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RESOLUTION NO. 2013-22

**A RESOLUTION OF THE ALBANY CITY COUNCIL MODIFYING
MITIGATION MEASURE GCC-1 AND THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE UNIVERSITY
VILLAGE MIXED USE DEVELOPMENT AND ADOPTING AN EIR
ADDENDUM**

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

WHEREAS, the City, acting as lead agency, prepared a draft and final Environmental Impact Report (“EIR”) in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq.; and

WHEREAS, the City, in Resolution #2011-51 certified that the EIR was completed in compliance with the requirements of CEQA and reflected the Council’s independent judgment and analysis; and

WHEREAS, the City, in Resolution #2011-51 made certain findings in accordance with Public Resources Code section 21081 and section 15091 of the CEQA Guidelines regarding the Project’s impacts on the environment; and

WHEREAS, the City, in Resolution #2011-51 adopted a Statement of Overriding Considerations for the Project, pursuant to Public Resources Code section 21081, subdivision (b); and

1
2 **WHEREAS**, the City, in Resolution #2011-51 adopted a Mitigation
3 Monitoring and Reporting Program (“MMRP”) for the Project, attached to
4 Resolution #2011-51 as Exhibit A, pursuant to Public Resources Code section
5 21081.6 and CEQA Guidelines section 15097; and
6

7 **WHEREAS**, following the City’s certification of the EIR and approval of
8 the Project, Petitioners Albany Strollers & Rollers and Responsible Government
9 Action DBA Carbon Neutral Albany (collectively, “Petitioners”) sued the City
10 (Alameda County Superior Court Case No. RG12644244), and named the
11 University as a real party-in-interest, alleging that the City failed to comply with
12 CEQA in certifying the EIR and approving the Project; and
13

14 **WHEREAS**, Petitioners and the University entered into settlement
15 negotiations and, as a result of those negotiations, the University agreed to
16 propose, and has proposed, that the City consider adopting certain amendments to
17 previously-adopted Mitigation Measure GCC-1 as part of a settlement agreement
18 between Petitioners, the University, and the City; and
19

20 **WHEREAS**, the City conducted environmental analysis of the proposed
21 changes to Mitigation Measure GCC-1 in an Addendum to the EIR; and
22

23 **WHEREAS**, on April 26, 2013, the City posted a public notice for the
24 public hearing scheduled for May 6, 2013; and
25

26 **WHEREAS**, the City Council for the City of Albany held a public hearing
27 on May 6, 2013 to consider the proposed amendments to Mitigation Measure
28 GCC-1 and the Addendum.
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NOW THEREFORE, BE IT RESOLVED that the City Council hereby amends Mitigation Measure GCC-1, and makes corresponding changes to the Mitigation Monitoring and Reporting Program adopted in Resolution #2011-51, and attached thereto as Exhibit A, as follows:

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

Construction and Building Materials

- To the extent feasible, use locally produced and/or manufactured building materials for construction of the project;
- Recycle/reuse demolished construction material in accordance with or exceeding the City of Albany’s ordinance regarding construction and demolition debris recycling (Ordinance #06-017); and
- Use “Green Building Materials,” such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials.

Energy Efficiency Measures

- Design all project buildings to exceed California Building Code’s Title 24 energy standard, including, but not limited to any combination of the following:
 - Increase insulation such that heat transfer and thermal bridging is minimized;

- 1 ○ Limit air leakage through the structure or within the heating and cooling
- 2 distribution system to minimize energy consumption;
- 3 ○ Design, construct and operate all newly constructed and renovated
- 4 buildings, including grocery store, commercial retail, and mixed-use
- 5 residential buildings, pursuant to the City of Albany Green Building
- 6 Standards.
- 7 ~~• To the extent feasible, install solar panels as appropriate to minimize~~
- 8 ~~demand for traditional energy usage, including electricity and natural~~
- 9 ~~gas usage, water heating and/or space heating/cooling;~~
- 10 • Provide a landscape and development plan for the project that takes
- 11 advantage of shade, prevailing winds, and landscaping;
- 12 • Install efficient lighting and lighting control systems. Use daylight as an
- 13 integral part of lighting systems in buildings;
- 14 • Install light colored “cool” roofs and cool pavements;
- 15 • Install energy efficient heating and cooling systems, appliances and
- 16 equipment, and control systems; and
- 17 • Install solar or light emitting diodes (LEDs) for outdoor lighting.
- 18

19 **On-Site Renewable Energy**

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

- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate:
 - Create water-efficient landscapes within the development, requiring drought tolerant landscaping;
 - Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
 - Install pipes for recycled water use for nondomestic purposes, including landscape irrigation, commercial process use, and toilet/urinal flushing in nonresidential buildings, when it becomes available at adequate quality and quantity and available at reasonable cost;
 - Collect surface runoff on site for irrigation purposes;
 - Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and
 - Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.

Transportation and Motor Vehicle Measures

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

- 1
- 2 • Provide sidewalks and/or paths, connected to adjacent land uses, transit
 - 3 stops, and/or community-wide network.

4 **BE IT FURTHER RESOLVED**, that the City Council of the City of
5 Albany has been presented with, has reviewed, and has considered the Addendum
6 to the EIR with the EIR and the record for the Project, and hereby makes the
7 following findings:
8

9 1. The City Council finds that the Addendum, attached hereto as
10 Exhibit 1, is the appropriate CEQA document for review of the changes to
11 Mitigation Measure GCC-1.
12


13 2. As set forth in the Addendum, the changes to Mitigation Measure GCC-1
14 are not substantial and will not cause any new significant impacts, or substantially
15 more severe impact, than those evaluated in the EIR, such that a subsequent or
16 supplemental EIR or negative declaration would be required pursuant to CEQA
17 Guidelines sections 15162 and 15163.
18

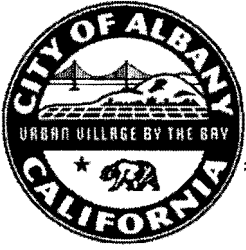
19 3. None of the other conditions described in Section 15162 of the CEQA
20 Guidelines calling for the preparation of a subsequent EIR or negative declaration
21 have occurred.
22

23 4. The City Council hereby adopts the conclusions and analysis of the
24 Addendum prepared for the proposed changes to Mitigation Measure GCC-1 and
25 the MMRP.
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5. The MMRP as modified shall be a condition of the approval for the Project, and included as a condition of approval for any future subdivision and design review actions.


MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2013-22

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 6th day of May, 2013, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th
Day of May, 2013.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK