

IV. DRAFT EIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft EIR that are being made to clarify information in the Draft EIR, in response to comments received during the public review period or the direction of City staff. In no case do these revisions introduce “significant new information” as defined in *CEQA Guidelines* Section 15088.5, including new or more severe environmental impacts, new mitigation measures or alternatives that the project applicant declines to adopt, or information indicating that the Draft EIR is fundamentally inadequate. All revisions contained herein are minor in nature. Where revisions to the main text are called for, the page and paragraph are listed, followed by the associated revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.

The following text revisions are separated into two sections: those that have resulted from comments received on the Draft EIR during the public comment period and those that are staff-initiated.

A. RESPONSE TO COMMENTS TEXT REVISIONS

Figure III-3 (Draft EIR, p. 39) is hereby revised on the left-hand (northern) side of the figure to delete the word “community” and correct the conjunction “of” which should have said “or”. This very minor change in the graphic is consistent with the text of the Project Description in the Draft EIR. A revised version of Figure III-3 is provided on the following page.

The following text revisions are hereby made to the first paragraph of Mitigation Measure BIO-1a (pp. 19 and 206-207) of the Draft EIR:

Mitigation Measure BIO-1a. All construction activities in or adjacent to Codornices Creek shall be completed between June 15 and October 15 (i.e., outside the steelhead migration period). Should the project proponent demonstrate a need to conduct activities outside this time period, the Corps may authorize such activities after obtaining approval from NOAA Fisheries, CDFG and the Water Board. During temporary de-watering of the stream (if required), pre-construction surveys by a qualified biologist shall be conducted. Subject to the approval of the NOAA Fisheries, CDFG and the Water Board, any steelhead that are found in the stream section that would be de-watered shall be captured and relocated to a suitable site upstream or downstream from the construction area. Prior to the initiation of construction activities for the outfalls, NOAA Fisheries, CDFG and the Water Board shall approve a permit for the biologists to conduct such relocation work. The following additional steps will be implemented to further reduce direct and indirect impacts to steelhead and their habitat: [*Mitigation measure continues with bulleted list.*]

The Draft EIR is hereby revised as follows in Chapter III, Project Description, D. Proposed Project, 5. Landscaping (p. 46):

5. Landscaping

Many of the existing trees on site would need to be removed to accommodate building, circulation and utility facilities of the proposed project. Additionally, removal of some trees is recommended due to their poor health or risk of collapse. While the landscape plan has not been finalized, currently the applicant is proposing to preserve approximately 20 trees on site; transplant approximately 3 trees; and remove approximately 64 trees. Approximately 5 trees within the Village Creek creekbank would be removed. No trees or other riparian vegetation along the bank of Codornices Creek would be removed. An arborist's report, provided by the applicant, has been included in Appendix F.

The following text revision is hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 61):

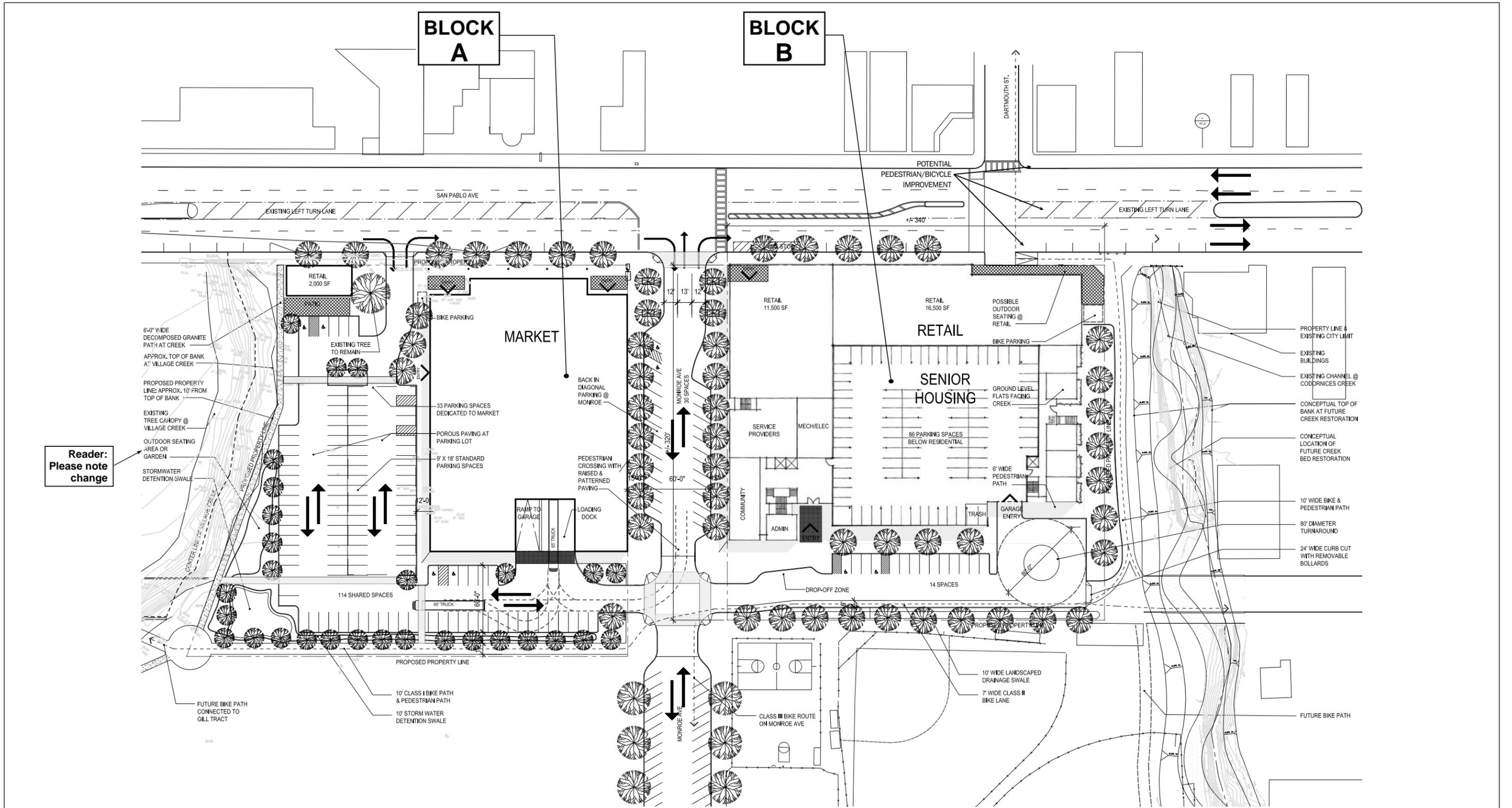
- Bicycle Boulevards – These facilities are found along streets that have been modified, as needed, to enhance bicyclists' safety and convenience. Modifications include bicycle right-of-way at intersections wherever possible, traffic control to help ~~bicycles~~ bicyclists cross major streets, discouragement of non-local motor vehicle traffic, and signage informing drivers that the roadway is a priority route for bicyclists.

The following text revisions are hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 67):

(6) Existing Conditions Intersection Configurations, Control and Traffic

Volumes. Weekday AM and PM peak period intersection vehicle, pedestrian, and ~~bicycle~~ bicyclist turning movement counts were collected in May 2008. Saturday peak period counts were also collected; for study intersections 1 through 12, 17, and 19, counts were collected in September 2008. For the remaining study intersections, the Saturday mid-day counts presented in the *West Berkeley Circulation Master Plan Existing Conditions Report* were used. Counts for that report were collected in September and October 2007. Existing vehicle traffic volumes are shown on Figure IV.A-7 and the existing intersection configurations and controls are provided on Figure IV.A-8.

(7) Existing Conditions Intersection Analysis. Intersection service levels were calculated using the existing signal timings (for signalized intersections), turning movement counts, pedestrian and ~~bicycle~~ bicyclist volumes, and lane configurations during the AM, PM and Saturday peak hours. The results are summarized in Table IV.A-5. The calculation worksheets are provided in Appendix B.



LSA

FIGURE III-3
Revised



NOT TO SCALE

The following text revision is hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 114):

(7) **Pedestrian and Bicycle Access and Circulation Analysis.** Access and circulation for pedestrians and ~~bicycles~~ bicyclists were reviewed based on the project site plan.

The following text revisions are hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 117):

The project would provide a seven foot wide Class II bike lane along the west side of 10th Street between Codornices Creek and Monroe Street. This proposed Class II bike lane would only accommodate southbound ~~bicycles~~ bicyclists. In order to better accommodate ~~bicycles~~ bicyclists and pedestrians traveling along the path proposed north of Monroe Street and 10th Street south of Codornices Creek and to reduce potential conflicts with vehicles, the feasibility of providing a Class I pedestrian and bicycle path along the west boundary of the project adjacent to the playing fields between Monroe Street and Codornices Creek should be explored. Alternatively, considering the low vehicular volumes expected on this segment of 10th Street, the southbound Class II bicycle lane should be converted to a Class III bike route in order to accommodate ~~bicycles~~ bicyclists traveling in both directions and reduce potential ~~bicycle~~ bicyclist confusion.

The following text revision is hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 118):

- Explore the feasibility of providing a Class I pedestrian and bicycle path along the west boundary of the project adjacent to the playing fields between Monroe Street and Codornices Creek. This would provide a continuous path for pedestrians and ~~bicycles~~ bicyclists traveling along the proposed path north of Monroe Street and 10th Street south of Monroe Street.

The following text revisions are hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 118):

The *Albany Bicycle Master Plan* includes a Class I bicycle and pedestrian path along Codornices Creek between 6th Street and San Pablo Avenue. The proposed project would complete the segment of the path along its south frontage between 10th Street and San Pablo Avenue. East of San Pablo Avenue, the path would continue as a Class III bicycle route along Dartmouth Street, about 100 feet north of Codornices Creek. Currently, there are no independent improvements planned to allow for ~~bicycles~~ bicyclists and pedestrians to safely cross San Pablo Avenue between Dartmouth Street and Codornices Creek. However, the crossing will be improved as part of the proposed project.

Mitigation Measure TRANS-12: Implement any one of the following four improvements as shown on Figures IV.A-16a and IV.A-16b to improve pedestrian and bicycle access across San Pablo Avenue between the proposed Class I path along Codornices Creek and Dartmouth Street:

1. Install a high-intensity activated crosswalk (HAWK) traffic signal on San Pablo Avenue at Dartmouth Street. HAWK signals operate by using traffic and pedestrian/bicycle signal heads, but they are only activated when the pedestrian push buttons or bicycle loop detectors are triggered. Therefore when bicyclists and/or pedestrians desire to cross San Pablo Avenue at Dartmouth Street, they would activate the HAWK signal, stopping northbound and southbound traffic on San Pablo Avenue, allowing for bicyclists/ pedestrians to cross safely. When not activated, the HAWK signal rests on all dark. In addition, widen the sidewalk on west side of San Pablo Avenue between Codornices Creek and Dartmouth Street to accommodate both pedestrians and ~~bicycles~~ bicyclists, install bicycle detector loops on the Dartmouth Street approach, and coordinate the HAWK signal with the existing signals along San Pablo Avenue in order to minimize vehicle delay. Since HAWK signals have not been officially approved for use in California, consider installing an interim traffic signal designed to accommodate conversion to a HAWK.

The following text revisions are hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 121):

... coordinate the signal with the existing signals along San Pablo Avenue. Widen the sidewalk on west side of San Pablo Avenue between Codornices Creek and Dartmouth Street to accommodate both pedestrians and ~~bicycles~~ bicyclists.

2. Install a two-stage signalized crossing with a six-foot wide median refuge on San Pablo Avenue between Codornices Creek and Dartmouth Street. Provide a crosswalk and a signal on southbound San Pablo Avenue opposite Codornices Creek path to allow pedestrians and ~~bicycles~~ bicyclists to cross southbound San Pablo Avenue. Provide a crosswalk and a signal on northbound San Pablo Avenue at Dartmouth Street to allow pedestrians and ~~bicycles~~ bicyclists to cross northbound San Pablo Avenue. A path in the median would connect the two signalized crosswalks. The main advantage of the two-stage signalized crossings is that each of the signals can be individually coordinated with adjacent signals along San Pablo Avenue.

The following text revision is hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 121):

Under all four options, consider eliminating parking spaces along San Pablo Avenue to provide bulb-outs at the marked crosswalks to reduce crossing distance and improve visibility of pedestrians and ~~bicycles~~ bicyclists crossing San Pablo Avenue.

The following text revision is hereby made to Section IV.A, Transportation, Circulation and Parking, of the Draft EIR (p. 124):

(9) Consistency with Local and Regional Policies and Programs Supporting Alternative Transportation. A summary of applicable policies and plans is provided on pages 84 through 86 of this document. A detailed discussion of the project's potential impacts on pedestrian, bicycle and transit access and circulation was provided in previous sections. Consistent with the *Albany Bicycle Master Plan*'s planned bicycle network, the project would

connect the Codornices Creek path to the San Pablo Avenue crossing. In addition, the proposed project would provide additional amenities throughout the site to accommodate ~~bicycles~~ bicyclists, pedestrians and buses.

Table IV.D-8 (p. 180) and Table IV.D-10 (p. 188) should be revised as follows:

Table IV.D-8: Existing Traffic Noise Levels

Roadway Segment	Average Daily Trips	Centerline to 70 dBA L _{dn} (feet)	Centerline to 65 dBA L _{dn} (feet)	Centerline to 60 dBA L _{dn} (feet)	L _{dn} (dBA) 50 Feet From Outermost Lane
Buchanan Street - Eastshore Highway to Jackson Street	22,800	< 50 ^a	< 50	104	62.4
Marin Avenue - Jackson Street to San Pablo Avenue	20,200	< 50	< 50	96	61.9
Marin Avenue - East of San Pablo Avenue	17,300	< 50	< 50	87	61.2
San Pablo Avenue - Marin Avenue to Monroe Street ^b	20,600	< 50	63	128	63.8
San Pablo Avenue - Monroe Street to Dartmouth Street	20,700	< 50	63	128	63.8
San Pablo Avenue - Dartmouth Street to Harrison Street	21,100	< 50	64	129	63.9
San Pablo Avenue - Harrison Street to Gillman Street	15,200 21,700	< 50	< 50 65	405 132	62.5 64.0
Monroe Street - Jackson Street to San Pablo Avenue	2,000	< 50	< 50	< 50	53.3
Jackson Street - Buchanan Street to Monroe Street	5,000	< 50	< 50	< 50	55.1
Jackson Street - Monroe Street to Harrison Street	3,500	< 50	< 50	< 50	53.6

^a Traffic noise within 50 feet of roadway centerline requires site specific analysis.

^b Shaded cells represent roadway segments adjacent to the project site.

Source: LSA Associates, Inc., March 2009.

Table IV.D-10: Existing Plus Project Traffic Noise Levels

Roadway Segment	Average Daily Trips	Centerline to 70 dBA L _{dn} (feet)	Centerline to 65 dBA L _{dn} (feet)	Centerline to 60 dBA L _{dn} (feet)	L _{dn} (dBA) 50 Feet From Outermost Lane	Increase Over Existing No Project Conditions
Buchanan Street - Eastshore Highway to Jackson Street	23,600	< 50 ^a	< 50	106	62.5	0.1
Marin Avenue - Jackson Street to San Pablo Avenue	21,300	< 50	< 50	100	62.1	0.2
Marin Avenue - East of San Pablo Avenue	17,900	< 50	< 50	89	61.3	0.1
San Pablo Avenue - Marin Avenue to Monroe Street ^b	23,600	< 50	68	139	64.4	0.6
San Pablo Avenue - Monroe Street to Dartmouth Street	22,900	< 50	67	137	64.3	0.5
San Pablo Avenue - Dartmouth Street to Harrison Street	23,400	< 50	68	138	64.3	0.4
San Pablo Avenue - Harrison Street to Gillman Street	24,000	< 50	69	141	64.5	2.0 0.5
Monroe Street - Jackson Street to San Pablo Avenue	8,500	< 50	< 50	53	59.6	6.3
Jackson Street - Buchanan Street to Monroe Street	5,100	< 50	< 50	< 50	55.2	0.1
Jackson Street - Monroe Street to Harrison Street	3,500	< 50	< 50	< 50	53.6	0.0

^a Traffic noise within 50 feet of roadway centerline requires site specific analysis.

^b Shaded cells represent roadway segments adjacent to the project site.

Source: LSA Associates, Inc., March 2009.

The Draft EIR is hereby revised on page 223 to add supplemental language (underlined) at three points:

Mitigation Measure HYDRO-3: The project applicant and City of Albany shall ensure that the proposed project drainage design meets all the requirements of the current Countywide NPDES Permit (NPDES Permit No. CAS0029831), as amended. In addition, for projects that require 401 Water Quality Certification and/or are subject to Waste Discharge Requirements from the Water Board, the Water Board has authority to approve post-construction stormwater management or drainage plans. This project would require a Clean Water Act (CWA) section 404 U.S. Corp of Engineers permit for dredge and fill discharges into waters of the United States. Section 404 permit operations require a Section 401 Certification from the Water Board, and the Water Board would have approval authority for post-construction stormwater treatment measures. The drainage plan shall include features and operational Best Management Practices to reduce potential impacts to surface water quality associated with operation of the project. Stormwater discharges shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) conditions. Increases in runoff flow and volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts to beneficial uses due to increased erosive force. Such management shall be through implementation of the hydro-modification requirements of Provision C.3.F of Order No. 2003-0021 as amended. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all applicable portions of the completed development. In general, “passive,” low-maintenance BMPs (e.g., stormwater planters, rain gardens, grassy swales, pervious pavements) are preferred over active filtering or mechanical treatment systems.

An operations and maintenance plan shall be developed and implemented to inspect and maintain BMPs in perpetuity. If paved surfaces within garages and covered parking areas are washed with water, this water shall not be directed to the storm drainage system. This wash water effluent shall either be directed to the sanitary sewer or contained and transported off-site for proper disposal.

The final design team for the project shall review and incorporate as many concepts as practicable from *Start at the Source, Design Guidance Manual for Storm Water Quality Protection* and the California Storm water Quality Association’s *Storm Water Best Management Practice Handbook, Development and Redevelopment*, and the Alameda County Clean Water Program (ACCWP) technical guidelines.

The City Public Works Department shall review and approve the drainage plan prior to approval of the grading plan. In addition, the Water Board has authority under the 401 Certification process to review and approve post-construction stormwater treatment measures; the post-construction treatment measures shall be submitted to the Water Board for review and approval. (LTS)

The following text revisions are hereby made to Section XVI, Utilities and Service Systems, Appendix A of the Draft EIR (p. 46 of Initial Study):

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Potentially Significant Unless Mitigation Incorporated)*

~~According to EBMUD, the Main WWTP is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from the project.³³ However, deteriorated community sanitary sewer pipes allow rainwater to enter into the sanitary sewer systems during the heaviest storms, causing overflows. The existing sewer pipes in the project area are in poor condition and receive a considerable amount of infiltration from groundwater.³⁴ The City of Albany has an Infiltration/Inflow (I/I) Correction Program that sets a maximum allowable peak wastewater flow from each subbasin within the City. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for each subbasin; conveyance and treatment capacity of wastewater may be adversely impacted by flows above the agreed limit.~~

³³ East Bay Municipal Utility District, 2008. City of Albany re Notice of Preparation of a Draft Environmental Impact Report—University Village at San Pablo Project, Albany. Written communication to Amber Curl, City of Albany. April 28.

³⁴ LSA Associates, 2004. *Subsequent Focused Draft EIR for the University Village & Albany/Northwest Properties Master Plan Amendments EIR*. January 30.

According to EBMUD, the Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the wastewater meets the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to the Environmental Protection Agency (EPA) and the State Water Resources Control Board's re-interpretation of applicable law, the RWQCB issued an order prohibiting further discharges from EBMUD's WWFs. Additionally, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by the EPA, State Water Regional Control Board (SWRCB), and RWQCB became effective. This order requires EBMUD to begin work that will identify problem inflow and infiltration (I/I) areas, begin to reduce I/I through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the WWFs.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the WWFs. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined.⁴¹

⁴¹ East Bay Municipal Utility District, 2009. Notice of Availability of a Draft Environmental Impact Report – University Village at San Pablo Project, Albany. Written communication to Amber Curl, City of Albany. April 28.

Sewer lines maintained by the University of California serve University Village. Wastewater is transported from University Village through two mainlines: one is located on the west side of the University Village crossing underneath the railroad tracks and connecting to the EBMUD intercept that runs parallel to Eastshore Highway; the other mainline is located on the east side of the property along San Pablo Avenue. The proposed project would connect to the existing wastewater system within University Village. As mentioned in Section XVI.a above, estimates of the project's anticipated wastewater flows are approximately 29,265 gallons per day. The City of Albany Public Works Department has confirmed, with implementation of Mitigation Measure UTIL-2, that there is available wastewater capacity.³⁵ To prevent an increase in inflow and infiltration, the following mitigation measure shall be implemented.

Mitigation Measure UTIL-2: The project applicant shall replace and/or rehabilitate existing sewer pipes within the project site to decrease groundwater infiltration and shall ensure any new wastewater collection systems for the project are constructed to prevent I/I to the maximum extent feasible.

B. STAFF-INITIATED TEXT REVISIONS

There are no staff-initiated text revisions to the Draft EIR.