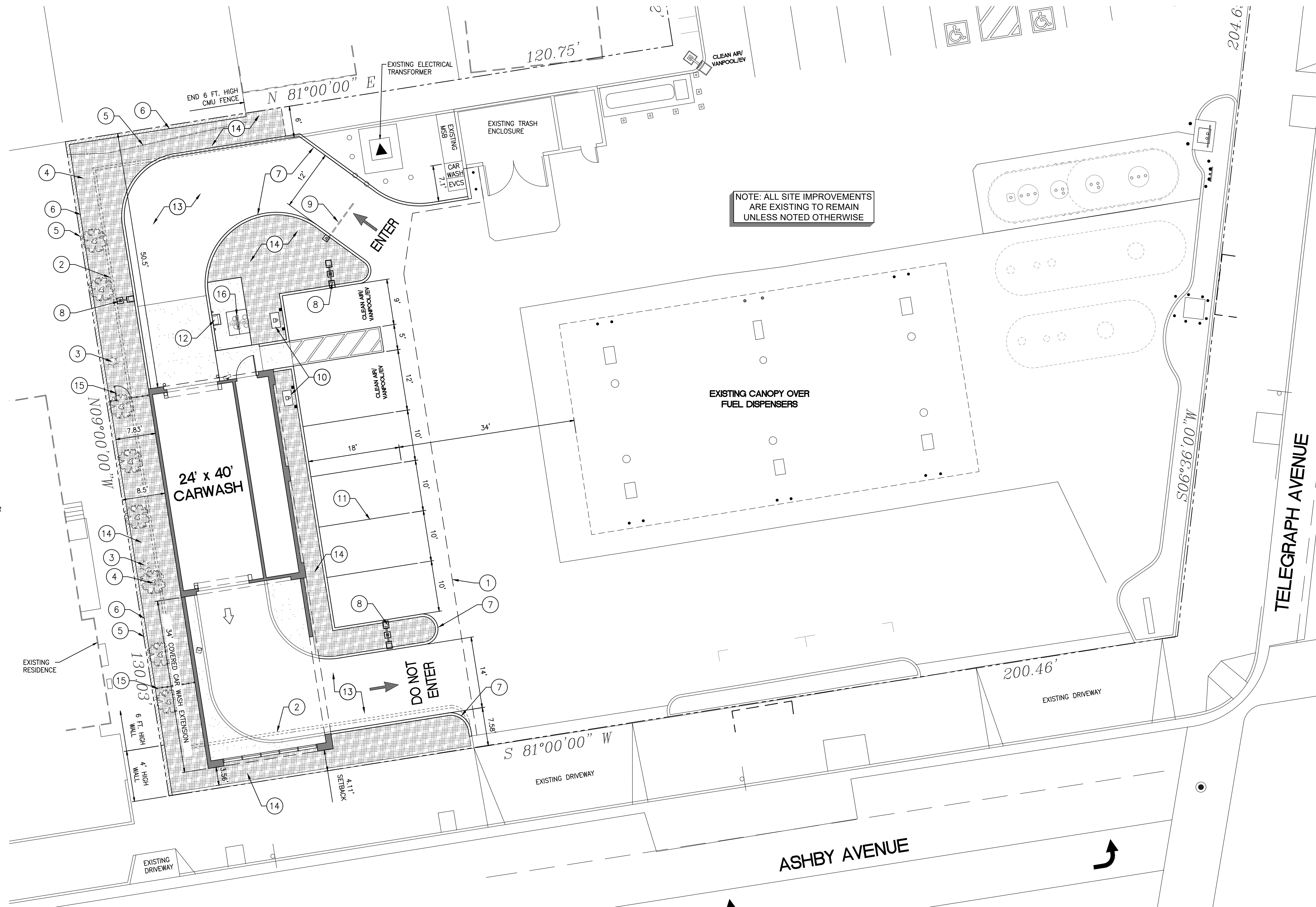


Note: The actual sound level will vary depending on factors including but not limited to the location of the carwash site, type of building, materials used for the site, and size of the building.



KEY NOTES

1. LIMIT OF PROPOSED CAR WASH SITE IMPROVEMENTS. REMOVE ALL EXISTING SURFACE IMPROVEMENTS WITHIN AREA OF WORK.
2. REMOVE EXISTING CONCRETE PLANTER CURB.
3. REMOVE YARD LIGHT & FOOTING.
4. REMOVE EXISTING TREE.
5. REMOVE EXISTING WOOD FENCE AT PROPERTY LINE.
6. NEW AMERICAN PRECAST CONCRETE "WOODCRETE" FENCE (155 LF FOR 6' HEIGHT, 10 LF FOR 4' HEIGHT) IN COLOR "SILVERSMOKE (CARBON)". HEIGHT PER PLAN.
7. NEW 6" HIGH CONCRETE CURB.
8. NEW YARD LIGHT FIXTURE.
9. NEW OVER-HEIGHT WARNING BAR.
10. NEW ELECTRIC VEHICLE CHARGING UNIT.
11. NEW PARKING STALL STRIPING.
12. NEW CUSTOMER PAY-POINT.
13. NEW PAVING WITHIN AREA OF WORK.
14. NEW LANDSCAPING. SEE LANDSCAPE PLAN
15. NEW SECURITY FENCE
16. NEW BICYCLE PARKING RACK.



DEVELOPMENT SITE PLAN

SCALE: 1"=10'-0"

File:P:\17000s\17422\preliminary\Cowest\17422_CW.1 SITE PLAN.dwg Date/Time: 8/16/2023 5:00 PM Scale: 1" = 10' KHELD Xref: -----

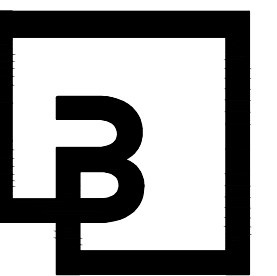
Title:
SITE PLAN
AUTOMATIC CARWASH
2996 TELEGRAPH AVENUE
BERKELEY, CALIFORNIA

For:
SALKHI PETROLEUM
2145 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA 95401

Not for Construction

Scale:
Horizontal 1"=10'
Vertical N/A

Designed: MU
Drawn: MU
Checked: KH
Approved: DG
Date: 08/16/23



Barghausen
Consulting Engineers, Inc
18215 72nd Avenue South
KENT, WA 98032
(425)251-6222
KENT, WA 98032
barghausen.com

Job Number: 17422.3
Sheet: CW.01
of

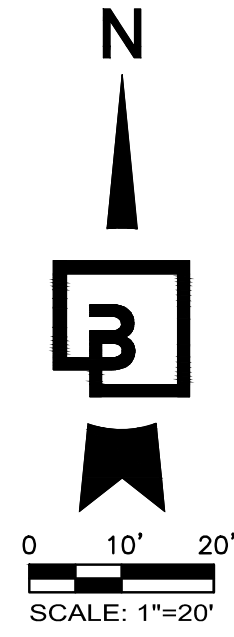
No.	Date	By	Cl.	Appr.	Revision

LANDSCAPE AND IRRIGATION SET




I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN

JW 8-17-2023
Signature and Date


DESIGN STATEMENT:
A MIXTURE OF DECIDUOUS AND EVERGREEN PLANT MATERIAL THAT PROVIDES SEASONAL INTEREST THROUGHOUT THE YEAR WITH FOLIAGE, FLOWERS, TEXTURE, AND COLOR. ALL PLANT MATERIAL IS CATEGORIZED AS 'LOW' IN THE WUCOLS IV IRRIGATION LIST

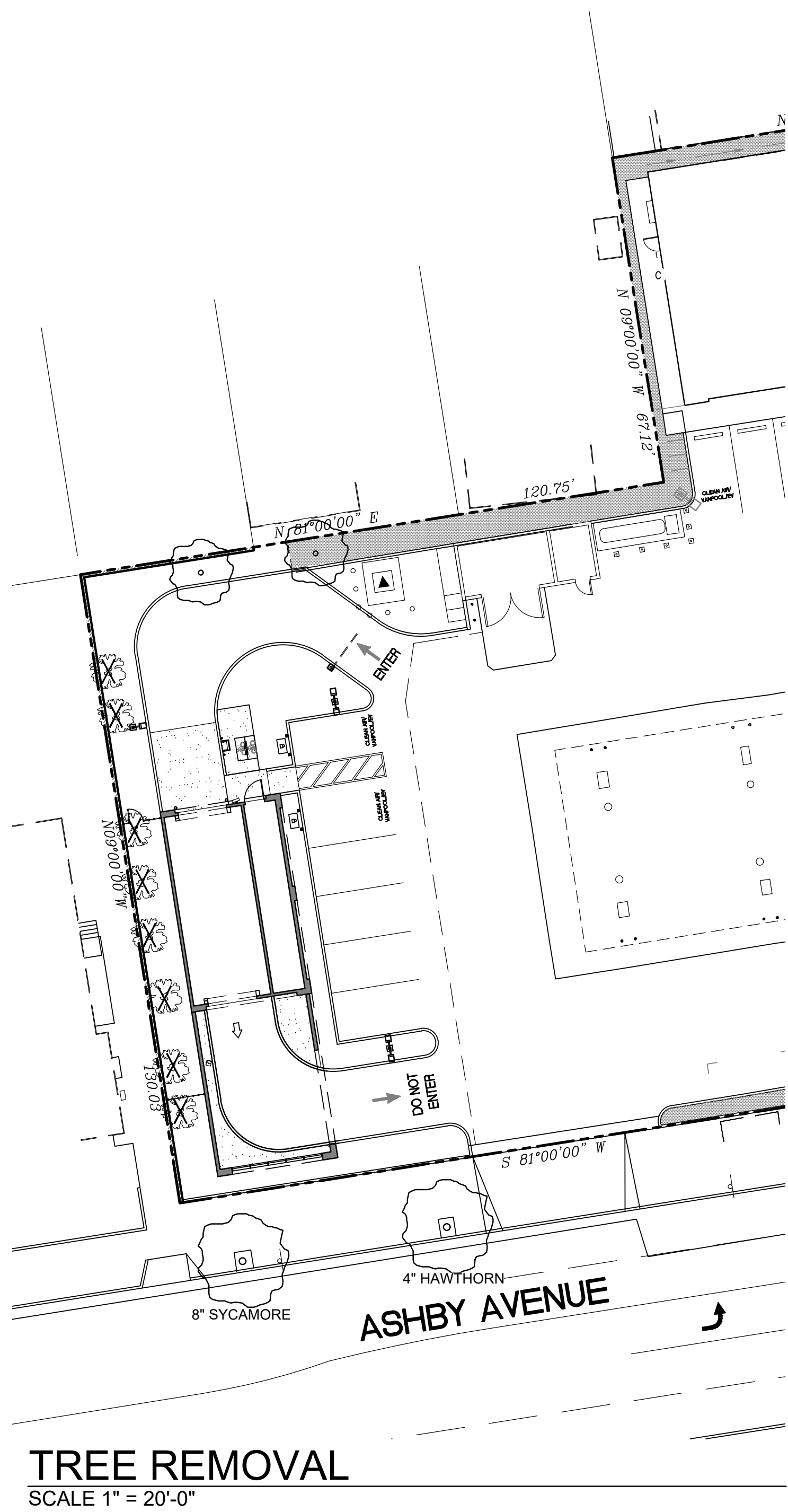


LEGEND

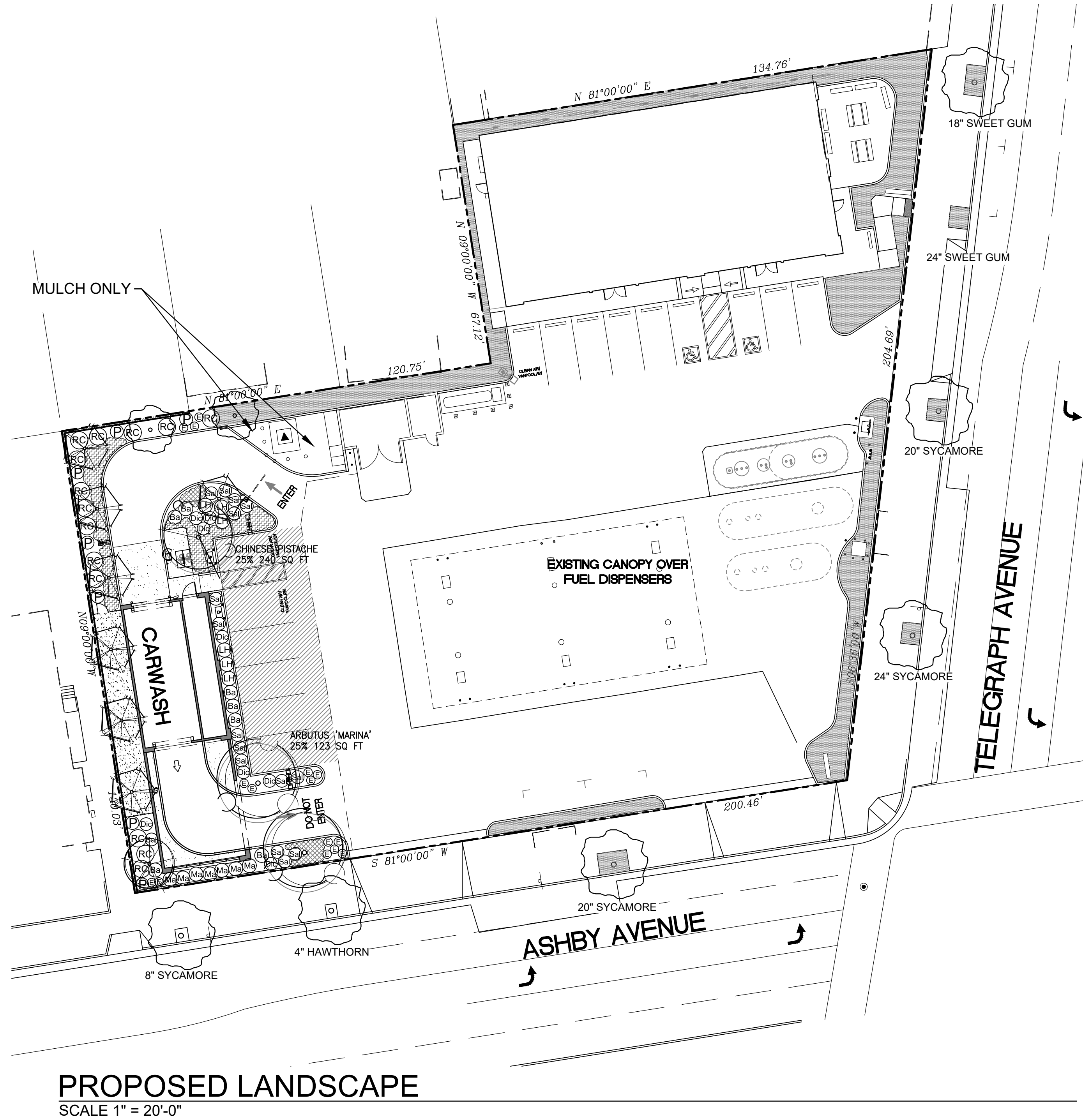
-  EXISTING TREE TO BE RETAINED. PROTECT DURING CONSTRUCTION
-  EXISTING LANDSCAPE AND IRRIGATION TO BE RETAINED. PROTECT DURING CONSTRUCTION. SEE BOB SCACALOSI LANDSCAPE/IRRIGATION DRAWING SET DATED 4/19/2019 FOR ADDITIONAL INFORMATION
-  EXISTING TREE TO BE REMOVED

PARKING LOT SHADING


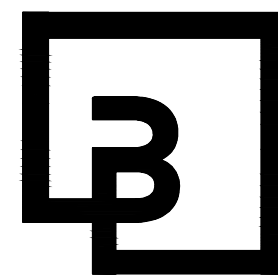
-  PARKING LOT AREA FOR SHADING
- 1,601 SQUARE FEET OF PARKING LOT
50% RECOMMENDED
1,601 SQ FT x 50% = 800 SQ FT PARKING LOT SHADING RECOMMENDED
363 SQUARE FEET PROVIDED.
LIMITATIONS DUE TO PROXIMITY OF UTILITIES IN ADDITION TO LIMITED LANDSCAPE BED ADJACENT TO PARKING LOT



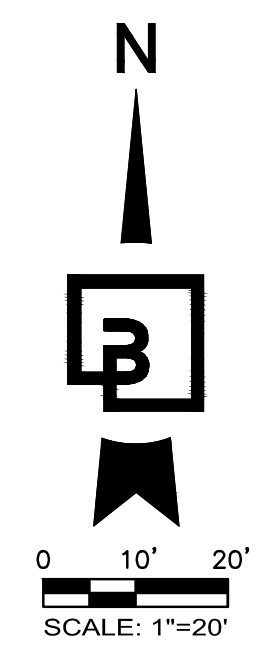
TREE REMOVAL
SCALE 1" = 20'-0"



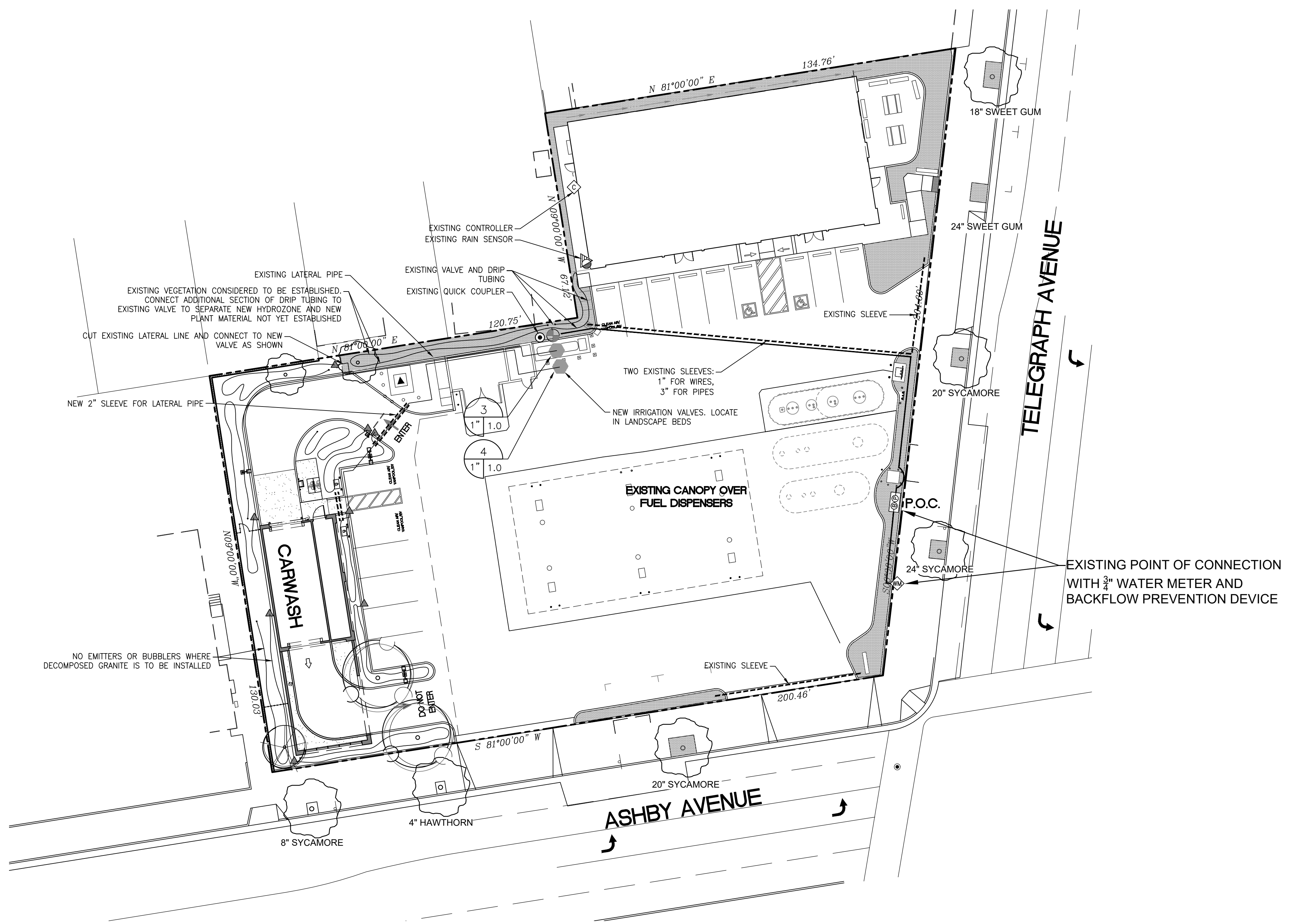
PROPOSED LANDSCAPE
SCALE 1" = 20'-0"

No.	Date	By	Ckd.	Appr.	<p>LANDSCAPE PLAN</p> <p>AUTOMATIC CARWASH</p> <p>2996 TELEGRAPH AVENUE</p> <p>BERKELEY, CALIFORNIA</p>
Title					<p>SALKHI PETROLEUM</p> <p>2145 MENDOCINO AVENUE</p> <p>SANTA ROSA, CALIFORNIA 95401</p>
For					
Scale:					Horizontal _____ Vertical _____
Designed					_____
Drawn					_____
Checked					_____
Approved					_____
Date					_____
					<p>Barghausen</p> <p>Consulting Engineers, Inc</p> <p>18215 72nd Avenue South KENT, WA 98032 (425)251-6222 KENT, WA 98032 barghausen.com</p>
Job Number					17422.3
Sheet					L-1_5

LANDSCAPE AND IRRIGATION SET



- LEGEND**
- EXISTING TREE TO BE RETAINED. PROTECT DURING CONSTRUCTION
 - EXISTING LANDSCAPE AND IRRIGATION TO BE RETAINED. PROTECT DURING CONSTRUCTION. SEE BOB SCACCALOSI LANDSCAPE/IRRIGATION DRAWING SET DATED 4/19/2019 FOR ADDITIONAL INFORMATION



IRRIGATION SCHEDULE

- NEW RAINBIRD 1" PEB REMOTE CONTROL VALVE. WITH LINE SIZE SPEARS ISOLATION BALL VALVE
- EXISTING RAINBIRD REMOTE CONTROL VALVE. LANDSCAPE CONTRACTOR TO VERIFY CONDITION
- TYPICAL VALVE CALL-OUT
- HYDROZONE NUMBER (ALSO VALVE NUMBER) VALVE GPM
- VALVE SIZE
- EXISTING QUICK COUPLING VALVE TO BE RETAINED
- PLASTIC BALL VALVE, MATCH PIPE SIZE, IN VALVE BOX
- EXISTING 1" BACKFLOW PREVENTION DEVICE. LANDSCAPE CONTRACTOR TO VERIFY CONDITION
- EXISTING 3/4" INCH WATER METER. LANDSCAPE CONTRACTOR TO VERIFY CONDITION
- EXISTING IRRIGATION CONTROLLER TO BE RETAINED
- EXISTING RAIN SENSOR TO BE RETAINED
- NEW PVC TO POLYTUBING CONNECTION. EXISTING CONNECTIONS NOT SHOWN
- NEW MAINLINE - (18" COVER); 2-1/2" SIZE CLASS 315. MATCH EXISTING PIPE TYPE EXISTING 1" MAINLINE AND SERVICE LINE
- NEW AND PROPOSED LATERAL PIPE - SCH 40 PVC (12" COVER); SIZE PER PLAN, 3/4" SIZE MINIMUM SEE NOTES THIS SHEET REGARDING LATERAL PIPE AND ALSO PVC CONNECTIONS TO DRIP TUBING
- .700 POLYETHYLENE DRIP TUBING WITH FLUSHING END CAP (TUBING TO BE STAKED MAX. 3" ON-CENTER. TUBING TO NOT EXCEED 100 LF)
- NEW SLEEVE - SCH 40 PVC; 24" MINIMUM COVER AT VEHICLE CROSSINGS; 2x DIAMETER OF PIPE(S) AND 1" FOR CONTROL WIRES OR AS SPECIFIC ON PLAN
- EXISTING IRRIGATION SLEEVE. LANDSCAPE CONTRACTOR TO CONFIRM LOCATION AND CONDITION

SCH 40 PIPE SIZING CHART

PIPE SIZE	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	GPM (MAX.)
FLOW GPM	1-8	8.1-13	13.1-23	23.1-32	32.1-53	53.1-74	

LANDSCAPE CONTRACTOR TO UTILIZE IRRIGATION EQUIPMENT AS NOTED ON THE 4/19/2019 BOB SCACCALOSI LANDSCAPE AND IRRIGATION DRAWING SET. NOTIFY LANDSCAPE ARCHITECT IF ANY OF THE ABOVE-LISTED EQUIPMENT IS NO LONGER AVAILABLE

GENERAL IRRIGATION NOTES

1. LOCATE ALL IRRIGATION EQUIPMENT IN LANDSCAPE PLANTERS. EQUIPMENT SHOWN IN PAVEMENT AND OFFSITE IS FOR CLARITY ONLY. ALL VALVE BOXES SHALL BE LOCATED AT LEAST 2' FROM ANY PAVEMENT.
2. DRIP IRRIGATION TUBING LAYOUT AS SHOWN ON PLAN IS CONCEPTUAL. ACTUAL 1/2"-INCH TUBING LENGTHS SHALL NOT EXCEED 100 LINEAR FEET FROM POINT OF CONNECTION AT RIGID SCHEDULE 40 PVC. 1/4"-INCH FEEDER LINE SHALL NOT EXCEED 2' IN LENGTH.
3. IRRIGATION SLEEVES AS INDICATED ON LEGEND SHALL BE INSTALLED AT ALL PAVEMENT/HARDSCAPE CROSSINGS.
4. CARE TO BE TAKEN WHEN INSTALLING IRRIGATION PIPING AT EXISTING TREES AND SHRUBS (TO REMAIN). HAND-TRENCHING SHALL BE COMPLETED IN THE PRESENCE OF EXISTING TREE ROOTS. ROOTS 2" AND LARGER UNLESS SURFACE ROOTS) SHALL BE PRESERVED.
5. CONTACT USA NORTH (811) PRIOR TO COMMENCING CONSTRUCTION TO VERIFY EXISTING UNDERGROUND UTILITIES.
6. EXISTING MATURE ONSITE AND OFFSITE LANDSCAPE IRRIGATION (BY OTHERS) SHALL REMAIN PROTECTED IN PLACE.

EMITTER / BUBBLER SCHEDULE

- ALL NEW PLANTS ARE "LOW" WATER USAGE
- 15-GALLON TREES
FOUR 0.5 GPH (AGRIFIM)
 - 5-GALLON SHRUBS
TWO 0.5 GPH (AGRIFIM)
 - 1-GALLON SHRUBS
ONE 0.5 GPH (AGRIFIM)

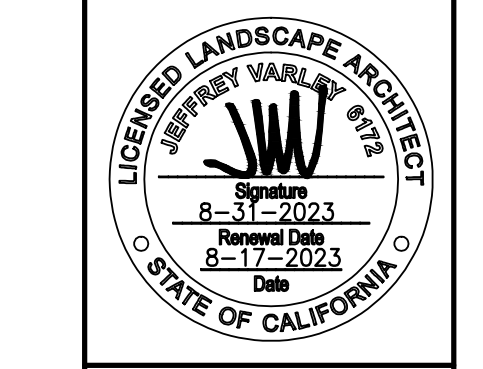
IRRIGATED LANDSCAPE WATER EFFICIENCY TABLE

WATER BUDGET CALCULATIONS							
MAXIMUM APPLIED WATER ALLOWANCE							
(Eto)	(0.62)	[(0.45 x LA) + (0.55 x SLA)]	LOCAL Eto	LA =	SLA =		MAWA TOTAL
			41.8	1,805	0		21,050 GAL
ESTIMATED TOTAL WATER USE							
(Eto)	(0.62)	[(PF/IE) x (LA)]	LOCAL Eto	PF =	LA =	SLA =	ETWU TOTAL =
			41.8	0.3	1,805	0	NET TOTAL 17,307 GAL
HYDROZONE INFORMATION TABLE							
HYDROZONE TAG	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY (IE)	ETAF (PF/IE)	LANDSCAPE AREA (SQ. FT.)	ETAF x AREA	ESTIMATED TOTAL WATER USE (ETWU)
REGULAR LANDSCAPE AREAS							
HYDROZONE 3 (SHRUBS/DRIP/LOW)	0.3	IN-LINE DRIP	0.81	0.37	1,030	381.1	9,876
HYDROZONE 4 (SHRUBS/DRIP/LOW)	0.3	IN-LINE DRIP	0.81	0.37	775	286.75	7,431
					TOTAL AREA 1805 S.F.		TOTAL GALLONS 17,307

SEE SCACCALOSI PLANS FOR WATER USAGE AND HYDROZONE INFORMATION FOR HYDROZONES #1 AND #2. HYDROZONE NUMBERING CONTINUES ON THIS DRAWING

Revision
No. | Date | By | Ckd. | Appr.
IRRIGATION PLAN
AUTOMATIC CARWASH
2996 TELEGRAPH AVENUE
BERKELEY, CALIFORNIA

For
SALKHI PETROLEUM
2145 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA 95401



Scale:
Horizontal
Vertical
Designed
Drawn
Checked
Approved
Date

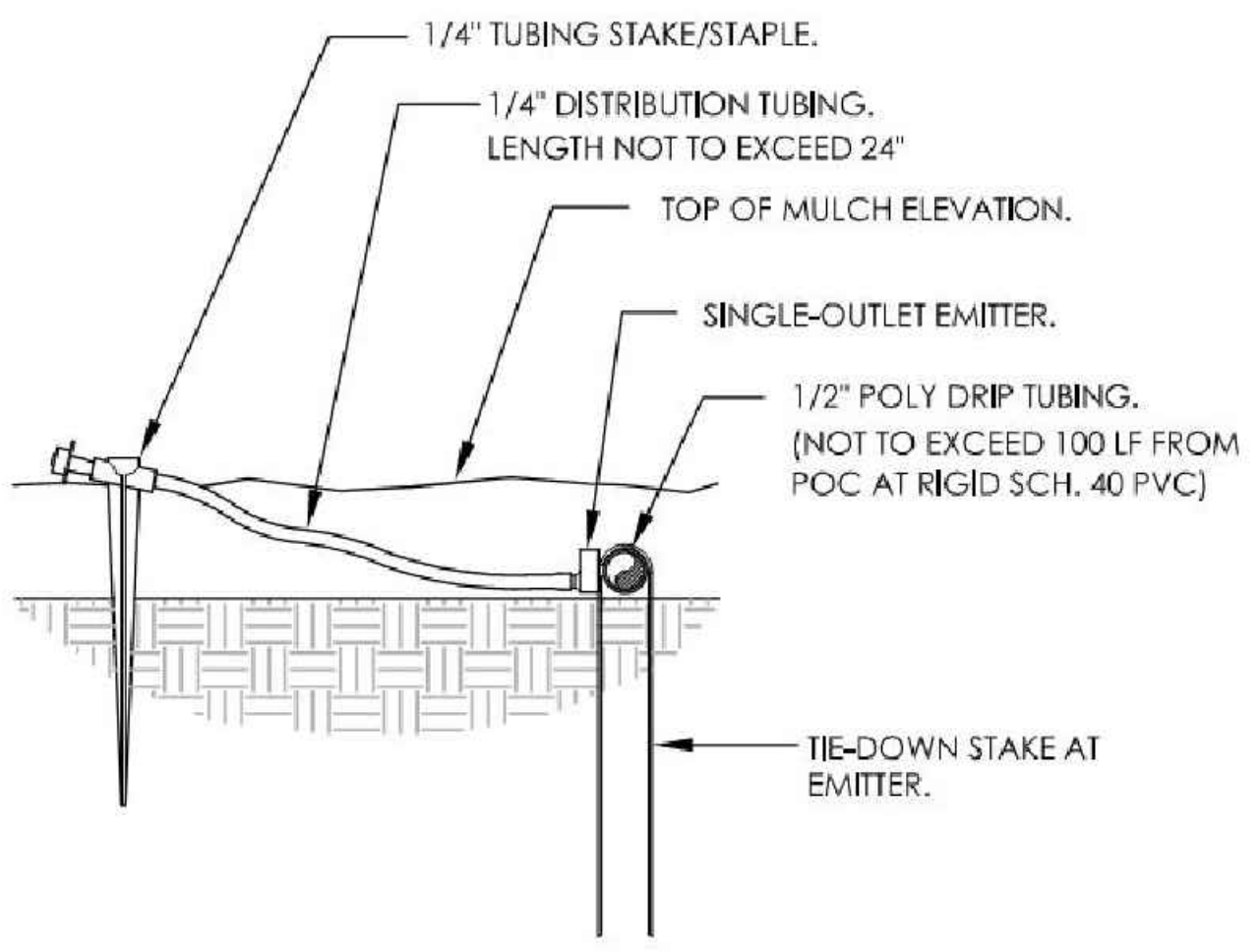
Borghausen Consulting Engineers, Inc
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(425)251-6222
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borghausen.com

Job Number
17422.3
Sheet
L-3_5

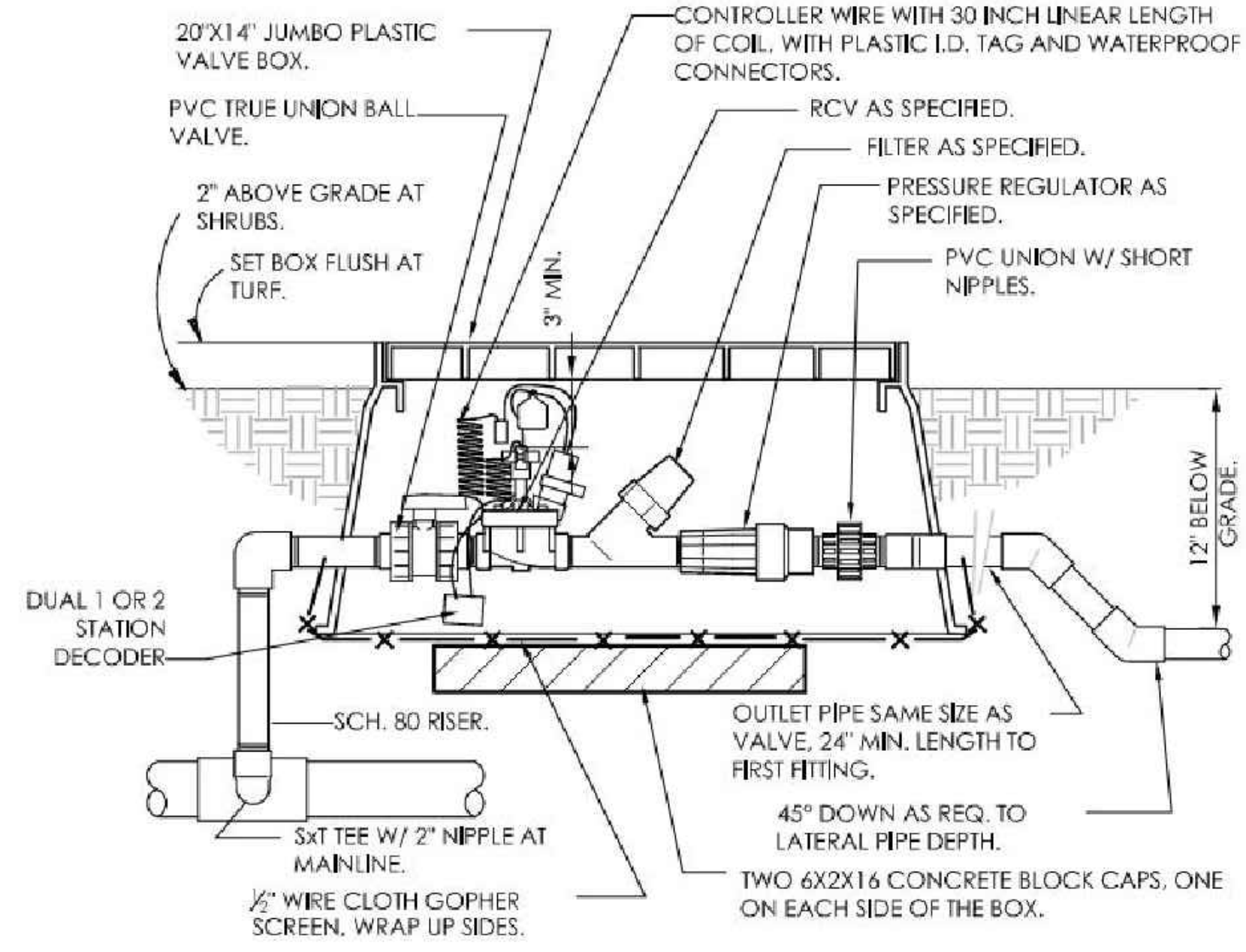
LANDSCAPE AND IRRIGATION SET

LANDSCAPE IRRIGATION NOTES

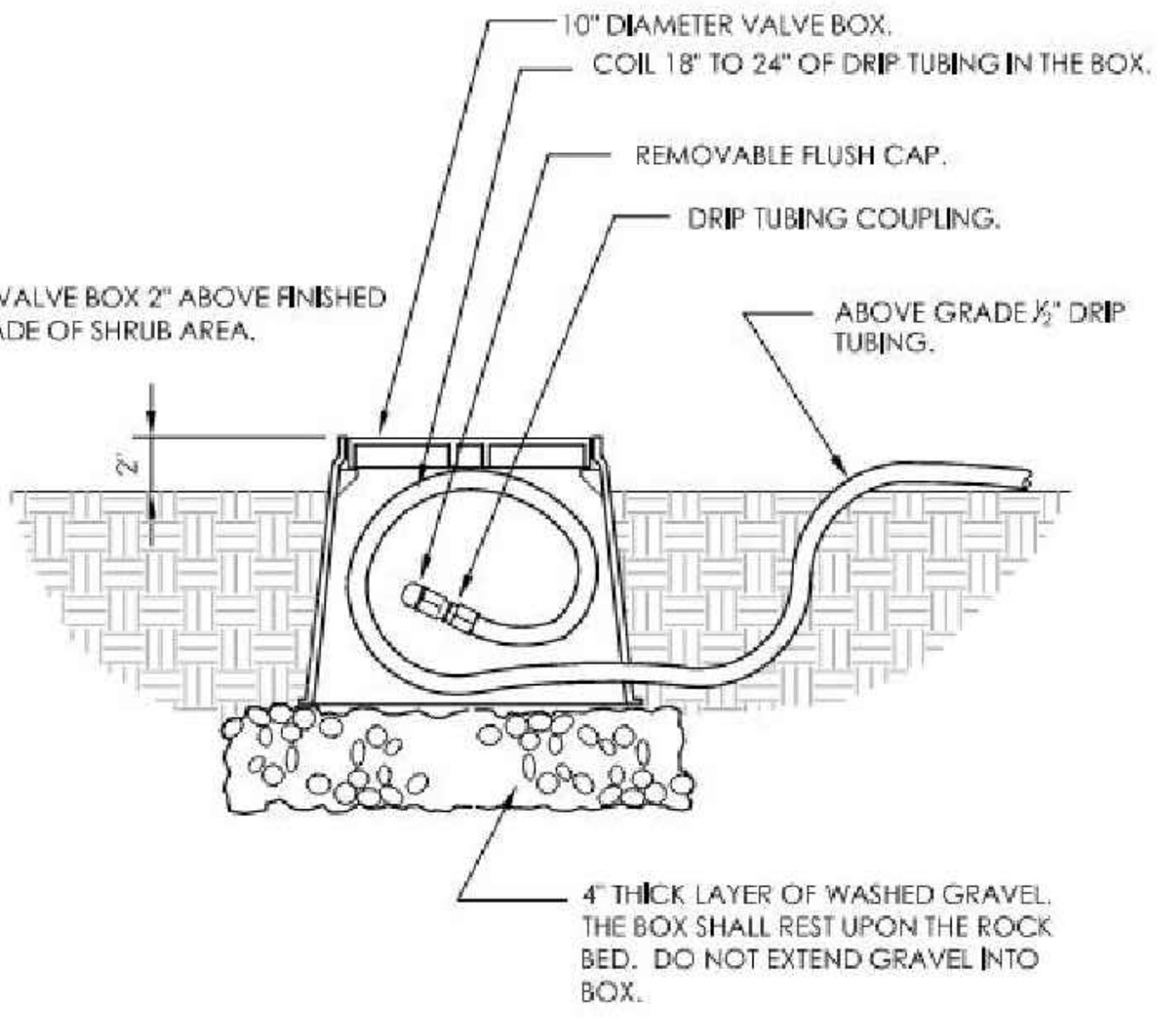
1. GENERAL CONTRACTOR AND LANDSCAPE CONTRACTOR TO COORDINATE:
 - A. VERIFICATION OF STATIC WATER PRESSURE AT POINT-OF-CONNECTION (P.O.C.) CONTRACTOR SHALL NOTIFY OWNER AND BARGHAUSEN CONSULTING ENGINEERS, INC., OF ANY VARIATION IN STATIC PRESSURE OVER 5 PSI GREATER/LESS THAN DESIGN PRESSURE.
 - B. INSTALLATION OF SLEEVING.
2. LANDSCAPE CONTRACTOR TO TEST AVAILABLE WATER PRESSURE AND PROVIDE WRITTEN TEST RESULTS TO LANDSCAPE ARCHITECT PRIOR TO BEGINNING ANY WORK.
3. ALL WORK PER LOCAL CODE. INSTALLATION PER MANUFACTURER'S WRITTEN SPECIFICATIONS.
4. ALL VALVES TO BE PLACED IN "CARSON" GRADE LEVEL BOXES WITH BOLT-LOCK LIDS (OR APPROVED EQUIVALENT). SET BOXES 2 INCHES HIGHER THAN FINISH GRADE IN MULCH AREAS AND FLUSH WITH FINISH GRADE IN LAWN AREAS. JUMBO BOX FOR CHECK VALVE, 10" ROUND BOX FOR GATE/QUICK COUPLER/WIRE SPLICES, AND 12" STANDARD FOR CONTROL VALVES. PROVIDE BOX EXTENSIONS AS REQUIRED.
5. MAINLINE PIPE TO BE BURIED 18 INCHES AND LATERALS 12 INCHES BELOW FINISH GRADE. NO ROCK OR DEBRIS TO BE BACKFILLED OVER PIPE.
6. IRRIGATION DESIGN SHOWN DIAGRAMMATICALLY FOR PLAN CLARITY. LANDSCAPE CONTRACTOR IS CONNECTING TO AN EXISTING IRRIGATION SYSTEM. NOTIFY LANDSCAPE ARCHITECT IN WRITING IF ANY PORTIONS OF THE EXISTING IRRIGATION SYSTEM ARE NOT ABLE TO PROVIDE ADEQUATE WATER TO ALL THE NEW PLANT MATERIAL. ALSO, THE EXISTING SYSTEM SHALL BE MAINTAINED IN GOOD WORKING ORDER DURING THE REMODELING OF THE IRRIGATION SYSTEM. UTILIZE SAME IRRIGATION PARTS MANUFACTURER WHEREVER POSSIBLE UNLESS THOSE PARTS ARE NO LONGER AVAILABLE. IRRIGATION SUBMITTAL PRESENTED TO LANDSCAPE ARCHITECT SHALL INCLUDE ANY POTENTIAL IRRIGATION MANUFACTURER SUBSTITUTIONS.
7. POLY TUBING SHALL BE INSTALLED ON FINISH GRADE. CONTRACTOR TO RUN EACH ZONE BEFORE COVERING TUBING, TO VERIFY THAT THERE ARE NO CONNECTION LEAKS. TREES TO BE INSTALLED ON A SEPARATE ZONE. SEE IRRIGATION DETAILS FOR ADDITIONAL INFORMATION.
8. PROVIDE OWNER WITH TWO (2) SETS "AS-BUILT" DRAWINGS AND (3) SETS OF OPERATOR'S MANUALS UPON COMPLETION INSTRUCT OWNER AS TO PROPER OPERATION AND WINTERIZATION OF THE IRRIGATION SYSTEM.
9. FAMILIARIZE OWNERS FACILITY OPERATOR WITH IRRIGATION SYSTEM FUNCTION, CONTROLLER PROGRAMMING, SYSTEM OPERATION AND MAINTENANCE REQUIREMENTS.
10. ALL CONTROL WIRE SPLICES TO BE MADE AT VALVE BOXES WITH WATER TIGHT ELECTRICAL SPLICES, 3M, SCOTT'S LOCK SEAL TACK 3576-78, OR EQUIVALENT.
11. EACH VALVE BOX TO CONTAIN A MINIMUM OF TWO (2) SPARE ORANGE CONTROL WIRES JACKETED WIRE. ROUTE SPARE WIRES FROM THE CONTROLLER TO THE LAST VALVE OF EACH MAINLINE BRANCH. COMMON WIRE TO BE WHITE. SINGLE STRAND WIRE TO BE A MINIMUM OF 14 GAUGE.
12. ALL ELECTRICAL EQUIPMENT TO BE U.L. TESTED AND APPROVED, AND BEAR THE U.L. LABEL.
13. CROSS CONNECTION PROTECTION INSPECTION REQUIRED. THE BACKFLOW DEVICE TO BE TESTED UPON THE ORIGINAL INSTALLATION. THE TESTING TO BE PERFORMED BY A PERSON HOLDING A CURRENT CERTIFICATE AS A BACKFLOW TESTER. THE TEST REPORT TO BE SUBMITTED TO THE LOCAL WATER DISTRICT, OR FURVEYOR, AND OWNER WITH A COPY TO BARGHAUSEN CONSULTING ENGINEERS, INC. CONTRACTOR TO INCLUDE TESTING IN THE SCOPE OF WORK. OWNER IS RESPONSIBLE FOR ANNUAL INSPECTIONS AFTER THE INITIAL INSPECTION.
14. CONTRACTOR TO PROVIDE SYSTEM WINTERIZATION/SPRING SERVICE WHEN INSTALLATION HAS BEEN COMPLETED WITHIN 90 DAYS OF NOVEMBER 1 FOR WINTERIZATION, OR MAY 15 FOR SPRING SERVICE. SERVICE TO BE PERFORMED AS NEAR AS PRACTICAL TO THE ABOVE DATES, OR AS FREEZE/PRECIPITATION CONDITIONS DETERMINE SERVICE NEED.
15. PROPOSED IRRIGATION SHOWN IN THIS DRAWING SET IS TO CONNECT TO AN EXISTING ESTABLISHED IRRIGATION SYSTEM. LANDSCAPE CONTRACTOR IS TO VERIFY THAT EXISTING SYSTEM, SUCH AS IRRIGATION CONTROLLER AND MAINLINE, HAVE ENOUGH CAPACITY TO HANDLE THE ADDITIONAL COMPONENTS. LANDSCAPE CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT IF ANY OF THE EXISTING SYSTEM DOES NOT HAVE THE CAPACITY FOR THE PROPOSED ADDITIONS.
16. SUBSTITUTION OF IRRIGATION MATERIAL/EQUIPMENT TO BE MADE ONLY UPON WRITTEN APPROVAL OF LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE.
17. ALL ZONES TO PASS A MINIMUM DISTRIBUTION UNIFORMITY WATER AUDIT, AS REQUIRED BY THE STATE OF CALIFORNIA'S WATER EFFICIENT LANDSCAPE ORDINANCE, AS ADOPTED BY THE CITY COUNCIL. AN IRRIGATION ASSOCIATION CERTIFIED WATER AUDIT REPORT TO BE PROVIDED TO THE CITY.



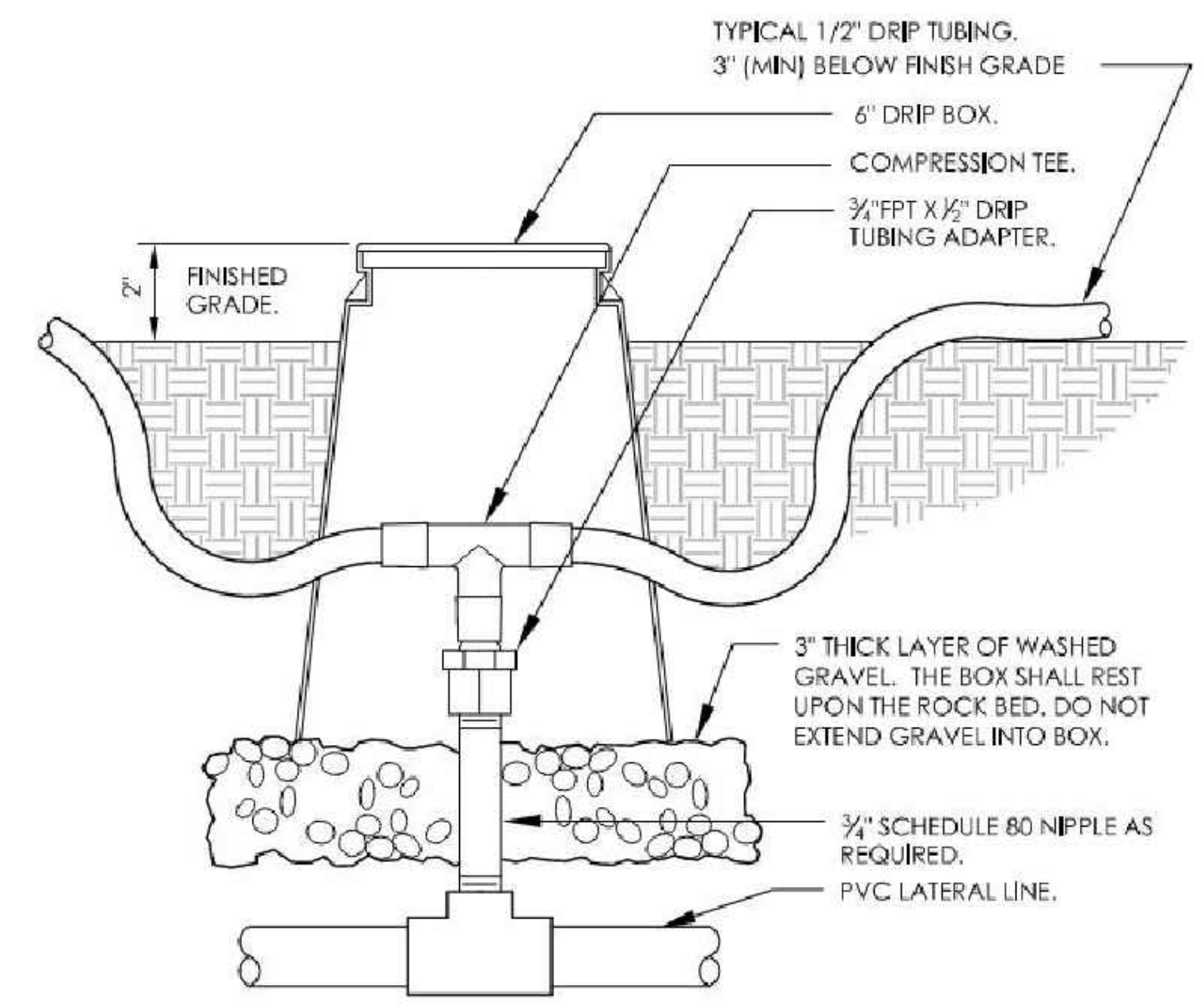
DRIP EMITTER AT 1/4-INCH TUBING



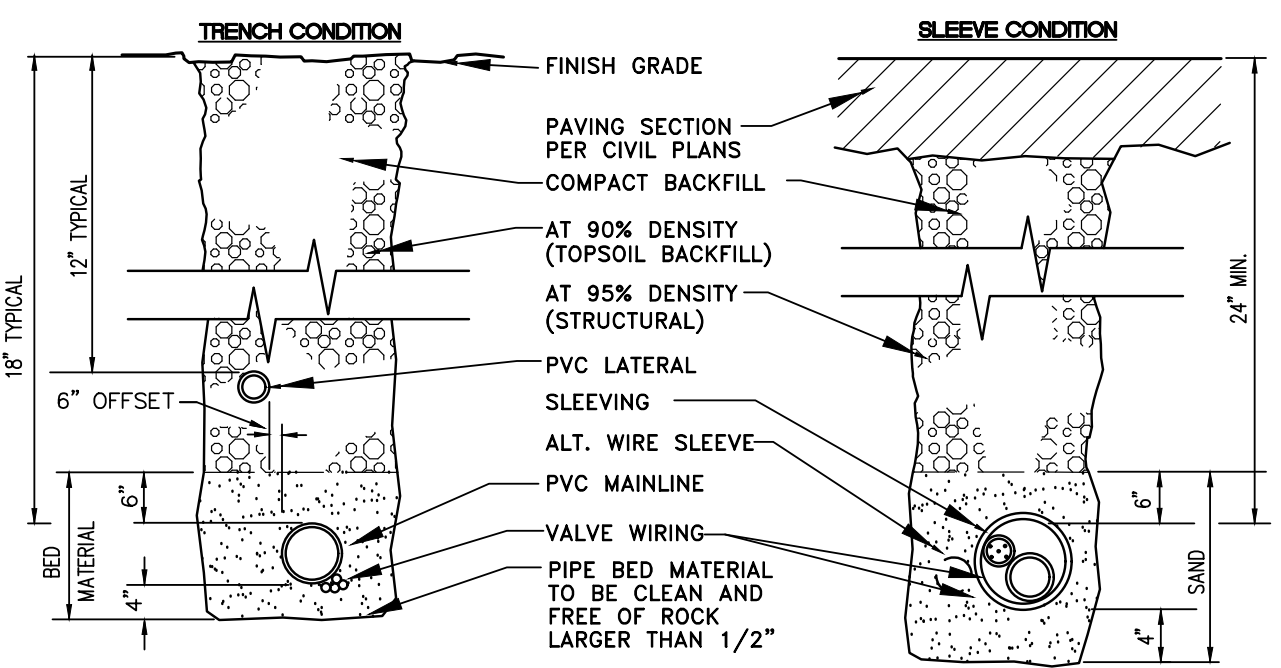
1" DRIP VALVE / FILTER / REGULATOR



DRIP FLUSH CAP ASSEMBLY



ZONE CONTROL



NOTE:
SLEEVING MATERIAL AS NOTED IN IRRIGATION SCHEDULE.
DIMENSIONS ARE MIN. CLEARANCES.
ALL IRRIGATION SLEEVING TRENCH BACKFILL MATERIAL SHALL BE CLASS #8 OR BETTER (MAX. OF 10% PASSING NO.40 SCREEN) AND BE COMPACTED TO MIN. 95% OPTIMUM DENSITY PER ASTM D-1557-70 (MODIFIED PROCTOR)

SLEEVE/TRENCHING DETAIL

NOT TO SCALE

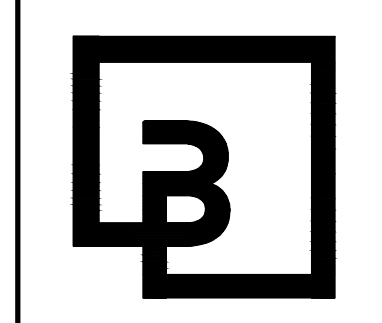
Title: IRRIGATION NOTES AND DETAILS
 AUTOMATIC CARWASH
 2996 TELEGRAPH AVENUE
 BERKELEY, CALIFORNIA

For: SALKHI PETROLEUM
 2145 MENDOCINO AVENUE
 SANTA ROSA, CALIFORNIA 95401



Scale: Horizontal _____ Vertical _____

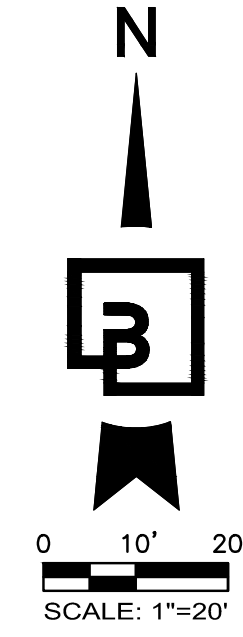
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 Checked _____
 Approved _____
 Date _____



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Job Number: 17422.3
 Sheet: L-4 of 5

LANDSCAPE AND IRRIGATION SET



LEGEND

- EXISTING TREE TO BE RETAINED. PROTECT DURING CONSTRUCTION
- EXISTING LANDSCAPE AND IRRIGATION TO BE RETAINED. PROTECT DURING CONSTRUCTION. SEE BOB SCACCALOSI LANDSCAPE/IRRIGATION DRAWING SET DATED 4/19/2019 FOR ADDITIONAL INFORMATION

IRRIGATION SCHEDULE

- NEW RAINBIRD 1" PEB REMOTE CONTROL VALVE. WITH LINE SIZE SPEARS ISOLATION BALL VALVE
- EXISTING RAINBIRD REMOTE CONTROL VALVE. LANDSCAPE CONTRACTOR TO VERIFY CONDITION
- TYPICAL VALVE CALL-OUT
- HYDROZONE NUMBER (ALSO VALVE NUMBER) VALVE GPM
- VALVE SIZE
- EXISTING QUICK COUPLING VALVE TO BE RETAINED
- PLASTIC BALL VALVE, MATCH PIPE SIZE, IN VALVE BOX
- EXISTING 1" BACKFLOW PREVENTION DEVICE. LANDSCAPE CONTRACTOR TO VERIFY CONDITION
- EXISTING 3/4" INCH WATER METER. LANDSCAPE CONTRACTOR TO VERIFY CONDITION
- EXISTING IRRIGATION CONTROLLER TO BE RETAINED
- EXISTING RAIN SENSOR TO BE RETAINED
- NEW PVC TO POLYTUBING CONNECTION. EXISTING CONNECTIONS NOT SHOWN
- NEW MAINLINE - (18" COVER); 2-1/2" SIZE CLASS 315. MATCH EXISTING PIPE TYPE
- EXISTING 1" MAINLINE AND SERVICE LINE
- NEW AND PROPOSED LATERAL PIPE - SCH 40 PVC (12" COVER); SIZE PER PLAN, 3/4" SIZE MINIMUM. SEE NOTES THIS SHEET REGARDING LATERAL PIPE AND ALSO PVC CONNECTIONS TO DRIP TUBING
- 700 POLYETHYLENE DRIP TUBING WITH FLUSHING END CAP (TUBING TO BE STAKED MAX. 3' ON-CENTER. TUBING TO NOT EXCEED 100 LF)
- NEW SLEEVE - SCH 40 PVC; 24" MINIMUM COVER AT VEHICLE CROSSINGS; 2x DIAMETER OF PIPE(S) AND 1" FOR CONTROL WIRES OR AS SPECIFIC ON PLAN
- EXISTING IRRIGATION SLEEVE. LANDSCAPE CONTRACTOR TO CONFIRM LOCATION AND CONDITION

SCH 40 PIPE SIZING CHART

PIPE SIZE	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	GPM (MAX.)
FLOW GPM	1-8	8.1-13	13.1-23	23.1-32	32.1-53	53.1-74	

LANDSCAPE CONTRACTOR TO UTILIZE IRRIGATION EQUIPMENT AS NOTED ON THE 4/19/2019 BOB SCACCALOSI LANDSCAPE AND IRRIGATION DRAWING SET. NOTIFY LANDSCAPE ARCHITECT IF ANY OF THE ABOVE-LISTED EQUIPMENT IS NO LONGER AVAILABLE

GENERAL IRRIGATION NOTES

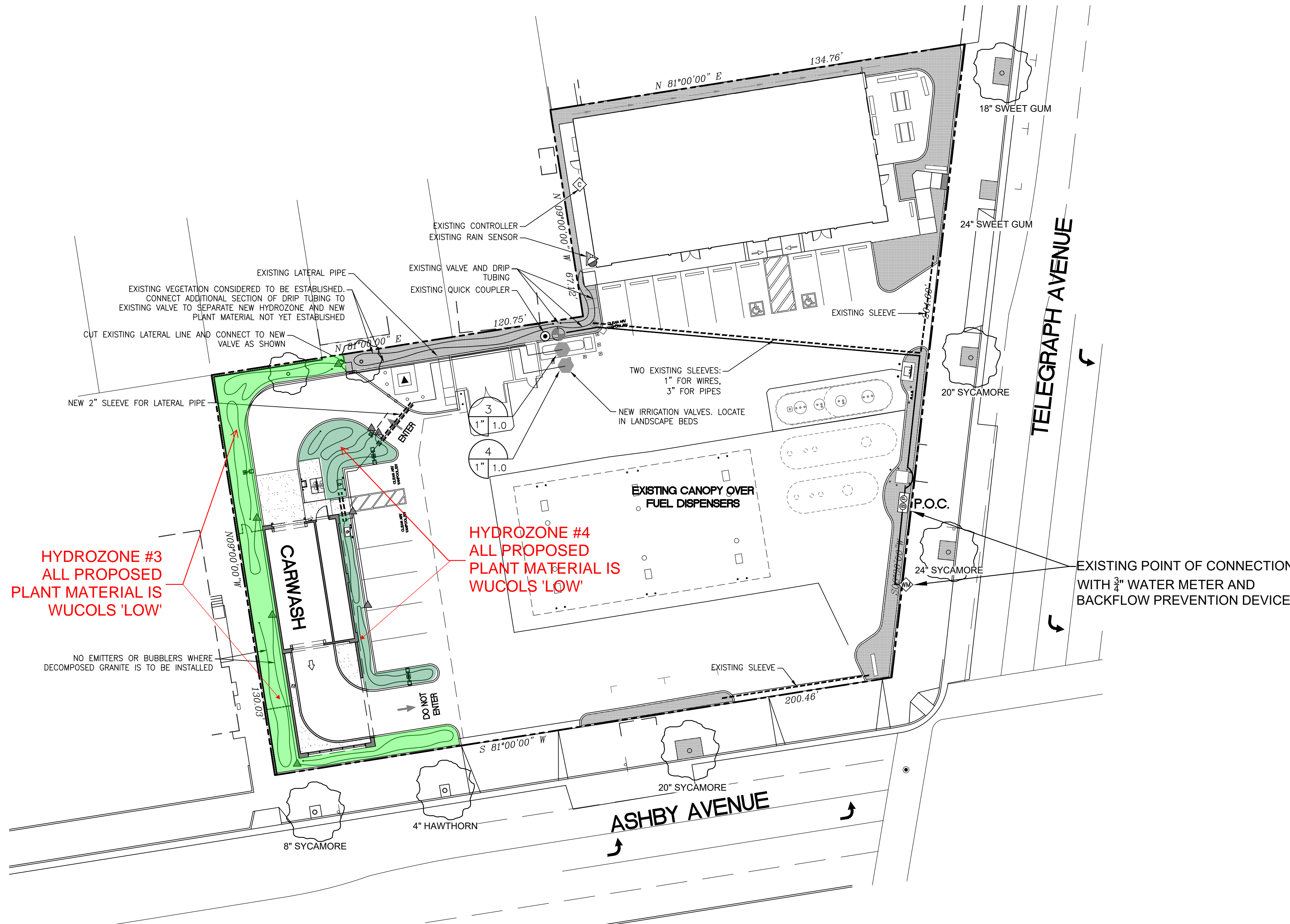
- LOCATE ALL IRRIGATION EQUIPMENT IN LANDSCAPE PLANTERS. EQUIPMENT SHOWN IN PAVEMENT AND OFFSITE IS FOR CLARITY ONLY. ALL VALVE BOXES SHALL BE LOCATED AT LEAST 2' FROM ANY PAVEMENT.
- DRIP IRRIGATION TUBING LAYOUT AS SHOWN ON PLAN IS CONCEPTUAL. ACTUAL 1/2-INCH TUBING LENGTHS SHALL NOT EXCEED 100 LINEAR FEET FROM POINT OF CONNECTION AT RIGID SCHEDULE 40 PVC. 1/4-INCH FEEDER LINE SHALL NOT EXCEED 2' IN LENGTH.
- IRRIGATION SLEEVES AS INDICATED ON LEGEND SHALL BE INSTALLED AT ALL PAVEMENT/HAROSCAPE CROSSINGS.
- CARE TO BE TAKEN WHEN INSTALLING IRRIGATION PIPING AT EXISTING TREES AND SHRUBS (TO REMAIN). HAND-TRENCHING SHALL BE COMPLETED IN THE PRESENCE OF EXISTING TREE ROOTS. ROOTS 2" AND LARGER UNLESS SURFACE ROOTS) SHALL BE PRESERVED.
- CONTACT USA NORTH (811) PRIOR TO COMMENCING CONSTRUCTION TO VERIFY EXISTING UNDERGROUND UTILITIES.
- EXISTING MATURE ONSITE AND OFFSITE LANDSCAPE IRRIGATION (BY OTHERS) SHALL REMAIN PROTECTED IN PLACE.

EMITTER / BUBBLER SCHEDULE

- ALL NEW PLANTS ARE "LOW" WATER USAGE
- 15-GALLON TREES
FOUR 0.5 GPH (AGRIFIM)
 - 5-GALLON SHRUBS
TWO 0.5 GPH (AGRIFIM)
 - 1-GALLON SHRUBS
ONE 0.5 GPH (AGRIFIM)

IRRIGATED LANDSCAPE WATER EFFICIENCY TABLE

WATER BUDGET CALCULATIONS							
MAXIMUM APPLIED WATER ALLOWANCE							
(Eto) (0.62) [(0.45 x LA) + (0.55 x SLA)]	LOCAL Eto	LA =	SLA =			MAWA TOTAL	
	41.8	1,805	0			21,050 GAL	
ESTIMATED TOTAL WATER USE							
(Eto) (0.62) [(PF/IE) x (LA)]	LOCAL Eto	PF =	LA =	SLA =		ETWU TOTAL =	
	41.8	0.3	1,805	0		NET TOTAL 17,307 GAL	
HYDROZONE INFORMATION TABLE							
HYDROZONE TAG	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY (IE)	ETAF (PF/IE)	LANDSCAPE AREA (SQ. FT.)	ETAF x AREA	ESTIMATED TOTAL WATER USE (ETWU)
REGULAR LANDSCAPE AREAS							
HYDROZONE 3 (SHRUBS/DRIP/LOW)	0.3	IN-LINE DRIP	0.81	0.37	1,030	381.1	9,876
HYDROZONE 4 (SHRUBS/DRIP/LOW)	0.3	IN-LINE DRIP	0.81	0.37	775	286.75	7,431
					TOTAL AREA 1805 S.F.		TOTAL GALLONS 17,307
SEE SCACCALOSI PLANS FOR WATER USAGE AND HYDROZONE INFORMATION FOR HYDROZONES #1 AND #2. HYDROZONE NUMBERING CONTINUES ON THIS DRAWING							



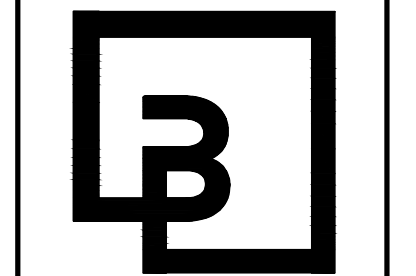
No.	Date	By	Ctd.	Appr.

HYDROZONE EXHIBIT
AUTOMATIC CARWASH
2996 TELEGRAPH AVENUE
BERKELEY, CALIFORNIA

SALKHI PETROLEUM
2145 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA 95401



Scale:	Horizontal	Vertical
Designed	Drawn	Checked
Approved	Date	



Barghausen
Consulting Engineers, Inc.
18215 72nd Avenue South
KENT, WA 98032
(425)251-6222
KENT, WA 98032
barghausen.com

Job Number
17422.3
Sheet
L-5_5



Z O N I N G A D J U S T M E N T S B O A R D

NOTICE OF PUBLIC HEARING

2996 Telegraph Avenue

Use Permit #ZP2020-0055 to construct a 1,704 square-foot self-service car wash (14 feet in height) at an existing 36,812 square-foot lot that includes a gas station, quick food service, and a convenience store. The scope also includes a new 165-foot long wall at the west and the north property lines, two new electric vehicle charging stations, new landscaping, and new parking stall stripping.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, September 28, 2023, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: Avenue Commercial (AC)
- Zoning: Corridor Commercial District (C-C)

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Nilu Karimzadegan, at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
 2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
 3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
 4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
-

Armour, Nicholas

From: Ronald Kowalski <rkowal3245@aol.com>
Sent: Thursday, June 25, 2020 5:51 PM
To: Armour, Nicholas
Cc: caitlinhepworth@barghausen.com
Subject: Zoning comment ZP2020-0055

Follow Up Flag: Flag for follow up
Flag Status: Completed

WARNING: This email originated outside of City of Berkeley.
DO NOT CLICK ON links or attachments unless you trust the sender and know the content is safe.

Dear Sir;

This regards the above mentioned zoning request for construction of a 960 sq.ft.self-service car wash at an existing gas station at 2996 Telegraph Ave:

The application materials are not listed on the web site www.cityofberkeley.info/zoning applications as of today, 6-25-20 although the application was submitted on 6-12-20 therefore at this time my wife and I don't have the particulars although we are witnessing electrical work being done to this property where it will most likely be built. The structure will be about 30feet from our property and the height will probably block our view of the Berkeley hills. For these reasons, without actually viewing the application, we would strongly object to this zoning change.

My wife Virginia, age 65, and I, Ron Kowalski, age 79, have lived in our home since 1999, when we purchased it and would like to remain here without major changes to our quality of life. Please advise if there will be meetings to attend to voice our objections.

Thank you

Very sincerely yours
Ronald A and Virginia Q. Kowalski
2309 Ashby Ave.
Berkeley, California 94705
510-355-6094
510-883-1222
rkowal3245@aol.com

Armour, Nicholas

From: Diane ERWIN <dmerwin@berkeley.edu>
Sent: Monday, July 6, 2020 11:35 AM
To: Armour, Nicholas
Subject: UP #ZP2020-0055 -- Neighborhood BLIGHT

Follow Up Flag: Flag for follow up
Flag Status: Flagged

WARNING: This email originated outside of City of Berkeley.
DO NOT CLICK ON links or attachments unless you trust the sender and know the content is safe.

Dear Nicholas,

I've just learned that the owner of the Chevron gas station, which is directly borders my residence, is planning to build a self-serve car wash. This facility would be literally right next to my house. It was bad enough that the city permitted the building of the fast food restaurant/convenience store with a liquor license and now this. There is no need for a car wash at this location in Berkeley and it would be a BLIGHT on the neighborhood. The thought of having to hear power washing hoses going 24 hours of the day, homeless people helping themselves to showers, and will there vacuum stations be part of this too!!!! This by no means a "site improvement". It is a nightmare!!! Please do not permit this to be built next to my residence or my neighbors. The gas station has proved in the past prior to all the new construction and pre-Covid to be a horrible neighbor. Failing to keep the area free of trash, unwanted transients and late night gatherings of two truck drivers and others.

Sincerely,
Diane M. Erwin
2315A Ashby Avenue

Karimzadegan, Niloufar

From: Diane ERWIN <dmerwin@berkeley.edu>
Sent: Wednesday, February 22, 2023 11:13 AM
To: Burns, Anne M
Cc: Karimzadegan, Niloufar
Subject: Re: 2996 Telegraph Avenue (Car Wash) Feb. 16th DRC Agenda
Attachments: 2996 Telegraph 1.JPG; 2996 Telegraph 2.JPG; 2996 Telegraph 3.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Anne,

This is what I woke up to this morning at the end of my driveway at 2315 Ashby Avenue, that's my house to the left of the fence, where I have lived for over 20 years. We'll see how long it takes the gas station folks to clean up this mess on their property. Needless to say, the potential noise and trash that will come from this horrid car wash, charging stations, and a relocated trash bin right next to my house(?) is still something I cannot believe the city of Berkeley would approve. If you look closely you can see the abandoned tire that has been there for who knows how long!

Diane Erwin

On Thu, Feb 9, 2023 at 6:22 PM Diane ERWIN <dmerwin@berkeley.edu> wrote:

Dear Anne,

Thank you for letting me know that this proposed car wash is still being considered. So, what you are saying here is that this meeting of the DRC is not open for public opinion or the permit granting, it is the ZAB meeting that will determine if the permit is issued or not. I can't believe this is still being planned. Especially now with our drought situation in California and climate change, I can't believe that such a proposal would even get this far. It's a nightmare! My house will be literally feet away from 24 hr.? high-powered spray hoses, vacuum cleaners, people's car stereos blaring while they wash or recharge their cars, people smoking and talking on their phones, the exhaust from car engines running while they wait in line, trash thrown on the ground that won't get picked up just as it is now near at that end of the parking lot next to the fence because apparently it is not the job of the convenience store workers.

I'm sorry but I do not see the necessity of a car wash in this location given there is already one in the neighborhood just 7 blocks down the street at 6360 Telegraph Avenue and people love it according to the reviews, "I love the Solar Car Wash! I would recommend it to any car owner. **The location is great and there is never a line because there are so many bays.** Recently I had some difficulty getting tokens from the machine.....this was totally my fault as I was putting my card in the wrong way. The attendant happily came over to assist me and was really pleasant. I would love such great customer service everywhere I go!"

If the gas station owner wants a car wash he should build it next to his own damn house! Sorry for the French but I'm really irked. Thank you again for alerting me about this proposal. --Diane

On Thu, Feb 9, 2023 at 5:12 PM Burns, Anne M <ABurns@cityofberkeley.info> wrote:

Hello, Diane: I'm the design review planner here in Land Use Planning and we have the proposed car wash on our Feb. 16th Design Review Committee (DRC) Agenda. I saw your letter in the Use Permit file. The DRC is advisory to the Zoning Adjustments Board (ZAB) where the Use Permit will be reviewed in a Public Hearing. The DRC should only be reviewing design issues, which do include any impacts that the new design could cause and if there was a design change that could help to resolve it, but they will not be discussing whether a car wash should be granted a Use Permit or not. That should be discussed and reviewed at ZAB, and there will be an upcoming mailing to notice that Public Hearing at ZAB. I'm including Nilu Karimzadegan on this email, as she is the Use Permit Planner that we will be preparing the information that is going to ZAB for that Public Hearing. Please let us know if you have any questions. Thank you. – Anne Burns (510) 981-7415

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/February_2023_Links_0.pdf









Planning and Development Department

Land Use Planning Division

Response to Comments received on the IS/ND for 2996 Telegraph Avenue (SCH Number: 2023020200)

1.1 CEQA Process

Pursuant to Section 15085 of the California Environmental Quality Act (CEQA) Guidelines, the City of Berkeley (the CEQA Lead Agency) submitted a Notice of Completion for the proposed 2996 Telegraph Avenue Project, Notice of Implementation (NOI), and Draft Initial Study/-Negative Declaration (IS/ND), to the California State Clearinghouse on February 8, 2023. The NOI was also filed with the County Clerk and mailed to all property owners located within a 500-foot radius of the project. In accordance with Section 15105(b) of the CEQA Guidelines, the project was posted for public review for 30 days, from February 8, 2023 to March 10, 2023.

This document incorporates comments from the general public and agencies and contains responses by the Lead Agency to those comments. No new significant environmental impacts were identified, and no revisions are required for the recirculated Revised Draft IS/ND.

1.2 Responses to Comments

Pursuant to CEQA Guidelines Section 15088, a lead agency is not required to prepare written responses received on an IS/ND. However, prior to approving a project, the decision-making body must consider the proposed IS/ND together with any comments received during the public review process. For this reason, the City has elected to prepare the following written responses.

During the IS/ND public review period, the City received a total of two comment letters, listed below:

- Letter from East Bay Municipal Utility District dated March 1, 2023 – Describing District requirements for service and water conservation.
- Letter from Ronald and Virginia Kowalski, dated February 21, 2023 – Letter objecting to the car wash

Additional communication from Corrina Gould, Tribal Chair of the Confederated Villages of Lisjan Nation, requesting whether the City had conducted a Sacred Lands File Search was received on February 6, 2023. Additionally, on February 17, 2023, the City received email communication from Canyon Consulting, LLC, representing the Indian Canyon Band of Costanoan Ohlone People that recommended monitoring and Cultural Sensitivity Training

The comments received and responses to those comments are attached to this memorandum.

Sincerely,

Nilu Karimzadegan, Senior Planner

NKarimzadegan@berkeleyca.gov

510-981-7430

URBAN
PLANNING
PARTNERS
INC.

388 17TH STREET
SUITE 230
OAKLAND, CA 94612
510.251.8210
WWW.UP-PARTNERS.COM

March 13, 2023

Niloufar Karimzadegan, Associate Planner
City of Berkeley
Land Use Planning
1947 Center Street
Berkeley, CA 94704

RE: RESPONSE TO COMMENTS RECEIVED ON THE NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR USE PERMIT ZP#2020-0055 FOR 2996 TELEGRAPH AVENUE PROJECT, BERKELEY

Dear Ms. Karimzadegan,

We received one comment letter on the Negative Declaration for Use Permit ZP#2020-0055 located at 2996 Telegraph Avenue in the City of Berkeley from the East Bay Municipal Utility District (EBMUD). The contents in the letter have been bracketed by number and the marked-up letter is included as Attachment A. None of the comments received in the letter address the adequacy of the Initial Study/Negative Declaration (IS/ND).

Comment 1.

This introductory comment is informational and does not specifically address the adequacy of the Initial Study/Negative Declaration (IS/ND); no further response is necessary. The applicant should be advised to contact EBMUD's New Business Office when the development plans are finalized.

Comment 2.

In December of 2022, the Regional Water Board concurred that the case qualifies for closure under the State's Low-Threat Underground Storage Tank Case Closure Policy. In other words, the Regional Water Board agrees that the site has been cleaned and the owner can file for site closure. A copy of the correspondence is included as Attachment B. In addition, Chapter III-I, Hazards and Hazardous Materials of the IS/ND describes the City's Conditions of Approval (COA) that require the investigation and management of contamination.

Comment 3.

The capacity of the wastewater collection system is discussed on page 72 in Chapter III-S, Utilities and Service Systems of the IS/ND. The project would not generate a significant increase in wastewater that would necessitate the need to expand wastewater facilities.

Niloufar Karimzadegan
March 13, 2023
Page 2

Comment 4.

The City's COA: Water Efficient Landscaping (#42) requires that new landscape areas over 500 square feet or rehabilitated landscapes over 2,500 square feet comply with the State's Model Water Efficiency Landscape Ordinance; however, the project does not include enough landscape area for this to apply. We advise the applicant to fully comply with Section 31 of EBMUD's Water Service Regulations.

ATTACHMENTS

Attachment A. East Bay Municipal Utility District Comment Letter – March 1, 2023 (Bracketed)
Attachment B. Regional Water Quality Control Board Case Closure Summary Letter – December 20, 2022.

Sincerely,



Shauna Wright
Planner
Urban Planning Partners, Inc.



Attachment A

March 1, 2023

Nilu Karimzadegan, Associate Planner
City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: Notice of Intent to Adopt an Initial Study/Negative Declaration for Use Permit
ZP#2020-0055 for 2996 Telegraph Avenue Project, Berkeley

Dear Ms. Karimzadegan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Negative Declaration for Use Permit ZP#2020-0055 located at 2996 Telegraph Avenue in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Berryman Pressure Zone, with a service elevation range between 200 and 400 feet, will serve the proposed project. Separate structures on a single parcel require separate water services. Offsite pipeline improvement, at the project sponsor's expense, may be required to serve the proposed project depending on the project's potable water demand and fire flow requirements set by the local fire agency. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

1

EBMUD's Standard Site Assessment Report indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install pipelines or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth pipelines are to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

2

Nilu Karimzadegan, Associate Planner
March 1, 2023
Page 2

Attachment A

EBMUD will not design pipelines or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

2
cont.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

3

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

Nilu Karimzadegan, Associate Planner
March 1, 2023
Page 3

Attachment A

To ensure that the project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

3
cont.

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

4

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:SHT:kvv
wdpd23_065 2996 Telegraph Ave.docx

cc: Erin Raya
Barghausen Consulting Engineers, Inc.
18215 72nd Avenue
Kent, WA 98032

Attachment B

Jang, John@Waterboards

From: Jang, John@Waterboards
Sent: Tuesday, December 20, 2022 8:40 PM
To: Rogers, Bradley W
Cc: LaGrandeur, Ross; Ramdass, Sunil@Waterboards; Toxics@cityofberkeley.info
Subject: Chevron Station, 2996 Telegraph Avenue, Berkeley - Approve Closure Request & Request for Interested Parties List and Case Closure Summary
Attachments: Case Closure Summary Template 120822.pdf

This email approves the June 21, 2022, [Low-Threat Closure Request](#) submitted by Arcadis U.S., Inc. on behalf of Chevron Environmental Management Company (CEMC) for the subject Source Property. As explained below, I approve the June 21, 2022, report and request CEMC to submit an interested party list and a completed Case Closure Summary by February 17, 2023.

Background and Plan Approval

Our March 28, 2022, [email](#) approves the December 22, 2021, [Vapor Intrusion Assessment Report](#), and requested the submittal of a case closure request that includes an updated site conceptual model. The June 21, 2022, report satisfactory complied with our March 28, 2022, request. I hereby approve the June 21, 2022, report.

Request for Technical Reports

The Source Property is an open Underground Storage Tank (UST) case. Regional Water Board staff concur that this case qualifies for closure under the State's [Low-Threat Underground Storage Tank Case Closure Policy](#) (LTCP). Before this case can be closed, the following tasks must be completed:

- 1) The LTCP requires notification to *“Municipal and county water districts water replenishment districts, special act districts with groundwater management authority, agencies with authority to issue building permits for land affected by the petroleum release, owners and occupants of the property impacted by the petroleum release, and the owners and occupants of all parcels adjacent to the impacted property...”*. To comply with Health and Safety Code Section 25296.20, you should submit an address list to the Regional Water Board of all adjacent owners and occupants as well as interested parties, including the current Fee Title owner of the property, who may have an interest to comment on the proposed Site closure. After Regional Board staff review and approval, we will prepare a notification and send it back to you for distribution to the identified addressees. This notification of intent to issue a no further action letter will open a 60-day commenting period.

Attachment B

- 2) After the commenting period and prior to issuance of a closure letter (assuming no valid objections to case closure), the LTCP requires that:
- All wells and borings installed for the purpose of investigating, remediating, or monitoring the unauthorized release shall be properly destroyed prior to case closure unless a property owner certifies that they will keep and maintain the wells or borings in accordance with applicable local or state requirements.
 - You provide documentation that you have removed and properly disposed of all wastes (soil, water, or debris) associated with the investigation and remediation.

To expedite the case closure process, Regional Water Board staff is requesting CEMC to submit a draft Case Closure Summary. Please fill out the attached form, in Section V describing how your case meets the LTCP and return an electronic Word version of the completed document to Regional Water Board staff.

All correspondence should include the Regional Water Board file number 01-0354. You are required to submit all documents in electronic format to the State Water Resources Control Board's GeoTracker database, pursuant to the California Code of Regulations (Title 23, Section 3890, et. seq.). Guidance for electronic information submittal is available at:

http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/.

Please note that this requirement includes all analytical data, monitoring well information (latitudes, longitudes, elevations, and water depth), Source Property maps, and boring logs.

Basis for Requests

The information requested is needed to close this case. This email is directed to Chevron U.S.A. Inc. as the owner/operator of the subject former gasoline station when the petroleum release occurred from an underground storage tank system.

If you have any questions, please contact me at (510) 622-2366 or John.Jang@waterboards.ca.gov



388 17TH STREET
SUITE 230
OAKLAND, CA 94612
510.251.8210
WWW.UP-PARTNERS.COM

March 13, 2023

Niloufar Karimzadegan, Associate Planner
City of Berkeley
Land Use Planning
1947 Center Street
Berkeley, CA 94704

RE: RESPONSE TO COMMENTS RECEIVED ON THE NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR USE PERMIT ZP#2020-0055 FOR 2996 TELEGRAPH AVENUE PROJECT, BERKELEY

Dear Ms. Karimzadegan,

We received one comment letter on the Negative Declaration for Use Permit ZP#2020-0055 located at 2996 Telegraph Avenue in the City of Berkeley from Ronald A. Kowalski and Virginia Q. Kowalski. The contents in the letter have been bracketed by number and the marked-up letter is included as Attachment A. None of the comments received in the letter address the adequacy of the Initial Study/Negative Declaration (IS/ND).

Comment 1.

This comment is noted; however, this comment does not address the adequacy of the IS/ND. As discussed in Chapter III-M, Noise, of the IS/ND, an Environmental Noise Assessment was prepared and found that operation of the project would comply with City of Berkeley interior noise level limits. The Environmental Noise Assessment is included as Attachment A to the IS/ND.

ATTACHMENTS

Attachment A. Kowalski Comment Letter – February 21, 2023 (Bracketed)

Sincerely,

A handwritten signature in black ink, appearing to read 'Shauna Wright'.

Shauna Wright
Planner
Urban Planning Partners, Inc.

Attachment A

February 21, 2023

Nilu Karimzadegan
City of Berkeley
Land Use Planning Division
1947 Center Street 2nd. floor
Berkeley, California 94704

Received
FEB 28 2023
Land Use Planning

Hello;

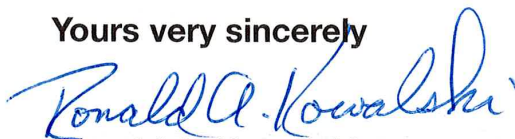
This letter responds to your "Notice of Intent" to adopt an initial study/negative declaration for 2996 Telegraph Avenue Project.

The undersigned *files an objection* to the construction and operation of a 37,327sq.ft. car wash at 2996 Telegraph Ave — —-parcel #052-1578-006-02 as part of the property owned and operated by Chevron as a gasoline filling station.

The reason for our objection to this new construction is that the loud and probably busy "car wash" would be located approximately 30feet from my bedroom window in our home at 2309 Ashby Avenue, a home that we purchased in 1999 and now are living out our life in retirement. Ronald Kowalski and Virginia Kowalski, owners of 2309 Ashby are 82years and 68years old respectively.

Thank you for informing us of the meetings and comments that are and will be taking place regarding the permitting of this project. Please keep us informed.

Yours very sincerely

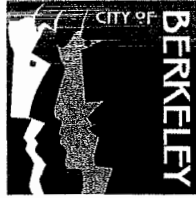


Ronald A. Kowalski
2309 Ashby Avenue
Berkeley, California 94705
510-355-6094
rkowal3245@aol.com



Virginia Q. Kowalski

1



Planning and Development
Land Use Planning Division

write letter

**NOTICE OF INTENT TO ADOPT AN
INITIAL STUDY/NEGATIVE DECLARATION FOR 2996 TELEGRAPH AVENUE PROJECT**

Date: February 8, 2023
To: Public Agencies, Organizations, and Interested Individuals
From: City of Berkeley, Land Use Planning Division
Subject: Notice of Intent to Adopt an Initial Study/Negative Declaration

Pursuant to the *State of California Public Resources Code and the Guidelines for Implementation of the California Environmental Quality Act*, this is to advise that the City of Berkeley has prepared an Initial Study to evaluate the environmental effects of the project identified below:

Project Title: Use Permit ZP#2020-0055 for 2996 Telegraph Avenue, Berkeley CA 94705

Applicant: Barghausen Consulting Engineers, Inc.

Project Location: The project site encompasses 37,327 square feet and one parcel at 2996 Telegraph Avenue (Alameda County Assessor's Parcel Number 052-1578-006-02) in the City of Berkeley. The site is located on Telegraph Avenue between Ashby Avenue and Howe Street.

Project Description: To construct a 960 square feet self-service, single-bay, roll-over car wash at an existing gas station. The scope of work includes the construction of two electronic vehicle charging stalls, new landscaping, revisions to parking stripping and a new trash enclosure.

The project site is on a list of sites as described by Government Code 65962.5 (LUST Site, State Water Resources Control Board)."

Public Review Period: A 30-day public review period will begin on February 8, 2023. Written comments must be mailed, submitted in person or via email to the contact person below no later than 5:00 p.m. on March 10, 2023

Contact Person: Nilu Karimzadegan

Address: Land Use Planning Division, 1947 Center Street, 2nd Floor, Berkeley, CA 94704

Telephone: 510-981-7430

E-mail: NKarimzadegan@cityofberkeley.info

Public Hearing: The date, time, and place of future public hearings will be appropriately notified per City and CEQA requirements.

CEQA Project Status: An Initial Study/Negative Declaration (IS/ND) has been prepared for this project pursuant to the provisions of CEQA. The IS-ND determined that the proposed project would have no impact and therefore a Negative Declaration is proposed. The Draft IS/ND and all related analysis are available on the City's website at: <https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>. Click on Zoning tab; enter permit number ZP2020-0055; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials. A physical copy of the Draft IS/ND will also be available for in person review at the address shown above.

From: [Karimzadegan, Niloufar](#)
To: [Corrina Gould](#)
Subject: RE: 2996 Telegraph Ave, Berkeley
Date: Thursday, February 9, 2023 11:05:00 AM

Hi Corina,

Thank you for your email! There has not been a Sacred Lands File search. Please see the draft environmental (NEGDEC) document in the link below:

<https://ceqanet.opr.ca.gov/Search/Advanced>

SCH Number: 2023020200

Please see the **Tribal Cultural Resources** section on **Page 69** of this document:

“Upon receipt of application for this project, the City of Berkeley sent a notice of a received application to the Ohlone Tribe. As of date of issuance of this document, no correspondence or request for consultation has been received. Also, as described above in **Section III.E, Cultural Resources**, the potential to uncover Native American human remains exists in locations throughout California; however, the site has been previously developed, other development has occurred around the project area, and discoveries are not expected. Although not anticipated, human remains could be identified during site-preparation and grading activities, resulting in a potentially significant impact to Native American cultural resources, but with implementation of **COA: Archaeological Resources (#59)** and **COA: Human Remains (#60)** described above, impacts would remain less than significant.”

And

The **relevant conditions of approval (COA 59 and 60)** on **pages page 24 and 25**:
Standard Conditions of Approval:

“COA: Archaeological Resources (#59). Pursuant to CEQA Guidelines Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian, or paleontologist to assess the significance of the find.

B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.

C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.

E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

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

Less Than Significant. The potential to discover Native American human remains exists in locations throughout California. The site has been previously developed and other development has occurred around the project area, therefore, discoveries are not expected. Although not anticipated, previously undiscovered human remains could be identified during site preparations and grading activities.

However, the following COA for projects in the City of Berkeley would ensure impacts avoid disturbance to any potential human remains:

Standard Conditions of Approval:

COA: Human Remains (#6o). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously."

I hope this helps and please let me know if you have other questions or concerns.

Best,
Nilu

From: Corrina Gould <cvltribe@gmail.com>
Sent: Monday, February 6, 2023 10:37 AM
To: Karimzadegan, Niloufar <NKarimzadegan@cityofberkeley.info>
Subject: Re: 2996 Telegraph Ave, Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

Thank you for your email. Can you please send additional information regarding the site? Has there been a Sacred Lands File search at the Native American Heritage Commission with Negative or Positive findings? Once this information is available, we can move forward with possible

consultation.

'Uni (Respectfully),

Corrina Gould, Tribal Chair

Confederated Villages of Lisjan Nation

On Thu, Feb 2, 2023 at 4:20 PM Karimzadegan, Niloufar <NKarimzadegan@cityofberkeley.info> wrote:

Dear Corrina Gould,

The project at 2996 Telegraph Avenue in Berkeley has been transferred to me from a previous planner. Please see the attached notification letter.

Please let me know if you have any questions,

Sincerely,

Nilu Karimzadegan (She/Her)
Associate Planner
City of Berkeley, Land Use Planning

From: [Corrina Gould](#)
To: [Karimzadegan, Niloufar](#)
Subject: Re: 2996 Telegraph Ave, Berkeley
Date: Monday, February 6, 2023 10:37:35 AM

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Hello,

Thank you for your email. Can you please send additional information regarding the site? Has there been a Sacred Lands File search at the Native American Heritage Commission with Negative or Positive findings? Once this information is available, we can move forward with possible consultation.

'Uni (Respectfully),

Corrina Gould, Tribal Chair
Confederated Villages of Lisjan Nation

On Thu, Feb 2, 2023 at 4:20 PM Karimzadegan, Niloufar
<NKarimzadegan@cityofberkeley.info> wrote:

Dear Corrina Gould,

The project at 2996 Telegraph Avenue in Berkeley has been transferred to me from a previous planner. Please see the attached notification letter.

Please let me know if you have any questions,

Sincerely,

Nilu Karimzadegan (She/Her)

Associate Planner

City of Berkeley, Land Use Planning

|



Planning and Development Department
Land Use Planning Division

Sent via email to: cvltribe@gmail.com

February 02, 2023

Subject: Assembly Bill 52 Consultation Notification for the 2996 Telegraph Avenue Project, Berkeley, Alameda County, California (ZP2020-0055)

Dear Chairperson Corrina Gould,

The City of Berkeley (City) has received a Zoning Permit application for the 2996 Telegraph Avenue Project (Project). The Project consists of the construction of a 960 square feet self-service, single-bay, roll-over car wash at an existing gas station. The scope of work includes the construction of two electronic vehicle charging stalls, new landscaping, revisions to parking stripping and a new trash enclosure.

Project information can be viewed at this website by going to the *Zoning* tab, entering the permit number ZP2020-0055 or 2996 Telegraph Avenue, and clicking on *Attachments* under the *Record Info* drop down menu: <https://aca.cityofberkeley.info/Community/>

The City is the Lead Agency overseeing preparation of the environmental review documentation to be prepared pursuant to the California Environmental Quality Act (CEQA). An Initial Study is currently being prepared and is anticipated to be available to public on February 8, 2023 to March 10, 2023

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. The Native American Heritage Commission (NAHC) has identified you as eligible to consult with the City pursuant to AB 52. Via this letter, the City is hereby providing notice to all Tribes identified by the NAHC as eligible to consult with the City for the 2996 Telegraph Avenue in Berkeley.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to Tribal Cultural Resources (TCRs),¹ and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA which would require avoidance or minimization of the impact.

To request consultation under AB 52 for the 2996 Telegraph Avenue, please contact me, Nilu Karimzadegan, Associate Planner, in writing within 30 days of receipt of this letter. Should a response from you not be received within this timeframe, the City may not be required to enter into consultation with you on this matter.

I can be reached by email at nkarimzadegan@cityofberkeley.info or by mail at:

Nilu Karimzadegan
City of Berkeley
Planning and Development Department, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704

Thank you for your consideration of this request.

Sincerely,

Nilu Karimzadegan, Associate Planner

¹ Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

From: [Karimzadegan, Niloufar](#)
To: [KLLC Admin](#)
Subject: RE: 2996 Telegraph Ave, Berkeley
Date: Thursday, March 2, 2023 5:18:00 PM

Dear Kanyon,

Thank you for your email!

I would like to share the following information about the proposed project. Please note that the site has been previously developed, other development has occurred around the project area, and discoveries are not expected. Although not anticipated, human remains could be identified during site-preparation and grading activities, resulting in a potentially significant impact to Native American cultural resources, but with implementation of **COA: Archaeological Resources (#59)** and **COA: Human Remains (#60) below** impacts would remain less than significant.

Please see the draft environmental (NEGDEC) document in the link below:

<https://ceqanet.opr.ca.gov/Search/Advanced>

SCH Number: 2023020200

Please see the **Tribal Cultural Resources** section on **Page 69** of this document and **Conditions of approval (COA 59 and 60)** on **pages page 24 and 25:**

Standard Conditions of Approval:

"COA: Archaeological Resources (#59). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian, or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

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Less Than Significant. The potential to discover Native American human remains exists in locations throughout California. The site has been previously developed and other development has occurred around the project area, therefore, discoveries are not expected. Although not anticipated, previously undiscovered human remains could be identified during site preparations and grading activities. However, the following COA for projects in the City of Berkeley would ensure impacts avoid disturbance to any potential human remains:

Standard Conditions of Approval:

COA: Human Remains (#6o). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously."

I hope this helps and please let me know if you have other questions or concerns.

Best,
Nilu

From: KKLLC Admin <admin@kanyonconsulting.com>
Sent: Friday, February 17, 2023 3:31 PM
To: Karimzadegan, Niloufar <NKarimzadegan@cityofberkeley.info>
Subject: 2996 Telegraph Ave, Berkeley

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miSmin Tuuhis [Good Day]

Kan rakat Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter. As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site, I am interested in consulting and voicing our concerns. With some instances like this, usually we recommend that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities. The presence of a Native monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Consulting, LLC has numerous Native Monitors available for projects such as

Karimzadegan, Niloufar

From: KKLLC Admin <admin@kanyonkonsulting.com>
Sent: Friday, February 17, 2023 3:31 PM
To: Karimzadegan, Niloufar
Subject: 2996 Telegraph Ave, Berkeley

Follow Up Flag: Follow up
Flag Status: Flagged

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miSmin Tuuhis [Good Day]

Kan rakat Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site, I am interested in consulting and voicing our concerns. With some instances like this, usually we recommend that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities. The presence of a Native monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, we recommend a Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Konsulting is a strong proponent of honoring truth in history, when it comes to impacting Cultural Resources and potential ancestral remains, we need to recognise the history of the territory we are impacting. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after - barely acknowledging the Cultural Representatives of the territory they steward and are responsible for. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences, bringing in considerations about the Indigenous peoples and environment of this territory that you work, have settled upon and benefit from.

As previously stated, our goal is to Honor Truth in History. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that #HonorTruthinHistory. This will make all involved aware of the history of the Indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

Potential Approaches to Indigenous Cultural Awareness/History:

- Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque, page on the website, mural, display, or an Educational/Cultural Center with information about the history/ecology/resources of the land)
- Commitment to consultation with the Native Peoples of the territory in regards to presenting and messaging about the Indigenous history/community of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc, Cultural display of cultural resources/botanical knowledge or Culture sharing of Traditional Ecological Knowledge - Indigenous Science and Technology)
- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.
Tumsan-ak kannis [Thank You]
Kanyon Sayers-Roods

Consultant / Tribal Monitor [ICMBCO]
Kanyon Konsulting, LLC