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RESOLUTION NO. 2014-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ADOPTING THE INITIAL
STUDY-MITIGATED NEGATIVE DECLARATION AND THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE 2007-2014 ALBANY
HOUSING ELEMENT**

WHEREAS, the City of Albany has prepared a Housing Element for the 2007-2014 period in accordance with State Government Code 65580-65589.8; and

WHEREAS, adoption of the 2007-2014 Housing Element constitutes an amendment to the Albany General Plan and is defined as a "project" under the California Environmental Quality Act (CEQA) and is thus subject to environmental review; and

WHEREAS, the City retained the consulting firm The Planning Center/ DC&E to prepare an Initial Study of the proposed 2007-2014 Housing Element and to determine whether a negative declaration or Environmental Impact Report should be prepared; and

WHEREAS, after completion of the Initial Study, on January 31, 2014 the City issued a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2007-2014 Housing Element, published the Notice of Intent in the Contra Costa Times on February 2, 2014, and circulated the Initial Study-Mitigated Negative Declaration (IS-MND) for public review; and considered the proposed IS-MND in making its recommendations to the City Council regarding the 2007-2014 Housing Element; and

WHEREAS, on February 12, 2014, the Albany Planning and Zoning Commission adopted Resolution 2014-01 recommending adoption of the Initial Study-Mitigated

1 Negative Declaration for the 2007-2014 Albany Housing Element by the Albany City
2 Council; and
3

4 WHEREAS, while no written comments have been received on the IS-MND,
5 additional information was received by the City relating to school capacity; and
6

7 WHEREAS, although the IS-MND identified potentially significant adverse
8 environmental effects that could result if the 2007-2014 Housing Element were adopted,
9 all significant adverse environmental effects will be avoided or mitigation by the
10 implementation of the mitigation measures as set forth in the Mitigation
11 Monitoring/Reporting Program prepared for the IS/MND; and
12

13 WHEREAS, the Albany City Council conducted a duly and properly noticed
14 public hearing on March 3, 2014, and fully reviewed and considered the Initial
15 Study/Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program
16 attached as Exhibit A to this resolution, and the recommendation of the Planning
17 Commission with respect to the Initial Study/Mitigated Negative Declaration.
18

19 **NOW THEREFORE, BE IT RESOLVED THAT THE ALBANY CITY**
20 **COUNCIL MAKES THE FOLLOWING FINDINGS:**
21

22 A. The facts and information contained in the above Recitals are true and correct
23 and are incorporated herein by this reference.
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25 B. The City Council has considered the Initial Study/Mitigated Negative Declaration
26 together with any comments received during the public review process.
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C. The Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis. The City Council hereby adopts the Initial Study/Mitigated Negative Declaration, with the clarifying revision attached as Exhibit B to this resolution, finding, on the basis of the whole record before it, including the Initial Study, any comments received, and the Mitigation Monitoring and Reporting Program, that there is no substantial evidence that the 2007-2014 Housing Element will have a significant effect on the environment.

D. All potentially significant adverse environmental effects will be avoided or mitigated by the implementation of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit A. The City Council hereby adopts the Mitigation Monitoring and Reporting Program.

E. The location and custodian of the documents that constitute the record of proceedings on which the City's action is based are: City of Albany Community Development Department, 1000 San Pablo Avenue, Albany, CA 94706.

F. The adoption of the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program shall be effective immediately upon adoption of this Resolution.

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NOW THEREFORE BE IT RESOLVED, that the City Council hereby adopts the Mitigated Negative Declaration for the 2007-2014 Albany Housing Element and the Mitigation Monitoring and Reporting Program contained as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3rd day of March 2014 by the following vote:

AYES- *Council members: Atkinson, Barnes, Maas, Vice Mayor Wile, + Mayor Thomsen*


NOES- *none*

ABSENT- *none*

ABSTENTION- *none*


MAYOR

ATTEST:


Nicole Almaguer, City Clerk

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EXHIBIT A:
MITIGATION MONITORING AND REPORTING PROGRAM (attached)



TABLE 10 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementing Party	Monitoring Party	Monitoring Frequency/Timing
Air Quality			
AIR-1			
Applicants for future development project shall require the project contractor to implement the following BAAQMD Basic Control Measures:			
<ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Apply water twice daily or as often as necessary, to control dust, or apply (non-toxic) soil stabilizers on, or pave all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the Project site, or as often as needed to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) ▪ Limit vehicle traffic speeds on unpaved roads to 15 mph. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways. 	Project Applicant	City of Albany Planning & Building Department	Prior to issuance of building permit

TABLE 10 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementing Party	Monitoring Party	Monitoring Frequency/Timing
<p>AIR-2 Project applicants proposing residential development, including emergency shelters, within 1,000 feet of major sources of toxic air contaminants (TACs), as mapped in Figure 3, <i>Sources of Toxic Air Contaminants in Proximity to Housing Opportunity Sites</i>, shall submit a Health Risk Assessment (HRA) prepared in accordance with the latest State Office of Environmental Health Hazard Assessment (OEHHA) and Bay Area Air Quality Management District (BAAQMD) guidance. For projects where the incremental cancer risk exceeds ten in one million, PM₁₀ concentrations exceed 0.3 µg/m³, or the appropriate non-cancer hazard index exceeds 1.0, the HRA shall identify mitigation measures capable of reducing potential cancer and non-cancer risks to acceptable levels per OEHHA and BAAQMD guidance.</p>	Project Applicant	City of Albany Planning & Building Department	Prior to issuance of building permit
<p>Hydrology and Water Quality</p> <p>HYDR0-1 The project applicant for potential development of the opportunity site at 1107-1111 San Pablo Avenue (Site 17) shall retain a qualified engineering or surveying professional to prepare a determination, including appropriate site plan sheet of the precise location of the 100-year special flood hazard area boundaries for creeks in the vicinity of the project site. Based on this determination if the project encroaches into the floodplain, consistent with the City of Albany Flood Damage Prevention Regulations, the applicant shall obtain a flood zone permit. The applicant shall comply with all requirements of the flood zone permit as imposed by the City. These recommendations and requirements are to be implemented in the planning and construction of the proposed project, so as to assure that the project will not impede or redirect flood flows, or present a significant risk of flood-related loss to people or structures.</p>	Project Applicant	City of Albany Planning & Building Department	Prior to issuance of Certificate of Occupancy

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EXHIBIT B:

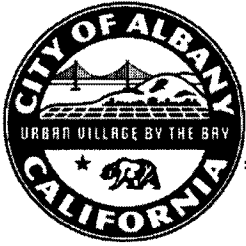
CLARIFYING REVISION TO MITIGATED NEGATIVE DECLARATION

The discussion of 'Schools' on the top of page 47 is revised to read as follows:

The Albany Unified School District operates three elementary schools, one middle school, one high school, one adult school, and one children's center. The District is in the process of developing a Facilities Master Plan, which was not yet available at the time this Initial Study was released.

The School District has indicated that increased enrollment could generate a need for additional school facilities. However, the Albany Housing Element does not zone any additional sites for housing development or increase the density on any existing sites zoned for residential development and therefore its adoption will not result in the generation of additional children who would enroll in District schools.

Additionally, all future development will pay fees of \$2.97 per square foot of residential space and \$0.47 per square foot of commercial space, or as otherwise adopted by the Albany Unified School District. SB 50 (the Leroy F. Greene School Facilities Act of 1998) states that payment of school impact fees "shall be the exclusive method of considering and mitigating impacts on school facilities," and is "deemed to provide full and complete school facilities mitigation." Therefore this impact is less-than-significant.



City of Albany

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

RESOLUTION NO. 2014-18

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

The 3rd day of March, 2014, 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 4th
day of March, 2014.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.