APPENDIX A

NOTICE OF PREPARATION, COMMENT LETTERS AND INITIAL STUDY/ENVIRONMENTAL CHECKLIST

I. INITIAL STUDY/ENVIRONMENTAL CHECKLIST

The following is an Initial Study/Environmental Checklist for the University Village at San Pablo Avenue Project. This checklist will be used to identify areas to be further discussed in the University Village at San Pablo Ave Project Environmental Impact Report (EIR).

1. Project Title:

University Village at San Pablo Avenue Project

2. Lead Agency Name and Address:

City of Albany
979 San Pablo Avenue
Albany, CA 94706

3. Contact Person and Phone Number:

Amber Curl, Associate Planner
City of Albany Planning Department
(510) 528-5765

4. Project Location:

The approximately 5.3-acre project site consists of two parcels located to the northwest and southwest of the Monroe Street/San Pablo Avenue intersection in the City of Albany. The project site is located within the University Village development and would include the area generally bound by San Pablo Avenue, Codornices Creek, 10th Street, and Village Creek.

5. Project Sponsor's Name and Address:

Bob LaLanne
The LaLanne Group for the University of California

6. General Plan Designation:

Residential/Commercial (RC)
Creek Conservation Zone

7. Zoning:

San Pablo Commercial (SPC)
Residential Medium Density (R-2)
Watercourse Overlay District

8. Description of Project:

The project applicant proposes to develop two blocks and make various street improvements within the University Village development. Block A is located to the northwest of the Monroe Street/San Pablo Avenue intersection and would be developed with a Whole Foods Market, a smaller creekside retail building, a parking lot, pedestrian and bike paths and site drainage facilities. Block B is located to the southwest of the Monroe Street/San Pablo Avenue intersection and would be developed with a mixed use structure that would include retail space and senior housing. Various street improvements would be made to 10th Street and Monroe Street as part of the project. Additionally, the project would include the installation of landscaping, new sidewalks, a pedestrian/bike path, parking spaces, and bioswales to serve as drainage and water quality features.

Impacts related to the demolition of the existing structures on the Gill Tract were evaluated in 2004 Subsequent Focused Draft EIR for the University Village and Albany/Northwest Berkeley Properties Master Plan Amendment.[1] Demolition of these structures is not part of this project and is not evaluated in the University Village at San Pablo Avenue Project EIR. The proposed project does not include any changes to the University Village Community Center, Little League field, or Gill Tract agricultural field.

For additional details about the proposed project, please see Chapter III, Project Description, of the University Village at San Pablo Avenue Project EIR.

9. Surrounding Land Uses and Setting:

The agricultural research field on the Gill Tract is located north of the project site and Village Creek. The City of Albany municipal offices, commercial, office and residential uses are located further north. Ocean View Elementary School is located to the northwest of the project site. The east side of San Pablo Avenue, across from the project site, includes a rental car office and parking lot and a variety of commercial and retail structures. Residential uses are located farther east. Mixed-use and light industrial uses are located to the south of the project site and south of Codornices Creek. University Village, which includes residential and recreational uses, is located to the west of the project site. Interstate 80 (I-80) and the San Francisco Bay are located farther west.

10. Other agencies whose approvals are required (e.g., permits, financing approval, or participation agreement.):

University of California; East Bay Municipal Utility District; California Department of Transportation; California Regional Water Quality Control Board; California Department of Fish and Game; Army Corps of Engineers; NOAA Fisheries; Pacific Gas and Electric; and AT&T.

[1] LSA Associates, Inc., 2004. *Subsequent Focused EIR for the University Village & Albany/Northwest Berkeley Properties Master Plan Amendments, State Clearinghouse No. 1997072039.* January 30.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	■	☐	☐

a) Have a substantial adverse effect on a scenic vista? ***(Less-than-Significant Impact)***

The University Village at San Pablo Avenue Project (proposed project) is located on an unban flatland within the City of Albany. With the exception of the agricultural research fields on the Gill Tract (to the immediate north), the project site is surrounded by commercial, residential, recreational and institutional development. As such, the majority of the immediate view from the project site to the surrounding area is urban development. Views of the Albany Hill and East Bay Hills in the distance are intermittently available from the project site, but are blocked in some locations by intervening development and vegetation.

While the City of Albany does not identify specific scenic vistas within its General Plan,[2] the General Plan does state that:

> *"View of San Francisco, the Bay, Albany Hill, and the Berkeley Hills are visual resources which provide respite from the urban form of the City. Protection of such views from public viewpoints should be one aspect of City planning consideration for new development applications."*

The proposed project could block views to Albany Hill and East Bay Hills. However, the existing views from the site are limited given landscaping and adjacent development. As such, the proposed project would result in a less-than-significant impact to scenic vistas.

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

[2] City of Albany, 1992. *City of Albany, California General Plan 1990-2010.*

The closest State scenic highway is Interstate 580 (I-580) in Oakland, and the project site is not visible from this highway. The proposed project would not impact scenic resources within a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? ***(Less-than-Significant Impact)***

The existing visual conditions of the project site include vacant land, trees and landscaping, derelict one-story structures no longer in use, and portions of 10th Street and Monroe Street. Implementation of the proposed project would result in a substantially different visual character from the existing onsite conditions, as is described below.

Block A. Block A currently consists of a vacant parcel, landscaping, and abandoned structures. Photos 1 and 2 are representative of the existing conditions. The proposed project would include the following development on Block A: the Whole Foods Market building, the 2,000 square foot Creekside Retail building, a surface parking lot, a pedestrian path along Village Creek and a drainage facilities. The physical aspects of built structures are further described below.

Photo 1: Vacant field on Block A

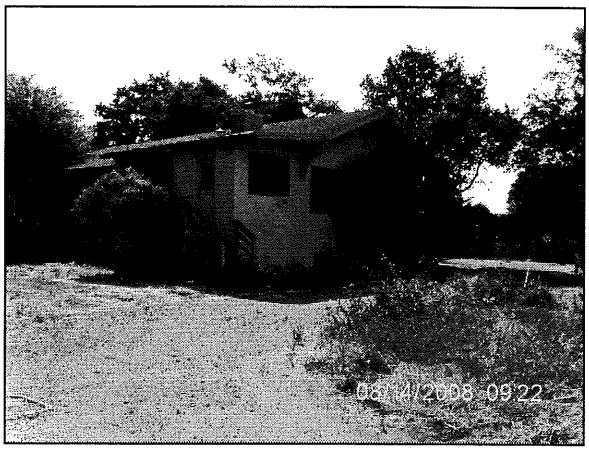


Photo 2: Existing structure on Block A

Whole Foods Market. The Whole Foods Market would be situated on the southeast corner of Block A. It would be set back approximately 10 feet from the sidewalk and provide two front entrances to the store. An entrance would also be provided on the north side of the structure. Many of the existing trees on the site would be removed to accommodate the development, and street trees would be installed to provide shade and to enhance a pedestrian-friendly environment.

The building would be approximately 30 feet in height. The exterior of the Whole Foods Market would be a textured block wall with alternating color banding. The exterior would also include metal and wood trellis, and wood screen details. A conceptual elevation view of the Whole Foods Market is shown in Figure III-4.

Creekside Retail Building. The Creekside Retail building would be constructed at the northeast corner on Block A and would front on San Pablo Avenue. This retail space would be approximately 2,000 square feet and include an outdoor sitting area west of the building. This structure would be approximately 20 feet tall, and would be constructed of similar building materials

and in a similar style as the Whole Foods Market. A conceptual elevation view of the Creekside Retail building can be seen in Figure III-4. The structure would be located right at the sidewalk to enhance the pedestrian environment. Patio seating, located at the rear of the building, would provide a lookout over Village Creek.

Parking Lot. An at-grade parking lot is proposed north of the Whole Foods Market and south of Village Creek. Circulation within the parking lot would be two-way. This parking lot would include porous pavers and parking spaces would be oriented at 90-degree angles. The parking lot would be accessed by a driveway on San Pablo Avenue and from 10th Street. Exit from the site onto San Pablo Avenue would be right turn only. Landscaping, tree plantings and safety lighting would be included in the parking lot design.

Pedestrian Path. An approximately six foot wide decomposed granite path would be located along Village Creek. This path would follow Village Creek from San Pablo Avenue to the extension of 10th Street. An outdoor seating area, situated between the path and the parking lot, would be located on Block A.

Storm Drainage Facilities. A storm water detention swale would be installed along the western boundary of Block A, which would drain into a retention area in the northwest corner of the block. New outfalls into Village Creek would be installed to drain the new swales.

Block B. Block B would be developed with a mixed-use structure that includes retail space and senior housing. Approximately 28,000 square feet of retail space would be provided on the San Pablo Avenue and Monroe Street frontages. The retail component of the building would have a maximum height of 28 feet on San Pablo Avenue.

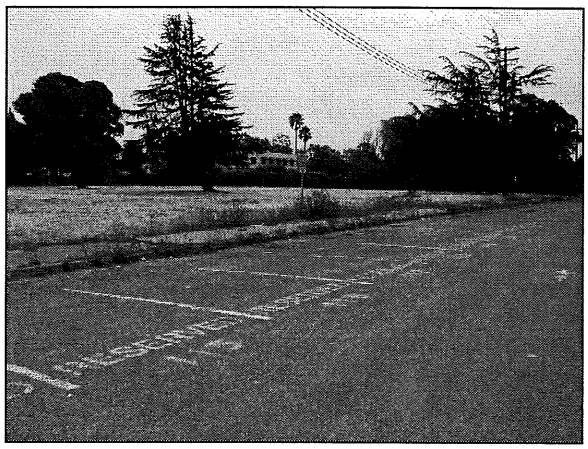


Photo 3: 10th Street and Block B

The retail components of the Block B building would be one story, and would be designed to allow for multiple smaller retail stores along the San Pablo Avenue frontage. The southern portion of the building frontage would have an additional setback to allow for possible outdoor seating.

The senior housing would be a multi-care facility including approximately 100 senior residential units and 75 assisted living units. The senior housing would be located behind the retail component and would be oriented towards 10th Street. This component would be five stories and 52 feet tall on Monroe Street. The five-story component would be set back approximately 75 feet from San Pablo Avenue.

A two-way drop-off driveway with turn-around area for the senior housing would be located on 10th Street. Below grade parking would be accessed off of 10th Street. There would be approximately 14

surface parking spaces provided on 10th Street alongside Block B. Landscaping would be installed around the perimeter of the building.

A drainage swale would be located along the western boundary of Block B. New outfalls would be installed into Codornices Creek.

A pedestrian/bicycle path would be installed on the project site along Codornices Creek and along the western boundary of the project site.

Introduction of all of the proposed project elements described above would significantly change the existing visual conditions of the project site. However, the change would not degrade the existing site, which currently consists of empty fields and vacant structures.

The San Pablo Avenue Urban Design Concept Plan[3] establishes a vision for San Pablo Avenue as a "Retail Boulevard." It provides an urban design and revitalization strategy, design guidelines for private development, and recommendations for street design. This Plan recommends orienting buildings towards San Pablo Avenue as well as creating a commercial frontage along San Pablo Avenue, which the proposed project achieves. The Plan also recommends a half bay of parking in front of the commercial structures on San Pablo Avenue; this component was not incorporated into the design of the proposed project. Additionally, the project site is identified as a Albany Gateway area, but design components of the project do not identify this area as a city gateway.

The San Pablo Avenue Vision Plan[4] is a document that illustrates how San Pablo Avenue can continue to function as a major arterial, while also creating nodes of pedestrian and retail activity. The Vision Plan calls for larger buildings along San Pablo Avenue; a minimum of two stories, but three stories are preferred. While the building on Block B would eventually rise to five stories as one moves farther west, the portions of the building that front on San Pablo Avenue would only be one story. As is called for in the Vision Plan, new structures onsite would include retail uses on the ground floor. Street trees and landscaping would also be installed along San Pablo Avenue to enhance the pedestrian experience.

The general design of the proposed project would be compatible with many of the site design guidelines of the San Pablo Avenue Design Guidelines,[5] which call for siting buildings to add sidewalk space, locating parking at the side or rear of buildings, providing landscaping around parking lots, and having service areas located in the rear of the building. The guidelines also call out specific guidelines for the University Village and the Gill Tract. Applicable guidelines are described below.

> *Guideline J-1: New development of the University frontage should reflect the urban character of San Pablo Avenue. Buildings should be built close to the street and should comprise a continuous frontage along the Avenue, except in locations where significant vegetation is to be preserved. Any non-residential developments should be consistent with*

[3] Freedman, Tung & Bottomley, 1989. *City of Albany Urban Design Concept Plan,* December.

[4] Design, Community & Environment, 1997. *City of Albany San Pablo Avenue Vision Plan,* September.

[5] City of Albany, 1993. *San Pablo Avenue Design Guidelines, (adopted by City Council Resolution No. 93-4),* January 19.

guidelines for other portions of the street; however, variations may be considered in light of the potential scale of development and the particular characteristics of the Village and Gill Tract sites. Depending on the extent of any non-residential development, the City may encourage site and building designs which are not feasible in other locations along the Avenue.

The proposed project would locate structures on San Pablo Avenue, providing a continuous frontage along San Pablo Avenue, with parking located in the rear of the structures or underground. While a substantial portion of the existing vegetation will be removed from the project site, landscaping is proposed which would include street trees.

Guideline J-2: A main campus entrance should be located directly on San Pablo Avenue.

The main entrance to the campus would remain at the San Pablo Avenue/Monroe Street intersection.

To further assess the potential visual impact of the proposed project, visual simulations of the proposed project have been prepared. The City of Albany, in consultation with LSA Associates, Inc., selected three locations from which to prepare visual simulations. Using a digital SLR camera with a wide-angle 28mm equivalent lens (64-degree view angle), Environmental Vision photographed the project site from several representative public viewpoints along San Pablo Avenue and Monroe Street. Using computer modeling and rendering techniques, and design data provided by the applicant, visual simulations were prepared. The simulations are intended to show building massing, height and bulk as architectural details have not been finalized. Project landscaping is shown at 7 to 8 years maturity. The photo simulations for the alternative sites are described below.

View looking south on San Pablo Avenue. The existing view in Figure 1 shows Block A of the project site while looking south on San Pablo Avenue. Much of the existing view of the project site is blocked by vegetation on the Gill Tract or existing fencing. While there is a reduced amount of vegetation on the project site farther south towards the San Pablo Avenue/Monroe Street intersection, the distance and the fencing block the view onto the project site.

The Creekside Retail and the Whole Foods Market are the prominent project features within this visual simulation. The removal of a significant portion of vegetation within the Gill Tract would allow for views into the interior of the site. Additionally, as is shown in the simulation, the installation of the path along Village Creek would allow for pedestrian access from San Pablo Avenue to the interior of the site. A small portion of the mixed use building can be seen in the distance.

View looking north on San Pablo Avenue. The existing view in Figure 2 shows the view looking north on San Pablo Avenue. Existing fencing and trees mostly obscure the view of the site, as well as the view in the distance of Albany Hill.

The most prominent features in this visual simulation are the east and south sides of the Block B building. As is shown in the simulation, the upper story bulk of the mixed use structure is set back from San Pablo Avenue. Many of the existing street trees along this part of the project would be retained. The Whole Foods Market can be seen in the distance.

View looking east on Monroe Street. The existing view in Figure 3 shows the view of both blocks of the project site from the west. While the East Bay Hills are visible from this location, mature trees throughout the site and along Monroe Street and San Pablo Avenue obstruct much of the view.

Both the Whole Foods Market and the mixed use building are shown in this visual simulation. The height difference between these two structures is prominently shown in this simulation. While the Whole Foods Market is shorter than mixed use structure, the lack of windows, doors or changes in facade of the building also creates a less pedestrian friendly environment when compared to the mixed use building. Additionally, while views of the East Bay Hills are blocked with the construction of the project, a prominent view of the hills is still available (and, for the early years of the new landscaping, even more open than at present) through the corridor down Monroe Street.

As shown in the visual simulations, implementation of the project would change the existing visual character of the project site. However, existing views to and from the project site are, in many instances, obscured by existing landscaping and fencing. Additionally, this area of San Pablo Avenue is identified as an area for development, and several City of Albany planning and policy documents call for larger scale development on this site. Implementation of the project would not significantly degrade the visual character of the project site or the surrounding area.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***(Potentially Significant Unless Mitigation Measures Incorporated)***

The project is located along San Pablo Avenue, an urban street with a substantial amount of nighttime lighting to provide for a more pedestrian-friendly environment and to enhance public safety. Although the project is located in an urban area, the proposed project could include nighttime lighting that could spillover onto adjacent properties. Additionally, project details regarding the exterior materials of the proposed structures have not been finalized. These materials could produce daytime glare. Implementation of the following two-part mitigation measure would reduce these potential impacts:

> Mitigation Measure AES-1a: 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.
>
> Mitigation Measure AES-1b: 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.

Existing view from San Pablo Avenue looking south

Visual simulation of Proposed Project

FIGURE 1

LSA

University Village at San Pablo Avenue Project EIR
Visual Simulation

SOURCE: ENVIRONMENTAL VISION, 2009

062309

Existing view from San Pablo Avenue looking northwest

Visual simulation of Proposed Project

FIGURE 2

LSA

University Village at San Pablo Avenue Project EIR
Visual Simulation

SOURCE: ENVIRONMENTAL VISION, 2009

062309

Existing view from Monroe Street looking east

Visual simulation of Proposed Project

FIGURE 3

LSA

University Village at San Pablo Avenue Project EIR

Visual Simulation

SOURCE: ENVIRONMENTAL VISION, 2009

062309

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	■

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? ***(No Impact)***

The project site is not designated by the Farmland Mapping and Monitoring Program as prime farmland, unique farmland, or farmland of statewide importance.[6] The project site currently consists of vacant parcels and vacant buildings/greenhouses that were once used for agricultural research. Construction of the proposed project would not result in a significant impact to prime farmland, unique farmland, or farmland of statewide importance.

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

The project site is not zoned for agriculture use, nor is it under a Williamson Act contract.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? ***(No Impact)***

There are approximately 7 acres to the north of the project area that are used by the College of Natural Resources as an academic reserve for agricultural experiments. Agricultural areas of the Gill Tract have been in use for campus research. Decisions by the University of California as to future use

[6] *California Department of Conservation. Alameda County Important Farmland Map* 2006, ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/ala06.pdf, (accessed February 23, 2009).

of the Gill Tract would not be affected by the implementation of the proposed project. The proposed project would not result in conversion of farmland to non-agricultural use.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	■	❒	❒	❒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	■	❒	❒	❒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	■	❒	❒	❒
d) Expose sensitive receptors to substantial pollutant concentrations?	■	❒	❒	❒
e) Create objectionable odors affecting a substantial number of people?	■	❒	❒	❒

a) Conflict with or obstruct implementation of the applicable air quality plan? ***(Potentially Significant Impact)***

The proposed project could conflict or obstruct the implementation of an applicable air quality plan. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could violate air quality standards. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* ***(Potentially Significant Impact)***

The proposed project could result in a net increase of criteria pollutants. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could expose sensitive receptors to substantial pollutant concentrations. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could expose people to objectionable odors. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	■	❒	❒	❒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	■	❒	❒	❒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?	■	❒	❒	❒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	■	❒	❒	❒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	■	❒	❒	❒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	❒	❒	❒	■

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on regulated species. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on riparian habitat. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on wetlands. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ***(Potentially Significant Impact)***

The proposed project could substantially interfere with the movement of fish and wildlife species. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***(Potentially Significant Impact)***

The proposed project could conflict with local polices protecting biological resources. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? ***(No Impact)***

The project site is located within an urban area and is not subject to any provisions of an adopted HCP or NCCP, or other approved local, regional or State habitat conservation plans.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	■	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	■	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐

As part of the 2004 Subsequent Focused EIR[7] for the Master Plan Amendments, LSA prepared a cultural resources analysis[8] for Steps 2 and Step 3 of University Village (this project site is located in

[7] LSA Associates, Inc., 2004. *Subsequent Focused EIR for the University Village & Albany/Northwest Berkeley Properties Master Plan Amendments, State Clearinghouse No. 1997072039.* January 30.

[8] LSA Associates, Inc, 2003. *Historical Architectural Inventory of the Step 2 and Step 3 Areas of University Village.* November.

Step 3 of University Village). As was noted in the 2004 Subsequent Focused EIR, the John Gill House and surrounding grounds (which fall within this project's site boundaries) are not eligible for listing on the California Register, nor are they considered a historical resource in accordance with CEQA. The U.C. Agricultural Research Experiment Station facility (which includes research structures, minor structures, parking areas, and paved roads) and the cultivated fields were identified as being potentially eligible for listing on the California Register as a historic district.[9] A portion of these research facilities are within this project's site boundaries.

The Master Plan Amendments (addressed in the 2004 Subsequent Focused EIR) anticipated eventual demolition of the John Gill House and the Experiment Station facilities and development of the cultivated fields. The demolition of the existing structures on the site are separate and apart from the development of this proposed project. The Experiment Station structures are expected to be demolished during the summer of 2009. Mitigation measures were presented in the 2004 Subsequent Focused EIR to document the history and features of the Experiment Station research facilities and cultivated fields and to mitigate environmental impact on these potential cultural resources. Those mitigation measures were as follows:

> *Mitigation Measure HIST-1a: Prior to Regents approval of design for a Step 3 project, and prior to demolition of the Equipment Station, the buildings shall be documented to the Secretary of the Interior's Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards. Photographic views shall document in detail the exterior features, and should include landscape context views that show the buildings within their neighborhood setting. The final products of the documentation shall be deposited with the University of California College of Natural Resources; the Northwest Information Center of the California Historic Resources Information System, Sonoma State University, Rohnert Park; and the School of Environmental Design, University of California, Berkeley.*
>
> *Mitigation Measure HIST-1b: A report shall be prepared which describes the history of the Experiment Station, describes the correlation between the research activities at the site, and the importance of the research conducted at the site to the broad patterns of California history, and which depicts its features. The report shall be deposited with the same institutions as required for HIST-1a.*

However, even with the above mitigation measures from the 2004 Subsequent Focused EIR, this impact on cultural resources was determined to remain significant and unavoidable. Demolition of these structures is not part of the present University Village at San Pablo Avenue project, and is not evaluated in this Initial Study or its affiliated EIR.

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ***(Less-than-Significant Impact)***

[9] It should be noted that the assessment concluded that this finding is conservative given the lack of precise evidence about the historic significance of research specifically conducted at the Gill Tract, rather than research conducted by members of the College of Natural Resources. Additional studies completed as part of the mitigation effort may result in a conclusion that the Experiment Station is not a significant historical resource under CEQA. Additional studies would also determine the integrity of the site, i.e., if significant research occurred at a particular location, does the location still have integrity?

As described above, the 2004 Subsequent Focused EIR identified the Experiment Station and adjacent cultivated fields as being potentially eligible for listing on the California Register as a historic district. Impacts related to the demolition of these structures were evaluated in that EIR. Demolition of these structures would be considered a significant and unavoidable impact, even with implementation of the mitigation measures identified in the 2004 Subsequent Focused EIR.

The Gill House and grounds were also evaluated in 2004 Subsequent Focused EIR, which determined the Gill House was not individually eligible for listing on the California Register, and is not considered a historical resource in accordance with CEQA. As has been noted previously, demolition of these structures is not part of the present University Village at San Pablo Avenue project and is not evaluated in this Initial Study/Environmental Checklist or its affiliated EIR.

There are no other known historical resources identified within the project site. Implementation of this project would not result in a substantial adverse impact to a historic resource.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***(Potentially Significant Impact)***

Previous environmental review documents have not identified any archaeological resources within the project site. However, archaeological sites have been identified in the general vicinity of University Village. As such, potential discovery of archaeological resources during construction can not be ruled out. Implementation of the following mitigation measure would ensure that impacts to any archaeological resources discovered during construction are less-than-significant:

> Mitigation Measure CULT-1: 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 *CEQA Guidelines* 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, *CEQA Guidelines* 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).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***(Potentially Significant Impact)***

Although there is no documentation that suggests paleontological resources are present within the project site, there is a possibility that construction activities could uncover paleontological resources

beneath the surface. Implementation of the following mitigation measure would ensure that impacts to paleontological resources are less-than-significant:

> Mitigation Measure CULT-2: 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.
>
> 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.

d) Disturb any human remains, including those interred outside of formal cemeteries? ***(Potentially Significant Impact)***

The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparations and grading activities, resulting in a significant impact to Native American cultural resources. Implementation of the following mitigation measure would reduce potential adverse impacts to human remains to a less-than-significant level.

> Mitigation Measure CULT-3: 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.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	■	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
iv) Landslides?	☐	■	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	■	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	■	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	■	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? ***(Less-than-Significant Impact)***

The San Francisco Bay region is a seismically active region that is subject to large earthquakes. There are 30 known faults in the Bay Area that are considered capable of generating earthquakes. The Hayward Fault is the nearest active fault to the project site, and is located approximately 2 miles northeast of the project site.

The project site is not located within a State of California Earthquake Fault zone for active faults (formerly referred to as Alquist-Priolo Special Study Zones). Since surface faulting or ground rupture tends to occur along previous fault lines, and identified fault lines are not located within the project site, implementation of the proposed project would not adversely affect persons or structures due to the rupture of a known earthquake fault.

ii) Strong seismic ground shaking? ***(Potentially Significant Unless Mitigation Incorporated)***

The project site is located in the San Francisco Bay Area, which is one of the most seismically active regions in the United States. As it affects a much broader area, ground shaking, as opposed to surface fault rupture, is the cause of most damage during earthquakes. Three major factors that affect the intensity of ground shaking at a site in an earthquake are: (1) the size (magnitude) of the earthquake; (2) the distance to the fault that generated the earthquake; and (3) the geologic materials that underlie the site. Thick, loose soils, such as bay mud, tend to amplify and prolong ground shaking.

The proposed project would comply with applicable construction codes and requirements intended to mitigate adverse impacts resulting from ground shaking. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

> Mitigation Measure GEO-1: 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.

iii) Seismic-related ground failure, including liquefaction? ***(Potentially Significant Unless Mitigation Incorporated)***

Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface that lose strength during ground shaking. Due to the loss of strength, the soil acquires a "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie relatively close to the ground surface. However, loose sands that contain a significant amount of fines (minute silt and clay fraction) may also liquefy.

Liquefaction susceptibility hazard maps, provided by the Association of Bay Area Governments,[10] identify the project area as being moderately susceptible to liquefaction hazards. Additionally, the

[10] Association of Bay Area Governments. http://www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html (website accessed April 1, 2009).

City of Albany General Plan Environmental Hazard Map identifies the site as having a Medium-High Susceptibility for ground failure during an earthquake.[11] Implementation of Mitigation Measure GEO-1 would reduce this potential impact to a less-than-significant level.

iv) Landslides? ***(Potentially Significant Unless Mitigation Incorporated)***

The project site is relatively flat, sloping very gently down to the west, with an average slope of less than two percent. There are no areas within the project site that would be subject to landslides given the topography of the site.

The creek banks adjacent to the project site are subject to slumping where they have been de-vegetated by erosion. Mitigation Measure HYD-1 (described in University Village at San Pablo Avenue Project EIR) would require implementation of erosion controls and development of a Storm Water Pollution Prevention Plan (SWPPP). These measures would help to prevent further erosion of the creek banks. Implementation of Mitigation Measure GEO-2 would reduce this potential impact to less-than-significant.

Mitigation Measure GEO-2: Implementation of Mitigation Measure HYDRO-1:

Mitigation Measure HYDRO-1: 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.

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.

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,[12]

[11] Curl, Amber, 2009. Associate Planner, City of Albany. Personal communication with LSA, Associates, Inc, April 2.

[12] State Water Resources Control Board, 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff."[13] 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.

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)

b) Result in substantial soil erosion or the loss of topsoil? ***(Potentially Significant Unless Mitigation Incorporated)***

Exposed soils on the site could be subject to erosion during construction. The potential for soil erosion exists during the period of earthwork activities and between the time when earthwork is completed and new vegetation is established or hardscape is installed.

SWPPPs identify best management practices to protect the quality of storm water runoff and also identify erosion prevention measures. Implementation of Mitigation Measure GEO-2 would reduce this potential impact to a less-than-significant level.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ***(Potentially Significant Unless Mitigation Incorporated)***

The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project. As has been discussed in Section VI.a.iii, the project site could be susceptible to liquefaction. Additionally, as described in Section VI.a.iv, off-site areas could be susceptible to slumping. Mitigation Measures GEO-1 and GEO-2 would reduce these potential impacts to a less-than-significant impact.

[13] Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

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

Previous environmental review documents for the University Village campus indicate that soils may have shrink-swell potential that could result in deformation of foundations or damage to structures during seasonal changes in soil moisture content. Implementation of Mitigation Measure GEO-1 would reduce impacts associated with soil expansion to a less-than-significant level.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ***(No Impact)***

On-site treatment and disposal of waste water is not proposed for the project site.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	■	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ***(Less-than-Significant Impact)***

The proposed project would involve the use and disposal of chemical agents, solvents, paints, and other hazardous materials associated with construction activities. The amount of these chemicals present during construction would be limited, would be in compliance with existing government regulations, and would not be considered a significant hazard. During construction of the proposed project, no significant impact is expected to result from the routine use and disposal of these materials. Furthermore, routine operation of the project site is not characterized by the use or storage of substantial quantities of hazardous materials. The impact is less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ***(Potentially Significant Unless Mitigation Incorporated)***

The southern portion of the project site was formerly occupied by multi-family apartment buildings that were built by the Federal Public Housing Authority in the 1940s to house war workers. The buildings were later used by the University for student housing. The wooden structures contained hazardous materials such as lead-based paint and asbestos containing materials, and the University abated these materials prior to the buildings' demolition.[14] Because weathering of lead-based paint can contaminate the soil around buildings, surface and shallow soil in proximity to the former housing area may contain lead at concentrations that require special handling or disposal during construction (such as during excavation or grading activities) or that could present a hazard to workers or future site occupants.

The northern portion of the site is part of the Gill Tract that was formerly occupied by the UC Agriculture Research Experiment Station. Structures within the project site that were part of the Experiment Station include a residence, laboratory, greenhouses and various support buildings. A

[14] Haet, Greg, Associate Director, Environmental Protection, Office of Environment, Health & Safety, University of California, Berkeley, 2009. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 15.

Phase 1 Environmental Site Assessment conducted in 2003 identified several potential sources of environmental contamination, including residues from the former use of pesticides, radioactive materials, polychlorinated biphenyls (PCBs) in transformers, asbestos containing materials, and lead-based paint.[15] The University subsequently investigated these potential sources by surveying the buildings for lead-based paint, asbestos containing materials, and other hazardous materials associated with the former use of the site as a research facility. Where hazardous materials were identified the University intends to remediate and dispose of the hazardous materials as part of the facility demolition process.[16] A work plan for the removal of hazardous materials and building demolition is in preparation and the work is expected to occur in 2009.

Because the removal of hazardous materials and demolition of the buildings has not yet occurred, but is expected to occur during the summer of 2009, the following mitigation measure would reduce the potential impact associated with the former use of hazardous materials on the project site, and potential hazards associated with demolition of the Gill House, to a less-than-significant level:

> Mitigation Measure HAZ-1: 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.

The University was previously authorized to use radioactive materials at the Gill Tract pursuant to its Radioactive Materials License issued by the California Department of Public Health (CDPH), Radiologic Health Branch. Small amounts of radioactive material were used in plant pathology research at the Hybridoma Center from 1988 through 1997.[17] Use of radioactive materials was authorized only within the Hybridoma Center and the center is not on the project site, but is located adjacent to it and to the west.

While the use of radioactive materials at the Hybridoma Center ceased in 1997, the site has remained on the University's Radioactive Materials License. The University and the CDPH are currently in the process of removing the center from the University's license and decommissioning the site. On May 15, 2008 the University submitted its decommissioning work plan, which requires radiological surveys of the Hybridoma Center and adjoining property, to the CDPH for approval. The plan was approved and the University's contractor subsequently performed the remediation and radiological surveys described in the work plan in the summer of 2008. Some follow-up surveying has recently

[15] ENSR, 2003. University Village Step 3 Housing & College of Natural Resources, 26-Acre Parcel, Albany, California. August 5.

[16] Ellison, Eric, Project Manager, Capital Projects, University of California, Berkeley, 2009. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 30.

[17] ERS Solutions, Inc., 2007. University of California, Berkeley, California, Gill Tract, Radiological Historical Use Assessment, November, and Greg Yuhas, Radiation Safety Officer, Office of Environment, Health & Safety, 2009. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 16.

been completed by the University and the final survey results will be submitted to the CDPH with the University's request to remove the Gill Tract from its Radioactive Materials License as an authorized use location within the next few months. Once the CDPH is satisfied with the results and agrees that the site is safe for unrestricted use, it will be removed from the University's Radioactive Material License. Decommissioning and removal of the site from the University's license is expected to occur in 2009 or early 2010.

Because the site has not yet been removed from the University's Radioactive Materials License, the following mitigation measure would reduce the potential impact associated with the former use of radioactive materials on the Gill Tract to a less-than-significant level:

> Mitigation Measure HAZ-2: 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.

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

The proposed site uses, which include residences, a grocery store and local-serving retail, would not produce operational emissions of hazardous or acutely hazardous materials, substances or wastes and would not expose the occupants of Ocean View Elementary School and the Albany Children's Center, which are located within one-quarter mile of the project site, to hazardous emissions. While some compounds stored or used by homeowners and businesses have hazardous properties – paints and solvents may be flammable or toxic, for example – the storage and use of these commercial and consumer products in the quantities typically found in homes and businesses, such as grocery stores, would not present a substantial hazard to the occupants of the nearby schools because the products would be stored in relatively small, consumer-size sealed containers. The impact is less than significant.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?* ***(No Impact)***

The project site is not included in any of the hazardous materials/contaminated sites lists compiled pursuant to Government Code Section 65962.5.[18]

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

The proposed project is not located within an airport land use plan or within two miles of a public or public use airport.

[18] California Environmental Protection Agency, 2009. Website: http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm. April 14.

f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ***(No Impact)***

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

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

Implementation of the proposed project would not impair or interfere with an adopted emergency response plan or evacuation plan. Please see Section IV.A, Transportation, Circulation and Parking of the Draft EIR for a discussion about emergency access to the project site.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ***(No Impact)***

The proposed project is an urbanized area and would not be subject to wildland fires.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	■	❒	❒	❒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	■	❒	❒	❒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	■	❒	❒	❒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	■	❒	❒	❒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	■	❒	❒	❒
f) Otherwise substantially degrade water quality?	■	❒	❒	❒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	■	❒	❒	❒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	■	❒	❒	❒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	■	❒	❒	❒
j) Inundation by seiche, tsunami, or mudflow?	❒	❒	❒	■

a) Violate any water quality standards or waste discharge requirements? ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on water quality standards or waste discharge requirements. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could have a substantial adverse effect on groundwater supplies. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could have a substantial adverse effect on existing drainage patterns which could result in substantial erosion or siltation on- or off-site. The potential impact, as well as potential

mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on existing drainage patterns with could result in flooding on- or off-site. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?* ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on stormwater drainage systems. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

f) *Otherwise substantially degrade water quality?* ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on water quality. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* ***(Potentially Significant Impact)***

The proposed project could place housing within a 100-year hazard area or within a Flood Insurance Rate Map. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?* ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect on flood flows. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?* ***(Potentially Significant Impact)***

The proposed project could have a substantial adverse effect resulting from flooding. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

j) Inundation by seiche, tsunami, or mudflow? ***(Less-than-Significant Impact)***

While the location of the project site on lowlands near the San Francisco Bay would create the potential for coastal flooding hazards, the elevation of the project site would be expected to provide protection from these hazards. The potential impact would be considered less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	■	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

a) Physically divide an established community? ***(Less-than-Significant Impact)***

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area.

The proposed project site is surrounded by an established, built-up urban area. The proposed project includes changes to Monroe Street and 10th Street within the project site. Monroe Street, within the project boundaries, would be changed from a two lane street to include three traffic lanes at the Monroe Street/San Pablo Avenue intersection. Tenth Street is currently blocked by a chain link fence and implementation of the project would not provide access from the project site to 10th Street in Berkeley. Pedestrian access from 10th Street south to Berkeley is limited to those that can fit through a gap in the fence. The proposed project would not result in a significant impact related to the division of an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ***(Less-than-Significant Impact)***

As an autonomous state institution, land use decisions of the University that support the University's educational mission are governed by state law and are not subject to land use regulations of local jurisdictions. However, as the proposed project includes development of the grocery store, retail space, and senior housing (all of which are outside of the scope of the University's educational mission), this project would be subject to the land use regulations of the City of Albany.

The Albany General Plan designates the project site as Residential/Commercial (RC) with a Creek Conservation Zone. The RC designation allows for medium residential densities at a maximum of 34 units per acre and a maximum FAR of 0.95 for retail and office commercial development. The current project proposes 100 senior housing units and 75 assisted living units. This would fall within the residential densities allowed within this General Plan designation. While the project site would fall within the Creek Conservation Zone, no structures are proposed within this zone.

The City of Albany Zoning Ordinance currently identifies three zoning designations on the project site: San Pablo Commercial (SPC); Residential Medium Density (R-2); and Watercourse Overlay District (WC). The SPC designation applies to the first 100 feet of the eastern side of the project site along San Pablo Avenue; Medium Density Residential is identified for the rest of the project site; and the Watercourse Overlay District is any area within 75 feet of Codornices Creek.

The SPC designation allows for commercial and retail businesses serving a citywide or larger market in a boulevard environment. The designation also provides for high-density residential development, which may occur in mixed-use settings. The R-2 designation provides for residential living at moderate densities but does not permit commercial uses. The Watercourse Overlay District is intended to promote the preservation and restoration of Albany's creekside areas and to regulate land use in flood-prone areas to protect property from damage due to flood waters.

The project applicant is requesting to rezone the entire property to SPC, which would be required to allow for commercial uses on the project site. The project applicant is also requesting a Planned Unit Development approval to allow an increase in height and a parking exception to reduce the number of required parking spaces. While conceptual plans of the Block B building would put the structure within the Watercourse Overlay District, the project does not propose structures within 20 feet of the top of the Codornices Creek bank. Conceptual plans do show a structure within 20 feet of the top of Village Creek bank, but this creek is not included in the Watercourse Overlay District.

The *University Village & Albany/Northwest Berkeley Properties Master Plan,* a University of California planning document, provides guidance for the redevelopment of University Village. This Master Plan identifies the project site as Commercial or Mixed-Use. The Master Plan identifies this designation as land that will be made available for lease to generate income to subsidize new housing.

Beyond the application requests noted above, the proposed project would not conflict with plans or policies adopted for the purpose of avoiding or mitigating an environmental effect. City of Albany

documents related to the design and development on San Pablo Avenue are discussed in Section I. Aesthetics of the Initial Study/Environmental Checklist.

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

No habitat conservation plan or natural community conservation plan exists for the project site.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	■
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

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

The Albany General Plan[19] does not identify mineral resources within the City. No known mineral resources are located on or adjacent to the project site.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ***(No Impact)***

No locally important mineral resource recovery sites are delineated by the Albany General Plan for the project site. Implementation of the proposed project would not result in an impact to mineral resources.

[19] City of Albany, 1992. *City of Albany, California General Plan 1990-2010.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	■	❒	❒	❒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	■	❒	❒	❒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	■	❒	❒	❒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	■	❒	❒	❒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	■

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

The proposed project could expose people to noise levels in excess of established standards. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could expose people to excessive ground borne vibration or noise levels. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could increase permanent ambient noise levels in the project vicinity. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could increase the temporary or periodic noise levels in the project vicinity. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

Oakland International Airport, which is the closest airport, is located approximately 10.5 miles from the project site. The proposed project would not be located in an airport land use plan or within 2 miles of a public or public use airport. Implementation of the proposed project would not expose persons within the project site to high levels of airport-related noise.

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

The project site is not located within the vicinity of a private airstrip. Implementation of the proposed project would not expose persons within the project site to high levels of airport-related noise.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ***(Less-than-Significant Impact)***

The proposed project would result in the construction of 100 senior housing units and 75 assisted living units. Assuming a occupancy rate of 1.3 persons/unit would result in a population of 233 people within the project site.

The Association of Bay Area Governments (ABAG) estimates the Albany 2005 population was 16,800 residents and that the 2010 population will be 17,300.[20] The residential population associated with the proposed project would be approximately 1.3 percent of the estimated 2010 population.

Additionally, the Albany General Plan Housing Element identifies seniors as a special needs group and implementation of this project would result in an increase in senior housing. The proposed project would not result in a significant population growth impact.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ***(No Impact)***

There are currently no residential units or residents within the project site. While the Gill House is located on the project site, it has most recently been used as office space. Implementation of the project would not displace a substantial amount of existing housing requiring the construction of replacement housing elsewhere.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***(No Impact)***

There are currently no residential units or residents within the project site. Implementation of the project would not displace substantial numbers of people requiring the construction of replacement housing elsewhere.

[20] Association of Bay Area Governments, 2006. *Projections 2007, Forecasts for the San Francisco Bay Area to the Year 2035.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	■	☐
ii) Police protection?	☐	☐	■	☐
iii) Schools?	☐	☐	■	☐
iv) Parks?	☐	☐	■	☐
v) Other public facilities?	☐	☐	■	☐

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities?

i) Fire protection? ***(Less-than-Significant Impact)***

The City of Albany Fire Department would serve as a first responder to an emergency at the project site. The Albany Fire Station, located at 1000 San Pablo Avenue, is less than 0.5 miles from the project site. This Fire Station is currently undergoing seismic retrofitting, and a temporary station is located at 1051 Monroe Street, which is immediately adjacent to the project site. Seismic retrofitting of the permanent fire station is expected to be completed in 2009.

The Albany Fire Department (AFD) has 20 sworn firefighters. Fire Department vehicles include two fire engines. Additionally, the Fire Department has acquired a ladder truck with a 75-foot aerial capability in April 2009.[21] Ambulance service in Albany is provided by AFD and the closest ambulance to the project sites is stationed with the Fire Department.

[21] McGinn, Marc, 2009. Fire Chief, City of Albany, personal communication. April 9

The City-wide Fire Department average response time to emergency calls is 2 to 3 minutes. The average City-wide response time to non-emergency calls is 3 to 5 minutes.[22] The Fire Department has a mutual aid agreement with neighboring fire departments and districts, which ensures provision of fire services at appropriate levels even during periods of unusually high activity.

Implementation of the proposed project could create an increase in demand for emergency services, particularly medical calls to the senior housing component of the project. However, this increase in demand would not require the construction of new fire department facilities to serve the project site and would result in a less-than-significant impact to fire protection services. For a discussion of water fire flow, please see Section XVI., Utilities and Service Systems in this Initial Study/Environmental Checklist.

ii) Police protection? ***(Less-than-Significant Impact)***

Police protection services are provided by the Albany Police Department. The Albany Police Station, located at 1000 San Pablo Avenue, is less than 0.5 miles from the project site. This Police Station is currently undergoing seismic retrofitting, and a temporary station is located at 1051 Monroe Street, which is immediately adjacent to the project site.

The Police Department currently has approximately 27 sworn officers and the average response time to emergency calls is under 5 minutes.[23]

Implementation of the proposed project would increase the amount of retail and senior housing space on the project site, which would marginally increase the demand for police services, particularly medical calls to the senior housing component. However, the increase in demand would not require the construction of new police facilities to serve the project site, and would result in a less-than-significant impact to police services.

iii) Schools? ***(Less-than-Significant Impact)***

The proposed project would include 100 senior housing units and 75 assisted living units. As these units are limited in size and geared towards senior citizens, it is assumed that no school age children would be generated by the proposed project. The project would have a less-than-significant impact on school facilities.

iv) Parks? ***(Less-than-Significant Impact)***

The City of Albany Recreation and Community Services Department provides recreational and cultural programs for residents of the City. The Department's facilities include six parks, the Albany

[22] Sanders, James, 2009. Fire Fighter/Paramedic, City of Albany. Personal communication with LSA Associates, Inc. March 30

[23] McQuiston, Mike, 2009. Chief of Police, City of Albany. Personal communication with LSA Associates, Inc. April 1.

Community Center, a Senior Center, a Teen Center and a Friendship Club.[24] There are over 21 acres of park land within the City.

Implementation of the project would incrementally increase the use of these parks. However, this increase in use is not expected to adversely affect the physical conditions of local and regional open space areas or require the provision of new park facilities. The proposed project would not result in a significant impact to park facilities.

v) Other public facilities? ***(Less-than-Significant Impact)***

Implementation of the project would incrementally increase demand for other public services, including the Albany Library and the Albany Senior Center. The increased residential population that would result from the project is not expected to result in substantially increased usage of these facilities such that new facilities would be needed to maintain service standards. The proposed project would not result in a significant impact to other public facilities.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	■	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	■	☐

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ***(Less-than-Significant Impact)***

Residents of the project site would be expected to use local parks and community facilities in Albany and Berkeley, in addition to regional recreational facilities such as the Eastshore State Park. Although the project would incrementally increase use of these facilities, this increase in use is not expected to result in substantial physical deterioration of local parks, trails, or other recreational facilities. The proposed project would have less-than-significant impacts on existing neighborhood or regional parks.

[24] City of Albany 2009. *Community Services Department*. Website: http://www.albanyca.org/index.aspx?page=49. (accessed April 7, 2009).

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ***(Less-than-Significant Impact)***

The proposed project does not include recreational facilities nor would it require the expansion of existing recreational facilities.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	■	❒	❒	❒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?	■	❒	❒	❒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	❒	❒	❒	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	■	❒	❒	❒
e) Result in inadequate emergency access?	■	❒	❒	❒
f) Result in inadequate parking capacity?	■	❒	❒	❒
g) Conflict with adopted polices, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	■	❒	❒	❒

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ***(Potentially Significant Impact)***

The proposed project could cause an increase in traffic in the vicinity of the project site. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***(Potentially Significant Impact)***

The proposed project could exceed level of service standards established by the Alameda County Congestion Management Agency. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project would not result in a change in air traffic patterns, nor would it result in any substantial safety risks associated with aviation.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***(Potentially Significant Impact)***

The proposed project would include changes to the existing project site. The potential impacts, as well potential for mitigation for these impacts, will be described and evaluated in the University Village at San Pablo Avenue Subsequent EIR.

e) Result in inadequate emergency access? ***(Potentially Significant Impact)***

Implementation of the proposed project could change emergency access to the site. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

f) Result in inadequate parking capacity? ***(Potentially Significant Impact)***

Implementation of the proposed project could result in inadequate parking capacity. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

g) Conflict with adopted polices, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***(Potentially Significant Impact)***

The proposed project could conflict with adopted policies, plans, or programs supporting alternative transportation. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	■	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	■	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	■	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	■	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g) Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	■	☐

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

The East Bay Municipal District (EBMUD) and the City of Albany are both involved in transport and treatment of wastewater generated within the City of Albany. The City of Albany maintains the collector lines within the City; the City lines convey flows to EBMUD's wastewater interceptors. EBMUD operates a Wastewater Treatment Plant (WWTP), located in the City of Oakland, that processes wastewater collected by interceptors. EBMUD provides primary treatment for up to 320 million gallons per day (MGD) and secondary treatment for a maximum flow of 168 MGD.[25] The

[25] Primary treatment removes floating material, oils and greases, and organic solids heavy enough to settle in water. Secondary treatment biologically removes most of the suspended and dissolved organic and chemical impurities found in the wastewater.

average annual daily flow into the WWTP is approximately 80 MGD, representing 48 percent of the plant's secondary treatment capacity.[26] Treated effluent is disinfected, dechlorinated, and discharged through a deep-water outfall one mile off the East Bay shoreline into San Francisco Bay.

Estimates of the project's anticipated wastewater flows are approximately 29,265 gallons per day.[27] According to EBMUD, the Main WWTP is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from the project.[28] Wastewater generated by the proposed project would be minimal (less than 0.5 percent) when compared to the average daily flow for the WWTP and would not exceed the capacity of the WWTP. Therefore, the wastewater generated by the project would be fully treated by the existing WWTP operated by the EBMUD and would not exceed the Regional Water Quality Control Board's treatment standards.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***(Potentially Significant Unless Mitigation Incorporated)***

As discussed above, EBMUD and the City of Albany are involved in transport and treatment of wastewater generated within the City of Albany. Within University Village, the sewer lines are maintained by the University of California. Wastewater is transported from University Village through two mainlines: one is located on the west side of the University Village crossing underneath the railroad tracks and connecting to the EBMUD intercept that runs parallel to Eastshore Highway; the other mainline is located on the east side of University Village along San Pablo Avenue. The proposed project would connect to the existing wastewater system within University Village.

The water system within University Village generally follows the street plan, and a water main runs along San Pablo Avenue and delivers water to University Village at the Marin Avenue/San Pablo Avenue intersection and at the Monroe Street/San Pablo Avenue intersection. The proposed project would connect to the existing water system within University Village. As a condition of approval, the proposed project would be required to conform to the requirements of EBMUD and the California Building Code.

The proposed project would connect to existing facilities and it is anticipated that these pipelines would have sufficient capacity to support project water and wastewater flows. No new or expanded water or wastewater treatment facilities would be required to serve the proposed project.

It is unknown at this time if there is adequate water flows to meet the fire flow requirements for the proposed project. Implementation of Mitigation Measure UTIL-1 would ensure that there is adequate fire flow to serve the proposed project.

---

[26] East Bay Municipal Utility District, 2008. Wastewater Treatment. http://www.ebmud.com/wastewater/treatment/. November.

[27] The following rates were used to calculate wastewater generation: 80 gpd per resident; 125 gpd per 1,000 square feet of commercial/retail.

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

Mitigation Measure UTIL-1: 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.

With implementation of Mitigation Measure UTIL-1, it is anticipated that the proposed project's impact would be less-than-significant.

c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* ***(Potentially Significant Unless Mitigation Incorporated)***

Please refer to Section IV.F, Hydrology and Water Quality of the Draft EIR for a discussion of stormwater drainage.

d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?* ***(Less-than-Significant Impact)***

EBMUD supplies water to University Village and the City of Albany. Water service at the project site and in the project area is provided via EBMUD's Central Pressure Zone with a service elevation between 0 and 100 feet. EBMUD obtains approximately 90 percent of its water from the Mokelumne River watershed, and transports it through pipe aqueducts to temporary storage reservoirs in the East Bay hills. EBMUD has water rights and facilities to divert up to a daily maximum of 325 MGD from the Mokelumne River.[29] Average daily water production within the EBMUD service area was 205 MGD in 2008, the most recent year for which this data is available.[30]

Average domestic water demand for the project is estimated at 36,560 gallons per day.[31] The water demand represents less than 0.02 percent of total daily water production in the EBMUD service area. Based on the available water supply and current production rates mentioned above, EBMUD would have sufficient water resources to supply the project.

The project is also located within the boundaries of EBMUD's East Bayshore Recycled Water Project. EBMUD's Policy 8.01 requires that customers use nonpotable water for nondomestic purposes, including landscape irrigation, commercial process use, and toilet/urinal flushing in nonresidential buildings, when it is of adequate quality and quantity and available at reasonable cost.[32] Other areas within University Village have been piped to allow for the use of reclaimed water.

---

[29] East Bay Municipal Utility District, 2005. *Draft Urban Water Management Plan 2005*. September.

[30] East Bay Municipal Utility District, 2008. *Annual Report 2008*.

[31] The following rates were used to estimate water demand: 100 gpd per resident; 156 gpd per 1,000 square feet of retail/commercial.

[32] East Bay Municipal Utility District, 2005. *Draft Urban Water Management Plan 2005. Appendix E. EBMUD Policies and Rates.* September.

Use of recycled water within the project site would reduce the amount of potable water demand estimated above.

In addition, EBMUD has requested that the City of Albany include incorporation of water conservation measures in the conditions of approval for the proposed project, including compliance with the Model Water Efficient Landscape Ordinance developed through Assembly Bill 325. The project applicant will meet with the City of Albany and EBMUD staff to discuss water conservation strategies for the proposed project and will apply its water conservation standards to efficiently manage water supply. The proposed project would have a less-than-significant impact on existing water supplies.

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

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

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

> Mitigation Measure UTIL-2: The project applicant shall replace and/or rehabilitate existing sewer pipes within the project site to decrease groundwater infiltration.

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

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

[35] Leptien, Randy, 2009. Contract City Engineer, personal communication with LSA Associates, Inc. June 25.

The estimated increase in wastewater generation does not account for any decrease in wastewater that would result from the installation of improved sewer pipes. With the implementation of Mitigation Measure UTIL-2, including the installation of new pipes decreasing infiltration, there would be adequate capacity with the sewer system to accommodate additional wastewater generated by the project. Therefore, the impact of the project would be reduced to a less-than-significant level.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ***(Less-than-Significant Impact)***

The California Integrated Waste Management Board (CIWMB) provides estimated waste generation rates for food stores, commercial retail, and retirement home development.[36] The CIWMB estimates waste generation of 0.0108 tons of waste per square foot per year for food stores, 0.0024 tons of waste per square foot per year for commercial retail, and 5 pounds per person per day for retirement homes.[37] Based on these rates, the proposed project would generate approximately 880 tons of waste per year, or 2.7 tons of waste per day.

Solid waste generated at the project site would be collected by Alameda County Waste Management and transported to the Potrero Hills Landfill. The landfill handles construction, demolition, and mixed municipal waste. The landfill comprises approximately 320 acres, with 190 acres for waste disposal, and as of 2008, has a permitted capacity of 21,500,000 cubic yards.

The landfill has a permitted throughput of 4,330 tons per day[38] and is operating at approximately 62 percent (13,300,000 cubic yards) of the permitted capacity.[39] Based on current disposal rates, the current landfill is expected to have remaining capacity through 2011. The landfill operator is currently applying for the necessary permits for expansion of the landfill. Approval of Phase II of the landfill expansion would increase the site to 580 acres and enhance fill capacity to approximately 83,000,000 cubic yards, which would add approximately 35 years to the landfill's remaining site life. If Phase II is not approved, the Potrero Hills Landfill is set to close in January 2012.[40] The County of Solano is in the process of evaluating the proposed landfill expansion and potential alternatives for waste disposal. In 2003, an environmental impact report was prepared to assess the impacts of the Phase II landfill expansion project, and a Recirculated Revised Final EIR was made available for review in February 2009.

The proposed project would generate less than 1 percent of the permitted daily throughput at the Potrero Hills Landfill. The amount of operational solid waste generated by the proposed project

[36] Retirement home solid waste generation rates were used as a conservative estimate of project-related waste generation for the senior housing facility, as this rate is higher than apartment or multi-family residential development rates.

[37] California Integrated Waste Management Board, 2009. Estimated Solid Waste Generation Rates for Commercial Establishments. www.ciwmb.ca.gov/WasteChar/WasteGenRates/Commercial.htm. California Integrated Waste Management Board, 2009. Estimated Solid Waste Generation Rates for Institutions. Available at http://www.ciwmb.ca.gov/wastechar/wastegenrates/Institution.htm.

[38] Permitted throughput is the maximum permitted amount of waste a landfill can handle and dispose of in one day. This figure is established in the current solid waste facilities permit issued by the Integrated Waste Management Board.

[39] California Integrated Waste Management Board, 2008. Facility/Site Summary Details, Potrero Hills Landfill. Website: http://www.ciwmb.ca.gov. April.

[40] Ibid.

would not exceed the capacity of have a significant impact on the Potrero Hills Landfill. In addition, the proposed project would be consistent with City of Albany's Municipal Code and General Plan policies related to solid waste. Therefore, the project would result in less-than-significant solid waste impacts.

g) *Comply with federal, State, and local statutes and regulations related to solid waste?* ***(Less-than-Significant Impact)***

The proposed project would be required to comply with federal, State, and local waste reduction and recycling regulations, particularly those contained in the California Integrated Waste Management Act (AB 939) and Chapter XV Sewers and Sanitation of the City of Albany Code, which includes Section 15-2 Solid Waste, Recyclables, and Organic Materials Management. The increase in solid waste from implementation of the proposed project could be accommodated by the existing landfill's permitted capacity and would thus constitute a less-than-significant impact. Therefore, the project would not conflict with applicable solid waste regulations.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	■	❒	❒	❒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	■	❒	❒	❒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■	❒	❒	❒

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?* ***(Potentially Significant Impact)***

The proposed project could result in a significant change to biological resources. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)* ***(Potentially Significant Impact)***

The proposed project could have cumulatively considerable environmental impacts. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

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

The proposed project could result in adverse effects on human beings. The potential impact, as well as potential mitigations for this impact, will be described and evaluated in the University Village at San Pablo Avenue Project EIR.

2. REPORT PREPARATION

A. REPORT PREPARERS

LSA Associates, Inc.
2215 Fifth Street
Berkeley, CA 94710

David Clore, AICP, Principal-in-Charge
Amy C. Paulsen, AICP, Project Manager
Dennis Brown, PhD, Associate
Jason Paukovits, Air Quality Specialist
Geoff Danker, Assistant Planner
Patty Linder, Graphics Manager
Jennifer Morris, Word Processor

B. REFERENCES

Albany, City of, 1992. *City of Albany, California General Plan 1990-2010.*

Albany, City of, 1993. *San Pablo Avenue Design Guidelines, (adopted by City Council Resolution No. 93-4),* January 19.

Albany, City of, 2004. *City of Albany Zoning Ordinance.*

Association of Bay Area Governments, 2006. *Projections 2007, Forecasts for the San Francisco Bay Area to the Year 2035.*

Association of Bay Area Governments. http://www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html (website accessed April 1, 2009).

California Department of Conservation. *Alameda County Important Farmland Map 2006,* ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/ala06.pdf, (accessed February 23, 2009).

California Environmental Protection Agency, 2009. Website: http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm. April 14.

California Integrated Waste Management Board, 2008. Facility/Site Summary Details, Potrero Hills Landfill. Website: http://www.ciwmb.ca.gov. April.

California Integrated Waste Management Board, 2008. Solid Waste Information System. Website: www.ciwmb.ca.gov/swis/Search.asp.

California Integrated Waste Management Board, 2009. Estimated Solid Waste Generation Rates for Commercial Establishments. www.ciwmb.ca.gov/WasteChar/WasteGenRates/Commercial.htm. California Integrated Waste Management Board, 2009. Estimated Solid Waste Generation Rates for Institutions. Available at http://www.ciwmb.ca.gov/wastechar/wastegenrates/Institution.htm.

Design, Community & Environment, 1997. *City of Albany San Pablo Avenue Vision Plan,* September.

East Bay Municipal Utility District, 2005. *Draft Urban Water Management Plan 2005*. September.

East Bay Municipal Utility District, 2005. *Draft Urban Water Management Plan 2005. Appendix E. EBMUD Policies and Rates.* September.

East Bay Municipal Utility District, 2008. *Annual Report 2008.*

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

East Bay Municipal Utility District, 2008. Wastewater Treatment. http://www.ebmud.com/wastewater/treatment/. November.

EIP Associates, 1997. *Focused Draft Environmental Impact, Report Draft Master Plan – University Village & Albany/Northwest Properties,* August 29.

ENSR, 2003. University Village Step 3 Housing & College of Natural Resources, 26-Acre Parcel, Albany, California. August 5.

ERS Solutions, Inc., 2007. University of California, Berkeley, California, Gill Tract, Radiological Historical Use Assessment, November, and Greg Yuhas, Radiation Safety Officer, Office of Environment, Health & Safety, 2009. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 16.

Freedman, Tung & Bottomley, 1989. *City of Albany Urban Design Concept Plan,* December.

LSA Associates, Inc, 2003. *Historical Architectural Inventory of the Step 2 and Step 3 Areas of University Village.* November.

LSA Associates, Inc., 2004. *Subsequent Focused EIR for the University Village & Albany/Northwest Berkeley Properties Master Plan Amendments, State Clearinghouse No. 1997072039.* January 30.

State Water Resources Control Board, 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

C. CONTACTS

Curl, Amber, Associate Planner, City of Albany, 2009. Personal communication with LSA, Associates, Inc. April 2.

Ellison, Eric, 2009. Project Manager, Capital Projects, University of California, Berkeley. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 30.

ERS Solutions, Inc., 2007. University of California, Berkeley, California, Gill Tract, Radiological Historical Use Assessment, November, and Greg Yuhas, Radiation Safety Officer, Office of Environment, Health & Safety, 2009. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 16.

Haet, Greg, 2009. Associate Director, Environmental Protection, Office of Environment, Health & Safety, University of California, Berkeley. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 15.

Leptien, Randy, 2009. Contract City Engineer. Personal communication with LSA Associates, Inc. June 25.

McGinn, Marc, 2009. Fire Chief, City of Albany. Personal communication with LSA Associates, Inc. April 9.

McQuiston, Mike, 2009. Chief of Police, City of Albany. Personal communication with LSA Associates, Inc. April 1.

Sanders, James, 2009. Fire Fighter/Paramedic, City of Albany. Personal communication with LSA Associates, Inc. March 30

City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE UNIVERSITY VILLAGE AT SAN PABLO PROJECT

To: State Clearinghouse
Governor's Office of Planning and Research
Alameda County Clerk
Responsible Agencies
Interested Individuals and Organizations

From: Amber Curl, Associate Planner
City of Albany
Community Development Department
1000 San Pablo Avenue
Albany, California 94706

The City of Albany will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the University Village at San Pablo Project (proposed project). The City is requesting comments from responsible agencies regarding the scope and content of the environmental document. The public is also invited to submit comments regarding the scope of the EIR.

Project Location: The approximately 4.2-acre project site consists of 2 lots located to the northwest and southwest of the Monroe Street/San Pablo Avenue intersection in the City of Albany. The project site is located within the University Village development[1] and would include the area bound by San Pablo Avenue, Codornices Creek, 10th Street, and Village Creek. Additionally, the project would include improvements to the roadway segments of Monroe Street, between San Pablo Avenue and Jackson Street, and 10th Street, between Codornices Creek and Village Creek. Figure 1 shows the project location, and Figure 2 shows conceptual plans for the proposed project.

Project Description: The project applicant proposes to develop two lots and make various street improvements within the University Village development. Lot 1 is located to the southwest of the Monroe Street/San Pablo Avenue intersection and is approximately 2.0 acres. An approximately 55,000 square foot Whole Foods Market would be built on this site. A three-story parking structure, located south of the Whole Foods Market, would also be located on this site. Approximately 250 spaces would be provided within the parking structure.

A four-story mixed-use structure would be built on Lot 2, located to the northwest of the Monroe Street/San Pablo Avenue intersection. This structure would include 30,000 square feet of retail space, 175 senior housing units (approximately 35 percent would be assisted living), and 110 parking spaces. Retail uses would be located on the ground floor along Monroe Street and San Pablo Avenue. The residential units would be dispersed throughout all floors of the structure. Approximately 110 underground parking spaces would be incorporated into the project.

Various street improvements would be made to 10th Street and Monroe Street as part of the project. These improvements would include the installation of landscaping, new sidewalks, parking spaces, and bioswales to serve as drainage and water quality features.

---

[1] The larger University Village development was the subject of environmental review in 1997 and again in 2004. The citations for those documents are: EIP Associates, 1997. *Focused Draft Environmental Impact Report, University of California, Berkeley Draft Master Plan – University Village & Albany/Northwest Berkeley Properties, State Clearinghouse No. 97072039.* August 29; and LSA Associates, Inc., 2004. *Subsequent Focused EIR for the University Village & Albany/Northwest Berkeley Properties Master Plan Amendments, State Clearinghouse No. 1997072039.* January 30.

throughout all floors of the structure. Approximately 110 underground parking spaces would be incorporated into the project.

Various street improvements would be made to 10th Street and Monroe Street as part of the project. These improvements would include the installation of landscaping, new sidewalks, parking spaces, and bioswales to serve as drainage and water quality features.

Potential Environmental Effects: It has been determined that an EIR will be necessary to analyze potential environmental impacts associated with the project. Specific areas of analysis will include, but will not be limited to, the following topics: Traffic, Circulation and Parking; Hydrology and Water Quality; Public Services; Cultural Resources; and Climate Change. It is anticipated that all other topics can be addressed within an Initial Study which will be prepared for the project.

Due to time limits mandated by the California Environmental Quality Act (CEQA), responses must be received within the 30 day comment period and no later than April 29, 2008. Public agencies should indicate a contact person in their response to this Notice of Preparation. Responses should be directed to:

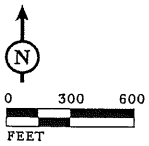
Amber Curl, Associate Planner
City of Albany
Community Development Department
1000 San Pablo Avenue
Albany, California 94706
(510)528-5765
acurl@albanyca.org

A scoping session for the preparation of the EIR will be held at 7:30 p.m. on April 22, 2008 at Albany City Hall Council Chambers, located at 1000 San Pablo Avenue, Albany. The public and public agencies are invited to attend the scoping session to provide comments regarding the scope and content of the EIR.

Signature: Amber Curl Date: 3/28/08
Amber Curl, Department of Community Development

LSA

FIGURE 1

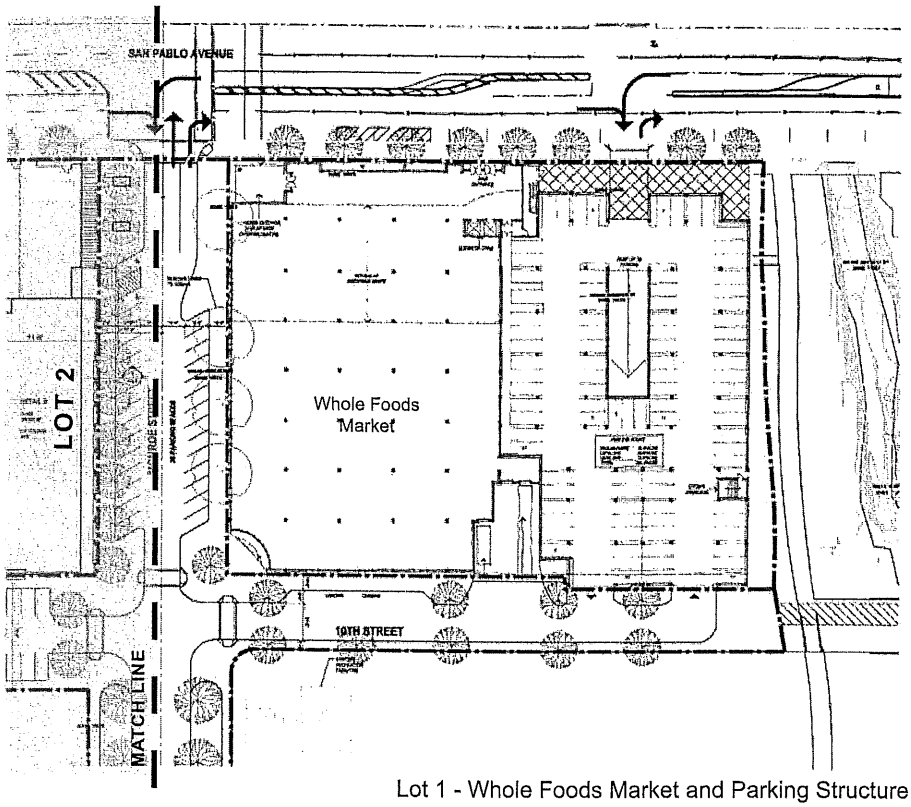


PROJECT SITE

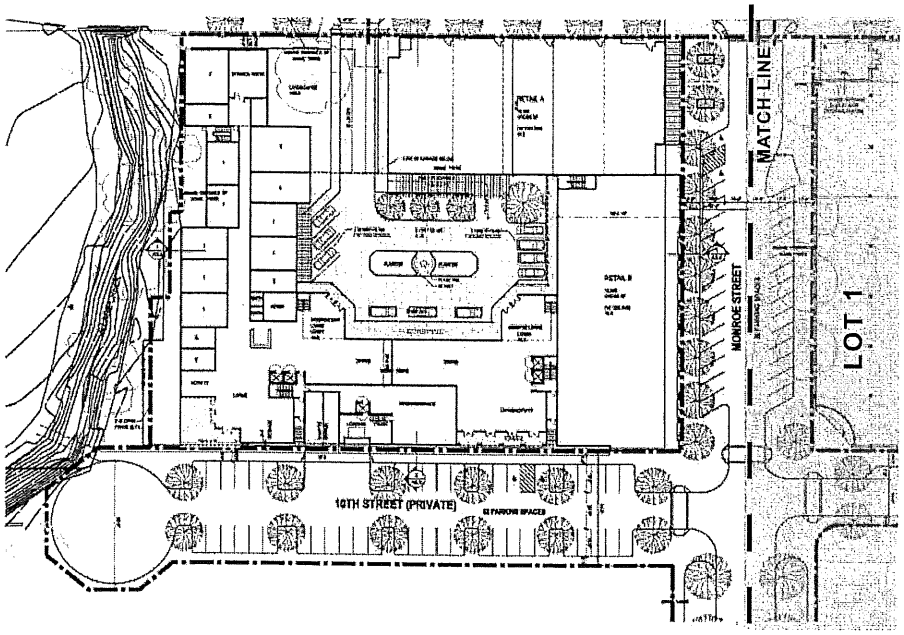
University Village at San Pablo
Project Vicinity and
Regional Location

SOURCE: GOOGLE MAPS, 2008.

I:\ABY0701 Albany Village\figures\Fig_1.ai (3/20/08)



Lot 1 - Whole Foods Market and Parking Structure



Lot 2 - Retail and Residential Structure

LSA

FIGURE 2

University Village at San Pablo
Conceptual Project Plans

SOURCE: PYATOK ARCHITECTS, INC., 2007
I:\ABY0701 Albany Village\figures\Fig_2.ai (3/20/08)

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

AC Transit
Director
Greg Harper

Alameda County
Supervisors
Nate Miley
Scott Haggerty
Chair

City of Alameda
Mayor
Beverly Johnson

City of Albany
Councilmember
Farid Javandel

BART
Director
Thomas Blalock

City of Berkeley
Councilmember
Kriss Worthington

City of Dublin
Mayor
Janet Lockhart

City of Emeryville
Vice-Mayor
Ruth Atkin

City of Fremont
Vice-Mayor
Robert Wieckowski

City of Hayward
Mayor
Michael Sweeney

City of Livermore
Mayor
Marshall Kamena

City of Newark
Councilmember
Luis Freitas

City of Oakland
Councilmember
Larry Reid

City of Piedmont
Councilmember
John Chiang

City of Pleasanton
Mayor
Jennifer Hosterman

City of San Leandro
Councilmember
Joyce R. Starosciak

City of Union City
Mayor
Mark Green
Vice Chair

Executive Director
Dennis R. Fay

April 29, 2008

Ms. Amber Curl
Associate Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706-2295
acurl@albanyca.org

SUBJECT: Comments on an Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the University Village at San Pablo Project in the City of Albany

Dear Ms. Curl:

Thank you for the opportunity to comment on Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the University Village at San Pablo Project in the City of Albany.

The ACCMA respectfully submits the following comments:

- The City of Albany adopted a Resolution in 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of your letter, the proposed project appears to generate at least 100 p.m. peak hour trips over baseline conditions. If this is the case, the CMP Land Use Analysis Program requires the City to conduct a transportation analysis of the project using the Countywide Transportation Demand Model for projection years 2015 and 2030 conditions. Please note the following paragraph as it discusses the responsibility for modeling.

- The CMA Board amended the CMP on March 26th, 1998 so that local jurisdictions are now responsible for conducting the model runs themselves or through a consultant. The Countywide model is available to the local jurisdictions for this purpose. The City of Albany and the ACCMA have signed a Countywide Model Agreement on October 22, 2002. However, before the model can be released to your consultant, a letter must be submitted to the ACCMA requesting use of the model and describing the project. A letter is available upon request.

- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2005 CMP Figures E-2 and E-3 and Figure 2). The transportation analysis should address all potential impacts of the project on the MTS roadway and transit systems. These include I-880, I-580, San Pablo Avenue, Buchanan Street, Marin Avenue, Solano Avenue as well as BART and AC Transit. Potential impacts of the project must be addressed for 2015 and 2030 conditions. Please note that the ACCMA does not have a

policy for determining a threshold of significance. Rather, it is expected that professional judgment will be applied to determine project level impacts.

- The CMA requests that there be a discussion on the proposed funding sources of the transportation mitigation measures identified in the transportation analysis. The CMP establishes a Capital Improvement Program (See 2005 CMP, Chapter 7) that assigns priorities for funding roadway and transit projects throughout Alameda County. The improvements called for in the transportation analysis should be consistent with the CMP CIP. Given the limited resources at the state and federal levels, it would be speculative to assume funding of an improvement unless it is consistent with the project funding priorities established in the Capital Improvement Program (CIP) of the CMP, the federal Transportation Improvement Program (TIP), or the adopted Regional Transportation Plan (RTP). Therefore, we are requesting that the environmental documentation include a financial program for all roadway and transit improvements.

- The adequacy of any project mitigation measures should be discussed. On February 25, 1993 the CMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:

  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

  It would be helpful to indicate in the transportation analysis the adequacy of proposed mitigation measures relative to these criteria. In particular, the analysis should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2005 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The transportation analysis should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.

- The transportation analysis should consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2005 CMP, Chapter 5). The analysis could consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. Street layout and design strategies would foster pedestrian and bicycle connections and transit-friendly site design should also

be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.

- The EIR should consider opportunities to promote countywide bicycle routes identified in the Alameda Countywide Bicycle Plan, which was approved by the ACCMA Board on October 26, 2006. The approved Countywide Bike Plan is available at http://www.accma.ca.gov/pages/HomeBicyclePlan.aspx

- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

Once again, thank you for the opportunity to comment. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,

Diane Stark
Senior Transportation Planner

cc: file: CMP/Environmental Review Opinions - Responses - 2008

EAST BAY
MUNICIPAL UTILITY DISTRICT

April 29, 2008

Amber Curl, Associate Planner
City of Albany
Community Development Department
1000 San Pablo Avenue
Albany, CA 94706

Re: Notice of Preparation of a Draft Environmental Impact Report – University Village at San Pablo Project, Albany

Dear Ms. Curl:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the University Village at San Pablo Project located in the City of Albany. EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The Notice of Preparation indicates the presence of contaminated soils and/or groundwater within the project site boundaries. The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants.

Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified

Recycled Paper

contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

WASTEWATER PLANNING

EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Environmental Services Division. However, the City of Albany's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The developer for this project needs to confirm with the City of Albany Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the EIR. Suggested language to include in the EIR is as follows: "The City of Albany Public Works Department has confirmed that there is available wastewater capacity within Subbasin 11-002."

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin.

WATER RECYCLING

The proposed project is located within the service boundaries of EBMUD's East Bayshore Recycled Water Project. EBMUD's Policy 8.01 requires that customers use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health ant not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. EBMUD recommends that the City of Albany require the project sponsor to coordinate and consult

with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable purposes

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City of Albany include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) of the Landscape Water Conservation Guidelines adopted by the Alameda Board of Supervisors. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the integrated projects. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:NJR:sb
sb08_116.doc

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

CITY OF ALBANY

APR 1 1 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

April 8, 2008

ALA123028
ALA-123-4.22
SCH#2008042004

Ms. Amber Curl
City of Albany
Community Development Department
1000 San Pablo Avenue
Albany, CA 94706

Dear Ms Curl:

University Village at San Pablo – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the University Village at San Pablo project. We reviewed the Notice of Preparation and have the following comments:

The Department is primarily concerned with impacts to the State Highway System. Specifically, a detailed Traffic Impact Analysis (TIA) should identify impacts to State facilities. The TIA should include, but is not limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.

2. Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets and highways, including crossroads and controlling intersections.

3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus project, and 3) cumulative for the intersections in the project area.

4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.

5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.

6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We encourage the City of Albany to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. Please see the Caltrans' *"Guide for the Preparation of Traffic Impact Studies"* at the following website for more information: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf

We look forward to reviewing the TIA, including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Community Planning
The Department encourages you to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connected to these nodes with streets configured to encourage walking and biking, as a means of reducing regional vehicle miles traveled and traffic impacts on the state highways.

In addition, consider developing and applying pedestrian, bicycling and transit performance measures or level of service mitigation measures and modeling pedestrian, bicycle and transit trips that your project will generate so that impacts can be quantified. Mitigation measures resulting from this analysis could improve pedestrian and bicycle access to transit, thereby reducing traffic impacts on state highways. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any mitigation measures for traffic impacts and describe any pedestrian and bicycle mitigation measures that would in turn be needed as a means of maintaining and improving access to transit and reducing traffic impacts on state highways.

Encroachment Permit
Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

Lisa Carboni

LISA CARBONI
District Branch Chief
IGR/CEQA

c: State Clearinghouse

Codornices Creek Watershed Council

Ph: (510) 759-1689
Email: pamboyle@gmail.com
Web: www.codornicescreekwatershed.org

May 6, 2006

TO: Amber Curl, Associate Planner
Community Development Department
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

FROM: Codornices Creek Watershed Council

SUBJECT: Comment submittal to the NOP of a Draft EIR for the University Village at San Pablo Ave. Albany, CA

CITY OF ALBANY
MAY 06 2008
COMMUNITY DEVELOPMENT DEPARTMENT

The Executive Committee of the Codornices Creek Watershed Council (CCWC) would like to submit the following comments to be considered during the EIR review for the University Village San Pablo Project as it pertains to impacts on Codornices Creek, its tributaries, and the surrounding watershed.

The Codornices Creek Watershed Council (CCWC) is a local, volunteer organization made up of stakeholders, creekside landowners and area residents who live and work in the Codornices Creek watershed. The Council was formed in 2005 to improve oversight and management practices and to encourage better use of available resources to ensure restoration of one of the East Bay's most natural and accessible creeks.

In regards to the general framework for the Site Plan as presented by the University and Lalanne Group, we request the state and local environmental review strongly consider the following issues and concerns:

1) **The CCWC Executive Committee asks reviewing agencies, the Cities of Albany and Berkeley, and the University to follow the recommendations for the Codornices Creek corridor and the development of the Codornices regional trail** as specified in 1) the adopted Codornices Creek CEQA document for a mitigated project: "The Codornices Creek Improvements Plan Initial Study/Mitigated Negative Declaration" filed on May 24, 2004; and, 2) the Memorandum of Understanding Between the Cities of Berkeley, Albany and the University of California for the Restoration of Lower Codornices Creek Located Between the Union Pacific Rail Road and San Pablo Avenue (dated August 5, 2004); and 3) the conditions in the already approved state and federal permits that require the protection of the creek, floodplain, and fish habitat for steelhead and other trout.

2) **CCWC strongly believes that the agreements set forth in the 2004 Master Plan should be honored.** The Albany Little League fields have had an historic presence, as well as now serving as play areas for children from University Village. Original agreements accompanying the 2004 Master Plan included a University of California pledge to provide $2 million to the Little League for their relocation from the creek project right of way.

3) **The Executive Committee believes that this proposed development should be carried out within the context of a greater planning unit defined by San Pablo Avenue, Codornices Creek, 9th-10th Streets, Jackson Street, and Buchanan including the portion known as 'Gill Tract.'** Comprehensive planning considering all land uses, stakeholder needs, resource availability,

creek/watershed protection, and the local community's quality of life will lead to the most successful long-term development effort with support and buy-in of all parties involved and future clientele.

4) **The Executive Committee supports a site plan orientation for the proposed Whole Foods Development that encourages public awareness and appreciation of the creek as a natural and public amenity and enhances the visual character for those utilizing the adjacent pedestrian/bicycle path.** Site planning needs to accommodate an appropriate setback and height limitation of any structures along Codornices and Village Creeks and minimize environmental and aesthetic impacts from parking. Berkeley, Albany and U.C. have made commitments to complete this trail through its acceptance of Caltrans and State of California River Parkway funding to achieve a regional trail.

5) **Establish a collaborative site planning and design process** with representatives from the state and local environmental agencies, creek groups, neighborhoods, little league and community members to address the various land use issues that need to be resolved within the UC Village/Gill Tract properties. A community-supported review process will assist the University of California in adopting appropriate site plan changes as they pertain to the 2004 Master Plan and to inform future land use arrangements.

Specific Site Planning Considerations:

The CCWC Executive Committee believes that the existing Codornices Creek Restoration and Flood Damage Reduction Plan needs to be implemented as it is currently detailed in the above specified documents and permits for the following reasons:

1) **In order to assure creek and bank channel stability and the flood control objectives, the current project design corridor width (not setback) specified in the Codornices Creek Restoration project between 9th and 10th streets must be maintained.** To ~~exceed~~ not meet this setback minimum would compromise the functional integrity of the creek restoration and increase the potential of flooding up and downstream of 10th Street. In an effort to address channel and bank stability during high creek flows, the current design and setback minimum was evaluated and supported through hydraulic modeling. In addition, the restoration project corridor width is based on design studies involving the removal of the 10th Street culvert and the installation of a pedestrian/bicycle bridge. The current reach setback is calculated to be at the absolute minimum necessary to accommodate probable backwater conditions known to occur during storm surges created by the 8th Street culvert and the future removal of the hydraulic constriction created by the former 10th Street culvert. Impacting this minimum setback in any way could compromise the hydraulic and functional integrity of creek restoration improvements already in place downstream. Straightening and applying rip rap to the channel between 9th and 10th Street to protect the area from flooding will not be effective when connecting this area with the restoration work already installed in place downstream.

In the past, the University and the Cities of Albany and Berkeley rejected the channelized

restoration work already installed in place downstream.

In the past, the University and the Cities of Albany and Berkeley rejected the channelized concept because the University could not continue to address the annual maintenance needs which required timely removal of vegetation to clear the channel. Leaving the channel in its current condition is not an option because current failing stream banks need to be restored in such a way as to handle culvert backwater and future high water flows. There are prohibitive institutional hurdles to overcome to change this restoration plan, because the currently approved plan is contained in an MOU between the cities and U.C. Berkeley, the existing plan achieved compliance with all federal and state regulatory requirements after great effort and expense, and the environmental review process under CEQA would have to be done over.

2) **With the recent creek and multi use trail improvements currently in place and underway, it critical that the City of Albany and the University recognize Codornices Creek and the pedestrian bikeway corridor as a valuable natural and cultural resource** to the citizens of Albany as well as everyone who resides within this creek's watershed. The CCWC has worked with local elementary schools and teachers to raise awareness about the creek with young students and contributed to programs where students can learn more about the local ecology of nearby creeks and watersheds. Along the creekside pedestrian/bicycle path that has been established between the creek and University village, volunteers are becoming increasingly involved in stream restoration and native planting work days. A Creekside Outdoor Classroom and volunteer planting program is planned as part of the 2009 creek and trail improvements that will further serve nearby schools and visitors utilizing the trail system.

3) **The Executive Committee encourages the Cities and University to highlight the Codornices Creek restoration project as an exciting opportunity to integrate a steelhead trout stream habitat** into their land use planning process. This effort, in addition to the many efforts by the City of Albany, City of Berkeley, the CCWC, other creek groups, and community volunteers, will assure the continuation of fish habitat rehabilitation and migration passage improvement, thereby increasing the chances for the threatened Steelhead species' survival, and increasing public awareness about this relatively rare urban environmental experience in the Bay Area.

4) **Appropriate setbacks for parking or building structures should be planned for both Codornices and Village Creeks.** Site development plans for the Whole Foods grocery store should address the location of parking areas and other structures in such a way so they do not detract nor degrade the natural and aesthetic improvements that are part of the Creek restoration. In addition, changes in traffic circulation should avoid the potential introduction of use conflicts associated with pedestrians utilizing the greenway along Codornices Creek.

5) **All runoff from parking lots, parking garages, rooftops, and other impervious surfaces should be treated by Best Management Practices as required by stormwater permits from the California Regional Water Quality Board, San**

Codornices Creek
Watershed Council

Francisco Bay Region. The developer should consider infiltration-based stormwater management systems. Stormwater runoff from any impervious surfaces should be prevented from discharging into the creek waters, and instead should incorporate storm water treatment measures that protect, filter or divert stormwater runoff away from the creek and surrounding area.

Sincerely,

Pamela Boyle
for the
Codornices Creek Watershed Council

Ph: (510) 759-1689 Email: pamboyle@gmail.com Web: www.codornicescreekwatershed.org

Questions from Members of Urban Roots and Sustainable Albany

University of California, Berkeley (CAL) researchers and professors involved in environmental issues, along with other scientists, academics and environmentalists (and their organizations), across the world have advocated for holistic sustainable planning to reduce global warming and to improve the quality of life for people. In public presentations regarding this project it was stated by CAL that in its reorganization of planned land use they will build more student housing and put ball fields and a Community Center on the Gill tract (land adjoining development). Clearly these changes of use are tied to the decision to do the commercials development being considered in this EIR.

Why in this situation does it make any sense to consider piecemeal commercial development of CAL's land holdings in Albany without considering the rest of CAL's holdings and mission in Albany? Any consideration of this project without the consideration of other CAL holdings will considerably affect probable future projects that are critical to the health and well-being of Albany residents.

Please answer the following additional questions?

Land Use

*What are the potential and real environmental impacts of piecemeal development of the University's land holdings in this case? Does UC research show that piecemeal planning is sustainable?

* Specifically what is the impact to local agricultural resources (i.e. Gill tract)?

* How does this plan effect future conversion of prime farm land to non-agricultural use?

* What alternative forms of development (other than the piecemeal approach being presented) will you explore?

* What amount of carbon sequestration will be lost: 1) as a result of this project 2)and as a result of related changes in Cal's land use in Albany, i.e. ball fields and Village Community Center on Gill Tract?

*How will the carbon sequestering ability of grass, shrubs, and trees that the University has already removed or plans to remove be replaced in Albany?

* What are the soil conditions and what toxins are present from previous land uses both on the commercial project being proposed and on the rest of CAL's holdings in Albany? Would it not make sense to determine this in advance? What would happen if it were discovered that the soil on the Gill Tract contained levels of tritium to the extent that it could not be used for open space? Is this not crucial to thorough, thoughtful, responsible, sustainable development?

Agriculture and Food Supply

* How does this project meet CAL's commitment and responsibility as a Land Grant University to promote local agriculture production? + research.
* How does this project meet the City of Albany's commitment to a green and healthy environment?

* How do you plan to measure agricultural production or its lack there of in this project, both in terms of health of the land and of community members?

* What will be the potential future opportunity costs in terms of growing local food? How will you calculate this loss both in terms of economics (price of food) and in terms of control over the quality of our food as it relates to human health and quality of life?

* What percentage of products being sold at proposed development will be organic and what percentage will be grown locally?

* As food prices rise do to transportation and energy costs how will this project offset that cost? For example: What will it contribute to meeting the needs of lower income people and what will it contribute to local food banks?

* How many pounds of potential local produce will we lose the capacity to produce?

* How will opportunity costs be intensified as transport becomes increasingly cost prohibitive?

* What viable alternatives are you considering that would honor the unemployed and low and middle-income realities of many Albany residents to obtain food and related products for themselves and their families?

* Will you consider having whatever grocery store in the development farm the Gill Tract to reduce the Carbon Footprint of this project?

* Will you consider having CAL grant an agricultural easement to an environmental land trust to mitigate development footprint?

Energy

* What will be the carbon footprint left from the proposed development from energy use in kilowatt hours and therms?

* What are the opportunity costs of building on this land now and what are the ecological future users' costs?

* In light of the large carbon foot print, what alternatives land use will be explored?

* Will the project provide sufficient solar/wind energy generation to meet all the energy need of the development? If not, what percentage of the needs will be met through renewable energies and how?

* What will be the number of pounds of produce and other goods that will be imported if the proposed Whole Foods projects is approved? What will be the estimated number of miles that imported produce will have to travel (from places like Argentina, China and Mexico), and further what will that cost be per mile to import that produce and how much pollution will it create in terms of emissions?

Traffic Pollution

* How many more cars will enter Albany on a daily basis as a result of this project as being proposed? How many of these will be diesel? What effect will this have on air quality?

* If the people in the surrounding community will still drive out of the community for affordability in shopping, and people from outside the immediate community will commute in, there will be a substantial increase in circulation. How many miles will cars travel to get to Albany, and how far will they travel in Albany? Further how many miles will be people from Albany have to travel to get affordable food? And what will be the calculated emissions level based on this combined mileages?

* How many more small delivery trucks and large trailer trucks will enter Albany on a daily basis as a result of this project? How many of these vehicles will be diesel? What is the emission level anticipated from these trucks?

* What is the radius of combustion emissions from traffic generated by this project?

* How will you measure the general health effect of this added traffic? Specifically how will you measure the added effect on already high occurring (among the highest in the state) asthma and cancers related to car and truck emissions?

* How much money will this project generate for medical treatments of Albany residents for the inevitable increases in asthma and cancer cases resulting from diesel trucks and increased high traffic after the completion of this project?

* How will you prevent human sensitive receptors from being effected by pollution from traffic and energy production to bring in non-local products?

Quality of Life

* How much time will the average Albany driver lose to increased traffic on our main arteries such as Marin/ Buchanan and San Pablo, and on and off ramps to Interstate 580 and 80?

*What neighborhood streets can expect to see increased traffic due to residents of Berkeley, El Cerrito, Kensington and other neighboring communities trying to avoid jams on Marin and San Pablo? And how much traffic can be expected?

* How much more traffic noise and road rage can we anticipate as a result of this project, and how will you measure this effect on health and well-being of Albany residents?

* What alternatives forms of transportation both public and private are being considered for this project?

* What is the impact on local residents ' quality of life with the potential loss of local farmers' markets, grocery stores and restaurants through this proposed project?

* What serious alternatives are you exploring to address quality of life issues?

* How will the historical significance of agriculture and the old Gill farm on the Gill tract be maintained?

Environmental Waste Impacts

* What percentage of Albany tax revenues will come from sales of products pre-packaged in plastics?

* How many pounds of plastic will be coming into Albany through the activities of these businesses being proposed for this project, including Whole Foods? How will you measure the environmental and health impact of the ongoing production of and the use of plastic that is part of this project?

* How many tons of construction waste will be generated through this project?

* What alternatives are you proposing for this site?

Water Quality Impacts

* What is the total area of impervious surfaces?

* What impact will drainage run off have to creeks and storm drains?

How will you prevent run-off from roofs and ground including
chemicals? And if you can not eliminate such effects, how will they mitigated?

How will waste treatment be handled and what effect will this have on local systems?

Economic Sustainability

* How many Albany residents will be employed on an ongoing basis on this site, and will they be paid a living wage?

* What is the impact on local area businesses? Will local businesses suffer losses or be forced to close because of this project?

* What alternatives will you generate to address the above issues?

General questions:

* "How and when will alternative project costs for above issues be presented?"
* "How should new ideas and alternatives be submitted for consideration?"
* "Clarify the process for concurrent environmental coordination with federal, state (and local) agencies?"

AB70701
P1

Amy Paulsen

Subject: FW: Whole Foods Development?

-----Original Message-----
From: Puja K. Sarna [mailto:psarna@actransit.org]
Sent: Thursday, June 12, 2008 12:00 PM
To: Amber Curl
Cc: Aleida Andrino-Chavez; Nathan Landau; Cory LaVigne
Subject: RE: Whole Foods Development?

Hello Amber,

Thanks for sending the Whole Food/housing development plans to AC Transit. I receive the electronic version and reviewed them yesterday. The plans are rather conceptual, or at least, not yet detailed enough to include or accommodate bus stops. Also, you mentioned on the phone that a significant revision was requested due to public comment.

We currently have 4 bus stops (2 on San Pablo at Monroe, 2 on Monroe at 10th), 1 layover location (San Pablo at Marin), and several routes that serve the area. Typically, a basic bus stop demands 80-120 feet of dedicated red curb, though this is highly dependent on surrounding circumstances such as parking, placement of stop in relation to signal lights or stop signs, etc. With such rich service around the development, transit will be instrumental in bringing patrons to retail facility, and also providing service for the residents in the housing development to other parts of Albany. Bus stops of the appropriate length should be located relatively close walking distance to entrances of the retail facility. Shelters, benches or canopies would be appropriate as each of these stops will likely see increased activity due to the development.

We would like to continue to review plans as they become available. Nathan Landau and I will be principle reviewers. You can reach Nathan at NLandau@actransit.org or me at psarna@actransit.org.

Thanks,
Puja Sarna
Transportation Planner

From: Amber Curl [mailto:acurl@albanyca.org]
Sent: Tuesday, June 10, 2008 2:43 PM
To: Puja K. Sarna
Cc: Aleida Andrino-Chavez
Subject: RE: Whole Foods Development?

Hi Puja,

A notice of preparation was sent to AC Transit; however, it was generically addressed to "transportation planner" and we did not receive a comment letter. Please let me know if there are is a specific contact person I should direct letters to and if AC Transit has any comments/concerns they'd like to express at this time. Attached is the notice of preparation and site plan that was sent out. Please feel free to contact me if you have any questions or comments, thank you!

Amber Curl
Associate Planner
City of Albany
979 San Pablo Avenue
Albany, CA 94706
(510)528-5765

(510)524-9359 - fax

-----Original Message-----
From: Puja K. Sarna [mailto:psarna@actransit.org]
Sent: Tuesday, June 10, 2008 9:23 AM
To: Aleida Andrino-Chavez
Cc: Amber Curl
Subject: RE: Whole Foods Development?

Thanks Aleida. I did receive an agenda with the project noted (which is why I'm following up). I didn't receive a copy of plans for review, though it very possible someone else may have. If we could receive a copy now, we would like to offer comments and check impacts on the bus stops and routing.

Thanks for your help. Look forward to hearing from Amber.
Puja

From: Aleida Andrino-Chavez [mailto:achavez@albanyca.org]
Sent: Monday, June 09, 2008 6:56 PM
To: Puja K. Sarna
Cc: Amber Curl
Subject: RE: Whole Foods Development?

Hi Puja,
My understanding is that the City sent the documentation to AC Transit. I do not know who in the the Agency the documents were sent to, but I have copied Amber Curl, the City's Planning and Zoning Associate Planner so she can follow up with you.

Thanks,

Aleida Andrino-Chavez
Transportation Planner
City of Albany
979 San Pablo Avenue
Albany, CA 94706
Ph: (510) 528-5759
Fax: (510) 524-9359

-----Original Message-----
From: Puja K. Sarna [mailto:psarna@actransit.org]
Sent: Monday, June 09, 2008 6:15 PM
To: Aleida Andrino-Chavez
Subject: Whole Foods Development?

Hello Aleida,

I was recently informed that the City is considering a proposal for a Whole Foods on San Pablo at Monroe. AC Transit would be interested in reviewing the plans since likely 3 bus stops, 1 bus layover, and 3 routes may be impacted. Can you send me the proposal and let me know when you need to receive comments by?

And, if I should be contacting someone else perhaps in the planning department, please let me know and I will redirect my inquiry.

Thanks,

Puja K. Sarna
Transportation Planner
AC Transit

1600 Franklin Street
Oakland, Ca 94612
Office: (510) 891-4867
Fax: (510) 891-4874

ABY0701 PL

Amy Paulsen

From: Amber Curl [acurl@albanyca.org]
Sent: Wednesday, May 07, 2008 11:41 AM
To: Amy Paulsen
Subject: FW: Comments from CCWC re. UC Village at San Pablo

Attachments: UC Village NOP Comm .doc; ATT2236244.txt

UC Village NOP Comm .doc (45 K... ATT2236244.txt (258 B)

FILE

Hi Amy,

This one came in this evening. I received an email from Wendy Cosin from the City of Berkeley wondering if soils conditions would be reviewed in a two phase process as discussed in the 2004 EIR. Do you know yet if soils will be reviewed in a similar manner for the current project? Thanks!

Amber Curl
Assistant Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706
(510)528-5765
(510)523-9359 - fax

-----Original Message-----
From: Daniel Dole [mailto:dandole@sbcglobal.net]
Sent: Tuesday, May 06, 2008 5:54 PM
To: Amber Curl
Subject: Comments from CCWC re. UC Village at San Pablo

Dear Amber,

Here's the file of the comments from the Codornices Creek Watershed Council, wwwcodornicescreekwatershed.org, re. U.C. Village at San Pablo Ave., Albany, CA development proposed by the University and LaLanne Group. Contact information is on the last page.

The contact person is Pam Boyle (510) 759-1689 <pamboyle@gmail.com> .

Sincerely,

Daniel Dole (510) 524-4728

P.S. If you have trouble opening this file I can try another format.

Amber Curl

From: Al-Hadithy, Nabil [NAlHadithy@ci.berkeley.ca.us]
Sent: Monday, March 01, 2004 4:45 PM
To: vkahn@kmort.com
Cc: Chakos, Arrietta; Maguire, Grace; Homrighausen, Janet; Cosin, Wendy
Subject: RE: Response to UC AlbanyVillage EIR

Hello Vivian. Altho this is entirely in Albany, here are my comments.

The hazardous materials sections as per CEQA are well done. UC has identified the need for Phase I and Phase II studies and they will address hazardous materials in building materials.

It is premature at this point to judge the potential hazmat impacts since we do not have anything more than a Phase I, and I have not seen it. The Phase II, which is scheduled to be done, will be the litmus test. For this reason, I hope UC will not skimp on the number of samples and the chemicals to be sampled.

Concerns:
a. I would propose that UC look at this project as one of a long history of industry (50-100 years) and with a very high degree of uncertainty. I would recommend that a statistically relevant number of surface, and subsurface soils and groundwater samples be taken with as many screening EPA methods as is feasible.

b. A major adverse impact has been entirely ignored in the report. Air quality is known to be bad in this area. It is necessary for UC to look at our study and look at the human health impact of putting babies in a bad air quality area for up to 6 years of their life. If the particulate content in the air is similar as to what we find on our Harrison Park, they would require a more detailed toxicological evaluation. The City of Berkeley has had to put up signs that indicate a health problem to kids with asthma and elderly people with heart problems. If the same PM2.5 exists on the development, the impact to their users will be significantly higher than for soccer kids who only spend a few hours a week in the area.

The City of Berkeley Toxics Division has, over the last 10 years, received many complaints from Albany Village residents about industrial odors and particulates. These are real issues and with the intent to house more students and the general awareness of the harmful impacts of particulates, it would behoove UCB to consider this health aspect.

UCB should review Berkeley's report on the following. They should conduct air quality measurments that are relevant to their site and do the necessary studies. Our study is on the list of Parks page on the City web site.
http://www.ci.berkeley.ca.us/parks/parkspages/harrisonairquality/HarrisonFieldFinalReport.pdf

c. Since the areas next to the creek have been coverted to sports uses, in Berkeley and Albany, it would be necessary to control any hazardous runoff into the creeks with any contractor. This would require the contractor to outline any herbicides, pesticides and fertilizer use on the lawns and find solution so that they do not end up polluting the creek during rains etc.

d. I would list both the Alameda County Dept of Environmental Health in addition to the Regional Water Qualtiy Control Board (Listed incorrectly in Table III-4 as "State Regional ..." as agency that will review the stormwater and groundwater impacts for this development. I would also list the Department of Toxic Substances Control as the lead agency to oversee the soils samples and results. I recommend that UCB enter into a voluntary agreement with DTSC. Otherwise, there is no agency who will oversee the potential health impacts for soils contamination.

-----Original Message-----
From: Homrighausen, Janet

Sent: Thursday, February 26, 2004 5:58 PM
To: Al-Hadithy, Nabil
Cc: 'vkahn@kmort.com'; Chakos, Arrietta; Maguire, Grace
Subject: Response to UC AlbanyVillage EIR

Nabil,
I sent you the section from the Albany Village Subsequent DEIR on toxics and hazards. Since then, it has been clarified that Vivian Kahn is collecting and writing the City'sunified response. Her deadline to receive comments from you is March 10, to finish a letter due to UC by March 17. You can send comments to me to forward to Vivian, or send directly to vkahn@kmort.com.

Janet Homrighausen, AICP
Senior Planner
City of Berkeley Planning Department
Phone: 510-981-7484
e-mail: jhomrighausen@ci.berkeley.ca.us

May 6, 2006

TO: Amber Curl, Associate Planner
Community Development Department
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

FROM: Codornices Creek Watershed Council

SUBJECT: Comment submittal to the NOP of a Draft EIR for the University Village at San Pablo Ave. Albany, CA

The Executive Committee of the Codornices Creek Watershed Council (CCWC) would like to submit the following comments to be considered during the EIR review for the University Village San Pablo Project as it pertains to impacts on Codornices Creek, its tributaries, and the surrounding watershed.

The Codornices Creek Watershed Council (CCWC) is a local, volunteer organization made up of stakeholders, creekside landowners and area residents who live and work in the Codornices Creek watershed. The Council was formed in 2005 to improve oversight and management practices and to encourage better use of available resources to ensure restoration of one of the East Bay's most natural and accessible creeks.

In regards to the general framework for the Site Plan as presented by the University and Lalanne Group, we request the state and local environmental review strongly consider the following issues and concerns:

1) **The CCWC Executive Committee asks reviewing agencies, the Cities of Albany and Berkeley, and the University to follow the recommendations for the Codornices Creek corridor and the development of the Codornices regional trail** as specified in 1) the adopted Codornices Creek CEQA document for a mitigated project: "The Codornices Creek Improvements Plan Initial Study/Mitigated Negative Declaration" filed on May 24, 2004; and, 2) the Memorandum of Understanding Between the Cities of Berkeley, Albany and the University of California for the Restoration of Lower Codornices Creek Located Between the Union Pacific Rail Road and San Pablo Avenue (dated August 5, 2004); and 3) the conditions in the already approved state and federal permits that require the protection of the creek, floodplain, and fish habitat for steelhead and other trout.

2) **CCWC strongly believes that the agreements set forth in the 2004 Master Plan should be honored.** The Albany Little League fields have had an historic presence, as well as now serving as play areas for children from University Village. Original agreements accompanying the 2004 Master Plan included a University of California pledge to provide $2 million to the Little League for their relocation from the creek project right of way.

3) **The Executive Committee believes that this proposed development should be carried out within the context of a greater planning unit defined by San Pablo Avenue, Codornices Creek, 9th - 10th Streets, Jackson Street, and Buchanan including the portion known as 'Gill Tract.'** Comprehensive planning considering all land uses, stakeholder needs, resource availability, creek/watershed protection, and the local community's quality of life will lead to the most successful long-term development effort with support and buy-in of all parties involved and future clientele.

4) **The Executive Committee supports a site plan orientation for the proposed Whole Foods Development that encourages public awareness and appreciation of the creek as a natural and public amenity and enhances the visual character for those utilizing the adjacent pedestrian/bicycle path.** Site planning needs to accommodate an appropriate setback and height limitation of any structures along Codornices and Village Creeks and minimize environmental and aesthetic impacts from parking. Berkeley, Albany and U.C. have made commitments to complete this trail through its acceptance of Caltrans and State of California River Parkway funding to achieve a regional trail.

5) **Establish a collaborative site planning and design process** with representatives from the state and local environmental agencies, creek groups, neighborhoods, little league and community members to address the various land use issues that need to be resolved within the UC Village/Gill Tract properties. A community-supported review process will assist the University of California in adopting appropriate site plan changes as they pertain to the 2004 Master Plan and to inform future land use arrangements.

Specific Site Planning Considerations:

The CCWC Executive Committee believes that the existing Codornices Creek Restoration and Flood Damage Reduction Plan needs to be implemented as it is currently detailed in the above specified documents and permits for the following reasons:

1) **In order to assure creek and bank channel stability and the flood control objectives, the current project design corridor width (not setback) specified in the Codornices Creek Restoration project between 9th and 10th streets must be maintained.** To not meet this setback minimum would compromise the functional integrity of the creek restoration and increase the potential of flooding up and downstream of 10th Street. In an effort to address channel and bank stability during high creek flows, the current design and setback minimum was evaluated and supported through hydraulic modeling. In addition, the restoration project corridor width is based on design studies involving the removal of the 10th Street culvert and the installation of a pedestrian/bicycle bridge. The current reach setback is calculated to be at the absolute minimum necessary to accommodate probable backwater conditions known to occur during storm surges created by the 8th Street culvert and the future removal of the hydraulic constriction created by the former 10th Street culvert. Impacting this minimum setback in any way could compromise the hydraulic and functional integrity of creek restoration improvements already in place downstream. Straightening and applying rip rap to the channel between 9th and 10th Street to protect the area from flooding will not be effective when connecting this area with the restoration work already installed in place downstream.

   In the past, the University and the Cities of Albany and Berkeley rejected the channelized concept because the University could not continue to address the annual maintenance needs which required timely removal of vegetation to clear the channel. Leaving the channel in its current condition is not an option because current failing stream banks need to be restored in such a way as to handle culvert backwater and future high water flows. There are prohibitive institutional hurdles to overcome to change this restoration plan, because the currently approved plan is contained in an MOU between the cities and U.C. Berkeley, the existing plan achieved compliance with all federal and state regulatory requirements after great effort and expense, and the environmental review process under CEQA would have to be done over.

2) **With the recent creek and multi use trail improvements currently in place and underway, it critical that the City of Albany and the University recognize Codornices Creek and the pedestrian bikeway corridor as a valuable natural and cultural resource** to the citizens of Albany as well as everyone who resides within this creek's watershed. The CCWC has worked with local elementary schools and teachers to raise awareness about the creek with young students and contributed to programs where students can learn more about the local ecology of nearby creeks and watersheds. Along the creekside pedestrian/bicycle path that has been established between the creek and University village, volunteers are becoming increasingly involved in stream restoration and native planting work days. A Creekside Outdoor Classroom and volunteer planting program is planned as part of the 2009 creek and trail improvements that will further serve nearby schools and visitors utilizing the trail system.

3) **The Executive Committee encourages the Cities and University to highlight the Codornices Creek restoration project as an exciting opportunity to integrate a steelhead trout stream habitat** into their land use planning process. This effort, in addition to the many efforts by the City of Albany, City of Berkeley, the CCWC, other creek groups, and community volunteers, will assure the continuation of fish habitat rehabilitation and migration passage improvement, thereby increasing the chances for the threatened Steelhead species' survival, and increasing public awareness about this relatively rare urban environmental experience in the Bay Area.

4) **Appropriate setbacks for parking or building structures should be planned for both Codornices and Village Creeks.** Site development plans for the Whole Foods grocery store should address the location of parking areas and other structures in such a way so they do not detract nor degrade the natural and aesthetic improvements that are part of the Creek restoration. In addition, changes in traffic circulation should avoid the potential introduction of use conflicts associated with pedestrians utilizing the greenway along Codornices Creek.

5) **All runoff from parking lots, parking garages, rooftops, and other impervious surfaces should be treated by Best Management Practices as required by stormwater permits from the California Regional Water Quality Board, San Francisco Bay Region.** The developer should consider infiltration-based stormwater management systems. Stormwater runoff from any impervious surfaces should be prevented from discharging into the creek waters, and instead should incorporate storm water treatment measures that protect, filter or divert stormwater runoff away from the creek and surrounding area.

Sincerely,

Pamela Boyle
for the
Codornices Creek Watershed Council

pamboyle@gmail.com

www.codorniceswatershedcouncil.org

Amy Paulsen

From: Amber Curl [acurl@albanyca.org]
Sent: Tuesday, May 06, 2008 5:18 PM
To: Amy Paulsen
Cc: Jeff Bond
Subject: Sorry, one more letter....

Wendy: here are the issues that are of concern to Transportation.
Perhpas the most interesting comment is that since the Phase III projects do not serve any educational purpose they are being processed through the regular planning review process. This means that City should be able to be in a better position to require mitigations if required.

1. Project trips almost certainly will be larger than trips anticipated for the same area in the University Village Master Plan.

2. Since phases 1 and 2 are essentially complete and occupied, new counts should be done for major intersections analyzed and trips should then be added to existing trips by new development. This process would eliminate any errors in trip generation or trip distribution for estimates in the Master Plan EIR for the first two phases.

3. Intersections in Berkeley to be studied should include at a minimum: Gilman/San Pablo, 8th/San Pablo, and 6th/San Pablo. Because of the large grocery store contemplated, a Saturday afternoon analysis would be desirable in addition to weekday AM peak and weekday PM peak. The Gilman/San Pablo intersection according to West Berkeley Circulation Plan existing conditions has largest delays on the weekend.

4. It is likely that there will be some cut-through traffic from 6th/8th on Gilman to the Whole Foods parking lot in order to bypass two left turns at signals. This bypass traffic is difficult to estimate and we might want to specify that traffic volumes on these two streets by monitored six months after the project is completely occupied.

5. The plans indicate that at 10th Street, a bicycle path will be created but vehicle traffic across the Berkeley-Albany boundary will not be allowed. Due to the proximity of the boundary to Whole Foods and the fact that parking may be inadquate, it is possible that 10th Street could experience some parking overflow. Once again, difficult to estimate, but City might in this case also insist on some monitoring during periods of peak demand.

Perhaps you want to combine my comments with others into a single response during the scoping process. Let me know how you want to proceed.

Peter B. Eakland, T.E.
Associate Traffic Engineer
City of Berkeley Office of Transportation
1947 Center Street
Berkeley CA 94704
Voice: 510-981-6445
FAX: 510-981-7060
email: peakland@ci.berkeley.ca.us

Amber Curl
Assistant Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706
(510)528-5765
(510)523-9359 - fax

To: the Planning Commission
Cc: the City Council
the Traffic and Safety Commission
the Parks and Recreation Commission
the Waterfront Committee
From: Albany Strollers and Rollers
Re: Proposed Whole Foods mixed-use development at University Village
Date: April 16, 2008

To the Planning Commission:

Albany Strollers and Rollers is a group of Albany residents including parents and seniors that advocates for pedestrian and bicycle safety and access for people of all ages and abilities. We believe the development of the eastern edge of University Village along San Pablo Ave. presents some once-in-a-lifetime opportunities to improve pedestrian and bicycle connectivity and safety throughout Albany.

Therefore, we believe the following basic principles should guide any development in University Village.

University Village is an integral part of the Albany community and pedestrian and bicycle access within the Village and between the Village and the rest of the city should reflect and enhance that existing character. The layout of streets in University Village—in particular, of gateway streets including Monroe St. and Jackson St.-- is key to east-west and north-south pedestrian and bicycle safety and connectivity throughout Albany.

The proposed development will impact vehicular, pedestrian, and bicycle traffic among key resources including residential neighborhoods in the Village and in other parts of Albany and North Berkeley; the Eastshore State Park and Bay Trail; the Codornices Creek trail; ballfields including Catalfo Field, Fielding Field, and the new Gilman Fields; Albany's three elementary schools, middle school, and high school; and preschool, after-school, and summer youth programs in the Village. University Village is the hub through which many trips must pass. Many children and parents use Monroe St. and the crossing at San Pablo Ave. as a bicycle and pedestrian route to get to Marin School, the ballfields, and Albany Children's Center.

We agree with the historical goal of University planners of limiting automobile traffic within the Village, and we also believe that encouraging safe pedestrian and bicycle passage through the Village to adjacent neighborhoods and parks should be a goal of any plan. Therefore, for the sake both of Village residents and of all members of the community, any development at University Village should

- Improve pedestrian and bicycle safety and connectivity in both east-west and north-south directions, both within the Village and in relation to nearby neighborhoods, parks, bikeways, trails, and schools.

- Improve the dangerous crossing across San Pablo Ave. at Dartmouth Ave. and provide for connections between the Codornices Creek Trail and the Ohlone Greenway. This may require reconfiguring parts of the Village street grid, particularly the disconnect between Dartmouth Ave. and the Village.

- Avoid conflicts between vehicles and non-motorized means of transport.

- Improve the pedestrian environment along San Pablo Ave. through enhanced urban design and a continuous, activated streetscape along all external edges of the Village, including Buchanan St.

- Improve visibility, safety, and pedestrian and bicycle access to and along the creeks, consistent with good creek management.

- Recognize the desirability of a future pedestrian bridge from the Village west toward the Bay Trail and Eastshore State Park, and include safe pedestrian and bicycle crossings at the edges of the Village, and legible routes within the Village, to facilitate and make legible this future connection.

- Mitigate any negative traffic impacts by improving and expanding existing pedestrian and bicycle infrastructure including crossings, routes and signage, particularly at gateway locations at the edges of the Village.

- Establish east-west and north-south bicycle routes within Village that connect to routes outside the Village.

- Enhance and not impede bus and other transit routes and pedestrian access to those routes.

Therefore the EIR should:

- Map and quantify impacts of various alternative development scenarios on vehicle trips among destinations including residential areas east and west of San Pablo Ave. and facilities including all six public schools in Albany, day care, after-school programs, ballfields, creeks, parks, the Bay Trail, and Target, particularly trips that currently pass through Monroe St. and Jackson St.

- Map and quantify impacts of various alternative development scenarios on pedestrian and bicycle trips and accident rates among these same destinations.

- Map and quantify the impact on current, planned, and proposed pedestrian infrastructure including planned bicycle-pedestrian improvements to Buchanan Ave.

- Analyze and quantify the impact on pedestrian perceptions of safety of a parking structure located on San Pablo Ave. and along Codornices Creek, and of buildings with their backs facing Village Creek

- Include in its scope the impacts on informal and formal pedestrian and bicycle routes from the waterfront to the eastern edge of Albany, as the proposed development will have impacts on vehicle trips and pedestrian safety to locations including Marin Elementary school, near the eastern edge of Albany, and to the Eastshore State Park and Gilman ballfields.

- Map and analyze the impact of the proposed development on the feasibility of future pedestrian and bicycle connections to the Eastshore State Park and Bay Trail, including a pedestrian bridge between University Village and routes to the Bay Trail, which has been publicly discussed for a number of years.

- The EIR should also consider the plan's impact on the implementation of the city's existing San Pablo Ave. Vision Plan, the Bicycle Master Plan, the Parks and Recreation Master Plan, and the Pedestrian Master Plan (in progress).

Thank you for your consideration.

Sincerely,

Susan Moffat
For Albany Strollers and Rollers

Friends of Five Creeks

Preserving and restoring watersheds of North Berkeley, Albany, Kensington, south El Cerrito and Richmond

1236 Oxford St.,
Berkeley, CA 94709
510 848 9358
f5creeks@aol.com

April 29, 2008

Planning and Zoning Commission
City of Albany
1249 Marin Avenue
Albany, CA
Sent via email to: acurl@albanyca.org

Dear Commissioners and Planning staff,

Thank you for the opportunity to provide recommendations for the scoping of the upcoming environmental review process for the University of California property on San Pablo Avenue between Codornices and Village Creeks that is planned to be developed into a Whole Foods Market, along with other retail and senior-citizen assisted-living housing.

As a volunteer citizens group that has worked for 11 years to improve creeks and watersheds of Albany, we feel that this development concept does not quite capture other exciting opportunities that would benefit the environment, the developers, users of the future complex, and the City of Albany as a whole. Our group's mission makes Village and Codornices Creeks, as a component of the site's landscape and environment, our top priority. Due to this mission, we suggest four items to be included in the scoping document

First, both creeks should be considered as an important component of the landscape, and therefore, the impacts associated with blocking access to the creeks for residents and visitors of the new development, as well as the wider community should be included in the scope. Siting a parking garage next to Codornices Creek or building right up to the banks of Village Creek without providing walking space does not achieve the vision of accessible creeks that we have worked for many years to achieve. In addition to physical access to creeks by the public via a walkway or other open spaces, we would also like to see views of the creeks considered. We hope that these resources will be considered as assets to the site and therefore, receive appropriate amount of attention in the plans.

Second, the scoping documents should consider alternative transportation to and from the development, including long-term provisions for bicycle travel both from University Village and to and from the market and other retail shops. This would relieve traffic and parking congestion, and would be in line with Albany's and Whole Foods' commitment to the environment and reducing greenhouse gas emissions (Albany's Climate Action Program).

Third, the scoping documents should consider the increased runoff, impacts to the creeks, and treatment options for stormwater and other urban runoff from the site. The use of low-impact design techniques is an easy answer– not just a single swale, but also amenities like flow-through planters, green roofs, and permeable surfaces could achieve a lot of protection for the creeks' water quality. (This suggestion is also in line with the city's policies, particularly Ordinance #06-016, which commits the city to implementing Bay-Friendly landscaping designs and green building guidelines compatible with LEED into properties within the city.)

Fourth, the scoping documents should include the impacts of fertilizers and pesticides used on surrounding fields and any proposed landscaping for the new development. The cumulative effect of these chemicals could be more than the creeks, and their endangered steelhead populations can handle. It would be ideal to consider a clause in the lease for the development that would commit any tenant, Whole Foods or otherwise, to commit to more sustainable landscaping (only use native plants, minimal irrigation, incorporate runoff treatment into landscaping) and pest control (such as IPM) techniques for the long-term.

We look forward to participating in the review process and would be happy to arrange a tour of some of our restoration sites where our volunteers have successfully replaced invasive plants with natives, to beautify and restore creeks in Berkeley, Albany and El Cerrito.

Sincerely,

Susan Schwartz, President
Kat Ridolfi, Board member
Friends of Five Creeks

Amber Curl

From: Heather Mothershead Zunguze [zunguze@juno.com]
Sent: Monday, May 05, 2008 8:29 PM
To: Amber Curl
Subject: Public comments to the Albany Planning and Zoning Commission re: UC's Village development plans

To Whom it May Concern:

The following are some issues to consider in the re-development of land in my neighborhood in the UC Village:

1. My neighbors, my family, and I are concerned about parking problems and traffic congestion that a large grocery store like Whole Foods could bring to our neighborhood, which already has parking difficulties as is.
2. Although the idea of having a source of produce and groceries within walking distance is very attractive, we find an expensive store like Whole Foods inaccessible to the budgets of student families as well as seniors on fixed incomes. We are only half joking when we say that we'll need some kind of food-stamp-like voucher for Village Residents in order to afford to shop at Whole Foods.
3. We are interested in maintaining as much open space as possible, especially as a common-use area between student families and senior citizens. We hope that the design will promote a sense of inter-generational community. We are also against having a large parking structure in our neighborhood.

We hope that you will sincerely consider our input when making these plans.

Sincerely,

Heather Zunguze

Looking for a romantic getaway? Click now for amazing cruise deals.

http://thirdpartyoffers.juno.com/TGL2111/fc/Ioyw6iifleUMSH4d6CXKBAFG0oWYQ7HuUz5gWAYNrhcmI0X7NkPi4y/?count=1234567890

Amber Curl

From: Amy Grossman [amyalexis@gmail.com]
Sent: Monday, May 05, 2008 1:45 PM
To: Amber Curl
Subject: UC's plans to redevelop portions of the Section A

Dear Planning and Zoning Commission,
I am concerned about both the traffic issue for the village and noise with the proposed project for UC's plans to redevelop Section A. Village residents must already contend with train traffic to the West. Added traffic, congestion and noise to the immediate East would exacerbate this for residents. More importantly what make sthe village special is it is safe for children. To this end I underscore the importance of the VRA's comments:

There should be a detailed study of the traffic patterns in the Village and the impacts that the development will have on traffic flow along Monroe, Jackson, and Eighth Street.
The plans should include improved pedestrian and bicycle paths off of Monroe and across San Pablo to make it easier and safer for residents bike to campus. Ideally, paths through the Village could help link the Ohlone Greenway to the Bay Trail, providing an asset to the community at large.

Whole Foods geenrates an enormous amount of traffic and I agree with the proposed idea put for by VRA to have underground parking lot.

Amy A. Grossman, MPH
1110 Jackson St. #928
Albany, CA 94706
cell: 510.301.9503

Amber Curl

From: Jeff Bond
Sent: Tuesday, May 06, 2008 1:39 PM
To: Amber Curl
Subject: FW: San Pablo Avenue UC project EIR scoping comment

Please forward to LSA. Any other comments from Berkeley, Caltrans, etc.?

JB

Jeff Bond
Planning & Building Manager
City of Albany
1000 San Pablo Avenue
Albany, CA 94618
510-528-5769

For your information, our offices will be closed Friday May 2nd and Monday May 5th so that we can move our offices to 979 San Pablo Avenue (across the street from City Hall). Please be patient with us during this transition period as our project files, computer servers, and voicemail systems may be temporarily unavailable.

-----Original Message-----
From: Eileen Harrington
Sent: Tuesday, May 06, 2008 1:37 PM
To: Jeff Bond; Aleida Andrino-Chavez; Nicole Almaguer; Beth Pollard; Councilmember Farid Javandel (E-mail); Councilmember Joanne Wile (E-mail); Councilmember Marge Atkinson (E-mail); Councilmember Okawachi; Councilmember Robert Lieber (E-mail)
Cc: Ann Chaney
Subject: FW: San Pablo Avenue UC project EIR scoping comment

Being forwarded as follows:

Jeff Bond for Dept. Planning & CD; P & Z
Aleida Chavez for T&S
Nicole for Sustainability
Beth
Council Members
Ann Chaney: CD

If it is for the committee/commission you staff, please forward accordingly.

Thanks,
Eileen

-----Original Message-----
From: Preston Jordan [mailto:pdjordan@lbl.gov]
Sent: Tuesday, May 06, 2008 1:21 PM
To: City General Email Box

Subject: San Pablo Avenue UC project EIR scoping comment

Hello-

Please distribute to the following list. Thank you.

To:

Albany Dept. of Planning and Community Development
Albany Planning and Zoning Commission
Albany Traffic and Safety Commission
Albany Sustainability Committee
Albany City Administrator
Albany City Councilors

Dear Planning Staff, Commissioners, Committee members, City Administrator and City Councilors-

I realize this comment is coming late, but at the last Traffic and Safety Commission meeting it was announced that the comment deadline for scoping of the proposed San Pablo Avenue UC project had been extended to May 6th. Thank you for the extended opportunity to comment on the scoping for the proposed mixed-use project along San Pablo Avenue at University Village.

I support all the comments you have previously received from Albany Strollers and Rollers and Friends of Five Creeks. Besides lending such support, the purpose of this letter is to relay that many of their comments are supported by Albany's Bicycle Master Plan.

Specifically, the plan specifies a bicyclist route on Dartmouth connecting across San Pablo to a bicyclist path along Codornices Creek. This is obviously directly germane to the proposed project. The initial project plans would not only have not implemented this link, they would have severed the link across San Pablo by installing a new left turn lane. I hope the project will be redesigned to include this link, but in any event, the transportation analysis in the project EIR should specifically include Albany's stated plans for a non-motorized transportation link at this location.

A bit further away, but still within the area of influence with regard to traffic analysis, the Albany Bicycle Master Plan specifies bike lanes on Jackson Street through University Village. This is one component of an extensive north-south route ultimately connecting Richmond, El Cerrito, Albany, Berkeley, Emeryville and Oakland that is not only recognized in the Albany Bicycle Master Plan, but also in the bicycle transportation plans for Alameda County, Contra Costa County, the City of El Cerrito, and the City of Berkeley at least (it may be reflected in Emeryville's and Oakland's plans as well). Again, ideally the project would actually incorporate installation of these bike lanes, but at a minimum the transportation analysis in the project EIR should specifically consider project impacts to this proposed bikeway in Albany Village and beyond.

Thank you for your consideration.

Preston Jordan

Date: April 22, 2008
From: Ed Fields

Scoping Session for University Village Project

Traffic

A new traffic study needs to be done to take into account the 4 1/2 years since the previous study and the changed project. The intersection of San Pablo Avenue and Solano Avenue must be included as a studied intersection; this intersection was not analyzed for the 2004 LSA report. Traffic counts must be taken when Albany public schools are in session and during the instructional part of the UC Fall or Spring semesters. Traffic counts should also be taken on weekends. Some traffic counts done in 2003 for the 2004 report, were done during the months of August and December. The current project includes a larger retail component than the one studied for the 2004 report. That report states "...retail uses have higher daily trip generation than residential land uses." The proposed Whole Foods store is not a neighborhood grocery as was proposed in the previous EIR; rather it will attract customers in their cars from a much wider region. It will not be a "pedestrian friendly" addition to San Pablo Avenue. San Pablo Avenue traffic congestion cannot tolerate repeated "significant and unavoidable impacts" which occur even after mitigation efforts.

Project Alternatives To Be Considered

Consider a smaller scale grocery/health food store similar in scale to El Cerrito Natural Grocery Company or the Berkeley Natural Grocery Company to serve the UC Village student and senior residents and nearby community. A 10,000 square foot store with 30 to 40 parking spaces would do quite well. It would not add much to the traffic congestion on San Pablo Avenue, other local streets, or the freeway interchanges.

15126.6 An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.

Amber Curl

From: dsnppn28 [dsnppn28@earthlink.net]
Sent: Wednesday, April 23, 2008 3:24 PM
To: Amber Curl
Cc: Lamont, Juliette; Boyle, Pamela; Mary Pearsall; Judith, Elyce
Subject: University Village project, NOP

Dear Ms Curl:
I was unable to attend the meeting on April 22 to participate in the scoping session for the University Village Project, however I have attended two previous meetings on this subject. At the first meeting several months ago, University representatives and members of the design team presented drawings that were intended to be schematic and conceptual only for comments and recommendations from the local community. Many comments were made, and the University design team offered to consider what had been suggested from a broad range of points of view expressed: urban design, traffic impacts, retail uses along San Pablo and along the Creek corridors, recreational impacts, pedestrian access and safety, and many others were raised for clarification.

At the second meeting on April 14th, no plans were provided, and Kevin Hufferd, UC Project Manager, was unable to attend nor was anyone from the design team present. It was an unproductive meeting for those of us who are concerned about environmental consequences of the proposed development, and who were prepared for a continuation of the dialog with UC at this early stage of schematic/preliminary design.

It appears, from site plans available on the City's website, that comments provided by the community in 2007 have been largely ignored, and that significant environmental amenities relating to the two creek corridors are simply being overlooked. Traffic circulation and pedestrian issues are not improved from the previous conceptual level presentation.

My question is whether another opportunity to provide input and to see the current status of schematic designs will be scheduled prior to the preparation of the DEIR. Once the plan becomes more specific, as you know, fundamental and critical massing and allocation decisions will be very difficult to adjust toward a better outcome for all.
I would appreciate either a call, at 510-524-7259, or a reply at my email address, dsnppn28@earthlink.net.
Many thanks.
David Snippen

Amber Curl

From: Amy Grossman [amyalexis@gmail.com]
Sent: Monday, May 05, 2008 1:45 PM
To: Amber Curl
Subject: UC's plans to redevelop portions of the Section A

Dear Planning and Zoning Commission,
I am concerned about both the traffic issue for the village and noise with the proposed project for UC's plans to redevelop Section A. Village residents must already contend with train traffic to the West. Added traffic, congestion and noise to the immediate East would exacerbate this for residents. More importantly what make sthe village special is it is safe for children. To this end I underscore the importance of the VRA's comments:

There should be a detailed study of the traffic patterns in the Village and the impacts that the development will have on traffic flow along Monroe, Jackson, and Eighth Street.
The plans should include improved pedestrian and bicycle paths off of Monroe and across San Pablo to make it easier and safer for residents bike to campus. Ideally, paths through the Village could help link the Ohlone Greenway to the Bay Trail, providing an asset to the community at large.

Whole Foods geenrates an enormous amount of traffic and I agree with the proposed idea put for by VRA to have underground parking lot.

Amy A. Grossman, MPH
1110 Jackson St. #928
Albany, CA 94706
cell: 510.301.9503

Co-op Grocery store model like Oakland Based PEOPLE'S GROCERY vs Whole Foods

Won't Albany's revenue from a non locally owned food business be mostly from the plastic contained food?

Will Whole Foods use large factory farms for organic and meat produce?

Won't a local grocery store use small local (100 miles) organic produce and meats?

Who made the decision to lease Whole Foods here in Albany?

How does University of California at Berkeley's sustainable director, Lisa McNeilly come down in her writings about the carbon footprint difference between a large non-local grocery store and a local organically owned grocery store?

Doesn't research show world wide evidence that local ownership is a fundamental building block toward long term prosperity of communities?

Will Albany's social, environmental and economic benefits build a sustainable future with a locally owned co-op like the People's Grocery model or a large out of town Texas owned Whole Foods?

Wouldn't a local food owner build sustenance for future posterity, greater economic stability, as well as outperform a non-local food selling business and provide immeasurable value to the local farmers, workers, community members and consumers for many Albany generations to come?

Please change the words on the "Recreation and Open Space" to Gill Tract as it has been known in our community for over 50 years.

Submitted by: Jackie Hermes-Fletcher 4/22/08