

VI. CEQA-REQUIRED ASSESSMENT CONCLUSIONS

As required by the California Environmental Quality Act (CEQA), this chapter discusses the following types of impacts that could result from implementation of the University Village at San Pablo Avenue project: effects found not to be significant; growth-inducing impacts; unavoidable significant environmental impacts; significant irreversible changes; and cumulative impacts.

A. EFFECTS FOUND NOT TO BE SIGNIFICANT

Meetings among representatives of the City of Albany Planning Department and LSA Associates, Inc. were held to preliminarily determine the scope of University Village at San Pablo Avenue Project EIR. In addition to these meetings, a Notice of Preparation (NOP) was circulated on March 31, 2008, and a scoping hearing was held on April 22, 2008 to solicit comments from the public and agencies about the scope of this EIR. Written comments received on the NOP (included in Appendix A of this document) were considered in the preparation of the final scope for this document and evaluation of the proposed project.

The environmental topics analyzed in Chapter IV, Setting, Impacts, and Mitigation Measures, represent those topics which generated the greatest potential controversy and expectation of adverse impacts. The topics found to be less than significant and not analyzed in the EIR are summarized below and in the Initial Study, included in Appendix A.

The following eleven topics were considered but not addressed in detail in this EIR because it was determined that the project would not cause significant impacts related to these topics: aesthetics; agricultural resources; cultural resources; geology and soils; hazards and hazardous materials; land use and planning; mineral resources; population and housing; public services; recreation; and utilities. These topics were evaluated in the Initial Study and are described below.

a. Aesthetics. 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. Implementation of the proposed project would 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. Additionally, the general design of the proposed project would be compatible with many of the site design guidelines of the San Pablo Avenue Design Guidelines, 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. Please see the Initial Study/Environmental Checklist in Appendix A for a discussion of Aesthetics. Additionally, visual simulations of the proposed project are included in the Initial Study/Environmental Checklist. Impacts to visual resources would be less than significant and are not further analyzed in this EIR.

b. Agricultural Resources. The project site is not designated by the Farmland Mapping and Monitoring Program as prime farmland, unique farmland, or farmland of statewide importance. The project site currently consists of vacant parcels and vacant buildings/greenhouses that were once used for agricultural research. 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. Farmland areas of the Gill Tract have been in use for campus research and are not considered prime farmland. Decisions by the University of California as to future use of the Gill Tract would not be affected by implementation of the proposed project. Impacts to agricultural resources would be less than significant and are not further analyzed in this EIR.

c. Cultural Resources. As part of the 2004 Subsequent Focused EIR¹ for the Master Plan Amendments, LSA prepared a cultural resources analysis² for Steps 2 and Step 3 of University Village (this project site is located in Step 3 of University Village). As was noted in the 2004 Subsequent Focused EIR, the 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. 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 Gill House and the Experiment Station facilities and development of the cultivated fields. 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. Even with implementation of the identified mitigation measures, the potential impact to cultural resources would be considered significant and unavoidable.

The demolition of the existing structures on the site is 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 the environmental impact on these potential cultural resources.

There are no other known historical resources identified within the project site. Should unknown resources be discovered during construction (including archaeological resources, paleontological resources or human remains) Mitigation Measures CULT-1, CULT-2 or CULT-3 (described in the Initial Study/Environmental Checklist included in Appendix A) would reduce these impacts to a less-than-significant level. Please see the Initial Study/Environmental Checklist in Appendix A for a discussion of Cultural Resources. With implementation of the identified mitigation measures, impacts to cultural resources would be less than significant and are not further analyzed in this EIR.

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.

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

d. Geology and Soils. The project site is not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone. However, there are a number of faults identified within the greater San Francisco Bay area, and ground shaking hazard is a potentially significant impact. Based on factors such as proximity to faults and soil characteristics, the project site has been rated as being moderately susceptible to liquefaction hazards. Additionally, the project site could contain expansive soils and is located adjacent to creeks that could experience bank slumping.

While there is the potential for strong seismic shaking, liquefaction, and expansive soils hazards on the project site, implementation of Mitigation Measures GEO-1 and GEO-2 (described in the Initial Study/Environmental Checklist included in Appendix A) would reduce these impacts to a less-than-significant level. Please see the Initial Study/Environmental Checklist in Appendix A for a discussion of Geology and Soils. With implementation of the identified mitigation measures, impacts to geology and soils would be less than significant and are not further analyzed in this EIR.

e. Hazards and Hazardous Materials. While 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. 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.

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.³ 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.⁴ 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, Mitigation Measure HAZ-1 (described in the Initial Study/Environmental Checklist included in Appendix A) would reduce this impact to a less-than-significant level.

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. 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. The University and the CDPH are currently in the process of removing the center from the University's

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

⁴ Eric Ellison, Project Manager, Capital Projects, University of California, Berkeley, 2009. Personal communication with Dennis Brown, Ph.D., LSA Associates, April 30.

license and decommissioning the site. 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, Mitigation Measure HAZ-2 (described in the Initial Study/Environmental Checklist included in Appendix A) would reduce this impact to a less-than-significant level. Please see the Initial Study/Environmental Checklist in Appendix A for a discussion of Hazards and Hazardous Materials. With implementation of the identified mitigation measures, hazard impacts would be less than significant and are not further analyzed in this EIR.

f. Land Use and Planning. The proposed project site is surrounded by an established, built-up urban area. While 10th Street would be extended to the north, general circulation patterns within the area would not significantly change. The proposed project is compatible with the existing General Plan designation, and the project applicant is requesting to change the zoning of the entire site to SPC. Currently, a portion of the project site is zoned SPC; the rezone would extend this zoning designation to the entire project site. Additionally, the applicant is requesting a Planned Unit Development approval to allow for an increase in height as well a parking exception to reduce the required parking spaces. Land use and planning impacts would be less than significant and are not further analyzed in this EIR.

g. Mineral Resources. The Albany General Plan does not identify mineral resources within the City and no known mineral resources are located within the project site. Impacts on mineral resources would be less than significant and are not further analyzed in this EIR.

h. Population and Housing. The proposed project would result in the construction of 100 senior housing units and 75 assisted living units. Assuming an occupancy rate of 1.33 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 17,300.⁵ The residential population associated with the proposed project would be approximately 1.3 percent of the estimated 2010 population. The proposed project would not result in a significant population growth impact. Additionally, there are currently no housing units on the project site, and implementation of the proposed project would not result in the removal of housing. While the Gill House is located on the project site, its most recent uses have included office use, not residential use. Population and housing impacts would be less than significant and are not further analyzed in this EIR.

i. Public Services. While the project would marginally increase demand for public services, it would not require the construction of new facilities to meet this increase in demand. Fire protection and emergency services are provided to the project site by the Albany Fire Department and police protection services are provided by the Albany Police Department. The project would marginally increase the demand for fire and police services; however the project would be located within 0.5 miles of the Fire and Police Stations and is within an urban area already served by fire and police services.

⁵ Association of Bay Area Governments, 2006. *Projections 2007, Forecasts for the San Francisco Bay Area to the Year 2035.*

As the residential component of the project would be senior housing, it is assumed that no school age children would be generated by the proposed project. The proposed project would not require the construction of new recreation facilities. Impacts to public services would be less than significant and are not further analyzed in this EIR.

j. Recreation. 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. Impacts to recreation facilities would be less than significant and are not further analyzed in this EIR.

k. Utilities. The proposed project is located within an existing urban area with utility service. Implementation of the project would not exceed the Regional Water Quality Control Board's treatment standards, and the construction of new water or wastewater treatment facilities would not be required to provide service to the project site. According to EBMUD, the Main Wastewater Treatment Plan is anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from the project. Mitigation Measure UTIL-1 would ensure there is adequate fire flow to serve the proposed project. Mitigation Measure UTIL-2 would prevent an increase in inflow and infiltration into the sewer pipes, thereby decreasing wet weather infiltration from groundwater. There is capacity at the Potrero Hills Landfill to accommodate the proposed project, and the project would comply with regulations related to solid waste. Impacts to utilities would be less than significant and are not further analyzed in this EIR.

B. GROWTH-INDUCING IMPACTS

This section summarizes the project's growth-inducing impacts on the surrounding community. According to CEQA, a project is typically considered growth-inducing if it would foster economic or population growth. Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped.

The proposed project would include the development of 175 senior housing units, and would generate a senior population of approximately 233 people. The Association of Bay Area Governments (ABAG) estimates the Albany 2005 population was 16,800 residents and that the 2010 population will be 17,300.⁶ The residential population associated with the proposed project would be approximately 1.3 percent of the estimated 2010 population. As such, the proposed project would not be considered to induce substantial growth.

Additionally, the project site would represent infill development within an existing urbanized area and would not require the extension of utilities or roads into undeveloped areas or directly or indirectly lead to the development of greenfield sites. Therefore, the growth that would occur as a result of the proposed project would not be considered substantial or adverse.

⁶ Association of Bay Area Governments, 2006. *Projections 2007, Forecasts for the San Francisco Bay Area to the Year 2035*.

C. UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS

The following describes the unavoidable significant environmental impacts associated with the proposed project.

Implementation of the proposed project would result in significant and unavoidable impacts to the following intersections:

- Marin Avenue/San Pablo Avenue intersection*
- Gilman Street/I-80 Westbound Ramps intersection
- Gilman Street/I-80 Eastbound Ramps intersection
- Gilman Street/Eastshore Highway intersection
- Gilman Street/San Pablo Avenue intersection
- Gilman Street/Hopkins Street intersection*

The proposed project would also contribute to significant and unavoidable impacts at the following intersections:

- Solano Avenue/San Pablo Avenue intersection under Cumulative (2035) Plus Project conditions
- Buchanan Street/Eastshore Highway intersection under Cumulative (2035) Plus Project conditions*
- Harrison Street/San Pablo Avenue intersection under Cumulative (2035) Plus Project conditions*

Completion of the proposed project would significantly affect operations on the segments of the CMP roadway network:

- Northbound San Pablo Avenue between Gilman Street and Marin Avenue during the PM peak hour under Near Term (2015) Plus Project Conditions.
- Northbound San Pablo Avenue between Gilman Street and Solano Avenue during the PM peak hour under Cumulative (2035) Plus Project Conditions.
- Southbound San Pablo Avenue between Marin Avenue and Gilman Street during the PM peak hour under Cumulative (2035) Plus Project Conditions.

** Indicates intersections where an identified mitigation measures would reduce the potential impact to a less-than-significant level, but the City of Albany does not have jurisdiction over the intersection and therefore the impact is considered significant and unavoidable.*

D. SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such

current consumption is justified.⁷ The *CEQA Guidelines* describe three distinct categories of significant irreversible changes: 1) changes in land use that would commit future generations; 2) irreversible changes from environmental actions; and 3) consumption of non-renewable resources.

1. Changes in Land Use Which Commit Future Generations

The project site has a history of being developed. Prior to demolition in 2007, approximately 14 housing structures, in addition to the Gill Tract structures, were located on the project site. This proposed project would redevelop an urban site. The proposed project would include retail use, which would be a new type of use on the project site. However, there would be nothing to preclude the location of some other type of urban use on the project site in the future.

2. Irreversible Damage from Environmental Accidents

No significant environmental damage, such as accidental spills or explosion of a hazardous material, is anticipated with implementation of the proposed project. The use of hazardous materials (beyond standard construction supplies, household waste, or materials sold in consumer sized containers) is not proposed.

3. Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. The project site is located within Albany, an urban community, and there are no agricultural land uses within the project site. As the site has not been used for mineral extraction, loss of access to any minerals that historically occurred on-site would not occur. The project would require additional electricity and natural gas. However, the scale of such consumption for the proposed project would be typical for the type of development proposed and would not be considered excessive or significant. Additionally, locating the development proposed by the project within an urban area served by transit would likely allow for reduced energy consumption associated with transportation.

E. CUMULATIVE IMPACTS

CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited, but cumulatively significant. These impacts can result from the proposed projects alone or together with other projects.

1. Methodology

When evaluating cumulative impacts, CEQA allows the use of either a list of past, present, or reasonably anticipated relevant projects, including projects outside the control of the lead agency, or a summary of the projections in an adopted planning document, such as a General Plan.

⁷ *CEQA Guidelines*, 2007. §15126.2(c).

For the cumulative traffic analysis, the impacts of the proposed project under Near-Term (Year 2015) and Cumulative (Year 2035) conditions on intersection operations were assessed using the latest Alameda County Congestion Management Agency (ACCMA) Countywide Travel Demand Model (Countywide Model) released in February 2009. Land use, employment, and population projections in the model are based on Association of Bay Area Governments (ABAG) *Projections 2007*. Traffic model outputs were then used to assess the potential cumulative air quality, global climate change, and noise impacts.

To assess the potential cumulative impacts for biological resources and hydrology and water quality, a list of past, present and reasonably anticipated projects was used. The list focuses on projects near the project site or projects likely to affect the watershed, and is included in Table VI.1. Projects in the City of Albany and the City of Berkeley are included in the list.

Table VI-1: Cumulative Projects

Project	Description	Status
City of Albany		
City Hall, 1000 San Pablo Avenue	Building Renovation/Remodeling	Under construction
Safeway, 1500 Solano Avenue	Building Renovation	In planning process
St. Mary's College High School, 1600 Posen Avenue	Construction, Renovations, and Expansion of parking facilities	In planning process
University Village & Albany/Northwest Berkeley Properties Master Plan	Step 2: residential units and community facilities Step 3: residential units, community facilities, sports fields	Step 2: completed Step 3: identified in Master Plan; no construction date identified
Lower Codornices Creek Improvement Plan	Creek restoration, bicycle/pedestrian trail development	Implementation ongoing
City of Berkeley		
Berkeley Unified School District Bus Yard, 1325 Sixth Street	Construction of a bus yard	Under construction
1201 San Pablo Ave	Mixed use project	Approved

Source: City of Albany, City of Berkeley, 2009.

Note: While the City of Albany is currently undergoing a visioning process for the waterfront area, this project is not included in the cumulative projects list as details regarding development of this area would be speculative at this point in time.

2. Cumulative Effects of the Proposed Project

The following analysis examines the cumulative effects of the proposed project for each of the topics that are analyzed in Chapter IV of the EIR.

a. Transportation, Circulation and Parking. Please refer to Section IV.A, Transportation, Circulation and Parking for a discussion of the cumulative effects on transportation. As described there, the proposed project would contribute to adverse and unavoidable cumulative impacts at several local intersections.

b. Air Quality. Please refer to Section IV.B, Air Quality, for a more detailed discussion of the cumulative effects on air quality. As is described in air quality section, there are no significant cumulative air quality impacts.

c. Global Climate Change. Cumulative impacts are the collective impacts of one or more past, present, or future projects, that when combined, result in adverse changes to the environment. Climate change is a global environmental problem in which: (a) any given development project contributes only a small portion of any net increase in greenhouse gases (GHGs) and (b) global growth is continuing to contribute large amounts of GHGs across the globe. Therefore, Section IV.C, Global Climate Change addressed climate change as a cumulative impact. As described in this section, with implementation of the elements and strategies listed in Mitigation Measure GCC-1 and application of all regulatory requirements, the project's contribution to cumulative GHG emissions would be reduced to a less-than-significant level. In addition, the project would not conflict with or impede implementation of reduction goals identified in AB 32, the Governor's Executive Order S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor.

d. Noise. Please refer to Section IV.D, Noise, for a discussion of the cumulative effects on noise. As described in the noise section, increases in noise levels associated with traffic under the cumulative conditions would not be significant and unavoidable. Construction-period activities would be subject to standard noise-reduction measures and would not adversely impact sensitive receptors.

e. Biological Resources. This project, in addition to other projects in the vicinity, could contribute to short-term significant cumulative impacts on the creek if the proper measures are not implemented during construction. Water quality could be adversely affected, as well as special status species including steelhead and various types of birds. However, implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-2, BIO-3, and BIO-4 during construction would mitigate the project's contribution to cumulative impacts on the creek. Future development at University Village, anticipated under the Master Plan, would be required to implement mitigation measures and BMPs identified in the Master Plan and the 2004 Subsequent Focused EIR.

f. Hydrology and Water Quality. The geographic area considered for the hydrology and water quality cumulative analysis consists of the Codornices Creek watershed. The site of the proposed project, though currently mostly cleared, was previously developed with structures and paved areas. The proposed project would result in new development that may alter local drainage and runoff characteristics in the vicinity; however, such changes would be addressed by the site-specific requirements as cited in this EIR.

The conceptual site plan indicates the use of permeable pavement in parking and drive areas, porous patio pavers, decomposed granite for pedestrian and bicycle pathway paving, and peripheral landscaping strips including trees for most of the site. In addition, ten foot wide stormwater detention swales are proposed along the western edge of each block and lead to a detention swale/basin at the northwest corner of the project site before eventually releasing stormwater to adjacent creeks; the on-site swales, landscaping, and use of porous surfaces will serve to encourage infiltration and minimize the rate at which stormwater leaves the site. The project as proposed, along with implementation of Mitigation Measures HYDRO-1 through HYDRO-5 of this EIR, would ensure that project contributions to downstream flooding and hydrology impacts will not exceed estimated pre-project rates and duration, and will not be cumulatively considerable.

Additionally, the proposed project incrementally increases the urbanization of the City, and would be expected to increase vehicle traffic and related releases of automobile-related pollutants, including petroleum hydrocarbons, metals, and sediment. Required compliance under applicable NPDES permits for the City of Albany will result in project proponents implementing Best Management Practices (BMPs) to treat stormwater runoff, prior to its discharge, to the maximum extent practicable. Stormwater runoff entering the storm sewers and creeks within the project's geographic area discharge to the San Francisco Bay. The stormwater contains urban-type pollutants from past and existing projects in the sewered area, which have contributed to impairment of the quality of the San Francisco Bay. Applicable stormwater regulations have become progressively more rigorous since the adoption of the Federal Clean Water Act in 1977, with the derivative requirements imposed and enforced by the State Water Resources Control Board and Regional Water Boards through the NPDES permitting process. These requirements have resulted in policies and regulations, incrementally strengthened by a series of amendments and adopted Water Board Orders, mandating greater levels of protection to water quality for past and current projects. Future projects, including the proposed project would continue to discharge stormwater during construction and operation of these projects. However, these future projects, replacing existing land uses, would be subject to current and any subsequent NPDES permitting that would be designed to further reduce pollutant loading in the stormwater runoff. Therefore, cumulatively, stormwater runoff quality would be expected to improve.