



**CITY OF ALBANY  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1000 San Pablo Avenue, Albany CA 94706**

**INITIAL STUDY**

1. **Project title: Amendments to General Plan and Zoning Ordinance Regarding Mixed-Use Development and Affordable Housing**
2. **Lead agency name and address:** City of Albany, 1000 San Pablo Avenue, Albany CA 94706.
3. **Contact person and phone number:** Dave Dowswell, Planning Manager; (510) 528-5769, FAX (510) 524-9359, e-mail: ddowswell@albanyca.org
4. **Project location:** City of Albany, city-wide
5. **Project sponsor's name and address:** City of Albany, 1000 San Pablo Avenue, Albany CA 94706
6. **General Plan designation:** Affects areas designated for housing and mixed-use
7. **Zoning:** Affects zoning districts where multi-family housing and mixed uses are permitted
8. **Description of project:** The "Project" consists of certain amendments to the Land Use Element of the Albany General Plan, and additions to the Albany Zoning Ordinance, as described below:

***General Plan:***

The General Plan is proposed to be amended to authorize increases in allowable floor-area ratios in the San Pablo Avenue and Solano Avenue Commercial areas, in order to provide incentives for the development of mixed-use and high-density residential developments that include features that the City deems desirable and worthy of incentive. An incentive bonus system, to be added to the Zoning Ordinance, would allow a maximum floor-area ratio of 3.0 in the San Pablo Avenue commercial area, and a maximum floor-area ratio of 2.0 in the Solano Avenue commercial area.

***Zoning Ordinance:***

1. A new Section 20.40, "Housing Provisions", is proposed to be added to Chapter 20 of the Albany Municipal Code. The provisions address the following:

- Inclusion of affordable housing units within new housing developments of 10 or more dwelling units;
- Procedures for granting density bonuses for developments that include affordable housing units, as required by State law (Government Code Section 65915);
- Provisions for reasonable accommodation of disabled persons in housing developments; and
- Procedures and guidelines for approval of emergency and transitional housing facilities.

2. Additional provisions on "Floor-Area Ratios" in Subsection 20.24.050, providing for increases in allowable floor-area ratios in the San Pablo Commercial (SPC) District and the Solano Avenue Commercial (SC) District, in order to provide incentives as described above for the General Plan amendment.

9. **Surrounding land uses and setting:**  
Areas designated for housing and mixed-use are generally surrounded by commercial, single-family and public facilities (city hall, schools, and parks).
10. **Other public agencies whose approval is required:** None.

**11. Previous Environmental Analysis:** The proposed General Plan and Zoning Ordinance amendments were considered, in somewhat different form, by the Planning and Zoning Commission and the City Council during the course of a comprehensive Zoning Ordinance review that was completed in December 2004. Potential impacts were analyzed in an Initial Study that was circulated on May 7, 2004. A Mitigated Negative Declaration was adopted by the Albany City Council on November 15, 2004. Action was deferred on Section 20.40 and on floor-area ratio bonuses, pending reconciliation with recently enacted changes to State law regarding cities' responsibilities for production of affordable housing. The present Initial Study addresses potential impacts of density bonuses pursuant to Government Code Section 65915, and of the proposed use of floor-area bonuses as development incentives..

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

None of the environmental factors listed below would be potentially affected by this project, to the extent that at least one impact that would be a "Potentially Significant Impact" as indicated by the checklists on the following pages.

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology / Soils
	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Mineral Resources		Noise	<b>x</b>	Population / Housing
	Public Services		Recreation		Transportation / Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<b>x</b>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: David Dowswell, Planning Manager  
 For: City of Albany Community Development Department

**SUMMARY OF MITIGATION MEASURE:**

**L-1.** Zoning Subsection 20.24.050.C establishes limits on maximum increases in FAR, lists development features that would qualify for bonus incentives, and sets a point system for qualifying features.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

**I. AESTHETICS -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?			<b>x</b>	
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			<b>x</b>	
d.	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			<b>x</b>	

**Explanation:**

a. Scenic vistas, including views of San Francisco Bay, Albany Hill and the Berkeley Hills, are enjoyed from various locations in the city and adjacent areas. Structures would be subject to established height limits, except in a case where a modification of height limits might be allowed pursuant to Government Code 65915. even in such case all facilities will be subject to City design review approval and review under CEQA. [Sources: 1, 3, 10,]

b. Scenic resources, include portions of Albany Hill, open creek corridors and the waterfront of San Francisco Bay. The proposed project will not affect existing polices for preservation and enhancement of these resources. [Sources: 1, 3, 10 ]

c. Visual character: Visual character of a site and its surroundings will be protected through the review processes noted in a. above. [Sources: 3, 4, 10]

d. Glare: Building materials and site lighting associated with new construction will be similar to existing facilities and will be required to be designed to avoid substantial glare. The Performance Standards, Section 20.28, of the Zoning Ordinance also address potential glare issues. [Source: 3, 10 ]

**II. AGRICULTURE RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>x</b>
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>x</b>
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				<b>x</b>

**Explanation:** The project site (the city) is an urbanized area, essentially built-up with residential, commercial and industrial land uses. The area does not contain farmland or otherwise relate to agricultural resources. [Source: 1 ]

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?			<b>x</b>	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			<b>x</b>	
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			<b>x</b>	
d.	Expose sensitive receptors to substantial pollutant concentrations?				<b>x</b>
e.	Create objectionable odors affecting a substantial number of people?				<b>x</b>

**Explanation:**

a., c. Air Quality Plans: The proposed amendments do not, in and of themselves, conflict with the Bay Area Air Quality Management District (BAAQMD) plan for air quality. The adopted Albany General Plan Housing Element has taken into consideration the State-mandated density bonus. The recent amendments to Government Code Section 65915 are not expected to increase densities to the extent that air quality would be affected. No changes in traffic congestion would result from implementation of the proposed amendments. Any specific changes in residential density as may be permitted through the implementation of Government Code Section 65915, or increase in floor-area-ratio as development incentives, will be subject to review under CEQA. [Sources: 1, 2, 3, 10 ]

b. Violation of Air Quality Standards: Construction related activities, if unregulated, could generate excessive equipment exhaust emissions and dust emissions. The City has adopted permit and review procedures for monitoring of construction activities and enforcement of code requirements. No further mitigation measures are required. [Sources: 4, 10]

d. Sensitive Receptors: Facilities permitted under the amendments would not create situations of exposure to poor air quality for sensitive receptors. The Performance Standards, Section 20.28 of the Zoning Ordinance, include standards for avoidance of dust and particulate matter. [Sources 3, 10 ]

e. Odors: No facilities are anticipated that would create objectionable odors. The Performance Standards, Section 20.28 of the Zoning Ordinance, include standards for avoidance of odors. [Source: 3, 10]

**IV. BIOLOGICAL RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>x</b>
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				<b>x</b>
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				<b>x</b>
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				<b>x</b>
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				<b>x</b>
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				<b>x</b>

**Explanation:**

a. through f. Biological resources in Albany are principally associated with Albany Hill, the Waterfront, and creek corridors. Except for some portions of Albany Hill and creek corridors, these areas are within zoning districts where multi-family housing and mixed-uses would not be permitted. Construction along portions of creek corridors where such facilities could be permitted is subject to setback restrictions. The proposed amendments will have no direct effect on policies and regulations governing these areas, as contained in the General Plan and the Zoning Ordinance that are currently in effect. [Sources: 1, 2, 3, 10 ]

**V. CULTURAL RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				<b>x</b>
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				<b>x</b>
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>x</b>
d.	Disturb any human remains, including those interred outside of formal cemeteries?				<b>x</b>

**Explanation:**

a. through d. Cultural Resources: Known archeological resources are located within City-owned parkland and are not affected by proposed revisions. There would be no direct effect on the single building, located in a single-family residential district, that is listed on the National Register of Historic Places. No unique paleontological or geologic features have been identified in the city. [Sources: 1, 2, 3, 10]

**VI. GEOLOGY AND SOILS -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			<b>x</b>	
	ii) Strong seismic ground shaking?			<b>x</b>	
	iii) Seismic-related ground failure, including liquefaction?			<b>x</b>	
	iv) Landslides?			<b>x</b>	
b.	Result in substantial soil erosion or the loss of topsoil?				<b>x</b>
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				<b>x</b>
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				<b>x</b>
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				<b>x</b>

**Explanation:**

a. i) through iv) Seismic: The Hayward Fault is located approximately one mile to the east of the city's eastern boundary. The city of Albany is not located in an Earthquake Special Studies zone. However it is estimated that there is a 20 percent chance of a magnitude 7.5 earthquake and a 30 percent chance of a "large" earthquake on the Hayward Fault in the next 30 years. Seismic hazards would be addressed by application of appropriate building code provisions. The amendments, including any modifications or waivers that might be granted pursuant to Government Code 65915 would not alter existing procedures for dealing with seismic issues. [Sources: 2, 10]

b, c, d. Soils: Most developable land in the city has previously been graded and essentially covered with buildings, asphalt paving and landscape materials. New construction would not be expected to substantially alter grading or drainage patterns. Any density bonus project on privately-owned land on Albany Hill would be subject to CEQA review to identify any specific impacts. The City will require Best Management Practices in conformance with its clean water program. This procedure should prevent runoff impact upon the storm drain system, including related waterways, during and after actual construction activities. The EIR for the Albany General Plan identifies

problematic soil conditions such as expansive soils, and appropriate mitigation measures are in place. As the proposed revisions do not propose changes that would exacerbate geologic issues, no additional mitigations are necessary.

[Sources: 1, 2, 3, 10 ]

e. Wastewater: Not applicable. Sanitary sewer service is available throughout the city. [Source: 2, 10 ]

**VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				<b>x</b>
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				<b>x</b>
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				<b>x</b>
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				<b>x</b>
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				<b>x</b>
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				<b>x</b>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				<b>x</b>
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				<b>x</b>

**Explanation:**

a. through h. Hazards: Any increases in density or floor area that may result from the proposed amendments are not expected increase exposure to hazardous materials, as anticipated in the Albany General Plan EIR. There are no airports or airstrips in the vicinity. The Albany Fire Department has classified the Albany Hill area, extending to the northern City limit, as a ‘high fire hazard zone’. Any density bonus project on privately-owned land on Albany Hill would be subject to CEQA review to identify any specific impacts. Implementation of this ordinance will not interfere with any adopted emergency plan. [Sources: 1, 2, 3,4, 10]



**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements?				<b>x</b>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				<b>x</b>
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				<b>x</b>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				<b>x</b>
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				<b>x</b>
f.	Otherwise substantially degrade water quality?				<b>x</b>
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<b>x</b>
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				<b>x</b>
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				<b>x</b>
j.	Inundation by seiche, tsunami, or mudflow?				<b>x</b>

**Explanation:**

a. through j. Hydrology: The proposed amendments will not enable development that was not anticipated generally in the Albany General Plan. The effects listed above have been addressed in the EIR for the Albany General Plan, and no significant impacts were found. Any significant effects of increases of density or floor area would be identified through required CEQA analysis of specific projects [Sources: 1, 2, 3, 10]

**IX. LAND USE AND PLANNING - Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Physically divide an established community?			<b>x</b>	
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		<b>x</b>		
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>x</b>

**Explanation:**

a. Physical Divide: The General Plan and the Zoning Ordinance encourage multi-family housing and mixed use to be located in the San Pablo Avenue and Solano Avenue corridors. San Pablo Avenue is a wide and busy commercial corridor that tends to create a high degree of separation between residential neighborhoods to the east and west. General Plan and zoning polices are intended to encourage new development of the commercial corridors with a mix of residential and commercial land uses that will attract users from both sides of San Pablo Avenue, tending to unite the community rather than to divide it. Regulations permitting Increases in density and floor area would be generally supportive of established land use polices, and specific projects will be subject to CEQA review. [Sources: 1, 3, 10]

b. Land Use Plans and regulations: Regulations permitting increases in density and floor area would be generally supportive of the established land use polices noted above, and specific projects will be subject to CEQA review. The Initial Study for the “General Plan Amendments and Zoning Ordinance Revision“ project (May 7, 2004) identified the following potential impacts of increased floor area ratios (FAR’s) through incentive bonuses:

*Potential impacts*: Larger buildings resulting from bonus FAR’s could have characteristics of scale or site planning that would be incompatible with neighboring smaller residential buildings.

*Adopted mitigation measures*: In approving the Mitigated Negative Declaration for the General Plan and Zoning project, the City has incorporated the following in the Zoning ordinance: overlay zoning with standards for development along Kains Avenue and Adams Street; a requirement for daylight plane setback between commercial and residential uses; and design review standards with required findings.

*Additional Mitigation Measures*: The following additional mitigation measure was proposed to offset potential impacts of FAR bonuses. Action on the bonus feature was deferred and therefore the measure was not adopted with the overall zoning revision. This measure is hereby proposed for incorporation into the current project:

**L-1.** Zoning Subsection 20.24.050.C establishes limits on maximum increases in FAR, lists development features that would qualify for bonus incentives, and sets a point system for qualifying features.

c. Conservation Plans: No habitat conservation plan or natural community conservation plan is applicable. The General Plan Conservation, Recreation and Open Space Element contains goals and policies for conservation. Proposed amendments are not in conflict with conservation policies.

[Sources: 1, 2, 3, 10]

**X. MINERAL RESOURCES** -- Would the project:

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>x</b>
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>x</b>

**Explanation:** No mineral resources are identified with the area. [Sources: 1, 2]

**XI. NOISE** -- Would the project result in:

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			<b>x</b>	
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				<b>x</b>
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			<b>x</b>	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				<b>x</b>
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<b>x</b>
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				<b>x</b>

**Explanation:**

a. - d. Exposure: Increases in density or floor area could result in higher noise levels than might occur if such increases were not permitted. Any development or use incorporating such increases would be subject to the noise limitations in the City's Municipal Code, as stipulated in the general development standards section of the Zoning Ordinance. The standards include limitations on construction activities as well as on-going performance. Any significant impacts of noise would be subject to analysis and appropriate mitigation under CEQA. [Source: 3, 4]

e., f. Airports: There are no airports or airstrips in or near the project area. [Source: 3, 6, 10 ]

**XII. POPULATION AND HOUSING --** Would the project:

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			<b>x</b>	
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			<b>x</b>	
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			<b>x</b>	

**Explanation:**

a. Substantial growth: No substantial population growth is anticipated beyond what has been projected by the General Plan. Amendments made in 2004 to the General Plan and the Zoning Ordinance did not result in any changes in permitted density, other than a slight adjustment to make the two documents consistent. Maximum FAR's for multi-family use were added as a control on building bulk, and were included in addition to the reckoning of dwelling unit density by units per acre. The proposed incentive of an increase in residential FAR for mixed-use projects is intended to encourage production of housing units, but does not increase permitted density. Compliance with Government Code Section 65915 could increase the number of dwelling units on a particular acre by as much as 30% over what is permitted by the Zoning ordinance. However, the proposed Zoning Ordinance amendment will not, in and of itself, create a substantial impact city-wide. Given the built up nature of the community and the small size of sites that might be re-developed, density increases are not expected to reach a substantial level. Individual development projects will be subject to environmental review to determine if they pose any potential impacts to the environment.

b., c. Displacement: No significant displacement of housing units is anticipated as a result of proposed General Plan and zoning amendments. Over time, some replacement of existing housing along Kains Avenue and Adams Street, and replacement of older apartments elsewhere, could result from new residential construction, regardless of whether such construction involved a density bonus.

[Sources: 1, 3, 5, 10 ]

**XIII. PUBLIC SERVICES**

	Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			<b>x</b>	
Police protection?			<b>x</b>	
Schools?			<b>x</b>	
Parks?			<b>x</b>	
Other public facilities?			<b>x</b>	

**Explanation:**

**Explanation:**

a.1 Fire: The FEIR for the General Plan did not identify any significant impacts on fire protection. The 2004 General Plan and Zoning amendments did not increase building height or otherwise have substantial fire safety implications. Structures would be subject to established height limits, except in a case where a modification of height limits might be allowed pursuant to Government Code 65915. Even in such a case all facilities will be subject to City design review approval and review under CEQA, including comment and recommendations by the Fire Marshall.

a.2 Police: The FEIR for the General Plan did not identify any impacts on police protection. No specific significant impacts are attributed to the proposed amendments. Under the City’s routine plan review process, specific projects would be subject to review and recommendations by the Chief of Police.

a.3 Schools: No specific significant impacts are attributed to the proposed amendments. The city collects a school impact fee on new development, on behalf of the Albany Unified School District. The fee is currently set by the District at \$1.93 per square foot of residential construction, and \$0.31 per square foot of commercial construction, at the maximum allowable rate permitted by the State. Increased construction could result in increased revenue for the District.

a.4 Parks: No specific significant impacts are attributed to the proposed amendments. With residential subdivisions, including condominiums, the City requires dedication of land for park facilities, or a fee in lieu of dedication.

a.5 Other: Any new demand on public facilities is expected to be incidental. The City collects a storm drain impact fee of \$0.10 square foot of new development. The city also collects a Capital Facilities Impact Fee of \$.65 per square foot of new construction generally, or up to \$1365 for each new residential unit; proceeds may be allocated to various capital projects.

[Sources 1, 2, 6, 7, 10 ]

**XIV. RECREATION**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			<b>x</b>	
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			<b>x</b>	

**Explanation:**

a. and b. Increased use or new facilities: Increased density or floor area could have some effect on demand for recreation facilities. However, as described above under Population and Housing, the amount of additional potential growth is not expected to be substantial enough cause a substantial deterioration of existing parkland facilities, or create a demand for new parkland facilities. [Sources: 1, 2, 3, 10]

**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			<b>x</b>	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			<b>x</b>	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>x</b>
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				<b>x</b>
e.	Result in inadequate emergency access?				<b>x</b>
f.	Result in inadequate parking capacity?			<b>x</b>	
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				<b>x</b>

**Explanation:**

a. Traffic increase: The 2004 Initial Study of general Plan and Zoning amendments found that proposed changes did not suggest a substantial increase in traffic. This was based on the facts that no increase in commercial FAR and no increase in residential density were proposed. The currently-proposed allowance for FAR bonuses would not increase commercial FAR, only the residential area of a mixed-use development. No increase in units per acre would result. The proposed density bonus, pursuant to Government Code Section 65915, could increase dwelling units per acre in some cases. The State requirement for density bonuses has already been factored into the General plan Housing Element. Recent changes in the law allow for higher bonuses under specified conditions. As discussed above under Population and Housing, the lack of vacant or readily-assembled sites indicates that increases in housing units over current zoning capacity, as a result of density bonuses, would not be substantial. Sites that are zoned for multi-family or mixed-use development are particularly well-served by public transit on San Pablo Avenue, Solano Avenue and Pierce Street; therefore increases in density may be mitigated by higher reliance on public transportation.

b. Level of service: According to the latest available analysis, City of Albany Traffic Management Plan, 2000, all major intersections in Albany are projected to function in 2010 at a level of service (LOS) of C or better, except the intersection of San Pablo and Marin Avenues, which is LOS D in the AM peak hour and E in the PM peak hour. No significant changes in traffic generation are anticipated from the current proposals. Where warranted, traffic analyses will be required as part of CEQA review of individual projects.

f. Parking: The City's parking standards could be preempted by State standards in cases where the developer of a density bonus project might request a reduction. As noted above, public transit service is available to sites where such projects might be located, and the actual need for off-street parking may be reduced commensurately.

Other: No change, such as significant increases in building height or land use location, is proposed that would affect air traffic. No change is proposed that would alter street dimensions or alignments. Emergency access would not be affected by proposed amendments, in terms of either routes or locations of new development. The proposed amendments will not conflict with any local and regional transportation and land use policies.

[Sources: 1, 2, 8, 10]

**XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				<b>x</b>
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				<b>x</b>
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				<b>x</b>
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				<b>x</b>
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				<b>x</b>
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				<b>x</b>
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				<b>x</b>

**Explanation:**

a., b., d. e. Water and wastewater: Increases in numbers of units, as a result of density bonus provisions, is not expected to be so substantial as to exceed population projections used by providers of the water supply system or the wastewater collection and treatment systems. The city's sanitary sewer system has been rehabilitated since the adoption of the General Plan. East Bay Municipal Utility District (EBMUD) has sufficient entitlements to meet the projected needs of all existing urban areas served by the District. Wastewater from Albany is transported to EBMUD's main Wastewater Treatment plant in Oakland. The plant has a capacity of 168 million gallons per day (mgd) and current average annual flow is 80 mgd. The plant would easily accommodate the relatively small increase in wastewater that would be generated by any additional units constructed under a density bonus. [Source: 2,9, 10]

c. Storm drains: Existing storm drains are adequate to serve the City and anticipated future development. The City is implementing an on-going program to reduce inflow and infiltration of storm water into the sanitary sewer system in order to reduce the need for storm water treatment prior to reaching the Bay. The EBMUD facility that handles stormwater overflow has been expanded, since the adoption of the General Plan. [Source: 2, 9, 10 ]

f., g. Solid waste: Sufficient solid waste disposal capacity is available to serve projected needs and density bonuses are not expected to substantially alter such projects. The city adopted a Source Reduction and Recycling Element and a Household Hazardous Waste Element in 1992, and participates in the programs of the Alameda County Waste Management Authority. [Source:2, 9, 10 ]

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE –**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				<b>x</b>
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			<b>x</b>	
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				<b>x</b>

***Explanation:***

a. Habitat: The project applies to a built-up urban area. The project area does include some land adjacent to a creek and tidal areas, but no substantial change is anticipated in those areas. Implementation of the proposed amendments should not affect any habitat.

b. Cumulative impacts: The project is consistent with the Albany General Plan adopted in 1992. The EIR for the General Plan addressed cumulative impacts of increased dwelling unit size, housing affordability, and effects of traffic on Interstate routes 80 and 580. Increases in numbers of housing units as a result of density bonuses have been considered in the General Plan Housing Element. Recent amendments to State law may produce marginally more units, but no significant effect is anticipated. Neither further discussion nor mitigation measures are required in connection with this project.

c. Substantial adverse effects: The initial study has not identified direct or indirect effects on humans that can be termed substantial. [Sources: 1, 2, 3, 5, 6]

**SOURCE REFERENCES:**

1. Albany General Plan, 1992.
2. Final EIR on Albany General Plan, 1992.
3. City of Albany Zoning Ordinance.
4. California Building Code as adopted by City of Albany.
5. City of Albany Housing Element (draft), October 2002.
6. Albany Municipal Code.
7. City of Albany 8. City of Albany Traffic Management Plan, 2000.
9. Final EIR on Redevelopment Plan for Cleveland Avenue/Eastshore Highway, 1998.
10. Initial Study, General Plan and Zoning Ordinance Amendments, 2004