

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: October 17, 2011  
Reviewed by: BP

**SUBJECT:** 1030-1130 San Pablo Avenue (University Village Mixed Use Project). Planning Application #07-100. Environmental Impact Report (EIR), Zoning Amendments, & Planned Unit Development. The applicant seeks approval to construct a new 55,000 sq. ft. grocery store at the north side of Monroe and a mixed-use retail space and senior living project on the south side of Monroe.

**REPORT BY:** Jeff Bond, Community Development Director

---

**PLANNING AND ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends that the City Council:

- Adopt Resolution # 2011-51 Certifying the Environmental Impact Report;
- Approve on First reading Ordinance #2011-06 adopting Overlay District;
- Approve on First Reading Ordinance #2011-07 Rezoning the Property; and
- Provide policy direction to the Planning and Zoning Commission on the Resolution # 2011-52 Planned Unit Development

**STAFF RECOMMENDATION**

Staff further recommends that all action on the project be approved in a unified action, with amendments to the Planned Unit Development incorporating conditions of approval on bicycle access to the grocery store and implementation of City Council policy on Little League fields. Action on the project should be continued to the City Council meeting of November 21, 2011 if conditions of approval are not resolved.

**BACKGROUND**

The approximately 6.3-acre project site consists of two lots located to the northwest and southwest of the Monroe Street/San Pablo Avenue intersection. The applicant is seeking approvals that would allow construction of a grocery store of a size up to 55,000 square feet on the north side of Monroe and a mixed-use development at the south end of the lot, which includes 30,000 square foot of retail space, and 175 independent/assisted living senior housing units. Because the uses are not related to the educational function of the University, city land use policies apply to the proposed project.

The City Council and various City Commissions and Committees have had numerous discussions on the project over the past four years. At these meetings, Commissioners and

members of the public provided a number of comments. In addition, the City Council discussed the project at the July 18, 2011 meeting. In summary, the Council expressed support for the project, stressing the importance of addressing traffic congestion and working with AC Transit. The Council also sought assurances that proposed amenities will be constructed at a future date.

The following is a brief summary of the public and Commission comments received:

- Overall support for the project as a catalyst for long-term upgrades and improvements to the area
- Proposed amenities not impressive and need for more details and assurances about the Planned Unit Development (PUD) amenities
- Concerns about height of the senior housing
- Consider keeping a corridor open for 10<sup>th</sup> street to extend to the north
- Incorporate recommendations of the Active Transportation Plan
- Make sure all traffic monitoring is conducted while schools are in session
- Incorporate showers and lockers for staff in the grocery store and senior housing.
- Make sure that phasing of transportation improvements are linked to the grocery store.
- Increased height could be a positive for the project, encouraging increased density as identified as a Climate Action Plan (CAP) goal
- Specific interest in improving access coming from the East (Dartmouth) to facilitate safe biking/pedestrian crossing
- Concern about the amount of surface parking
- Reduce the size of the grocery store to be more sustainable and move towards CAP goals
- No need to re-zone to accommodate senior housing
- Impacts on traffic and quality of life for Dartmouth Street neighborhood need to be evaluated
- Risk that entire site could be used for commercial land use
- Need commitments from the University that project will be completed as proposed
- Need for a “cycle-track” bike land connection along San Pablo directly to grocery store entry

## **DISCUSSION**

The proposed project represents a gateway to the City and a catalyst for improvements to San Pablo Avenue. In addition, the project can be expected to help connect University Village into the fabric of the City, both in terms of urban design and in terms of pedestrian, auto and bike access. Finally, there are expected to be significant fiscal benefits to the City from the project that can help support the provision of services throughout the City. It is important to acknowledge, however, that this project represents a partial implementation of the University’s master plan for University Village. Future University projects potentially affecting the Gill Tract and University Village recreation facilities will be of critical importance to the community.

## **PROJECT REVIEW PROCESS AND REQUESTED ACTION**

The applicant is requesting the City Council approve the attached draft resolutions related to certification of the Environmental Impact Report (EIR), rezoning, and PUD. Once these policy level decisions are made, the applicant could then enter into agreements with developers, who will apply for the remaining approvals, including subdivision, design review, parking exceptions, use permits, etc.

Examples of issues that have not been addressed in future actions include the final details on the location of property lines and the design of bikeways and pedestrian paths, roadways, and storm water drainage. To date, no substantive discussions have been held with the developer of the senior housing regarding the provision of affordable housing. The City has an inclusionary housing requirement, but recent court rulings have invalidated the inclusionary requirements for rental housing projects such as proposed. The Public Art Master Plan identifies the site as the Southern Gateway to the City and a location where the City should pay particular attention to the public art opportunities.

### ***I. CALIFORNIA ENVIRONMENTAL QUALITY ACT***

The project is required to be reviewed for environmental effects under the California Environmental Quality Act (CEQA). The basic purpose of CEQA is to inform decision makers and the public about the potential environmental effects of proposed projects. The CEQA analysis alone is not intended to reach conclusions about whether or not a project should be approved. In addition, the CEQA analysis is not intended to be inclusive of all land use planning and policy issues that might be associated with a project. For issues that are beyond the scope of a CEQA review, conditions of approval on projects approvals such as PUD, or future approvals such as design review, subdivision, etc. are more appropriate and effective mechanisms.

Due to the complexity of CEQA Guidelines and the need for various technical studies, the City relies on outside consultants to prepare the CEQA analysis. For this project, the consulting firm of LSA Associates was retained to prepare the analysis.

An environmental impact report has been prepared and published in two steps. The first step was preparation of the Draft EIR, which was made available on July 2, 2009 and the Commission held a public hearing on July 27, 2009 to receive comments on the draft EIR.

After receiving comments on the draft EIR, the consultant prepared responses to the comments. These responses are bound in a separate document, and together with the Draft EIR, the set of two documents (plus appendices) constitute the Final EIR. The Final EIR was posted on the City web page on May 19, 2011. Both the draft and final EIR are available on-line at <http://www.albanyca.org/index.aspx?page=521>.

Attached is a draft resolution (Attachment 1), which if approved, would certify the FEIR. The form of the resolution reflects standard CEQA practice and the findings in the resolution are based on the content of the FEIR.

## **II. REZONING**

The site currently has two zonings, San Pablo Commercial (SPC) for the first 100' along the eastern side of San Pablo Avenue and Medium Density Residential (R-2) for the rest of the property west towards University Village. To construct the project as shown on the plans, a rezoning to SPC for the entire area would be required. The main consequences of the proposed rezoning from R-2 to SPC are:

- Allows a range of residential and commercial uses as described by the RC land use designation.
- Allows residential uses at a maximum density of 63 units per acre compared to the density of 35 units per acre allowed in the R-2 zoning district.
- Eliminates setback standards and daylight plane requirements that otherwise would apply between SPC and residential districts.
- Allow a maximum building height of 38 feet compared to a maximum building height of 35 feet allowed in the R-2 zoning district.
- Allow a maximum floor area ratio of 2.25 compared to 0.55 allowed in the R-2 zoning district.

The decision to rezone is a legislative policy action, requiring City Council approval of an ordinance. In a legislative decision, the City has broad discretion to make a decision as long as proper procedures are followed and supportive findings are made. While the City has latitude in making its decision, there are limits to the conditions of approval that can be included on a rezone request. The ordinance required for rezoning is attached (Attachment 2).

### ***Proposed Overlay District***

At this time, every indication is that the project will be implemented as generally described. Staff acknowledges, however, that there are risks associated with rezoning the property to SPC. If the current proposal is not developed, a future 100% commercial project could be developed. This outcome could raise significant policy issues, particularly with regard to satisfying the City's housing production mandates. To ensure that this concern is addressed, staff suggests that a new overlay district be established and incorporated into the rezoning. This overlay district ensures that future development on the site complies with the requirements of the City's Housing Element. (See Attachment 3)

### ***Alternatives to Rezoning the Senior Housing Area***

It has been suggested that the City Council not rezone the portion of the property at the location of the senior housing. If kept at an R-2 (Medium Density Residential) zoning, the number of senior housing units and the maximum allowed size of the building would be substantially reduced. If rezoned to R-3 (High Density Residential), the allowed density would remain the same, but the maximum allowed square footage of the senior housing structure would be roughly 30% smaller.

### **III. PLANNED UNIT DEVELOPMENT**

Planned Unit Development (PUD) is intended to promote flexibility of design and increase available usable open space in developments by allowing flexibility to the usable open space, lot area, lot width, lot coverage, yards, height, parking, loading, sign, screening and landscaping requirements. For this project, the following modifications to City standards have been requested:

- On the senior housing parcel (south of Monroe), beginning from a setback line 55 feet from San Pablo Avenue westerly to the boundary of the San Pablo Commercial Zoning District, building height would be allowed to increase to 62 feet above grade. The standard requirement is a building height of 38 feet.
- A series of modifications to reduce the amount of landscaping in surface parking lots, reduce parking required for the non-grocery retail portion of the project, provide flexibility in meeting loading area requirements, and reduce the dimensions of the parking stalls.

The Planning and Zoning Code requires that in approving a PUD, a finding be made that the project incorporates an exceptional level of amenity or other benefits to the community that could not be achieved without the PUD. Recently, the University has asked that the PUD be justified on elements of the project they would primarily characterize as benefits.

Members of Commissions and the public have commented that the proposed benefits/amenities need more detail and need to be strengthened to make sure the amenities are meaningful and are delivered in concert with the construction of the project. Recent modifications to the PUD include:

- Require the design of all of the public amenities to be completed prior to the issuance of the first building permit.
- Require the completion of all of the public amenities to be completed prior to the occupancy of the first phase of the project.
- Provide greater specificity on “complete streets” standards to be applied to this project.
- Ensure that the University meets its commitments to existing policies, plans, and agreements related to University Village, including Little League fields, Codornices Creek, bicycle access, CEQA mitigations, etc.

In addition, the applicant has indicated a willingness to expand the public open space area adjacent to Codornices Creek by approximately 40% to create an improved public amenity.

#### ***Cycle-Track Access to the Grocery Store***

The proposed project incorporates direct bike access from Dartmouth south to Codornices Creek, but does not address bike access from Dartmouth north to the grocery store. Albany Strollers and Rollers believe that improved bike access to the grocery store will remove a critical barrier to the use of bikes, and have recommended that the PUD incorporate direct

two-way bicycle, motorist separated, access from the intersection of Dartmouth and San Pablo north to the intersection of Monroe and San Pablo. Specifically, they have requested:

*Incorporation of “complete streets” and “green streets” design principles for development of Parcel A and Parcel B, including direct two-way bicycle, motorist separated, access from the intersection of Dartmouth and San Pablo to the intersection of Monroe and San Pablo along the San Pablo corridor*

Both Traffic and Safety and the Planning and Zoning Commission have discussed the issue. The discussions included both safety concerns with the cycle-track concept as well as a desire to improve transportation access.

The primary reason the applicant has not included direct bike access to the grocery store are the conflicts with pedestrians and the safety of people embarking or disembarking from AC Transit buses. City staff concurs that this is an important issue. A potential solution to the safety issues would be to set back the retail buildings enough to allow room for separated bike and pedestrian paths. In addition, it may be appropriate to add bike speed calming features to slow bikes to help avoid bike/pedestrian collisions. This solution needs further study to ensure its viability.

The attached draft reflects the recommendation of the Planning and Zoning Commission (Attachment 4). Staff recommends the following additional condition of approval:

*As a requirement for a complete application for subdivision of the property, the applicant shall provide funding for an independent technical analysis, prepared by a qualified professional, to study alternative methods for improving bicycle connections between Dartmouth and Monroe Streets, including cycle-track concept. The selection of the professional and the scope of analysis shall be determined in the consultation with the property owner, lessee, Albany Strollers and Rollers, AC Transit, and other interested parties. The conclusions of the analysis will be applied to the City’s evaluation of an application for a subdivision of the property.*

### ***Little League Fields***

Currently there are two Albany Little League fields and a third practice infield on University property just west of the proposed senior housing. Historically, the University and the Albany Little League have developed and maintained the fields in an informal collaborative manner. Although there is every reason to believe that the University will continue to allow Albany Little League access to the fields, there presently is no formal license or lease arrangement.

In September 2008, the City Council, the City Council adopted the following policy:

*That the City of Albany resolves that the three Albany Little League baseball fields at UC Village should remain undiminished in their current location and*

*configuration; and that any creek restoration, trail or other project that impacts the Little League fields shall include and be preceded by construction of replacement ball fields to avoid loss of use or capacity by the Albany Little League.*

In furtherance of the City Council policy and in consideration for granting the PUD, City staff has discussed the possibility of incorporating a formal agreement on the use of the youth sports fields at University Village as a public amenity. The basis for this in the PUD is that provision of open space to the west of the senior housing helps balances the massing of the proposed 62-foot building. In addition, the recreational nature of the use is complimentary to senior housing. Staff would recommend the following condition of approval:

*As a requirement for a complete application for subdivision of the property, the University of California shall enter into an agreement with Albany Little League to allow the continued use of the youth sports facilities consistent with the 2008 City Council policy.*

It is important to note that UC staff have not accepted this provision, and are working with City staff to provide alternative language that would provide assurances about the facilities remaining in place.

### **SUSTAINABILITY IMPACT**

Section IV.C. of the environmental impact report provides a green house gas analysis, and estimates that the proposed project will generate 8,500 metric tons (MT) CO<sub>2</sub>-equivalent greenhouse gas emissions. By comparison, the City's Climate Action Plan (CAP) has a goal of reducing GHG, by year 2020, from 72,000 MT to 52,400 MT CO<sub>2</sub>e.

Evaluated on a stand-alone basis, many development applications increase green-house gas (GHG) emissions. The CAP does not require the denial of any project that on an individual basis increases GHG emission. Much of the projected GHG emissions for this project are generated by vehicle trips, and is based on current emissions standards. Over time, with new fuel and vehicle technologies, the GHG emissions of vehicles will decline. In addition, the projection assumes that all of the trips are new, when a significant number of shoppers are current residents that are already making trips to nearby grocery stores.

The Sustainability Committee has discussed the proposed project at several meetings, and have approved the attached resolution (Attachment 5). The CAP Policy TL 3.3 requires that the developer work with the City to reduce emissions generated by the project, The CAP also calls for promotion of high-quality, mixed-use, pedestrian- and transit-oriented development in the San Pablo/Solano Commercial districts.

## **FINANCIAL IMPACT**

The consulting firm Economic Planning Systems (EPS) was retained by the City to prepare an analysis of the fiscal impacts of both the University Village project and the Safeway project. For the University Village project, the following is a summary of the estimated fiscal benefits.

### **General Fund Revenues – Annual Estimate**

Property Tax	\$148,337
Property Tax In Lieu of VLF	\$59,353
Sales and Use Tax	\$175,294
Franchise Fees	\$9,239
Licenses and Permits	\$3,150
Fines and Forfeitures	\$5,095
Utility User Fees	\$30,214
Business Licenses	\$35,474
<b>Total Revenues</b>	<b>\$466,156</b>

Source: Economic Planning Systems

### **General Fund Expenditures – Annual Estimate**

General Government	\$3,526
Police	\$127,487
Fire and EMS (1)	\$72,099
Community Development and Env. Services	\$24,754
Recreation and Community Services	\$32,073
Information Technology	\$1,776
Total Expenditures	\$261,714
<b>NET ANNUAL FISCAL SURPLUS</b>	<b>\$204,442</b>

Source: Economic Planning Systems

## **Attachments**

1. EIR Resolution #2011-51
2. Overlay Resolution #2011-06
3. Rezoning Resolution #2011-07
4. PUD Resolution #2011-52
5. Resolution of the Sustainability Committee

**Reference Documents** (Incorporated by reference and available at the Community Development Department and on line at [www.albanyca.org/index.aspx?page=521](http://www.albanyca.org/index.aspx?page=521))

- A. Project Plans May 2011
- B. Draft Environmental Impact Report
- C. Final Environmental Impact Report

**CITY OF ALBANY**

**MEMORANDUM**

DATE: September 22, 2011

TO: City Council  
Planning and Zoning Commission

FROM: Sustainability Committee

SUBJECT: Resolution of the Sustainability Committee Regarding the Proposed  
University Village Mixed Use Development

---

The City of Albany Sustainability Committee discussed the above mentioned project on September 21, 2011, unanimously agreeing upon the following resolution:

The City of Albany Sustainability Committee generally supports the proposed University Village Mixed Use Development Project, but asks that the developer address item TL-3.3 of the City's Climate Action Plan to evaluate the greenhouse gas emissions associated with the development and other mitigations to offset the impact on the City's carbon footprint and implementation of the CAP. Additionally, we ask that safe, convenient solutions be identified to facilitate access for pedestrian, bicycle and other alternative modes of transportation.

The Sustainability Committee also asks that the developer identify ways to offset the project's identified impact on greenhouse gas emissions, including how the project can help facilitate implementation of the City's Climate Action Plan and help offset the City's overall carbon footprint.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**DRAFT FOR CITY COUNCIL REVIEW**

**RESOLUTION #2011-52**

**RESOLUTION OF THE CITY OF ALBANY CITY COUNCIL  
APPROVING**

**PLANNED UNIT DEVELOPMENT FOR PARCEL A AND PARCEL B  
OF THE UNIVERSITY VILLAGE MIXED USE DEVELOPMENT**

**WHEREAS**, Planning and Zoning Code Section 20.100.060 allows Planned Unit Development within the City of Albany.

**WHEREAS**, Planned Unit Development is defined as a development adhering to a comprehensive plan and located on a single tract of land, or on two (2) or more contiguous tracts of land which may be separated only by a street or other public right-of-way.

**WHEREAS**, the purpose of the planned unit development regulations is to promote flexibility of design and increase available usable open space in developments by allowing diversification in the relationships of various buildings, structures and open spaces in building groups and the allowable heights of the buildings and structures, while insuring substantial compliance with the district regulations and other provisions of Planning and Zoning Chapter of the City of Albany Municipal Code.

**WHEREAS**, Planned Unit Development process allows exceptions to the usable open space, lot area, lot width, lot coverage, yards, height, parking, loading, sign, screening and landscaping requirements of the applicable zoning district may be allowed when it can be demonstrated that such exceptions would result in a more desirable development.

1           **WHEREAS**, an application for a planned unit development permit was made  
2 on October 31, 2007.

3  
4           **WHEREAS**, plans illustrating the planned unit development requirements  
5 were submitted on April 4, 2011, and supplemented by the applicant in presentations  
6 made at the September 27, 2011 Planning and Zoning Commission public hearing  
7 and the October 17, 2011 City Council public hearing.

8  
9           **WHEREAS**, on October 17, 2011, the City Council approved a resolution  
10 certifying the Final Environmental Impact Report pursuant to the requirements of the  
11 California Environmental Quality Act.

12  
13           **WHEREAS**, the Planned Unit Development has been presented to the  
14 Planning and Zoning Commission pursuant to the use permit procedures in subsection  
15 20.100.030, including:

16  
17                   The Planning and Zoning Commission held a public hearing on  
18                   September 13, 2011 and September 27, 2011

19  
20                   Notice of the public hearing was provided on September 2, 2011  
21                   according to subsection 20.100.010.E.

22  
23           **WHEREAS**, the Planning and Zoning Commission and City Council  
24 considered all written testimony and public comments;

25  
26           **WHEREAS**, the proposed residential and retail uses are permitted by the  
27 Albany General Plan as it applies to the proposed planned unit development site.

28  
29           **WHEREAS**, the residential density is 1,389 square feet of net area of the  
30 planned unit development, which exceeds the minimum requirement of 690 square  
31 feet minimum lot area per dwelling unit required in the district. The calculation is

1 based on 274,300 gross area of the planned unit development, subtracting the 31,300  
2 square feet of area for public street rights-of-way and private streets, and dividing the  
3 resulting 243,000 net area by 175 residential units.

4  
5 **WHEREAS**, the Senior Living Facility will consist of a minimum of 140  
6 independent and assisted living residential units and include a separate and secured  
7 Alzheimer’s Care area with up to 35 rooms (non-residential units) resulting in a  
8 residential density even further below the maximum allowed in the district.

9  
10 WHEREAS, in granting the Planned Unit Development, the Planning  
11 and Zoning Commission has determined that the following amenities and community  
12 benefits are provided by the project:

- 13  
14 1. Provision of a high quality Senior Living Facility that addresses a clear  
15 need for senior housing and care options in the City of Albany, which  
16 currently has no senior assisted living facilities, and offers residents a full  
17 range of living accommodations, on-site services and recreational facilities  
18 so residents can remain in the community as they age.
- 19 2. Provision of a full service grocery store and smaller retail shops in a  
20 location well served by public transit and convenient to a large number of  
21 Albany residents, by foot, bicycle, and public transit, as well as by car.  
22 This new commercial development will result in more retail spending in  
23 Albany and a corresponding increase in sales tax revenue to the City and  
24 will revitalize San Pablo Avenue and provide new jobs and other  
25 significant economic benefits to the city.
- 26 3. A network of enhanced shared bicycle and pedestrian pathways that link  
27 the project to the surrounding community, including the following specific  
28 elements:
  - 29 • Dedicated Bicycle and Pedestrian Crossing at the intersection of  
30 Dartmouth Avenue and San Pablo Avenue;

- 1           • Approximately 1000 SF of shared bicycle and pedestrian pathways on
- 2           site including paths bordering Codornices and Village Creeks, with
- 3           potential for linkage to future off-site paths; and
- 4           • Extensive on-site bicycle parking including covered parking adjacent
- 5           to the grocery store and the community serving retail.
- 6       4.     A Complete Streets approach that compliments the dedicated bike and
- 7           pedestrian pathways, including traffic calming measures, back in angled
- 8           parking at Monroe Avenue, enhanced sidewalks, opportunities for outdoor
- 9           sidewalk seating, extensive landscaping and storm water management
- 10          measures, and planting of mature trees at key locations.
- 11       5.     Participation of the Property Owner, and/or lessee of Parcel B in the
- 12           implementation of the approved Codornices Creek Restoration project
- 13           abutting the proposed project including the construction and/or funding of
- 14           bikeways, plazas and other open spaces and the delivery of the necessary
- 15           public right of way which in combination with grants obtained by the City
- 16           will result in an open space area exceeding 30,000 square feet.
- 17       6.     Creation of a publically accessible creek-side linear open space along
- 18           Village Creek, through the provision of public path ways, benches and the
- 19           on-going management of Village Creek enabling public enjoyment of
- 20           approximately this 360 foot long riparian open space.
- 21       7.     Enabling the creation of approximately 900 linear feet of Class I bike path
- 22           along Buchanan and Marin Streets through the delivery of necessary
- 23           public ROW to the City at no cost.

24

25           **NOW THEREFORE, BE IT RESOLVED**, that the City Council makes all

26 of the following FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT

27 pursuant to Section 20.100.030 based on substantial evidence contained in the

28 administrative record:

- 29
- 30           1.     Necessity, Desirability, Compatibility. That the size, intensity
- 31           and location of the proposed use will provide a development that is necessary

1 or desirable for, and compatible with, the neighborhood or the community  
2 because it is located on a major arterial street at the southern gateway into the  
3 City;

4  
5 2. Adverse Impacts. That such use as proposed will not be  
6 detrimental to the health, safety, convenience, or general welfare of persons  
7 residing or working in the vicinity, or physically injurious to property,  
8 improvements or potential development in the vicinity, with respect to aspects  
9 including but not limited to the following:

10  
11 a. The nature of the proposed site, including its size and  
12 shape, and the proposed size, shape and arrangement of structures  
13 because the project is designed to complement existing creeks and  
14 improve the streetscape appearance of San Pablo Avenue;

15  
16 b. The accessibility and traffic patterns for persons and  
17 vehicles, the type and volume of such traffic, and the adequacy of  
18 proposed off-street parking and loading because the project is  
19 organized around existing roadways;

20  
21 c. The safeguards afforded to prevent noxious or offensive  
22 emissions such as noise, glare, dust and odor because the project will  
23 be required to be constructed consistent with modern building codes;

24  
25 d. Treatment given, as appropriate, to such aspects as  
26 landscaping, screening, open spaces, parking and loading areas,  
27 service areas, lighting and signs because the project proposes to use  
28 below grade parking where possible and complete street and green  
29 street design principles at grade circulation areas; and  
30

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

3. Consistency with Zoning Ordinance, General Plan and Specific Plan. That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan as detailed in the City Council Ordinance No. \_\_\_\_ approving the required rezoning.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that, in addition to the use permit findings above, the City Council makes all of the following FINDINGS FOR APPROVAL OF THE PLANNED UNIT DEVELOPMENT pursuant to Section 20.100.060:

1. Necessity. The planned unit development demonstrates the advantages of modern, large-scale site planning to an extent that could not be achieved without the planned unit development procedure because the City can require as a condition of approval public amenities that otherwise would not be provided;

2. Exceptions Warranted. Any exceptions to the requirements of the applicable zoning district are warranted by an exceptional level or amenity or other benefits to the community, as set forth herein, which could not be achieved without the exceptions because the City can require as a condition of approval public amenities that otherwise would not be provided;

3. Substantial Compliance. The degree and extent of any exceptions granted does not prevent the development from being in substantial compliance with the regulations of the applicable zoning district because the types of uses and overall scale of the project comply with the requirements of the General Plan;

1           **NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Planning  
2 and Zoning Commission approves the following PLANNED UNIT  
3 DEVELOPMENT STANDARDS:

4  
5           Modification #1: The requirements of Table 2.B. – Site Regulations by  
6 District: Nonresidential are modified for Parcel B as follows:

- 7
- 8           • Maximum Building Height: the maximum building height on Parcel B,
- 9           beginning from a setback line 55 feet from San Pablo Avenue westerly
- 10           to the boundary of the San Pablo Commercial Zoning District, shall be
- 11           62 feet above grade to the highest point of the structure, subject to
- 12           general exceptions and mechanical appurtenances described in Section
- 13           20.24.080.

14  
15           Modification #2: The requirements of Planning and Zoning Code Section  
16 20.24.110.F.2 and F.3 (Landscaping of Parking Facilities) are modified for  
17 Parcel A as follows:

- 18
- 19           • No interior planting areas within the parking lot.
- 20

21           Modification #3: The requirements of Planning and Zoning Code Section  
22 20.24.110.F.2 and F.3 (Landscaping of Parking Facilities) are modified for  
23 Parcel A as follows:

- 24
- 25           • Minimum one tree for eight parking spaces.
- 26

27           Modification #4: The requirements of Planning and Zoning Code Section  
28 20.28.030 (Parking Space Requirements) are modified for Parcel B as follows:

- 29
- 30           • Allow one parking space per five hundred gross square feet of floor
- 31           area for all types of restaurant, retail, professional office, and services.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Modification #5: The requirements of Planning and Zoning Code Section 20.28.030 (Parking Space Requirements) are modified for Parcel B as follows:

- Allow off-street non-residential parking for Parcel B to be met with parking spaces located on abutting Monroe Street.

Modification #6: The requirements of Planning and Zoning Code Section 20.28.060 (Off-Street Loading) are modified for Parcel A as follows:

- Allow 16 parking spaces to be utilized both as required parking spaces and as access to required loading berth (e.g., no parking during loading hours).

Modification #7: The requirements of Planning and Zoning Code Section 20.28.070 (Loading Space Requirements) are modified for Parcel B as follows:

- No off-street loading required for multi-tenant shopping center.

Modification #8: The requirements of Planning and Zoning Code Section 20.28.020.E. (Off-Street Parking: General Regulations) are modified for Parcel A as follows:

- Allow 16 required parking spaces to be inaccessible during specified business hours in order to allow truck access to required loading berth (e.g., no parking during loading hours).

Modification #9: The requirements of Planning and Zoning Code Section 20.28.080.B.4 (Loading Area Standards) are modified for Parcel A as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

- Allow turning and maneuvering of vehicles to infringe on off-street parking spaces during specified hours of operation (e.g., no parking during loading hours).

Modification #10: The requirements of Planning and Zoning Code Section 20.28.050.A.2 (Table 7) (Dimensions of Standard Parking Spaces) are modified for Parcel A as follows:

- Allow stall length of 18 feet for 90 degree angle parking
- Allow stall length of 18 feet for 60 degree angle parking
- Allow aisle width of 14 feet for 60 degree angle parking

Modification #11: The requirements of Planning and Zoning Code Section 20.28.050.A.2 (Table 7) (Dimensions of Standard Parking Spaces) are modified for Parcel A as follows:

- Allow stall length of 18 feet for perpendicular angle parking

Modification #12: The requirements of Planning and Zoning Code Section 20.12.040.A.2 Table 1 (Note 4) (Ground Floor Uses in SPC District) are modified for Parcel B as follows:

- Allow residential or residential care facility uses on the ground floor.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Planning and Zoning Commission approves the following **CONDITIONS OF APPROVAL** associated with the Planned Unit Development approval:

1. Project Approval: except as may be modified by conditions herein, this PUD approval is for the Parcels shown and described on sheet A0.4 of plans prepared by Peter Waller (Pyatok Architects), date received April 4, 2011, as

1 presented to the Planning and Zoning Commission on May 24, 2011, as may  
2 be modified or supplemented by presentations to the Planning and Zoning  
3 Commission on September 14, 2011, September 27, 2011, and to the City  
4 Council on October 17, 2011.

- 5
- 6 2. This PUD is granted for the project described in the Environmental Impact  
7 Report certified by the City Council on October 17, 2011. Subsequent  
8 approvals relying on this PUD shall be in substantial compliance with the  
9 project described in this Environmental Impact Report.
- 10
- 11 3. This PUD is granted for the exceptions to standards of development  
12 specifically described in these findings and conditions of approval. Approval  
13 of the PUD does not constitute an express or implied approval of other  
14 required actions, including but not limited to design review, conditional use  
15 permit, variances, subdivision, encroachment permits, stormwater  
16 management permits, grading permits, or building permits. The size and  
17 location of buildings and other on-site and off-site improvements may be  
18 required to be modified to comply with regulatory requirements that are part  
19 of subsequent applications.
- 20
- 21 4. The approval of this PUD does not constitute a development agreement as  
22 authorized by Government Code 65864 and does not represent a grant of a  
23 vested right to develop the proposed project. The City retains its authority to  
24 adopt policies rules, regulations, standards, and conditions of approval that  
25 may affect the proposed project until such time that the project approvals are  
26 vested by issuance and substantial reliance on a building permit.
- 27
- 28 5. Project Approval Expiration: This PUD approval shall expire two years from  
29 the date on which this approval becomes effective unless a design review  
30 application has been submitted and diligently pursued. The approval may be  
31 extended by the Community Development Director for a period up to an

1 additional one (1) year, provided that, at least ten (10) days before expiration  
2 of one (1) year from the date when the approval becomes effective, an  
3 application for renewal of the approval is filed with the Community  
4 Development Department. The Community Development Director may grant  
5 a renewal of an approval where there is no change in the original application,  
6 or there is no request to change any condition of approval.

- 7
- 8 6. Hold Harmless Agreement. Pursuant to Government Code Section  
9 66474.9(b), the applicant (including any agent thereof) shall defend,  
10 indemnify, and hold harmless, the City of Albany and its agents, officers and  
11 employees, from any claim, action, or proceeding against the City or its  
12 agents, officers or employees to attack, set aside, void, or annul the City's  
13 approval concerning this application, which action is brought within the time  
14 period provided for in Section 66499.37. The City will promptly notify the  
15 applicant of any such claim, action or proceeding and cooperate fully in the  
16 defense.
- 17
- 18 7. Exceptional Public Amenities: the owner and/or leasee shall submit to the  
19 City all required plans and documentation required for implementation of the  
20 public amenities associated with the granting of this PUD. Required plans and  
21 documentation shall be reviewed and approved by the Planning and Zoning  
22 Commission and other relevant regulatory authorities prior to the issuance of  
23 any building permit or grading permit. Commission action on the required  
24 plans and documentation shall be subject to the Commission's public hearing  
25 procedures established in Section 20.100 of the Planning and Zoning Code.  
26 Required plans and documentation include:
- 27
- 28 A. As a requirement for a complete application for subdivision of the  
29 property, the applicant shall prepare "complete streets" and "green streets"  
30 design guidelines for development of Parcel A and Parcel B, including:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

- a. Direct two-way bicycle access from the intersection of Dartmouth and San Pablo south directly to the Codornices Creek Type I bike path; and
  - b. Funding for an independent technical analysis, prepared by a qualified professional, on the feasibility of a motorist-separated bicycle access on San Pablo Avenue. The selection of the professional and the scope of work for the analysis shall be prepared in a collaborative manner with the property owner, lessee, Albany Strollers & Rollers, AC Transit, and other stakeholders. The conclusions of the analysis will be provided to the City commissions as part of the City’s evaluation of an application for a subdivision of the property.
  - c. property owners and/or lessees shall fund the cost of independent post-construction traffic monitoring, which shall be initiated 6 to 10 months after completion of each phase of the project, conducted while schools are in session, and continued periodically if the Traffic and Safety Commission makes a determination that the project is creating traffic capacity or safety issues;
  - d. lockers and showers shall be made available to employees of the senior housing;
- B. City approval of location and design of AC Transit bus stops;
  - C. City approval of astream management plan for the portion of Village Creek abutting the proposed project, including a monthly inspection and repair program including trash removal and erosion control, monitoring of plantings including seasonal trimming/clearing, and installation and maintenance of informational signage and public benches.
  - D. City determination that the property owners and/or leasees have fulfilled obligations and cooperated fully with the implementation of the approved Codornices Creek Restoration project abutting the proposed project;
  - E. City determination that the property owners and/or leasees have fulfilled obligations and cooperated fully in the timely delivery of all required

1  
2  
3  
4  
5  
6  
7  
8

deeds, dedications, and other documents associated with improvements at the Buchanan/Marin/San Pablo improvement projects.

- 8. Public Improvements Standards. Public improvements shall be designed and constructed in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.

---

Farid Javandel, Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**ORDINANCE #2011-07**  
**AN ORDINANCE OF THE CITY OF ALBANY CITY COUNCIL**  
**APPROVING UNIVERSITY VILLAGE MIXED USE PROJECT**  
**ZONING MAP AMENDMENT**

WHEREAS, Planning and Zoning Code Section 20.100.070 (Amendments) prescribes procedures by which amendments may be made to Planning and Zoning Code, including changes to the text and changes to the boundaries of any zoning district.

WHEREAS, the City of Albany General Plan was adopted by the City Council on December 7, 1992; and

WHEREAS, the General Plan includes, as required by State law, a Land Use Element that designates the general location and extent of uses of land for housing, business, open space and other categories of use or public and private land, and provides standards of population density and building intensity for various locations; and

WHEREAS, Chapter 20 of the Albany Municipal Code, Planning and Zoning, also known as the Zoning Ordinance, was adopted its current form 2005 and has been amended from time-to-time through 2009; and

WHEREAS, Chapter 20 of the Albany Municipal Code, Planning and Zoning, also known as the Zoning Ordinance, is concurrently proposed to be amended to create a “University Village/San Pablo Avenue Overlay District”; and

WHEREAS, on October 31, 2007, the Regents of the University of California, owner of property affected by the proposed amendment, submitted an application to rezone the property currently designated “Medium Density Residential” (R-2) to “San Pablo Commercial” (SPC) zoning designation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

WHEREAS, attached is a scaled drawing of the proposed change to the zoning map (Attachment 1).

WHEREAS, City of Albany General Plan polices related to the proposed rezoning includes the land use designation “Residential Commercial” (RC), which is described as “Medium residential densities at a maximum of 34 units per acres is allowed. Retail and office commercial development at a maximum FAR of 0.95 is allowed.” (pg. 31)

WHEREAS, the currently adopted City of Albany Housing Element states:

- “Although redevelopment of the San Pablo frontage could be exclusively for residential uses, the City would favor commercial/residential mixed use . . .” (pg. 65)
- “Encourage higher density residential development of under-utilized University of California property away from the San Pablo Buchanan frontage.” (pg. 70)

WHEREAS, the current draft Housing Element designates the subject site for a minimum of 138 units of housing.

WHEREAS, the residential density of the proposed project is 27.8 units per acre, which is based on 175 residential units proposed by the project, divided by gross project area of 6.3 acres.

WHEREAS, the commercial density of the proposed project is 0.31 FAR, which is based on 85,000 square feet of commercial area, divided by 274,300 gross area.

WHEREAS, the proposed rezoning from R-2 to SPC will allow commercial uses to a maximum FAR of 0.95, which are not presently allowed in an area with the R-2 zoning designation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

WHEREAS, the proposed rezoning from R-2 to SPC will allow residential to a maximum density of 63 units per acre compared to the density of 35 units per acre allowed in the R-2 zoning district.

WHEREAS, the proposed rezoning to from R-2 to SPC will allow a maximum building height of 38 feet compared to a maximum building height of 35 feet allowed in the R-2 zoning district.

WHEREAS, impacts on public health, safety and general welfare have been evaluated by the Planning and Zoning Commission, including review of the Final Environmental Impact Report.

WHEREAS, the Albany Planning and Zoning Commission, on September 13, 2011 and September 27, 2011, after due public notice, held a public hearing on the proposed amendments to Chapter XX to add an additional Overlay District to the Code, and

WHEREAS, the Albany Planning and Zoning Commission, on September 27, 2011, approved a report to the City Council pursuant to Government Code section 65855 recommending approval of the proposed rezoning, and

WHEREAS, a public hearing on the proposed project and Report to the City Council was held on October 17, 2011 pursuant to California Government Code Section 65090 and 65091.

WHEREAS, on October 17, 2011, the City Council approved resolution #\_\_\_ certifying the Final Environmental Impact Report pursuant to the requirements of the California Environmental Quality Act

1 NOW THEREFORE, the Albany City Council does ordain and makes all of the  
2 following findings required for the proposed amendment to rezone the property  
3 currently designated “Medium Density Residential” (R-2) to “San Pablo  
4 Commercial” (SPC) zoning designation with the addition of the “University  
5 Village/San Pablo Avenue Overlay District” based on substantial evidence contained  
6 in the administrative record:

- 7
- 8 1. That the proposed amendment is consistent with the General Plan because the  
9 proposed uses and densities are consistent with the RC land use designation,  
10 as well as current and draft proposed Housing Element policies.  
11
- 12 2. The proposed amendment to the zoning map was reviewed consistent with the  
13 procedures contained in Planning and Zoning Code Section 20.100, and  
14 Government Code Sections 65853 *et seq.*, including numerous public hearings  
15 beginning November 13, 2007.  
16
- 17 3. That the adoption of the proposed amendment would not adversely affect the  
18 public health, safety and general welfare because the amendment will allow  
19 development, the size, intensity and location of the which, will be necessary  
20 and desirable for, and compatible with, the neighborhood and the community  
21 for reasons including, but not limited to, the following:
  - 22 a. The City Council finds that the programs and activities of the mixed  
23 use development at University Village provide numerous economic,  
24 social, environmental and other benefits to the City of Albany. The  
25 proposed amendment facilitates the University Village Mixed Use  
26 project and promotes development that fulfills the goals of the General  
27 Plan, including upgrading commercial development along San Pablo  
28 Avenue in order to expand the City’s economic base. It fulfills the  
29 General Plan goal that future redevelopment of the University of  
30 California lands is compatible with the City’s long-term land use  
31

1 goals, including mixed use development along the San Pablo Avenue  
2 Commercial Corridor.

3 b. The proposed amendment and project is consistent with the Housing  
4 Element goal to expand housing opportunities for the elderly, disabled,  
5 and other persons with special housing needs. The amendment will  
6 allow for a project that proposes to provide 175 housing units, which  
7 would make progress towards Albany's Fair Share of Alameda's  
8 Regional Housing Needs Allocation as identified by ABAG for 2007-  
9 2014.

10 c. The nature of the proposed site to which the amendment is being  
11 applied, including its size and shape, and the proposed size, shape and  
12 arrangement of proposed structures for the project facilitated by the  
13 amendment is designed to complement existing creeks and improve  
14 the streetscape appearance of San Pablo Avenue. The accessibility  
15 and traffic patterns for persons and vehicles, the type and volume of  
16 such traffic, and the adequacy of proposed off-street parking and  
17 loading for the proposed project is organized around existing  
18 roadways. In addition, the project will be required to be constructed  
19 consistent with modern building codes which provide the safeguards  
20 afforded to prevent noxious or offensive emissions such as noise,  
21 glare, dust and odor. Further, the project proposes to use below grade  
22 parking where possible and complete street and green street design  
23 principles at grade circulation areas as well as treatment given, as  
24 appropriate, to such aspects as landscaping, screening, open spaces,  
25 parking and loading areas, service areas, lighting and signs.

26 d. While the University Village Mixed Use Project facilitated by the  
27 proposed amendment cannot fully resolve the transportation and  
28 circulation impacts of growth and development for the project area,  
29 with adoption of the mitigation measures outlined in the project EIR,  
30 these adverse impacts can be reduced. Furthermore, several of the  
31 intersections identified in the EIR as significantly impacted are not

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

within the City of Albany’s jurisdiction. Implementation of the University Village Mixed Use Project, including the proposed amendment, in combination with the adoption of the mitigation measures outlined in the EIR, will contribute to the physical and economic revitalization of this site, which is currently vacant and underutilized land. Specifically, the University Village Mixed Use project will produce sales tax revenue that will benefit the City, will create employment opportunities for Albany residents, and will be an aesthetic improvement to the currently vacant site.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the City Council approved rezoning with the addition of the “University Village/San Pablo Avenue Overlay District.”

This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 7 days from the passage thereof shall be published at least once in the West County Times, a newspaper of general circulation, published and circulated in the Counties of Contra Costa and Alameda and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

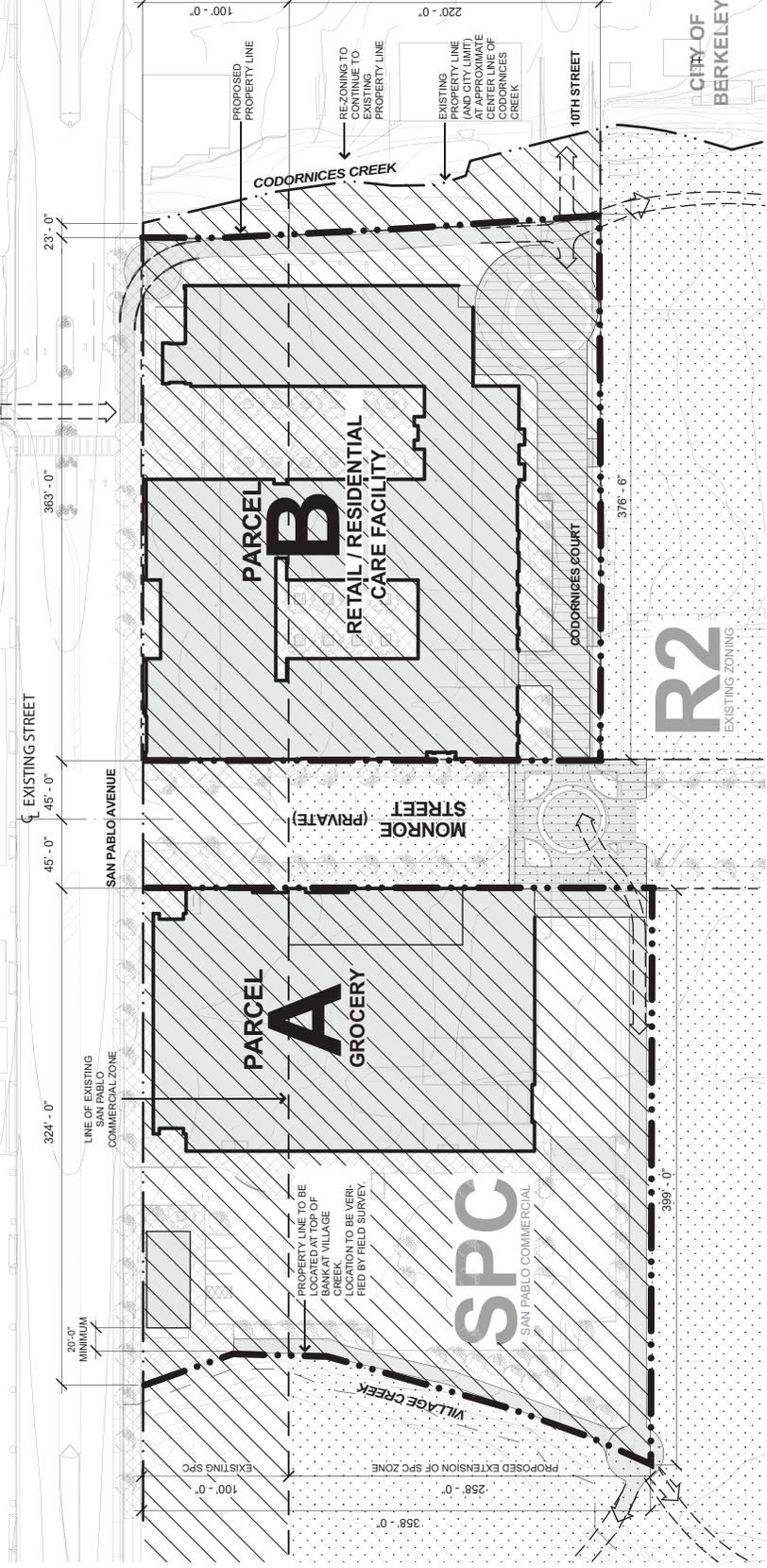
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

1

###



**Zoning Summary**

Zone	Area (sq. ft.)	Proposed Development	Notes
SPC	1,200,000	Commercial	Existing SPC zone
R2	1,500,000	Residential	Existing R2 zone

**Development Summary**

Category	Area (sq. ft.)	Volume (cu. ft.)	Notes
Total Volume	1,200,000	1,200,000	
SPC	1,200,000	1,200,000	
R2	1,500,000	1,500,000	

**Parking Summary**

Use	Area (sq. ft.)	Zoning Standard	Total Required	Total Provided	Surplus (Deficit)
Retail/Commercial	45,000	One space per 400 sq. ft.	113	110	-3
Community	75,000	One space per 400 sq. ft.	188	187	-1
Residential Care Facility (RCF)	71,000	One space per 400 sq. ft.	178	177	-1
Library	10,000	One space per 400 sq. ft.	25	25	0
<b>Total</b>			<b>484</b>	<b>479</b>	<b>-5</b>

**NOTE:** LOCATION OF PROPOSED PROPERTY LINE TO BE DETERMINED THROUGH SUBDIVISION APPROVAL PROCESS.

**LEGEND:**

- PROPOSED STRUCTURES
- EXG PROPERTY LINE
- PROPOSED PROPERTY LINE
- SAN PABLO COMMERCIAL ZONE
- RESIDENTIAL-2 ZONE

**PROPOSED RE-ZONING**

**SCALE:** 1" = 30'-0"

**1**

**A0.4**

**NOT FOR CONSTRUCTION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**ORDINANCE #2011-06**  
**AN ORDINANCE OF THE CITY OF ALBANY CITY COUNCIL**  
**APPROVING UNIVERSITY VILLAGE MIXED USE PROJECT**  
**ZONING OVERLAY DISTRICT**

**WHEREAS**, the City of Albany has adopted a Zoning Ordinance in the form of Chapter XX of the Albany Municipal Code, Planning and Zoning; and

**WHEREAS**, Planning and Zoning Code Section 20.100.070 (Amendments) prescribes procedures by which amendments may be made to Planning and Zoning Code, including changes to the text and changes to the boundaries of any zoning district.

**WHEREAS**, the Albany Planning and Zoning Commission, on September 13, 2011 and September 27, 2011, after due public notice, held a public hearing on the proposed amendments to Chapter XX to add an additional Overlay District to the Code, and

**WHEREAS**, the Albany Planning and Zoning Commission, on September 27, 2011, approved a report to the City Council pursuant to Government Code section 65855 expressing support for an amendment to Chapter XX of the Albany Municipal Code, Section 20.12.080.B, titled “Specific Purposes of Individual Overlay Districts, and

**WHEREAS**, on October 17, 2011, the City Council certified the Final Environmental Impact Report pursuant to the requirements of the California Environmental Quality Act

**NOW, THEREFORE, BE IT ORDAINED**, that the City Council approves an amendment to Chapter XX of the Albany Municipal Code, Section 20.12.080.B, titled “Specific Purposes of Individual Overlay Districts,” to add the following text:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

8. **University Village/San Pablo Avenue Overlay District:** The University Village/San Pablo Avenue Overlay District is intended to be applied to those portions of University Village with frontage along San Pablo Avenue. The purpose of this District is to require mixed-use development within the University Village parcels along San Pablo Avenue, specifically requiring residential development, including residential care uses, consistent with the Realistic Unit Capacity of the San Pablo Commercial Zone as defined by the Housing Element, which may be amended from time to time.

This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 7 days from the passage thereof shall be published at least once in the West County Times, a newspaper of general circulation, published and circulated in the Counties of Contra Costa and Alameda and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**RESOLUTION #2011-51**  
**RESOLUTION OF THE CITY OF ALBANY CITY COUNCIL**  
**CERTIFYING**  
**FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)**  
**FOR THE UNIVERSITY VILLAGE MIXED USE DEVELOPMENT**

**WHEREAS**, The Regents of the University of California, serving as the master developer for the site, submitted an application for a mixed use development on Parcel A and Parcel B of University Village, located at 1030-1130 San Pablo Avenue, and;

**WHEREAS**, the City, acting as the Lead Agency, determined that an Environmental Impact Report (EIR) was necessary under the California Environmental Quality Act (CEQA, at Public Resources Code Section 21000 et seq.), and retained the firm of LSA Associates, Inc. (herein referred to as LSA) to prepare the EIR for the Project; and

**WHEREAS**, LSA conducted the preparation of the EIR under the direction of City staff, and all draft products prepared by LSA were reviewed and approved by City staff; and

**WHEREAS**, the Notice of Preparation of an EIR was circulated for review to the public and other agencies in March 29, 2008 (CEQA Guidelines Section 15082); and

**WHEREAS**, in April 22, 2008, the City held a publicly noticed scoping session to receive public input on the scope of the EIR (CEQA Guidelines Section 15083); and

1           **WHEREAS**, the Draft EIR, titled University Village at San Pablo Avenue  
2 Project Environmental Impact Report, dated July 2009, was prepared and completed.  
3 A Notice of Completion was filed with the State Office of Planning and Research on  
4 July 3, 2009 (CEQA Guidelines Section 15085).

5  
6           **WHEREAS**, the public review period for the Draft EIR began on July 2,  
7 2009 continued for 45 days, through August 20, 2009 (CEQA Guidelines Section  
8 15087); and

9  
10           **WHEREAS**, at the close of the public review period, City staff and LSA  
11 compiled all of the written responses to the Draft EIR and prepared Responses to  
12 Comments, all of which are contained in the Final EIR titled University Village at  
13 San Pablo Avenue Project Environmental Impact Report Response to Comments  
14 Document, dated February 2011 (CEQA Guidelines Sections 15088, 15089); and

15  
16           **WHEREAS**, on September 27, 2011, the Planning Commission considered  
17 the Project, the FEIR, and the information submitted in the staff reports and at the  
18 public hearings and adopted resolutions recommending approval of the Project and  
19 certification of the FEIR; and

20  
21           **WHEREAS**, the City Council has considered the Project, the FEIR, and the  
22 information submitted in the staff reports and at the public hearings; and

23  
24           **WHEREAS**, the project description states a maximum height of 52 feet, but  
25 upon final design completion, the maximum height, as measured from grade to the  
26 highest point of the structure may reach 62 feet; and

27  
28           **WHEREAS**, the City desires and intends to use the EIR for the approval of  
29 the amendments to the Zoning Ordinance regarding the project site and the University  
30 Village Mixed Use Project Zoning Overlay District, the Planned Unit Development

1 for Parcel A and P of the University Mixed Use Development and related actions as  
2 the environmental document required by CEQA; and

3  
4 **WHEREAS**, consistent with the requirements of Public Resources Code  
5 Section 21081 and Section 15091 of the CEQA Guidelines, written findings have  
6 been prepared for significant impacts identified in the EIR; and

7  
8 **WHEREAS**, CEQA Guidelines Section 15093 requires the decision making  
9 body to balance, as applicable, the economic, legal, social, technological or other  
10 benefits of the proposed project against its unavoidable environmental risks when  
11 determining whether to approve a project. If these benefits outweigh the unavoidable  
12 adverse environmental effects, the adverse effects may be considered “acceptable.”  
13 The decision making body must state in writing the specific reasons to support its  
14 action based on the EIR and/or other information in the record; and

15 **WHEREAS**, a Statement of Overriding Considerations has been prepared  
16 specifying the economic, social and other benefits that render acceptable the  
17 significant unavoidable environmental effects associated with the project and is  
18 contained herein; and

19  
20 **WHEREAS**, consistent with the requirements of CEQA, a Mitigation  
21 Monitoring and Reporting Program (“MMRP”) has been prepared to outline the  
22 procedures for implementing all mitigation measures identified in the EIR and  
23 recommended for approval by the Planning Commission and is attached as **Exhibit**  
24 **A**; and

25  
26 **WHEREAS**, the City Council has considered the Project, the Final EIR and  
27 the information submitted in the staff reports and at the public hearings; and changes,  
28 alterations, and mitigation measures have been incorporated into the project or will be  
29 required as conditions of approval that will avoid or substantially lessen significant  
30 impacts identified in the FEIR as described below,

31

1           **NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City  
2 of Albany certifies that the Final EIR for the Project has been completed in  
3 compliance with the requirements of CEQA and reflect the Council’s independent  
4 judgment and analysis.

5  
6           **BE IT FURTHER RESOLVED**, that the Albany City Council makes the  
7 following findings regarding (1) potentially significant environmental impacts of the  
8 Project under CEQA; (2) measures identified in the Final EIR that if adopted will  
9 mitigate the significant Project impacts to less than significant levels; (3) changes or  
10 alterations that have been required in, or incorporated into, the Project to avoid or  
11 substantially lessen significant impacts; (4) impacts that are not significant; (5)  
12 project alternatives; (6) a mitigation and monitoring program; and (7) a Statement of  
13 Overriding Considerations. (CEQA Guidelines Section 15091) based on substantial  
14 evidence contained in the administrative record:

- 15  
16           1. Based on review and analysis of the EIR and other information in the  
17 record, including the written and oral comments received at the public  
18 hearings on the EIR and the project, prior to acting upon or approving the  
19 project, the City Council shall certify that the (1) EIR has been completed  
20 in compliance with CEQA; (2) EIR was presented to the City Council and  
21 that the members of the City Council reviewed and considered the  
22 information in the EIR before approving the project; and (3) EIR reflects  
23 the City’s independent judgment and analysis.
- 24  
25           2. The Findings set forth herein, are incorporated in this Resolution by  
26 reference and are hereby made and adopted as the City’s findings under  
27 CEQA and the CEQA Guidelines. The Findings provide the written  
28 analysis and conclusions of the Council regarding the project’s  
29 environmental impacts, mitigation measures and alternatives to the  
30 project.

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

- 3. That the mitigation measures described herein be adopted as conditions of approval of the project.
  
- 4. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 *et seq.*, the City Council adopt the Statement of Overriding Considerations regarding the remaining significant impacts of the project set forth herein.
  
- 5. That the MMRP for the project which is attached to this Resolution as **Exhibit A** be adopted. The MMRP identifies impacts of the project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.
  
- 6. The City Clerk of the City of Albany, located at City Hall, 1000 San Pablo Avenue, Albany, California, 94706, is designated as the custodian of documents and record of proceedings on which the decision is based.

**INTRODUCTION**

These Findings and Statement of Overriding Considerations (“Findings”) are made as the City’s Findings and Statement of Overriding Considerations under the California Environmental Quality Act (“CEQA”) relating to the University Village Mixed Use Development (“Project”). These Findings explain the potential environmental impacts of the Project, identify mitigation measures that have been adopted to mitigate those impacts, explain the alternatives that were evaluated and rejected, and include the overriding considerations to support approval of the Project.

**LEGAL EFFECT OF FINDINGS**

1 These findings constitute the City's evidentiary and policy bases for its decision to  
2 approve the project in a manner consistent with the requirements of CEQA. To the  
3 extent that these findings conclude that proposed mitigation measures outlined in the  
4 EIR are feasible and have not been modified, superseded or withdrawn, the City  
5 hereby binds the project applicant and any other responsible parties to implement  
6 those measures. These findings, in other words, are not merely informational or  
7 advisory, but constitute a binding set of obligations that will come into effect when  
8 the City adopts the resolution(s) and/or ordinance(s) approving the Planned Unit  
9 Development and related approvals for the Project. (Public Resources Code  
10 § 21081.6(b).) In addition, the adopted mitigation measures are conditions of  
11 approval.

### 12 13 **FINDING OF INDEPENDENT JUDGMENT**

14  
15 The City of Albany is the Lead Agency with respect to the Project pursuant to the  
16 Section 15367 of the CEQA Guidelines. Public Resources Code 21081 and Section  
17 15091 of the CEQA Guidelines require that the lead agency prepare written findings  
18 for identified significant impacts, accompanied by a brief explanation for the rationale  
19 for each finding. The EIR identified potentially significant effects that could result  
20 from Project implementation. The City finds that the mitigation measures in the EIR  
21 will reduce most, but not all, of those effects to less than significant levels. Those  
22 impacts that are not reduced to less than significant levels are identified and  
23 overridden due to specific Project benefits identified in the Statement of Overriding  
24 Considerations.

25  
26 In accordance with CEQA and the State CEQA Guidelines, the City adopts these  
27 Findings as part of its approval of the Project. Pursuant to Section 21082.1(c)(3) of  
28 the Public Resources Code, the City also finds that the EIR reflects the City's  
29 independent judgment as the Lead Agency for the Project.

### 30 31 **ADMINISTRATIVE RECORD**

1  
2 The record, upon which all Findings related to the approval of the Project are based,  
3 includes the following:

- 4 • The EIR (both the Draft EIR and Final EIR, collectively the “EIR”) and all  
5 documents referenced in or relied upon by the EIR.
- 6 • All information (including written evidence and testimony) provided by City  
7 Staff to the Planning Commission and the City Council relating to the EIR, the  
8 approvals, and the project.
- 9 • All information (including written evidence and testimony) presented at or in  
10 preparation of any City public hearing or City workshop related to the Project  
11 and the EIR.
- 12 • For documentary and information purposes, all City-adopted land use plans  
13 and ordinances, including without limitation the general plan, specific plans  
14 and ordinances, together with environmental review documents, findings,  
15 mitigation monitoring programs and other documentation relevant to planned  
16 growth in the area.
- 17 • The Mitigation Monitoring and Reporting Program (“MMRP”) for the Project.
- 18 • All other documents composing the record pursuant to Public Resources Code  
19 section 21167.6(e).

20 The custodian of the documents and other materials that constitute the record of the  
21 proceedings upon which the City’s decisions are based is the City Clerk or her  
22 designee. Such documents and other materials are located at the Albany City Hall,  
23 100 San Pablo Avenue, Albany, California, 94706.

#### 24 25 **MITIGATION MONITORING AND REPORTING PROGRAM (“MMRP”)**

26 Section 21081.6 of the Public Resources Code requires the City to adopt a monitoring  
27 or compliance program regarding the changes in the project and mitigation measures  
28 imposed to lessen or avoid significant effects on the environment. The City prepared  
29 a MMRP for the project and approves the MMRP by this same resolution that adopts  
30 these findings. (Public Resources Code § 21081.6(a)(1); CEQA Guidelines § 15097.)

31 The MMRP is attached hereto as **Exhibit A**. The City finds that all mitigation

1 measures contained in the MMRP are feasible and will mitigate the significant  
2 impacts of the project to which they are addressed to a less than significant impact.  
3 The City will use the MMRP to track compliance with project mitigation measures.  
4

5 Based on the entire record, and having considered the unavoidable and significant  
6 impacts of the Project, the City hereby determines that all feasible mitigation  
7 measures within the responsibility and jurisdiction of the City have been adopted to  
8 reduce or avoid the potentially significant impacts identified in the EIR, and that no  
9 additional feasible mitigation is available to further reduce significant impacts.

10  
11 **FINDINGS REGARDING POTENTIAL IMPACTS AND MITIGATION**  
12 **MEASURES UNDER CEQA.**  
13

14 The EIR evaluated the potential for the Project to result in significant impacts and  
15 was prepared at a specific project level and with respect to the University Village  
16 Mixed Use Development. All impacts were found to be less than significant or less  
17 than significant after incorporation of mitigation measures, with the exception of  
18 certain impacts relating to transportation circulation and parking, which were found to  
19 be significant and unavoidable.

20  
21 By these findings, the City Council have attempted to avoid or mitigate to a less-than-  
22 significant level all University Village Mixed Use Project impacts, and to otherwise  
23 consider, address, and resolve all of the environmental concerns raised during the  
24 public process. To the extent that a significant impact is unavoidable, it is determined  
25 that there are no feasible mitigation measures or alternatives and that the specific  
26 social, economic, legal, technical or other reasons set forth in the Statement of  
27 Overriding Considerations contained herein outweigh the unavoidable adverse  
28 environmental effects. To the extent the Findings presented here summarize the Draft  
29 and Final EIR, the summary is not intended to change any aspect of the complete text  
30 of the analysis and mitigation measures discussed in the Draft and Final EIR. These  
31 Findings incorporate by reference in their entirety the text of the Draft and Final EIR.

1 Without limitation, this incorporation is intended to elaborate on the scope and nature  
2 of Project and cumulative development impacts, related mitigation measures, and the  
3 basis for determining the significance of such impacts.

4  
5 (Parenthetical references are to the Mitigation Measures set forth in Exhibit A).  
6 (CEQA Guidelines Section 15091)

- 7
- 8 1. Transportation, Circulation, and Parking. Construction activities associated  
9 with the proposed project will have temporary adverse impacts on vehicular,  
10 bicycle, and pedestrian circulation access. These potentially significant  
11 circulation impacts can be mitigated to a level less than significant with  
12 preparation of a Construction Traffic Management Plan, which would include  
13 regulations on truck routes, construction hours, employee parking, and detour  
14 plans. The Construction Traffic Management Plan shall be approved by the  
15 City of Albany staff prior to construction. (MM TRANS-13)

16

  - 17 2. Air Quality. Demolition and construction period activities would generate dust  
18 and exhaust, and organic emissions from vehicles. Potentially significant air  
19 quality impacts can be mitigated to a level less than significant with measures  
20 to reduce dust and exhaust. Consistent with guidance from the BAAQMD, the  
21 project applicant shall require contractors to include dust control measures in  
22 construction specifications for the project. (MM AIR-1).

23

  - 24 3. Global Climate Change. The project may conflict with the policies and  
25 regulations with regard to Greenhouse Gas reduction goals. In order to reduce  
26 these impacts to levels less than significant, the project will use  
27 environmentally friendly building materials, take measures to exceed  
28 California Building Code's Title 24 energy standards, devise a water  
29 conservation strategy for the site, and provide transit and bike facilities. (MM-  
30 GCC-1).

31

- 1 4. Noise. Noise levels from construction activities will increase temporarily, and  
2 long-term noise impacts from traffic generation could exceed the acceptable  
3 interior noise levels on the site. Construction practices and hours of  
4 construction work can be modified to mitigate to a less-than-significant level  
5 potential noise impacts. To mitigate internal noise levels within the  
6 completed Project to a less-than-significant level, all residential units shall  
7 include alternative ventilation systems to ensure that windows can remain  
8 closed for prolonged periods of time. (MM-NOISE-1-2)  
9
- 10 5. Biological Resources. The proposed Project could impact the Central Coast  
11 Steelhead habitat and the western pond turtles in Codornices Creek. The  
12 project may also impact the bird species and Monarch butterfly colonies on  
13 site. Construction activities will be timed to mitigate to a less-than-significant  
14 level the impact on fish and bird habitats, and disturbance to existing grades  
15 and vegetation will be limited. Western pond turtles, if present, will be  
16 relocated to a suitable habitat. Protected buffer zones will be established  
17 around these biological habitats. (MM-BIO1-4)  
18
- 19 6. Hydrology and Water Quality. Construction activity could result in  
20 degradation of water quality in Codornices Creek, Village Creek, and the San  
21 Francisco Bay. Once completed, operation of the site could reduce  
22 infiltration, increase runoff volume, and degrade the quality of stormwater  
23 runoff. The project contractor shall comply with the Albany Municipal Code  
24 relating to grading projects erosion control, and discharge regulations and  
25 requirements (Chapter XX, Section 15-4.7), and Best Management Practices  
26 will be followed included soil stabilization controls, watering for dust control,  
27 perimeter silt fences, and placement of hay bales and sediment basins. (MM-  
28 HYDRO1). The Project will meet all requirements of the current County  
29 Wide NPDES Permit, and the drainage plan shall include features and  
30 operational Best Management Practices to reduce potential impacts to surface

1 water quality associated with operation of the Project to a less-than significant  
2 level. (MM-HYDRO3)

3  
4 **SUMMARY OF IMPACTS THAT ARE NOT FOUND TO BE SIGNIFICANT**

5  
6 1. Aesthetics. Aesthetic impacts would not degrade the site, which currently  
7 consists of empty fields and vacant structures. The project would be compatible  
8 with the San Pablo Avenue Design Guidelines. Impacts to visual resources would  
9 be less than significant.

10  
11 2. Agricultural Resources. The project site is not designated by the Farmland  
12 Mapping and Monitoring Program as prime farmland, unique farmland, or  
13 farmland of statewide importance. Decisions by the University of California as to  
14 future use of the Gill Tract would not be affected by implementation of the  
15 proposed project. Impacts to agricultural resources would be less than significant.

16  
17 3. Cultural Resources. The project site is not eligible for listing on the California  
18 Register, and is not considered a historical resource in accordance with CEQA.  
19 Should unknown resources be discovered during construction, implementation of  
20 the Mitigation Measures (CULT-1, CULT-2, or CULT-3) identified in the EIR  
21 and outlined in Exhibit A would reduce impacts to cultural resources to a less than  
22 significant level.

23  
24 4. Geology and Soils. The project site has been rated as being moderately  
25 susceptible to liquefaction hazards. However, with implementation of the  
26 Mitigation Measures (GEO-1 and GEO-2) identified in the EIR and outlined in  
27 Exhibit A, impacts to geology and soils would be less than significant.

28  
29 5. Hazards and Hazardous Materials. The amount of chemical agents, solvents,  
30 and other hazardous materials associated with construction activities would be  
31 limited, and would be in compliance with existing government regulations.

1 Hazards and hazardous materials would thus not be considered a significant  
2 hazard.

3  
4 6. Land Use and Planning. The proposed project is compatible with the existing  
5 General Plan designations, and land use and planning impacts would be less than  
6 significant. Approval of the University Village Mixed Use Project Zoning  
7 Overlay District would ensure mixed use development within the University  
8 Villages parcels along San Pablo Avenue, specifically encouraging residential  
9 development, including residential care uses, consistent with the Realistic Unit  
10 Capacity of the San Pablo Commercial Zone as defined by the Housing Element.

11  
12 7. Mineral Resources. There are no known mineral resources located within the  
13 project site. Impacts on mineral resources would be less than significant.

14  
15 8. Population and Housing. The proposed project would result in the  
16 construction of 175 senior housing and assisted living units, which amounts to  
17 approximately 1.3 percent of the estimated 2010 population. The proposed  
18 project would not cause a significant growth impact, and there would be no  
19 removal of housing, so population and housing impacts would be less than  
20 significant.

21  
22 9. Public Services. The project would marginally increase demand for public  
23 services, but would not require the construction of new facilities to meet the  
24 demand. Thus, impacts to public services would be less than significant.

25  
26 10. Recreation. The project would incrementally increase use of nearby  
27 recreation facilities, but it is not expected to result in substantial physical  
28 deterioration of local parks, trails, or other recreational facilities. Thus, impacts to  
29 recreation facilities would be less than significant.

30

1 11. Utilities. Implementation of the project would not exceed the Regional Water  
 2 Quality Control Board's treatment standards, and the construction of new water or  
 3 wastewater treatment facilities would not be required to provide service to the  
 4 project site. Given Mitigation Measures (UTIL-1 and UTIL-2) identified in the  
 5 EIR and outlined in Exhibit A, and adequate capacity at the Potrero Hills Landfill  
 6 to accommodate the project, impacts to utilities would be less than significant.

7

8

9 **SUMMARY OF SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS.**

10

11 Detailed descriptions of each Unavoidable Significant Adverse Impact, and the  
 12 accompanying Mitigation Measure can be found in Exhibit A.

13

14 The University Village Mixed Use project will result in the following impacts that  
 15 would not be mitigated to a less than significant level; and therefore would constitute  
 16 significant unavoidable traffic impacts:

17 **Transportation, Circulation and Parking**

18 The proposed project would contribute to the following intersections experiencing  
 19 unacceptable levels of congestion when measured against the City's significance  
 20 thresholds:

- 21 • Marin Avenue/San Pablo Avenue
- 22 • Gilman Street/I-80 Westbound Ramps
- 23 • Gilman Street/I-80 Eastbound Ramps
- 24 • Gilman Street/Eastshore Highway
- 25 • Gilman Street/San Pablo Avenue
- 26 • Gilman Street/Hopkins Street

27

28 The proposed project would also contribute to significant and unavoidable cumulative  
 29 (2035) impacts at the following intersections:

30

- 31 • Solano Avenue/San Pablo Avenue

- 1 • Buchanan Street/Eastshore Highway
- 2 • Harrison Street/San Pablo Avenue

3  
4 The proposed project would significantly affect operations on the following segments  
5 of the CMP roadway network:

- 6
- 7 • Northbound San Pablo Avenue between Gilman Street and Marin Avenue  
8 during the PM peak hour under Near Term (2015) Plus Project Conditions.
- 9 • Northbound San Pablo Avenue between Gilman Street and Solano Avenue  
10 during the PM peak hour under Cumulative (2035) Plus Project Conditions.
- 11 • Southbound San Pablo Avenue between Marin Avenue and Gilman Street  
12 during the PM peak hour under Cumulative (2035) Plus Project Conditions.

13  
14 **FINDINGS ON THE FEASIBILITY OF ALTERNATIVES TO THE**  
15 **PROPOSED PROJECT**

16  
17 The Draft EIR evaluated a reasonable range of alternatives to the Project and in  
18 compliance with CEQA and the CEQA Guidelines, the alternatives analysis also  
19 included an analysis of a No Project Alternative and identified the environmentally  
20 superior alternative. The EIR examined each alternative's feasibility and ability to  
21 meet the Project objectives. Those found to be clearly infeasible were rejected  
22 without further environmental review. Alternatives that might have been feasible and  
23 that would attain most of the Project objectives were carried forward and analyzed  
24 with regard to whether they would reduce or avoid significant impacts of the Project.

25  
26 In connection with certification of the Final EIR for the Project, the City certifies that  
27 it independently reviewed and considered the information on alternatives provided in  
28 the Final EIR and the record of proceedings. The City finds that no new alternatives  
29 that are considerably different from those analyzed in the Final EIR for the Project  
30 have been identified and that the feasibility of the analyzed alternatives has not

1 changed since the Draft EIR. Brief summaries of the evaluated alternatives are  
2 provided below

3  
4 Alternative 1: The No Project Alternative

5  
6 Description: The project site would not be subject to redevelopment, and  
7 would generally remain in its existing condition. No site improvements would  
8 occur (including pedestrian and bicycle facilities), and the project site would  
9 remain largely unused and vacant.

10  
11 Finding: This alternative would not achieve the Project objectives to utilize  
12 the vacant parcels along San Pablo for a mixed use development, to build a  
13 grocery store within the San Pablo frontage of University Village, to provide  
14 retail space and outdoor seating to serve local residents, to improve the visual  
15 quality of the site, to provide senior housing, to provide a pedestrian/bicycle  
16 path along Codornices Creek, and to facilitate pedestrian/bicycle movement  
17 along San Pablo Avenue. Compared to the Project, the No Project Alternative  
18 would have reduced environmental impacts because no construction would  
19 take place and the impacts identified in the EIR would not occur.

20  
21 Reasons for Rejecting this Alternative: This alternative would not meet the  
22 project proponent's objectives for the proposed project, since it would not  
23 include development of the mixed use facility or senior housing. This  
24 alternative is examined as required by CEQA Guidelines Section 15126.6(e),  
25 even though it would not achieve the project objectives.

26  
27 Alternative 2: The Existing Zoning Alternative

28  
29 Description: The project site would be redeveloped with the type and intensity  
30 of uses currently allowed under the Zoning Ordinance, which includes San  
31 Pablo Avenue Commercial (SPC), Residential Medium Density (R-2), and

1 Watercourse Overlay District. Under this alternative, a 15,000 square foot  
2 market would be located within the area designated as SPC on Block A,  
3 fronting along San Pablo Avenue. The Block B component would include  
4 one 30-foot tall mixed use building along San Pablo with 16,000 square feet  
5 of retail on the ground floor and senior housing units on the second floor. The  
6 second building in Block B would be three stories tall, and combined with the  
7 first building, would provide 70 senior housing units.

8  
9 Finding: This alternative does not meet the project objectives. It would  
10 provide significantly less retail and grocery square footage, and fewer  
11 dwelling units. This alternative does not fulfill the basic definition of a  
12 project objective as contained in Section 15126.6(a) of the CEQA Guidelines,  
13 which provides that alternatives should be examined "which would feasibly  
14 attain most of the basic objectives of the proposed project."

15  
16 Reasons for Rejecting this Alternative: Although this alternative would reduce  
17 some environmental impacts, such as trip-generation and circulation impacts,  
18 it would not fully reduce any potentially significant impacts, and it would not  
19 meet the project proponent's objectives for the proposed project, since it  
20 would provide significantly less retail and grocery space. This alternative is  
21 examined as required by CEQA Guidelines Section 15126.6(e), even though it  
22 would not achieve the project objectives.

### 23 24 Alternative 3: The Reduced Residential Alternative

25  
26 Description: Under this alternative, Block A would remain the same as the  
27 proposed project, with 2,000 square feet of retail and a 55,000 square foot  
28 Whole Foods Market. Block B would be altered to include only 85 residential  
29 units, a 90 unit reduction over the proposed project.  
30

1 Finding: This alternative would meet all objectives of the proposed project but  
2 would provide significantly fewer residential units, and would only minimally  
3 reduce the significant environmental impacts. The project seeks to provide a  
4 number of residential units that is of a higher density than in other areas of the  
5 city, and thus the alternative prohibits the applicant from achieving this goal.

6  
7 Reasons for Rejecting the Alternative: Although this alternative would  
8 address some of the potential environmental impacts of the project, these  
9 impacts can be mitigated through other measures discussed in the  
10 Environmental Impact Report in a way that would not decrease the residential  
11 portion of the project. The benefits of the proposed project with the full  
12 residential component outweigh the negative impacts that would be avoided  
13 with this alternative.

14  
15 **MINOR PROJECT CHANGES DO NOT REQUIRE**  
16 **RECIRCULATION**

17  
18 The DEIR/FEIR currently states that the buildings comprising the senior  
19 housing component on Parcel B would be five stores and 52 feet tall on  
20 Monroe Street set back approximately 75 feet from San Pablo Avenue. In  
21 addition, the DEIR/FEIR did not mention amending the zoning code to  
22 approve the University Village Mixed Use Project Overlay District. Recently,  
23 the City learned that the project architect had calculated height differently  
24 than the method used under the Municipal Code and that the project sought a  
25 maximum height (calculated pursuant to the Municipal Code) of 62 feet above  
26 grade to the highest point of the structure in the senior housing component on  
27 Parcel B (beginning from a setback line 55 feet from San Pablo Avenue  
28 westerly to the boundary of the San Pablo commercial Zoning District and  
29 subject to general exceptions and mechanical appurtenances described in  
30 Section 20.24.080). The University Village Mixed Use Project Overlay  
31 District was proposed to conform to the project and provide assurances that

1 the project site would be developed as a mixed use project as contemplated  
2 and analyzed in the EIR. The adoption of the University Village Mixed Use  
3 Project Overlay District and addressing the discrepancy in the maximum  
4 height of the project requires clarification only, and does not require  
5 recirculation of the EIR for the following reasons:  
6

- 7 1. Clarification of the project description height does not require  
8 recirculation of the EIR because it does not constitute “significant new  
9 information” affecting any of the impacts studied under the EIR. First,  
10 no new significant environmental impacts, or substantial increase in  
11 the severity of any environmental impacts, would result from  
12 clarifying the height identified in the project description. This is  
13 because the change is de minimis in the context of the project site and  
14 surroundings and is allowable under the Planned Unit Development  
15 provisions of the Municipal code. The EIR determined, based on  
16 visual simulations included in the initial study, that impacts to visual  
17 resources would be less than significant and this clarification does not  
18 alter that conclusion; and  
19
- 20 2. Amendment of the City of Albany Zoning Ordinance to include the  
21 University Village Mixed Use Project Overlay District does not  
22 require recirculation of the EIR because it does not constitute  
23 “significant new information” affecting any of the impacts studied  
24 under the EIR. No new significant environmental impacts, or  
25 substantial increase in the severity of any environmental impacts,  
26 would result from the adoption of the University Village Mixed Use  
27 Project Overlay District. This is because the overlay district is a  
28 means to provide assurances that the project site would be developed  
29 in substantial conformity with the project studied in the EIR, or would  
30 require a future zoning amendment application necessitating additional  
31 compliance with CEQA.

1  
2 For the foregoing reasons, the clarification of the maximum height of the  
3 project from approximately 52 feet to 62 feet, and the adoption of the  
4 University Village Mixed Use Project Zoning Overlay District do not affect  
5 the input to the physical characteristics of the site as studied. All studies  
6 conducted on the site remain valid and this clarification does not require  
7 circulation under Section 15088.5 of the CEQA Guidelines.

8  
9 **STATEMENT OF OVERRIDING CONSIDERATIONS**

10  
11 CEQA requires the decision-making agency to balance, as applicable, the economic,  
12 legal, social, technological or other benefits of a project against its unavoidable  
13 environmental risks when determining whether to approve a project. If the specific  
14 economic, legal, social, technological or other benefits of a project outweigh the  
15 unavoidable adverse environmental effects, those effects may be considered  
16 “acceptable.” (CEQA Guidelines Section 15093(a).) CEQA requires the agency to  
17 state, in writing, the specific reasons for considering a project acceptable when  
18 significant impacts are not avoided or substantially lessened.

19  
20 In accordance with the requirements of CEQA and the CEQA Guidelines, the City  
21 finds that the mitigation measures identified in the EIR and the MMRP, when  
22 implemented, will avoid or substantially lessen most of the significant effects of the  
23 Project. However, certain impacts of the Project are unavoidable even after  
24 incorporation of all feasible mitigation measures. The EIR provides detailed  
25 information regarding these impacts.

26  
27 The City has adopted all the mitigation measures and finds that all mitigation  
28 measures identified in **Exhibit A** will be implemented with the Project. The City  
29 further finds that the remaining significant and unavoidable effects are outweighed  
30 and are found to be acceptable due to the following specific overriding economic,

1 legal, social, technological, or other benefits based upon the facts set forth above in  
2 the Findings, the EIR, and the record, as follows:

3  
4 1. Detailed Statement. The City Council has fully considered the  
5 discussion and analyses of the Record regarding the environmental impacts,  
6 socioeconomic effects, cumulative impacts, growth-inducing impacts, and  
7 irreversible and irretrievable commitments of resources. The City Council  
8 finds that the programs and activities of the mixed use development at  
9 University Village provide numerous economic, social, environmental and  
10 other benefits to the City of Albany, which overrides any unavoidable  
11 significant adverse impacts of the project. The City Council finds that the  
12 alternatives to the mixed use development at University Village set forth in  
13 the EIR and summarized in this document are infeasible because such  
14 alternatives would limit the social, economic, and other benefits of the  
15 proposed development, and are therefore outweighed by them. Therefore,  
16 pursuant to Public Resources Code Section 21081(b) and CEQA, the City  
17 Council makes the following Statement of Overriding Considerations and  
18 findings in support thereof:

19  
20 a. The University Village Mixed Use project promotes  
21 development that fulfills the goals of the General Plan, including  
22 upgrading commercial development along San Pablo Avenue in order  
23 to expand the City's economic base. It fulfills the General Plan goal  
24 that future redevelopment of the University of California lands is  
25 compatible with the City's long-term land use goals, including mixed  
26 use development along the San Pablo Avenue Commercial Corridor.

27  
28 b. The proposed project is consistent with the Housing  
29 Element goal to expand housing opportunities for the elderly, disabled,  
30 and other persons with special housing needs. The project will provide  
31 175 housing units, which would make progress towards Albany's Fair

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

Share of Alameda’s Regional Housing Needs Allocation as identified by ABAG for 2007-2014.

c. The University Village Mixed Use Project cannot fully resolve the transportation and circulation impacts of growth and development for the project area. However, with adoption of the mitigation measures outlined in this document, Exhibit A, and the EIR, these adverse impacts can be reduced. Furthermore, several of the intersections identified in the EIR as significantly impacted are not within the City of Albany’s jurisdiction. Therefore, despite mitigation measures that would reduce the impacts to less-than-significant levels, they are still considered significant and unavoidable. (MM TRANS-1-10,12)

d. Certification of the FEIR and implementation of the University Village Mixed Use Project, in combination with the adoption of the mitigation measures outlined in this document, will contribute to the physical and economic revitalization of this site, which is currently vacant and underutilized land. Specifically, the University Village Mixed Use project will produce sales tax revenue that will benefit the City and will create employment opportunities for Albany residents.

e. The consequences of failing to approve the project will include:

- I. Delays in or lack of development or in the project area that will adversely affect potentially productive property, business, and public service opportunities.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

II. Failure to meet the City of Albany’s Fair Share of the Regional Housing Needs Allocation for the Housing Element 2007-2014.

f. The City Council is prepared to accept the risks of the unavoidable adverse environmental consequences identified in this document and the FEIR for the following reasons:

I. The economic and social benefits of the project are consistent with the goals of the Albany General Plan, and outweigh the adverse environmental consequences;

II. The economic benefits to the City in terms of potential increased tax revenues, broadened employment opportunities, and aesthetic improvement to the currently vacant site outweigh the adverse environmental consequences;

III. The majority of the adverse transportation impacts are outside of the City’s jurisdiction, and thus are unavoidable and significant despite mitigation measures that will reduce their impact to less than significant levels.

g. The City Council has considered a reasonable range of alternatives to the University Village Mixed Use Project, as detailed in the FEIR and in this document. The City Council concludes as follows:

I. The alternatives to the University Village Mixed Use Project fail to achieve the comprehensive goals and objectives of the General Plan for Albany, and as such are deemed infeasible. While the Alternative Land Uses would

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

reduce some impacts to a level of insignificance, they would not result in the same economic and social benefits as proposed by the project.

II. Failure to develop the University Village Mixed Use project will not provide the best balance of costs and opportunities to minimize the adverse economic and environmental consequences.

2. Overall Conclusion. Based on the detailed findings made in this document and the implementation of specified mitigation measures and monitoring programs, the overall finding is made that economic and social considerations outweigh the remaining environmental effects of the proposed University Village Mixed Use Project, and the City Council concludes that the project be approved, taking into account the future significant environmental consequences identified in the FEIR and Exhibit A.

3. Supporting Evidence. The Statement of Overriding Considerations set forth is based on substantial evidence throughout the Record.

4. Summary. Based on the foregoing findings and the information contained in the record, it is hereby determined that:

a. All significant impacts on the environment due to the Project have been eliminated or substantially lessened where feasible.

b. Any significant impacts found to be unavoidable were fully analyzed and adequately addressed in the Final EIR and are acceptable due to the factors described in the Findings and Statement of Overriding Considerations.

1                   c.       The environmentally superior alternative would lessen the  
 2                   significant and unavoidable impacts of the proposed Project. The  
 3                   environmentally superior alternative, as well as the other alternatives  
 4                   evaluated in the EIR, are rejected as infeasible because they fail to accomplish  
 5                   the basic Project objectives.

6  
 7 BE IT FURTHER RESOLVED that the Albany City Council hereby finds based on  
 8 substantial evidence contained in the Record as follows:

9  
 10 1) Based on the recitals above, the City Council finds that the Final EIR has been  
 11 completed in compliance with the requirements of the California Environmental  
 12 Quality Act (CEQA).

13  
 14 2) The Final EIR was presented to the Planning Commission and City Council, and  
 15 that the Final EIR was reviewed by the Planning Commission and City Council and  
 16 its information considered prior to taking action on the proposed project; and

17  
 18 3) The Final EIR reflects the City's independent judgment and analysis.  
 19  
 20  
 21

---

Farid Javandel, Mayor

**Table II-1: Summary of Impacts and Mitigation Measures**

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>IMPACTS AND MITIGATION MEASURES IDENTIFIED IN THE EIR</b>			
<b>A. Transportation, Circulation and Parking</b>			
<p><u>TRANS-1</u>: Completion of the proposed project would significantly affect operations of the Marin Avenue/San Pablo Avenue (#7) intersection under Existing Plus Project conditions.</p>	S	<p><u>TRANS-1</u>: Optimize traffic signal timing parameters (i.e., allocation of green time for each intersection approach and coordination with adjacent signals along San Pablo Avenue). This mitigation measure would improve intersection operations to LOS D during both AM and PM peak hours. Although this improvement would mitigate the impact to a less-than-significant level, the impact is considered significant and unavoidable because the City of Albany does not have jurisdiction over the mitigation measure. This mitigation measure would need to be implemented by Caltrans.</p>	SU
<p><u>TRANS-2</u>: Completion of the proposed project would significantly affect operations of the Gilman Street/I-80 Westbound Ramps (#13) intersection under Existing Plus Project conditions.</p>	S	<p><u>TRANS-2</u>: The project applicant shall contribute its fair share to the City of Berkeley’s proposed dual roundabout project at the Gilman Street/I-80 Interchange. Based on a preliminary analysis, the west roundabout is expected to operate at LOS F and the east roundabout is expected to operate at LOS B during the AM peak hour; the west roundabout would operate at LOS C and the east roundabout would operate at LOS B during the PM peak hour; and both roundabouts would operate at LOS F during the Saturday peak hour after the implementation of this planned improvement. Although either one or both roundabouts would operate at LOS F during certain peak hours, they would operate with less delay than the current configuration. Because the City of Albany does not have jurisdiction over the mitigation measure and it would need to be implemented by City of Berkeley and Caltrans, the impact is considered significant and unavoidable. In addition, the improvement is still in preliminary design, has not been approved, and does not have full funding.</p>	SU
<p><u>TRANS-3</u>: Completion of the proposed project would significantly affect operations of the Gilman Street/I-80 Eastbound Ramps (#14) intersection under Existing Plus Project conditions.</p>	S	<p><u>TRANS-3</u>: Implement Mitigation Measure TRANS-2.</p>	SU
<p><u>TRANS-4</u>: Completion of the proposed project would significantly affect operations of the Gilman Street/Eastshore Highway (#15) intersection under Existing Plus Project conditions.</p>	S	<p><u>TRANS-4</u>: Implement Mitigation Measure TRANS-2.</p>	SU

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>TRANS-5:</u> Completion of the proposed project would significantly affect operations of the Gilman Street/San Pablo Avenue (#18) intersection under Existing Plus Project conditions.</p>	S	<p><u>TRANS-5:</u> The project applicant shall contribute its fair share to the City of Berkeley’s plan to eliminate parking along the north side of Gilman Street between Kains Avenue and San Pablo Avenue and provide an additional travel lane on the westbound approach of the intersection. The improvement would reduce delay at the intersection. However, the intersection would continue to operate at LOS E during the PM and Saturday peak hours. Thus, the impact would remain significant and unavoidable. In addition, the City of Albany does not have jurisdiction over the mitigation measure. This mitigation measure would need to be implemented by City of Berkeley and may require approval from Caltrans.</p>	SU
<p><u>TRANS-6:</u> Completion of the proposed project would significantly affect operations of the Gilman Street/Hopkins Street (#19) intersection under Existing Plus Project conditions.</p>	S	<p><u>TRANS-6:</u> The project applicant shall contribute its fair share to signalize this intersection. This mitigation measure would improve intersection operations to LOS B during the PM peak hour. Although this improvement would mitigate the impact to a less-than-significant level, the impact is considered significant and unavoidable because the City of Albany does not have jurisdiction over the mitigation measure. This mitigation measure would need to be implemented by City of Berkeley, and the City of Berkeley does not currently have any plans to signalize this intersection.</p>	SU
<p><u>TRANS-7:</u> Completion of the proposed project would significantly affect operations of the Marin Avenue/San Pablo Avenue (#7) intersection under Near-Term (2015) Plus Project conditions.</p>	S	<p><u>TRANS-7:</u> The project applicant shall install an exclusive right-turn lane and convert the current shared through/right-turn lane into an exclusive through lane on eastbound Marin Avenue approach of the intersection. This mitigation measure would improve intersection operations to LOS D during the PM peak hour. Although this improvement would mitigate the impact to less-than-significant level, the impact is considered significant and unavoidable because the mitigation measure would need to be approved by Caltrans. In addition, this mitigation measure would adversely affect pedestrian circulation by increasing the distance to cross the west approach of the intersection.</p>	SU
<p><u>TRANS-8:</u> Completion of the proposed project would significantly affect operations of the Solano Avenue/San Pablo Avenue (#1) intersection under Cumulative (2035) Plus Project conditions.</p>	S	<p><u>TRANS-8:</u> No improvements are currently feasible at this intersection. This is due to the lack of available right-of-way at this location, presence of existing lights and utilities, and that Caltrans has jurisdiction over this intersection. Thus, the impact is considered significant and unavoidable.</p>	SU

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>TRANS-9</u>: Completion of the proposed project would significantly affect operations of the Buchanan Street/Eastshore Highway (#4) intersection under Cumulative (2035) Plus Project conditions.</p>	<p>S</p>	<p><u>TRANS-9</u>: The project applicant shall contribute its fair share to signalize this intersection and provide a left-turn from northbound Eastshore Highway to westbound Buchanan Street. Signal timing at the intersection shall be coordinated with adjacent signals along Buchanan Street. This mitigation measure would improve intersection operations to LOS B during the Saturday peak hour. Although this improvement would mitigate the impact to a less-than-significant level, the impact is considered significant and unavoidable because the City of Albany does not have jurisdiction over the mitigation measure. This mitigation measure would need to be approved by Caltrans. Caltrans currently has no plans to signalize this intersection.</p>	<p>SU</p>
<p><u>TRANS-10</u>: Completion of the proposed project would significantly affect operations of the Harrison Street/San Pablo Avenue (#12) intersection under Cumulative (2035) Plus Project conditions.</p>	<p>S</p>	<p><u>TRANS-10</u>: The project applicant shall contribute its fair share to signalize this intersection. Signal timing at the intersection shall be coordinated with adjacent signals along San Pablo Avenue. This mitigation measure would improve intersection operations to LOS A during the AM, PM, and Saturday peak hours. Although this improvement would mitigate the impact to a less-than-significant level, the impact is considered significant and unavoidable because the City of Albany does not have jurisdiction over the mitigation measure. This mitigation measure would need to be implemented by City of Berkeley and approved by Caltrans. Neither the City of Berkeley nor Caltrans currently have any plans to signalize this intersection.</p>	<p>SU</p>
<p><u>TRANS-11</u>: Completion of the proposed project would significantly affect operations on segments of the CMP roadway network.</p>	<p>S</p>	<p><u>TRANS-11</u>: Full mitigation of these impacts is not feasible as the constrained right-of-way along San Pablo Avenue does not allow widening of the roadway. Implement Mitigation Measures TRANS-5, TRANS-7, TRANS-8, and TRANS-10. These mitigation measures would reduce the magnitude of the project impact, but not to a less-than-significant level; the impact would remain significant and unavoidable.</p>	<p>SU</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>TRANS-12</u>: Completion of the proposed Class I bicycle and pedestrian path along Codornices Creek will have an adverse impact on bicycle and pedestrian safety at San Pablo Avenue.</p>	<p>S</p>	<p><u>TRANS-12</u>: 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:</p> <ol style="list-style-type: none"> <li>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, 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.</li> <li>2. Signalize the San Pablo Avenue/Dartmouth Street intersection and provide pedestrian countdown signal and high-visibility crosswalk on both north and south approaches of San Pablo Avenue. Coordinate signal timing parameters with adjacent signals along San Pablo Avenue. In addition, install bicycle detector loops on the Dartmouth Street approach and 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.</li> </ol>	<p>SU</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
TRANS-12 <i>Continued</i>		<p>3. 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 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 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.</p> <p>4. Provide a two-stage unsignalized crossing with a median refuge on San Pablo Avenue. This option would be similar to the previous option except the crossings would not be signalized. However, other safety features such as stutter flashing lights would be required. Since stutter flashing lights have not been officially approved for use in California, consider installing overhead beacons as an interim measure. The overhead beacons should be designed for easy conversion to stutter flashing lights when appropriate.</p> <p>Any of the four improvement options would mitigate the impact to less-than-significant level. However, San Pablo Avenue is a Caltrans facility, and the lead agency cannot ensure that Caltrans approval of the mitigation measure would be granted. As such, this impact is considered significant and unavoidable.</p>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>TRANS-13</u>: Construction activities associated with the proposed project will have temporary adverse impacts on vehicular, bicycle, and pedestrian circulation and access.</p>	<p>S</p>	<p><u>TRANS-13</u>: Prior to start of construction, the prime contractor shall prepare a Construction Traffic Management Plan which shall include the following items:</p> <ul style="list-style-type: none"> <li>• Proposed truck routes to be used, consistent with the City’s truck route map. All trucks shall use the Buchanan Street Interchange to access the project site from the freeways.</li> <li>• Construction hours, including limits on the number of truck trips during the AM and PM peak traffic periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.), if conditions demonstrate the need.</li> <li>• Proposed employee parking plan (number of spaces and planned locations) to be accommodated within the site.</li> <li>• Proposed construction equipment and materials staging areas, showing minimal conflicts with traffic, pedestrian and bicycle circulation patterns.</li> <li>• Expected traffic detours needed, planned duration, and traffic control plans including potential sidewalk closures and plans to accommodate vehicular, pedestrian and bicycle detours.</li> </ul> <p>The Construction Traffic Management Plan shall be approved by City of Albany staff prior to start of construction.</p>	<p>LTS</p>
<p><b>B. Air Quality</b></p>			
<p><u>AIR-1</u>: Demolition and construction period activities would generate dust and exhaust, and organic emissions from vehicles.</p>	<p>S</p>	<p><u>AIR-1a</u>: Consistent with guidance from the BAAQMD, the project applicant shall require contractors to include dust control measures in construction specifications for the project.</p> <p>Demolition. The following controls shall be implemented during demolition:</p>	<p>LTS</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
AIR-1 <i>Continued</i>		<ul style="list-style-type: none"> <li>• Water during demolition of structures and break-up of pavement to control dust generation;</li> <li>• Cover all trucks hauling demolition debris from the site; and</li> <li>• Use dust-proof chutes to load debris into trucks whenever feasible.</li> </ul> <p>Construction. The following controls shall be implemented during construction:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites;</li> <li>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>• Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);</li> <li>• Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)</li> <li>• Limit traffic speeds on unpaved roads to 15 mph;</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>• Replant vegetation in disturbed areas as quickly as possible;</li> <li>• Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;</li> <li>• Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph;</li> </ul>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
AIR-1 <i>Continued</i>		<ul style="list-style-type: none"> <li>• Route any temporary haul roads to the soil stockpile area away from existing sensitive receptors to the extent feasible. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant;</li> <li>• Utilize water sprays to control dust when material is being added or removed from the stockpile. When the stockpile is undisturbed for more than 1 week, the storage pile shall be treated with a dust suppressant or crusting agent to eliminate blown dust generation; and</li> <li>• All neighboring properties located within 500 feet of property lines of a construction area shall be provided with the name and phone number of a designated construction operation control coordinator who will respond to complaints within 24 hours by suspending all dust producing activities or providing additional personnel or equipment for dust control deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial action taken in response.</li> </ul> <p><u>AIR-1b:</u> The project applicant shall require contractors to include emissions control measures in construction specifications for the project:</p> <ul style="list-style-type: none"> <li>• Alternative powered construction equipment (i.e., CNG, biodiesel, electric) shall be utilized when feasible;</li> <li>• Idling time of diesel powered construction equipment shall be limited to 3 minutes;</li> <li>• Heavy-duty (&gt;50 horsepower) off-road vehicles shall achieve a project-wide fleet average of 40 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average.</li> <li>• Add-on control devices shall be used such as diesel oxidation catalysts or particulate filters;</li> <li>• Construction equipment shall be located away from sensitive receptors, such as fresh air intakes to buildings, air conditioners and operable windows; and</li> <li>• The operating hours of heavy duty equipment and/or the amount of equipment in use shall be minimized.</li> </ul>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>C. Global Climate Change</b>			
<p><u>GCC-1</u>: Policies included in the project may conflict with applicable plans, policies and regulations of other agencies to the degree that GHG reduction goals may not be met.</p>	S	<p><u>GCC-1</u>: To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project:</p> <p><b>Construction and Building Materials</b></p> <ul style="list-style-type: none"> <li>• Use locally produced and/or manufactured building materials for construction of the project;</li> <li>• Recycle/reuse demolished construction material in accordance with or exceeding the City of Albany’s ordinance regarding construction and demolition debris recycling (Ordinance #06-017); and</li> <li>• Use “Green Building Materials,” such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials.</li> </ul> <p><b>Energy Efficiency Measures</b></p> <ul style="list-style-type: none"> <li>• Design all project buildings to exceed California Building Code’s Title 24 energy standard, including, but not limited to any combination of the following:                             <ul style="list-style-type: none"> <li>○ Increase insulation such that heat transfer and thermal bridging is minimized;</li> <li>○ Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;</li> <li>○ Design, construct and operate all newly constructed and renovated buildings, including grocery store, commercial retail, and mixed-use residential buildings, pursuant to the City of Albany Green Building Standards.</li> </ul> </li> <li>• Install solar panels as appropriate to minimize demand for traditional energy usage, including electricity and natural gas usage, water heating and/or space heating/cooling;</li> <li>• Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;</li> </ul>	LTS

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
GCC-1 <i>Continued</i>		<ul style="list-style-type: none"> <li>• Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;</li> <li>• Install light colored “cool” roofs and cool pavements;</li> <li>• Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and</li> <li>• Install solar or light emitting diodes (LEDs) for outdoor lighting.</li> </ul> <p><b><i>Water Conservation and Efficiency Measures</i></b></p> <ul style="list-style-type: none"> <li>• Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate:                             <ul style="list-style-type: none"> <li>○ Create water-efficient landscapes within the development, requiring drought tolerant landscaping;</li> <li>○ Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;</li> <li>○ Install pipes for recycled water use for nondomestic purposes, including landscape irrigation, commercial process use, and toilet/urinal flushing in nonresidential buildings, when it becomes available at adequate quality and quantity and available at reasonable cost;</li> <li>○ Collect surface runoff on site for irrigation purposes;</li> <li>○ Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and</li> <li>○ Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> </ul> </li> </ul> <p><b><i>Transportation and Motor Vehicle Measures</i></b></p> <ul style="list-style-type: none"> <li>• Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters);</li> <li>• Provide bicycle lanes and/or paths, incorporated into the proposed street systems and connected to a community-wide network; and</li> <li>• Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.</li> </ul>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>D. Noise</b>			
<p><u>NOISE-1</u>: Noise levels from construction activities may range up to 85 dBA L<sub>max</sub> at the nearest sensitive land uses to the project site.</p>	S	<p><u>NOISE-1a</u>: All construction equipment must have appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation.</p> <p><u>NOISE-1b</u>: Where feasible, the project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p> <p><u>NOISE-1c</u>: The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during.</p> <p><u>NOISE-1d</u>: Except as otherwise permitted, construction activities shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. weekdays and Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and legal holidays.</p>	LTS
<p><u>NOISE-2</u>: Local traffic would generate long-term noise exceeding normally acceptable levels on the project site and could expose site uses to unacceptable interior noise levels.</p>	S	<p><u>NOISE-2</u>: All residential units of the senior housing component of the project shall include an alternative form of ventilation, such as air conditioning systems, to ensure that windows can remain closed for prolonged periods of time.</p>	LTS
<b>E. Biological Resources</b>			
<p><u>BIO-1</u>: Development of the proposed project could impact Central Coast Steelhead habitat in Codornices Creek.</p>	S	<p><u>BIO-1a</u>. 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. 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, any steelhead that are found in the stream section</p>	LTS

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-1 <i>Continued</i>		<p>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 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:</p> <ul style="list-style-type: none"> <li>• The NOAA Fisheries-approved biologist shall be present at the work site until such time as all removal of steelhead (if found) and habitat disturbance has been completed. After that time, the contractor or permittee shall designate a person to monitor on-site compliance with all mitigation measures. The monitor and the NOAA Fisheries-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the Corps and NOAA Fisheries.</li> <li>• Disturbance to existing grades and vegetation will be limited to the actual site of the project and necessary access routes. Vegetation removal will be minimized to the extent possible. Placement of all roads, staging areas, and other facilities shall avoid and limit disturbance to the stream bank or stream channel habitat to the extent possible. When possible, existing ingress or egress points shall be used and/or work performed from the top of the creek banks. Following completion of the work, the contours of the creek bed and creek flows shall be returned to pre-construction conditions or better.</li> <li>• All fueling and maintenance of vehicles and other equipment, and staging areas, shall be located at least 20 meters from Codornices Creek. Prior to the onset of work, the project proponent will prepare a plan to allow a prompt and effective response to any accidental spills into the creek (see Mitigation Measure BIO-1b, below). All workers shall be informed of the importance of preventing spills and the appropriate measures to take should a spill occur. In the event of a spill, NOAA Fisheries will be notified.</li> </ul>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-1 <i>Continued</i>		<p><b>BIO-1b:</b> Best management practices (BMPs) shall be implemented during all construction activities to prevent erosion and sedimentation into the stream and to prevent the spill of contaminants around the stream. These BMPs shall be described in a Stormwater Pollution Prevention Plan (SWPPP) that shall be prepared in compliance with Regional Water Quality Control Board requirements. The SWPPP shall include the following major components, at a minimum:</p> <ul style="list-style-type: none"> <li>• A comprehensive erosion and sediment control plan, depicting areas to remain undisturbed, and providing specifications for revegetation of disturbed areas.</li> <li>• A list of potential pollutants from building materials, chemicals, and maintenance practices used during construction, and the specific control measures to be implemented to minimize release and transport of these constituents in runoff.</li> <li>• Specifications and designs for the appropriate BMPs for controlling drainage and treating runoff in the construction phase.</li> <li>• A program for monitoring all control measures that includes schedules for inspection and maintenance, and identifies the party responsible for monitoring.</li> <li>• A site map that locates all water quality control measures and restricted areas to be left undisturbed.</li> </ul> <p><b>BIO-1c:</b> Post-construction BMPs shall be prepared for the project prior to initiating construction. The BMPs shall address long-term operation and management of the project to avoid water quality degradation and other potential adverse impacts to Codornices Creek. In particular, structural and management BMPs shall be implemented to ensure adequate treatment of storm water and irrigation runoff to a level needed to maintain habitat for steelhead in compliance with stream “beneficial uses” under the RWQCB Region 2 Basin Plan (RWQCB 2007).</p>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<u>BIO-2</u> : The proposed project could impact the foraging or nesting habitat for bird species of special concern.	S	<u>BIO-2</u> : In order to avoid impacts to raptors and other migratory nesting birds, pre-construction surveys shall be conducted by a qualified biologist during the months of March through August, no more than 30 thirty days prior to the start of grading or vegetation removal. Pre-construction surveys are not required if construction activities are restricted to the non-nesting season (September through February). At a minimum, the surveys shall encompass all areas within 100 feet of the grading or vegetation removal work. If active nests are found on the project site, a qualified biologist shall establish an adequate buffer zone around the nests within which construction is prohibited until the biologist has determined that the young birds have fledged.	LTS
<u>BIO-3</u> : The construction of the proposed project could impact western pond turtles that may be present in Codornices Creek.	S	<u>BIO-3</u> : Prior to the start of creek de-watering (if necessary) and outfall installation, Codornices Creek shall be surveyed by a qualified biologist for the presence of western pond turtles. If present, the western pond turtle individuals shall be relocated to suitable habitat upstream or downstream of the project site to avoid killing or injuring such individuals.	LTS
<u>BIO-4</u> : The construction of the proposed project could impact Monarch butterfly winter colonies.	S	<u>BIO-4</u> : Prior to the initiation of any work that will affect eucalyptus, pine, and cypress groves on the project site during the period between September and March, pre-construction surveys by a qualified biologist shall be conducted in the tree groves. If Monarch butterflies are found to be utilizing any of the trees as a winter colony site, construction in the vicinity of those trees shall be avoided and the removal of trees around the colony shall be avoided or postponed until after the butterflies have left for the breeding season. The width of the protected buffer zones around the winter colony trees shall be determined on a case-by-case basis by the biologist, based on guidelines for maintaining suitable microclimatic conditions in the tree canopy, as per <i>Conservation and Management Guidelines for Preserving the Monarch Butterfly Migration and Overwintering Habitat in California</i> (The Monarch Project, January 1993).	LTS

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>F. Hydrology and Water Quality</b>			
<p><u>HYDRO-1</u>: Construction-phase activities could result in degradation of water quality in Codornices Creek, Village Creek and the San Francisco Bay by reducing the quality of stormwater runoff.</p>	<p>S</p>	<p><u>HYDRO-1</u>: The project contractor shall comply with the City of Albany Municipal Code relating to grading projects, erosion control, and discharge regulations and requirements (Chapter XX, Section 15-4.7). In addition, the project applicant shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or Water Board staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list, along with summary of topics of discussion, shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program, which must include both dry and wet weather inspections, to be implemented by the construction site supervisor. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.” Water Board and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.</p>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HYDRO-1 <i>Continued</i>		BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.	LTS
<u>HYDRO-2</u> : Dewatering effluent may contain contaminants and if not properly managed could cause impacts to construction workers and the environment.	S	<u>HYDRO-2</u> : The construction-period SWPPP shall include provisions for the proper management of construction-period dewatering effluent. At minimum, all dewatering effluent shall be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system, as appropriate. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project applicant shall acquire the appropriate permit(s) prior to discharge of the effluent. Discharge of the dewatering effluent would require a site-specific permit from the Water Board or may be permitted under the Construction General Permit (for discharge to the storm sewer system or to San Francisco Bay) and/or East Bay Municipal Utility District (EBMUD) (for discharge to the sanitary sewer system).	LTS

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>HYDRO-3</u>: Operation-phase activities of the site could result in hydrology and water quality impacts through a reduction in infiltration, increases in runoff volume, duration, or velocity, and degradation the quality of stormwater runoff.</p>	<p>S</p>	<p><u>HYDRO-3</u>: 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. 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 hydromodification 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 treatment systems.</p> <p>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.</p> <p>The final design team for the project shall review and incorporate as many concepts as practicable from <i>Start at the Source, Design Guidance Manual for Storm Water Quality Protection</i> and the California Storm water Quality Association's <i>Storm Water Best Management Practice Handbook, Development and Redevelopment</i>, and the Alameda County Clean Water Program (ACCWP) technical guidelines.</p> <p>The City Public Works Department shall review and approve the drainage plan prior to approval of the grading plan.</p>	<p>LTS</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<u>HYDRO-4</u> : The project as proposed, including landscaping, paving, and walkways, may conflict with implementation of the existing Lower Codornices Creek Improvement Plan (LCCIP) and associated Memorandum of Agreement.	S	<u>HYDRO-4</u> : The project applicant and City of Albany shall ensure that the site and structure design of the proposed project, including final landscape and drainage plans, do not interfere with the implementation of the LCCIP, as currently designed.	LTS
<u>HYDRO-5</u> : The proposed project may place housing, structures, or site improvements within the 100-year special flood hazard area as mapped by FEMA, or other flood hazard delineation map, and may impede or redirect flood flows or expose people or structures to a significant risk of flood related loss.	S	<u>HYDRO-5</u> : The project applicant shall retain a qualified engineering or surveying professional to prepare a determination, including appropriate site plan sheet, of the precise location of the 100-year special flood hazard area boundaries for creeks in the vicinity of the project site. Based on this determination, if the project encroaches into the floodplain, consistent with the City of Albany Flood Damage Prevention Regulations, the applicant shall obtain a flood zone permit. The applicant shall comply with all requirements of the flood zone permit as imposed by the City. These recommendations and requirements are to be implemented in the planning and construction of the proposed project, so as to assure that the project will not impede or redirect flood flows, or present a significant risk of flood-related loss to people or structures.	LTS
<b>IMPACTS AND MITIGATION MEASURES IDENTIFIED IN INITIAL STUDY/ENVIRONMENTAL CHECKLIST</b>			
<b>I. Aesthetics</b>			
<u>Initial Study Impact AES-1</u> : The proposed project could include nighttime lighting that could spillover onto adjacent properties or building materials that could produce daytime glare.		<u>AES-1a</u> : Prior to issuance of a building permit for any component of the project, the project applicant shall submit a lighting plan for City review and approval. The plan shall include provisions to ensure that outdoor lighting is designed so that potential glare or light spillover to surrounding properties, or the adjacent creeks, are minimized through appropriate site design and shielding of light standards. The City will review the final site plans to ensure that all lighting is directed downward and away from surrounding properties.	
		<u>AES-1b</u> : The applicant shall incorporate into the project glass surfaces that are non-mirrored or include non-reflective films, coatings and shading devices to reduce glare. The architectural detail regarding glass shall be reviewed and approved by the City during the design review process.	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>V. Cultural Resources</b>			
<p><u>Initial Study Impact CULT-1:</u> The proposed project could uncover archaeological resources during construction.</p>		<p><u>CULT-1:</u> Should an archaeological resource be encountered during project construction activities, the construction contractor shall halt construction in the vicinity of the find and shall notify the City. Construction activities shall be redirected and a qualified archaeologist, in consultation with the City, shall: 1) evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and 2) make recommendations about the treatment of the deposit, as warranted. If the deposit does meet the CEQA definition of a historical or unique archaeological resource, then it shall be avoided to the extent feasible by project construction activities. If avoidance is not feasible, then adverse effects to the deposit shall be mitigated as specified in <i>CEQA Guidelines</i> section 15126.4(b) (for historic resources) or CEQA section 21083.2 (for unique archaeological resources). This mitigation may include, but is not limited to, a thorough recording of the resource on DPR Form 523 records, or archaeological data recovery excavation. If data recovery excavation is warranted, <i>CEQA Guidelines</i> section 15126.4(b)(3)(C), which requires a data recovery plan prior to data recovery excavation, shall be followed. If the significant identified resources are unique archaeological resources, mitigation of these resources shall be subject to the limitations on mitigation measures for archaeological resources identified in CEQA sections 21083.2(c) through 21083.2(f).</p>	
<p><u>Initial Study Impact CULT-2:</u> The proposed project could uncover paleontological resources during construction.</p>		<p><u>CULT-2:</u> If paleontological resources are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks.</p>	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
CULT-2 <i>Continued</i>		If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities to the extent feasible. If project activities cannot avoid the resources, the adverse effects shall be mitigated. In accordance with CEQA Guidelines Section 15126.4(b)(3), mitigation may include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology (UCMP). Upon completion of project activities, the final report would document methods and findings of the mitigation and be submitted to the City of Albany and the University of California, Berkeley and a suitable paleontological repository.	
<u>Initial Study Impact CULT-3:</u> The proposed project could uncover human remains during construction.		<u>CULT-3:</u> If human remains are encountered, work within 25 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the City of Albany, the University of California, Berkeley and the Northwest Information Center.	

Table II-1 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>VI. Geology and Soils</b>			
<u>Initial Study Impact GEO-1:</u> The proposed project would be located in an area having the potential for strong ground shaking.		<u>GEO-1:</u> Prior to issuance of a final grading permit, the project applicant shall submit a site specific geotechnical report prepared by a qualified and licensed geotechnical engineer. This report shall address differential fill thickness, total and differential settlement within building pads, soil stability, potential seismic ground shaking, liquefaction, potentially expansive soils, and shall provide specific building foundation recommendations to reduce the risk associated with geologic/soils hazards. This report shall be reviewed and approved by the City of Albany.	
<u>Initial Study Impact GEO-2:</u> Runoff from the project site could cause erosion.		<u>GEO-2:</u> Implement <u>Mitigation Measure HYDRO-1</u>	
<b>VII. Hazards and Hazardous Materials</b>			
<u>Initial Study Impact HAZ-1:</u> Hazardous materials, associated with former uses and structures, may exist on the project site.		<u>HAZ-1:</u> Prior to the City's issuance of a building permit for the proposed project, the University shall provide the City with written confirmation from a qualified hazardous materials professional (e.g., professional engineer, professional geologist, registered environmental assessor) that all known hazardous materials, including but not limited to lead-based paint, asbestos containing materials, and lead-contaminated soil within the project site have been remediated or removed from the project site as part of the building demolition process. Additionally, the University shall provide written confirmation that the site is safe for unrestricted use.	
<u>Initial Study Impact HAZ-2:</u> Radioactive materials were used adjacent to the project site.		<u>HAZ-2:</u> Prior to the City's issuance of a building permit for the proposed project, the University shall provide the City with written confirmation from the California Department of Public Health that the Gill Tract has been removed from the University's Radioactive Materials License and that the site is safe for unrestricted use.	
<b>XVI. Utilities and Service Systems</b>			
<u>Initial Study Impact UTIL-1:</u> Existing water flows may be inadequate to meet fire flow requirements for the project site.		<u>UTIL-1:</u> When detailed site plans for the proposed project are submitted, staff from the Albany Fire Department and EBMUD shall review and approve plans to ensure the provision of adequate water fire flows. Should water infrastructure upgrades or installation be necessary to meet the requirements, the City and EBMUD shall require and approve infrastructure improvements by the applicant prior to issuance of a grading permit. An occupancy permit for the proposed project shall not be issued until the City of Albany has confirmed adequate fire flow is available.	

Table II-1 *Continued*

<b>Environmental Impacts</b>	<b>Level of Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance With Mitigation</b>
Initial Study Impact UTIL-2: Existing sewer pipes may allow for groundwater infiltration.		UTIL-2: The project applicant shall replace and/or rehabilitate existing sewer pipes within the project site to decrease groundwater infiltration.	

Source: LSA Associates, Inc., 2009.