

# UNIVERSITY VILLAGE AT SAN PABLO AVENUE PROJECT

## ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2008042004

### Section 1. INTRODUCTION

In compliance with the California Environmental Quality Act (“CEQA”), the City of Albany (“City”), as lead agency, prepared an Environmental Impact Report (“EIR”) describing the environmental effects that would be caused by the University Village at San Pablo Project (“Project”). On July 9, 2012, the City adopted Resolution #2011-51, certifying the EIR for the Project and adopting a Mitigation Monitoring and Reporting Program (“MMRP”). The City subsequently adopted a number of approvals for the Project.

Petitioners Albany Strollers & Rollers and Responsible Government Action DBA Carbon Neutral Albany (collectively “Petitioners”) sued the City alleging that the City failed to comply with CEQA in certifying the EIR and approving the Project. Petitioners and the Project applicant, The Regents of the University of California (“University”), entered into settlement negotiations. As a result of those negotiations, the University agreed to propose that the City consider adopting certain amendments to Mitigation Measure GCC-1 and corresponding changes to the MMRP as part of a settlement agreement between Petitioners, the University, and the City. The City has prepared this Addendum to the EIR to examine the potential environmental effects of the proposed changes to Mitigation Measure GCC-1 and corresponding changes to the MMRP.

CEQA recognizes that, between the date projects are approved and the date they are implemented, one or more of the following changes may occur: 1) the scope of the project may change, 2) the environmental setting in which the project is located may change, 3) certain environmental laws, regulations, or policies may change, and 4) previously unknown information can come to light. CEQA requires that lead agencies evaluate these changes to determine whether or not they are significant.

The mechanism for assessing the significance of these changes is found in CEQA Guidelines sections 15162 – 15164. Further environmental review (in the form of a Subsequent or Supplemental Environmental Impact Report) would be warranted pursuant to CEQA Guidelines sections 15162 and 15163, if (1) substantial changes are proposed to the project which will require major revisions of the previous EIR due to the changes involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified show that (a) the project will have one or more significant effects not discussed in the previous EIR, (b) significant effects previously examined will be

substantially more severe than shown in the previous EIR, (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. If the changes do not meet these criteria, then an Addendum, pursuant to CEQA Guidelines section 15164, is prepared to document any resulting changes to environmental impacts or mitigation measures. As discussed in Section 3 of this document, the proposed changes to Mitigation Measure GCC-1 do not meet these criteria and will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects, nor do the proposed changes to this mitigation measure constitute substantial changes to the project. Therefore, the preparation of a Subsequent or Supplemental EIR, as defined by CEQA, is not warranted and an Addendum is the appropriate environmental document.

## **Section 2. PROPOSED CHANGES**

The University proposes the following amendments to Mitigation Measure GCC-1:

GCC-1: The following measures shall be incorporated into the design and construction of the project:

### ***Construction and Building Materials***

- To the extent feasible, use locally produced and/or manufactured building materials for construction of the project;
- 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
- 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.

### ***Energy Efficiency Measures***

- Design all project buildings to exceed California Building Code’s Title 24 energy standard, including, but not limited to any combination of the following:
  - o Increase insulation such that heat transfer and thermal bridging is minimized;
  - o Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
  - o 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.
- ~~To the extent feasible, 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;~~

- Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;
- Install light colored “cool” roofs and cool pavements;
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and
- Install solar or light emitting diodes (LEDs) for outdoor lighting.

### ***On-Site Renewable Energy***

- To the extent feasible, install solar panels as appropriate to minimize demand for traditional energy use, including electricity and natural gas usage, water heating and/or space heating/cooling. The project will qualify for at least one point under LEED 2009 Energy and Atmosphere Credit 2.0. (See page 41 of LEED 2009 for New Construction and Major Renovations Rating System. USGBC Member Approved November 2008 (Updated July 2012).) If either the grocery store or the senior living building qualifies for a point under standards described in this document, the project will have satisfied this mitigation measure.

### ***Water Conservation and Efficiency Measures***

- 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:
  - o Create water-efficient landscapes within the development, requiring drought tolerant landscaping;
  - o Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
  - o 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;
  - o Collect surface runoff on site for irrigation purposes;
  - o Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and
  - o Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.

### ***Transportation and Motor Vehicle Measures***

- Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters);
- Provide bicycle lanes and/or paths, incorporated into the proposed street systems and connected to a community-wide network. This mitigation measure would not modify or alter subject to the limitations set forth in Mitigation Measure TRANS-12; and
- Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.

(A copy of page 41 of LEED 2009 for New Construction and Major Renovations Rating System (USGBC Member Approved November 2008 (Updated July 2012)), is attached hereto as

Appendix A.) Corresponding changes will also be made to the approved MMRP. No other changes to the Project mitigation measures are proposed.

### **Section 3. ENVIRONMENTAL IMPACTS**

The first proposed change would require, to the extent feasible, that the Project install solar panels (“On Site Renewable Energy”). The Project EIR and the MMRP contemplated, as a potential energy efficiency measure, the installation of solar panels to minimize demand for traditional energy usage. The proposed changes would also require that the Project qualify for at least one point under the LEED 2009 Energy and Atmosphere Credit 2.0. Neither change would result in new or substantially more severe environmental impacts than were already evaluated.

#### **A. On Site-Renewable Energy**

Solar panels, if installed, would be installed on the roofs of some or all of the Project’s buildings. Solar panels would have a net benefit to the environment. Solar panels would lessen, to a degree, the Project’s reliance on electricity from PG & E, which has a power mix that includes non-renewable energy sources and energy sources that contribute greenhouse gas emissions. While difficult to quantify, the installation of solar panels would reduce the Project’s demand for this “dirtier” energy and replace it with renewable, non-polluting solar energy.

In addition, the initial study for the Project determined that the Project would not result in aesthetic impacts with mitigation and, therefore, the discussion of aesthetics was not carried through to the EIR. (Initial Study, pp. 3 – 12.) The addition of solar panels to the roofs of the buildings constructed would not significantly change the visual impacts of the new buildings. Indeed, if solar panels are installed on buildings with generally flat roofs, the solar panels may not even be visible from the ground. (See, e.g., DEIR, Figure III – 5.) In addition, solar panels are designed to absorb light and convert that light to electricity. As such, solar panels will not have any additional light or glare impacts. However, to the extent that there is concern that the solar panels may contribute to light or glare impacts, these concerns are addressed by Mitigation Measures AES 1-a and AES 1-b, which require the Project as a whole to take certain actions to reduce any light or glare impacts to a less than significant level. Thus, the addition of solar panels to the approved buildings would not cause new or substantially more severe aesthetic or light and glare impacts.

Finally, there would not be any additional construction related impacts from the installation of solar panels. (See DEIR, pp. 46, 127 – 128, 136 – 140, 146 – 148, 165 – 169, 178, 183 – 186, 206 – 208, 209, 220 – 221.) Solar panel installation could be completed within the project construction schedule already anticipated in the EIR and would result in no new traffic, noise, air quality, water quality, cultural resource, or other environmental impacts. Solar panel installation is routinely done throughout the State, is usually done quickly, and, other than the solar panels themselves, requires no special equipment.

B. Obtaining a Point Through the LEED 2009 Energy and Atmosphere Credit 2.0

The LEED New Construction guidelines take an integrative approach to producing buildings that are designed to be efficient and have a lower impact on their environment. LEED for New Construction addresses design and construction activities for both new buildings and major renovations of existing buildings, which include major HVAC improvements, significant envelope modifications, and major interior rehabilitation. While primarily focused on design and construction, LEED for New Construction also helps lay the foundation for sustainable operations and maintenance practices once the project has been completed. Upfront planning for green operations and maintenance can help building owners and operators ensure that the building performs to its full potential.

The LEED 2009 Energy and Atmosphere Credit 2.0 is a component of the LEED New Construction guidelines and contains a number of categories in which “points” may be obtained. While it is not clear which of the allowable categories the Project will implement, it is clear that these points are generally earned through operational and management actions, rather than physical changes to the environment. For example, points may be earned for managing building energy efficiency or managing the use of refrigerants. These actions do not alter the Project itself and, thus, would not result in any new or substantially more severe physical changes to the environment. The LEED 2009 Energy and Atmosphere Credit 2.0 also awards points for the generation of on-site renewable energy, which would be met here, if feasible, through the installation of solar panels. The effects of adding solar panels to the approved buildings are described above.

C. Modifications to the Transportation and Motor Vehicle Measures Subheading

The proposed modifications to the second bullet point of the Transportation and Motor Vehicle Measures subheading provide a clarification of the relationship between Mitigation Measures GCC-1 and TRANS-12. Because the modification does not result in any physical changes to the environment, it will not result in new or substantially more severe environmental impacts.

**Section 4. CONCLUSION**

Based on the analysis of the proposed modifications to Mitigation Measure GCC-1 and corresponding changes to the MMRP, there will be no new significant environmental impacts not previously disclosed in the EIR, nor substantial increases in the severity of any previously identified significant effects, nor do the changes to this mitigation measure constitute substantial changes to the project. Moreover, pursuant to CEQA Guidelines section 15164, “none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” Therefore, pursuant to CEQA Guidelines sections 15162 and 15164, an Addendum to the previously certified EIR is the appropriate environmental document for the City’s consideration of the proposed modifications.

# APPENDIX A

LEED 2009 FOR

NEW CONSTRUCTION  
AND MAJOR RENOVATIONS

For Public Use and Display

LEED 2009 for New Construction and Major Renovations Rating System

USGBC Member Approved November 2008 (Updated July 2012)



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## EA Credit 2: On-site Renewable Energy

### 1-7 Points

#### Intent

To encourage and recognize increasing levels of on-site renewable energy self-supply to reduce environmental and economic impacts associated with fossil fuel energy use.

#### Requirements

Use on-site renewable energy systems to offset building energy costs. Calculate project performance by expressing the energy produced by the renewable systems as a percentage of the building's annual energy cost and use the table below to determine the number of points achieved.

Use the building annual energy cost calculated in EA Credit 1: Optimize Energy Performance or the U.S. Department of Energy's Commercial Buildings Energy Consumption Survey (CBECS) database to determine the estimated electricity use.

The minimum renewable energy percentage for each point threshold is as follows:

Percentage Renewable Energy	Points
1%	1
3%	2
5%	3
7%	4
9%	5
11%	6
13%	7

#### Potential Technologies & Strategies

Assess the project for nonpolluting and renewable energy potential including solar, wind, geothermal, low-impact hydro, biomass and bio-gas strategies. When applying these strategies, take advantage of net metering with the local utility.