

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: June 22, 2011
Prepared by: JB

ITEM/ **6a**

SUBJECT: **1030-1130 San Pablo Avenue (University Village). Planning Application #07-100. Rezoning and Planned Unit Development.** The applicant seeks approval to construct a new 55,000 sq ft grocery store at the north side of Monroe and a mixed-use retail space and senior living project on the south side of Monroe. This study session is a review of the project with an emphasis on the Environmental Impact Report. Final action on the Environmental Impact Report will be taken by the City Council at a public hearing, future date to be determined.

APPLICANT/

OWNER: **University of California**

ZONING: **SPC (San Pablo Commercial) & R-2 (Residential)**

STAFF RECOMMENDATION

Provide feedback and direction to staff, consultants, and the applicant. Continue discussion of project to regular meeting of June 28, 2011.

BACKGROUND/PROJECT DESCRIPTION

The approximately 6.3-acre project site consists of two lots located to the northwest and southwest of the Monroe Street/San Pablo Avenue intersection. The applicant would like to construct grocery store of a size up to 55,000 square feet on the north side of Monroe and a mixed-use development at the south end of the lot, which includes approximately 30,000 square foot of retail space and approximately 175 independent/assisted living senior housing units (see Attachment 1 CEQA project description).

Because the uses are not related to the educational function of the University, city land use policies apply to the proposed project. The properties currently have two zonings, San Pablo Commercial for the first 100' along the eastern side of San Pablo Avenue and Medium Density Residential for the rest of the property. A rezone to San Pablo Commercial for the entire area would be required to consider a project with commercial uses. A planned unit development is requested to allow an increase in height and allow exceptions to zoning district open space, parking, and loading standards.

The Planning and Zoning commission has had numerous discussions on the project over the past several years. The most recent discussion was on May 24, 2011. At that meeting, a number of comments were raised by members of the public and the Commission. Staff is working with the applicant to address as many of those comments as possible and revisions are being made to the conditions of approval for the Planned Unit Development. Staff also recognizes that issues raised with the Little League fields and the Codornices Creek restoration project are important to the community and to the future of University Village.

PROJECT REVIEW PROCESS

Ultimately, consideration of the proposed project will involve a series of Commission and City Council actions, including, in anticipated sequence:

1. Certification of CEQA Final Environmental Impact Report (EIR) (by City Council)
2. Rezoning (by City Council ordinance)
3. Planned Unit Development (by Planning and Zoning Commission)
4. Subdivision (by City Council)
5. Design Review (by Planning and Zoning Commission)
6. Parking Exceptions (by Planning and Zoning Commission)
7. Conditional Use Permits (by Planning and Zoning Commission)
8. Affordable Housing Agreement (by City Council)

As soon as possible, the applicant is requesting action on the first three items; CEQA EIR certification, rezoning, and PUD. Once these policy level decisions are made, the applicant could then enter into agreements with developers, who would presumably apply for the remaining approvals.

For the June 22 meeting, staff recommends the Commission open the public hearing and invite public testimony on the project, with particular emphasis on the environmental impact report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is required to be reviewed for environmental effects under the California Environmental Quality Act (CEQA). The basic purpose of CEQA is to inform decision makers and the public about the potential environmental effects of proposed projects. Because of the complexity of CEQA Guidelines and the need for various technical studies, the City relies on outside consultants to prepare the CEQA analysis. In this case, the consulting firm of LSA Associates prepared the analysis. Staff from LSA will be available to summarize the analysis and respond to questions.

The CEQA analysis alone is not intended to reach conclusions about whether or not a project should be approved. In addition, the CEQA analysis is not intended to be inclusive of all land use planning and policy issues that might be associated with a project. For issues that are beyond the scope of a CEQA review, conditions of approval on projects approvals such as design review, subdivision approval, etc. are more appropriate and effective mechanisms.

There are two parts to CEQA regulations: the “Statute”, which are the laws approved by the Legislature and Governor; and the “Guidelines,” which provides detailed direction on the implementation of the statute. The scope of the analysis and the environmental issues examined are based on the Guidelines. In particular, the structure of a CEQA analysis is derived from the “Initial Study Checklist,” which is a list of questions contained in the guidelines and available as Appendix A of the Draft EIR. The CEQA Guidelines were most recently amended in 2009. Because this environmental review was already underway, the previous Guidelines are utilized as the basis for the analysis. (The applicable CEQA Guidelines are available on-line at <http://www.albanyca.org/index.aspx?page=521>.)

The EIR contains technical studies to support answers to Guideline questions and to determine the extent of environmental impacts, mitigation measures (which are means of treating and lowering the environmental effects to a level that is “below significant”), and alternatives for the project. If mitigation measures cannot reduce the impacts to a level “below significant”, then a “statement of overriding conditions” must be made by the City Council. A statement of overriding conditions also is required when there are mitigations that are not fully in the control of the lead agency. In this case, for example, the implementation of transportation mitigations within the City of Berkeley or with Caltrans, are beyond the City of Albany’s control.

ENVIRONMENTAL IMPACT REPORT

An environmental impact report is prepared and published in two steps. The first step is preparation of the Draft EIR. The draft is made available for at least 45 days, and interested parties are encouraged to submit written comments or provide testimony at a public hearing. In this case, the draft EIR was made available on July 2, 2009 and the Commission held a public hearing on July 27, 2009 to receive comments on the draft EIR.

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

Ultimately, the City Council is responsible for certifying the EIR as adequate. The Commission’s role will be to make recommendation to the City Council on the adequacy of the CEQA review. For June 22 meeting, the Commission’s feedback on the responses to comments previously received would be very helpful. Thus, this meeting also will be an opportunity to discuss with the consultant any additional information that would be helpful before making a recommendation. Formal notice of the Council’s public hearing to take action on the EIR will be published when the date of the hearing is determined.

Taken together, the Draft and Final EIR documents include a substantial amount of information. Staff would recommend readers start with Section II of the Draft EIR, which provides a summary of the CEQA analysis, including a summary table of significant impacts and associated mitigation measures. In addition, Section IV of the Final EIR provides text changes to the Draft in response to the comments received on the draft.

FURTHER ANALYSIS AND SCHEDULE

Staff anticipates that one or more additional Commission meetings will be required in order to reach a conclusion about recommendations to the City Council. The Commission can continue its discussion to the regular meeting of June 28.