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RESOLUTION NO. 2020-103

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**A RESOLUTION OF THE ALBANY CITY COUNCIL FINDING THAT
THE SATELLITE AFFORDABLE HOUSING ASSOCIATES 62-UNIT
AFFORDABLE HOUSING DEVELOPMENT LOCATED AT 755
CLEVELAND AVENUE IS EXEMPT FROM THE REQUIREMENTS OF
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER A
CLASS 32 CATEGORICAL EXEMPTION**

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WHEREAS, the City of Albany has drafted Disposition and Development Agreement for the development of a 62-unit multi-family affordable housing project at 755 Cleveland Avenue; and

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WHEREAS, the proposed affordable housing project is defined as a “project” under the California Environmental Quality Act (CEQA); and

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WHEREAS, CEQA Guidelines Section 15332 “In-Fill Development Projects” exempts from further environmental review infill development projects that meet certain criteria; and

WHEREAS, a public hearing notice was published in the West County Times and posted in three public places pursuant to California Government Code Section 65090 on October 15, 2020 and October 29, 2020 for the public hearing held on October 29, 2020; and

WHEREAS, the Albany City Council held a duly noticed public hearing on the Proposed Land Development and Disposition Agreement on October 29, 2020; and

WHEREAS, the City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

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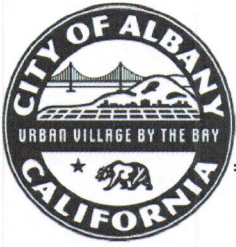
WHEREAS, the City Council has reviewed the attached Notice of Exemption, all written and oral comments and the written responses thereto, and, based on the independent judgment of the Council, finds that the Categorical Exemption is appropriate to comply fully with the requirements of the California Environmental Quality Act.

NOW THEREFORE, BE IT RESOLVED, that the Albany City Council finds that the Satellite Affordable Housing Associates 62-unit affordable housing development is exempt from the requirements of the California Environmental Quality Act under a Class 32 Categorical Exemption.



NICK PILCH, MAYOR

Attachment: Exhibit A – Notice of Exemption



City of Albany

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

RESOLUTION NO. 2020-103

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF
ALBANY, The 16th day of November, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this
17th day of November, 2020.

Anne Hsu
CITY CLERK

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Albany
1000 San Pablo Avenue
Albany, CA 94706

County Clerk
County of Alameda

Project Title: Satellite Affordable Housing Associates 62-unit Affordable Housing Development

Project Location - Specific: 755 Cleveland Avenue

Project Location - City: Albany

Project Location - County: Alameda

Description of Nature, Purpose, and Beneficiaries of Project:

The proposed project is the construction of a four-story 62-unit multi-family affordable housing development. The project developer is Satellite Affordable Housing Associates. The proposed project is an L-shaped building with a courtyard on the east side of the parcel. The main entrance to the project is on Cleveland Avenue. The building is cut into the sloped site to effectively minimize the building massing and hide the parking podium below grade. The podium will be lined by three residences, the main entry lobby, management office and bike room on Cleveland Avenue. The building will have a maximum height of 52 feet. The project will have 64 interior bicycle parking spaces and 62 interior vehicle parking space. The project will include 2,767 square feet of common areas and a patio/courtyard of 6,823 square feet. Total gross building area is estimated at 93,249 square feet.

The subject site was a portion of the Interstate 80 right-of-way until reconstruction of the freeway interchange in the late 1990s. The City of Albany acquired the property in 2011. The 1.13 acre parcel is on Cleveland Avenue north of Washington Avenue. The property is located just east of the of the I-80/I580 freeway and the Union Pacific railroad tracks. The property is located at the foot of the “East Shore/Solano Hill” neighborhood and adjacent to the new Peggy Thomsen Pierce Street Park. The site is currently unimproved. For the past several years, the site has been used as an off-site construction laydown area for contractors upgrading the City’s sewer system.

Name of Public Agency Approving Project: City of Albany

Name of Person or Agency Carrying Out Project: Albany Community Development Dept

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Class 32 – CEQA Guidelines Section 15332 (Infill Development Projects);
- Statutory Exemptions. State code number:

Reasons why project is exempt:

The proposed project is consistent with the requirements of the California Environmental Quality Act Class 32 categorical exemption for in-fill development as follows:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Explanation: The property has a General Plan Land Use classification of High Density Residential and has a zoning designation of R-3: Residential High Density.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Explanation: The site is 1.13 acres in size and is located within the city limits of the City of Albany and is surrounded by urban uses including the I-80 freeway and Union Pacific railroad to the west, Peggy Thomsen neighborhood park to the north, and a mix of single-family and multi-family housing to the east and to the south.

- (c) The project site has no value as habitat for endangered, rare or threatened species.

Explanation: The project site was until the late 1990s a freeway offramp. As part of the demolition of the freeway off-ramp, the site was heavily graded. For the past several years, the site has been used as an off-site construction laydown area for contractors upgrading the City's sewer system. The project developer has submitted analysis that due to current and prior disturbance within and around the project site and consequent lack of suitable native substrates/habitats, the proposed project would not result in any impacts to any federally listed plants and animals.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Explanation: The proposed project is consistent with local and regional transportation plans and programs. Construction of the project will include construction of a segment of a planned off-street bicycle facility that will link Pierce Street from the north to Buchanan Street and Bay Trail bicycle facilities to the south and southwest. The project developer has submitted analysis that the proposed would not add substantial automobile trips to nearby intersections, and traffic operations at nearby intersections are therefore expected to remain similar without and with the project.

As part of the planning for the project, the developer has submitted documentation of the methods to be used to ensure that construction of the project will comply with City of Albany General Plan standards for interior noise, as well as with Federal Transit Administration requirements for minimizing ground-borne vibrations, and California Building Code requirements for sound transmission.

As part of the planning for the project, the developer has submitted documentation of the methods to be used to ensure that construction of the proposed project will include a HVAC system designed

to reduce particulates of to a level such that 70-year outdoor exposure of roadway source emissions at the project site would not result in the exposure of future residents to a risk level that would exceed the criterion of significance for cancer health effects. In addition, construction of the site will be subject to all relevant Bay Area Air Quality Management District construction requirements.

The nearest surface water bodies to the project site are Cerrito Creek to the north and Codornices Creek to the South, both approximately 2,900 feet from the project site, and the San Francisco Bay, which is located approximately 600 feet to the west. As part of the City's building permit process, the City will require compliance with the California Regional Water Quality Control Board - San Francisco Bay Region - Municipal Regional Stormwater NPDES Permit. include appropriate source control, site design, and stormwater treatment measures through the implementation of low impact development techniques.

(e) The site can be adequately served by all required utilities and public services.

Explanation: All required utilities exist in nearby city right-of-way, and no major off-site improvements are required for the proposed development.

Streamlined Ministerial Approval Process

In addition to compliance with Class 32 categorical exemption criteria, the California Environmental Quality Act does not apply to the proposed project as a result of Senate Bill 35 (Chapter 366, Statutes of 2017), which mandates a streamlined ministerial approval process. Specifically, SB 35 requires the availability of a Streamlined Ministerial Approval Process for developments that include a specified level of affordability, be on an infill site, comply with existing residential and mixed use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. The intent of the legislation is to facilitate and expedite the construction of housing.

Lead Agency Contact Person: Contact for categorical exemption: Jeff Bond 510-528-5769.
Contact for project design and construction: Anne Hersch, 510-528-5765.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: Community Development Director

- . X Signed by Lead Agency Date received for filing at OPR:
. Signed by Applicant