

**CITY OF ALBANY DRAFT 2035  
GENERAL PLAN  
CEQA FINDINGS**

**PURSUANT TO SECTION 15091 AND 15093 OF THE STATE CEQA GUIDELINES AND  
SECTION 21081 OF THE PUBLIC RESOURCES CODE**

LSA

February 2016

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## **SECTION 1: INTRODUCTION**

### **1.1 Statutory Requirements for Findings**

The California Environmental Quality Act (CEQA), (Cal. Pub. Res. Code, §21080) and the CEQA Guidelines (Cal. Code Regs., Title 14, §15063) state that if it has been determined that a project may or will have significant impacts on the environment then an Environmental Impact Report (EIR) must be prepared. Accordingly, an EIR has been prepared by the City of Albany (hereafter referred to as "the City") to evaluate potential environmental effects that may result from implementation of the proposed City of Albany 2035 General Plan. The EIR has been prepared in accordance with the California Environmental Quality Act of 1970, as amended (Cal. Pub. Res. Code, §21000 et seq.), and implementing State CEQA Guidelines (Cal. Code Regs., Title 14, §15000 et seq.).

In accordance with CEQA Guidelines Section 15090, the City, as Lead Agency for the City of Albany 2035 General Plan (hereafter referred to as "the Draft General Plan"), certifies that:

- a. The Final EIR for the Draft General Plan has been completed and processed in compliance with the requirements of CEQA;
- b. The Final EIR was presented to the City Council of the City of Albany (hereafter referred to as "the City Council"), as the decision-making body for the Draft General Plan, and the City Council reviewed and considered the information contained in the Final EIR prior to adopting the Draft General Plan; and
- c. The Final EIR reflects the City of Albany's independent judgment and analysis. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

These CEQA findings of fact (hereafter referred to as "Findings") and mitigation monitoring and reporting program (MMRP) have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21081 and Sections 15090, 15091, 15092, and 15097 of the CEQA Guidelines, in connection with the adoption of the Draft General Plan. Before approving a project (in this case, adoption of a general plan) an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following Findings, accompanied by a brief explanation of the rationale, pursuant to Public Resources Code Section 21081 Section 15091 of the CEQA Guidelines, for each identified significant impact:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

It is recommended that one or more of the specific written Findings above be adopted regarding each significant impact associated with the Draft General Plan. Those Findings are presented here, along with a presentation of facts in support of the Findings. Concurrent with the adoption of these Findings, the City Council will adopt the MMRP, presented as a separate document. Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. Per Section 15093, the lead agency may approve a project with unavoidable adverse environmental effects only when it finds that specific economic, legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record. Because no unavoidable adverse environmental effects associated with the proposed project (the Draft General Plan) were identified in the EIR, a Statement of Overriding Considerations is not required to be prepared as part of the Findings.

It is recommended that the City Council expressly finds the Final EIR for the Draft General Plan reflects the City's independent review and judgment, as required by CEQA. In accordance with the provisions of CEQA and the CEQA Guidelines, it is recommended that the City Council adopt these Findings as part of its certification of the Final EIR.

## **1.2 Record of Proceedings**

For purposes of CEQA and the Findings set forth herein, the record of proceedings for the City's decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City

- Draft 2035 General Plan;
- Notice of Preparation and other public notices issued by the City in conjunction with the project (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Public Review Draft EIR and supporting documentation prepared for the proposed project (Appendix A through C and the Draft EIR), dated November 2015;
- All written and verbal comments submitted by agencies, organizations and members of the public during the public comment period and at a public hearing on the Draft EIR and responses to those comments (see Response to Comments Document, dated February 29, 2016);
- The Mitigation Monitoring and Reporting Program;
- The Staff Report for the Planning and Zoning Commission;
- All Findings and resolutions adopted by the City in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants to each, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

### **1.3 Organization/Format of Findings**

Section 2 of these Findings contains a summary description of the project, sets forth the objectives of the project, and briefly describes alternatives evaluated in the Draft EIR. Section 3 identifies the potentially significant effects of the project which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft EIR and Response to Comments Document. Section 4 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Section 5 discusses the feasibility of project alternatives.

## **SECTION 2: CITY OF ALBANY 2035 GENERAL PLAN**

This section lists the objectives of the proposed project, provides a brief description of the project, and lists the project alternatives evaluated in the Draft EIR.

### **2.1 Project Objectives**

The following are the primary objectives of the Draft 2035 General Plan:

- Preserve and enhance the high quality of life enjoyed by Albany residents.
- Create new housing opportunities for persons of all incomes and physical abilities.
- Direct future growth to appropriate locations, including the San Pablo Avenue and Solano Avenue corridors and key opportunity sites.
- Ensure that infill development, including major residential alternations and additions, is sensitive to its surroundings and mitigates its impacts.
- Reduce vehicle miles traveled by enhancing opportunities for pedestrians, bicyclists, and transit users.
- Improve transportation safety and reduce the adverse effects of vehicle traffic on neighborhoods.
- Grow more sustainably, and in a manner that reduces non-renewable resource consumption and greenhouse gas emissions.
- Continue to provide high quality parks and recreational facilities.
- Reduce the potential for loss of life and property due to a natural or man-made disaster.
- Promote public health and safety.
- Create a positive environment for local business, and foster business retention and improvement.
- Improve access to the shoreline while protecting and restoring the waterfront environment.
- Provide outstanding public services.

### **2.2 Project Description**

The proposed project analyzed in the Draft EIR is the City of Albany Draft 2035 General Plan as described below.

**City of Albany Draft 2035 General Plan.** The City of Albany has prepared a comprehensive Draft General Plan to update its 1992 General Plan. As the City’s fundamental land use and development policy document, the General Plan describes where and how the City will change over time. The purpose of the Draft General Plan is to guide community development and preservation in addition to environmental conservation in the City through 2035. The Draft General Plan contains chapters on land use; transportation; parks, recreation and open space; conservation and sustainability; environmental hazards; community services and facilities; and the waterfront. The Housing Element, which is part of the Draft General Plan, was adopted on February 2, 2015. The Housing Element’s goals and policies are consistent with the Draft General Plan

For the purposes of evaluating the potential effects of the proposed Draft General Plan land use designations, goals, policies, and actions, the City prepared 2035 growth projections for new housing units, jobs, and population with implementation of the Draft General Plan. These future projections were identified by the City based on anticipated residential and commercial development within the City through 2035 based on past trends. These Citywide projections are the basis for measuring the environmental effects of the Draft General Plan. As shown in Table 1, the City has determined that proposed land use designations in the Draft General Plan would theoretically allow for the development of 850 new jobs and 815 new housing units, for a total of 5,920 jobs and 8,660 housing units in the City by 2035. The majority of new development is anticipated to occur along the San Pablo Avenue and Solano Avenue corridors.

**Table 1: Population, Housing and Jobs Baseline (2014) and 2035 Draft General Plan Summary**

Unit	2014 Existing	2035 Draft General Plan	Net Difference
Population	18,585	20,385	1,800
Housing Units	7,845	8,660	815
Jobs	5,070	5,920	850

Note: Housing units include vacant and occupied units.

Source: City of Albany, 2015; Barry Miller, Planning Consultant to the City of Albany, 2015; LSA Associates, Inc., 2015.

### 2.3 Alternatives

The following three alternatives were evaluated within the EIR:

- The CEQA-required **No Project alternative**. This alternative assumes that development would occur in the City of Albany, and specifically on available opportunity sites identified in the Housing Element, as allowed under the current General Plan and zoning designations. While approximately the same number of future residents (1,800) and employees (850) are anticipated to occur with implementation of this alternative as with the Draft General Plan, the No Project alternative does not include the new goals, policies, and actions of the Draft General Plan that would provide environmental and community benefits.
- The **Increased Density Near Transit alternative**. This alternative assumes that the City would identify and implement policies and land use regulations to encourage more density, infill development and redevelopment of underutilized parcels along major transit corridors and near transit nodes. Four stories of development would be allowed with a bonus of up to five stories,



under the State Density Bonus law, along San Pablo and Solano Avenues and on land within 0.5 miles of the El Cerrito BART Station. This alternative would include the elimination of a parking requirement for the San Pablo and Solano Avenue corridors and within 0.5 miles of the El Cerrito BART station. This alternative would be expected to result in an increase in the number of new residents and employees compared to the Draft General Plan.

- **The Reduced Density and Development alternative.** This alternative assumes that the City would reduce the allowable floor area on residential and commercial parcels, maintain its current parking standards, and encourage development practices that retain the one- and two-story profile of the San Pablo Avenue commercial district.

A more detailed description of these alternatives and required Findings are set forth in Section 5: Feasibility of Project Alternatives.

### **SECTION 3: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS**

The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds for each of the significant or potentially significant impacts identified in this section that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR<sup>1</sup> and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the project.

#### **3.1 Transportation and Circulation**

**Impact TRANS-1:** Potential traffic calming strategies could result in a significant traffic-related impact.

**Mitigation Measure TRANS-1:** Prior to approving traffic calming projects, such as a roadway closure, that may divert substantial traffic to other streets, the City shall conduct a transportation impact study to evaluate the potential impacts of the proposed traffic calming project on access and circulation for all travel modes in the vicinity. The study shall identify potential design solutions and/or alternatives to ensure that the proposed traffic calming project would minimize any secondary significant impacts, such as a substantial increase in traffic volumes on nearby streets.

**Findings for Impact TRANS-1:** Mitigation Measure TRANS-1 would require the City to conduct a transportation impact study to evaluate and minimize potential impacts of proposed traffic calming projects. The City finds that with implementation of Mitigation Measure TRANS-1, Impact TRANS-1 would be considered less-than-significant. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure TRANS-1 will be incorporated into the project and will reduce Impact TRANS-1 to a less-than-significant level.

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<sup>1</sup> CEQA Guidelines, Section 15091.

**Impact TRANS-2:** The parking policies of the Draft General Plan may cause secondary significant impacts on the environment.

**Mitigation Measure TRANS-2:** Prior to adopting specific changes to parking requirements, conduct a parking and transportation study to evaluate the potential effects of these changes. Since parking is not considered an environmental topic under CEQA, these studies shall ensure that the changes to parking policies would not result in secondary significant impacts on traffic circulation, safety, noise, and/or air quality. As a result of the study and if necessary, the City shall modify the policy changes and/or identify other measures to minimize potential secondary significant impacts.

**Findings for Impact TRANS-2:** Mitigation Measure TRANS-2 would require the City to conduct a parking and transportation study prior to adopting specific changes to parking requirements. Implementation of Mitigation Measure TRANS-2 would ensure that any potential impact that would result from future changes to parking requirements would be reduced to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure TRANS-2 will be incorporated into the project and will reduce Impact TRANS-2 to a less-than-significant level.

### 3.2 Cultural Resources

**Impact CULT-1:** Potential development under the Draft General Plan could impact archaeological deposits that may qualify as historical resources.

**Mitigation Measure CULT-1a:** Prior to approval of development permits for projects that include significant ground-disturbing activities, City staff may require that the applicant review the most recent and updated Northwest Information Center (NWIC) list: Historic Property Directory to determine if known archaeological and paleontological sites underlie the proposed project. If it is determined that known cultural resources are within ¼ mile of the project site, the City shall require the project applicant to conduct a records search at the NWIC at Sonoma State University to confirm whether there are any recorded cultural resources within or adjacent to the project site. The NWIC will provide recommendations based on previously identified resources, as well as environmental and archival indicators of sensitivity (e.g., proximity to watercourses or historic map information). The studies may include identification efforts for historical buildings and structures, archaeological resources, fossils, and human remains. Consistent with Policy LU-5.4, coordination with local Native American communities shall be done when significant prehistoric archeological sites are identified as part of pre-approval site analysis. Based on that research, the City shall determine whether field study by a qualified cultural resources consultant is recommended.

**Mitigation Measure CULT-1b:** Should City staff determine that field study for cultural resources is required, the project applicant shall have a cultural resource professional meeting the Secretary of the Interior's Standards in history and/or archeology conduct a pre-construction survey to identify significant cultural resources – including archeological sites, paleontological resources, and human remains – in the project site and provide project-specific recommendations, as needed.

Pursuant to the recommendations of the consulting archaeologist, and in consultation with City officials and potential stakeholders such as tribal representatives, additional mitigation to offset potential impacts to cultural resources shall be required should the resources at issue qualify as historical or unique archaeological resources under CEQA (cf. PRC Section 21084.1 and 21083.2, respectively). Such mitigation may include further intensive recording/documentation or excavation and analysis according to professional archaeological standards.

Findings for Impact CULT-1a: At the discretion of the City, Mitigation Measure CULT-1a would require a site specific cultural resources records search with the NWIC for development projects prior to their consideration and approval. Through proposed policies and actions, the Draft General Plan also requires coordination with local Native American communities prior to the approval of specific development projects (Policy LU-5.4). Based on the findings from the records search, Mitigation Measure CULT-1b allows the City to require site and project specific field studies and project-specific mitigations of proposed development projects. Implementation of Mitigation Measures CULT-1a and CULT-1b would ensure that any potential impacts related to cultural resources would be reduced to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure CULT-1a and CULT-1b will be incorporated into the project and will reduce Impact CULT-1 to a less-than-significant level.

**Impact CULT-2:** Ground-disturbing activities associated with development allowed under the Draft General Plan could adversely affect significant paleontological deposits under CEQA.

Mitigation Measure CULT-2: Implement Mitigation Measure CULT-1 to determine the potential for paleontological deposits within a project site and, if present, to ensure project-specific mitigations for such resources are identified and incorporated as conditions of project approval.

Findings for Impact CULT-2: Mitigation Measure CULT-2 would require proposed projects to undertake a records search (at the discretion of the City) related to paleontological resources (i.e., fossils) to determine if paleontological deposits are present within specific project sites, and based on the results of the records search, the City may require field studies and project-specific mitigations. Implementation of Mitigation Measure CULT-2 would ensure that any potential impact to paleontological resources would be reduced to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that Mitigation Measure CULT-2 will be incorporated into the project and will reduce Impact CULT-2 to a less-than-significant level.

#### **SECTION 4: EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT**

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or are less than significant, and do not require mitigation. Chapters IV and VI of the Draft EIR also provide a detailed analysis of the less-than-significant impacts of the proposed project.

#### **4.1 Land Use, Planning Policy, and Agricultural Resources**

Land uses envisioned as part of the General Plan would be similar to existing uses, and would not disrupt or divide established communities or result in the development of new land uses that would conflict with established uses. The City finds that the project's land use impacts would be less than significant.

#### **4.2 Population and Housing**

Population, housing and employment growth is anticipated under the General Plan. Population growth anticipated under the General Plan would not be considered substantial or adverse based on the developed nature of the City and the proximity of Albany to employment centers and transit infrastructure. New housing anticipated under the General Plan would likely be focused on redeveloping existing land uses, especially along the transit-served San Pablo and Solano Avenue corridors; conversion of residential uses to non-residential uses is unlikely. Additionally, the General Plan includes several policies to support housing development in close proximity to transit hubs, and implementation of the proposed project would not result in a substantial imbalance between employed residents and jobs. Finally, the proposed project would not exceed ABAG growth projections for the City. The City finds that the project's population, housing, and employment impacts would be less than significant.

#### **4.3 Air Quality**

The Draft General Plan would not conflict with or obstruct implementation of the 2010 Bay Area Clean Air Plan. The Draft General Plan includes applicable measures that would support the goals of the Clean Air Plan and would not disrupt nor hinder implementation of the Plan. Therefore, the proposed project would not conflict or obstruct implementation of the Clean Air Plan, and would result in a less-than-significant impact.

Implementation of the Draft General Plan would not violate existing air quality standards relating to air quality plan control measures and projected VMT increases. Development under the Draft General Plan could result in construction-related dust and exhaust emission that could violate air quality standards. However, projects proposed under the Draft General Plan would be required to implement measures to reduce construction-related air pollution which would reduce construction-related air quality impacts to a less-than-significant level. Implementation of the Draft General Plan could expose sensitive receptors to substantial pollutant concentrations over existing levels; however, implementation of Actions CON-3.F and CON-3.H would require air quality analysis for projects near high-volume roadways and construction health risk assessments for large construction projects. Draft General Plan includes Policy LU-3.10 and Action CON-3-B would require review of odor complaints and address any potential hazards which would reduce impacts related to odors to a less-than-significant level.

The Draft General Plan includes policies and action that reduce air emissions and are in conformance with the region's Clean Air Plan Implementation of the project also would not result in a population increase that is greater than the project-related VMT increase. The City finds that implementation of the Draft General Plan would result in less-than-significant impacts related to air quality.

#### **4.4 Greenhouse Gas Emissions**

The buildout of the Draft General Plan would contribute to greenhouse gas (GHG) emissions through direct and indirect emissions from mobile sources, energy use, water and wastewater generation, solid waste generation, and equipment use. The Draft General Plan would add residents and jobs that create additional energy demand and would therefore contribute to added GHG emissions. The City of Albany's Climate Action Plan (CAP) includes GHG reduction strategies; many of those strategies are incorporated as policies and actions in the Draft General Plan. The Draft EIR Greenhouse Gas analysis in Section IV.E, concluded that the project-related service population GHG emissions would be 3.3 MT CO<sub>2</sub>e per service population which is lower than the BAAQMD's significance threshold of 6.6 MT CO<sub>2</sub>e per Service Population. The City finds that the Draft General Plan emissions would not result in a significant impact with respect to release of greenhouse gas emissions.

#### **4.5 Noise and Vibration**

Noise levels produced in the City of Albany that could exceed standards include stationary, rail, and traffic sources. Policies included in the Draft General Plan would require project-by-project environmental review to ensure that noise impacts from stationary sources are considered and mitigated for specific projects. Implementation of Policy EH-5.3 would ensure that noise impacts from stationary sources are minimized by requiring conditions of approval for new activities with the potential to generate significant noise and require on-going or periodic monitoring to ensure conditions are met. Therefore, implementation of the Draft General Plan would have a less-than-significant impact associated with stationary noise sources. Implementation of the Draft General Plan is not anticipated to result in increased railroad operations within the City. Therefore, noise levels associated with rail operations are anticipated to remain similar to the existing conditions with implementation of the Draft General Plan. Implementation of Draft General Plan policies EG-5.5 and EG-5.6 would ensure that new train and BART noise and vibration impacts on receptors are minimized. Therefore, implementation of the Draft General Plan would not result in the exposure of sensitive receptors to excessive noise levels from railroad noise sources and this impact is less than significant.

The Draft General Plan includes policies that adhere to and improve upon the Municipal Code Chapter 8 that addresses noise. Therefore, implementation of the Draft General Plan would not expose persons to noise levels in excess of the City's Municipal Code and this impact would be less than significant.

In addition, the Draft General Plan would not result in the exposure of sensitive receptors to excessive groundborne vibration or noise levels and as previously discussed includes policies to minimize noise impacts associated with rail activities.

Implementation of the Draft General Plan could result in increased ambient noise levels as a result of traffic-related noise and construction-related noise. With implementation of the Draft General Plan, traffic volumes on some streets within the City could increase due to growth envisioned in the Draft General Plan. An increase in traffic volumes would result in an increase in traffic noise levels compared to existing conditions. However, the increase in traffic noise levels is projected to be less than significant (less than 0.5 dBA) and the project would not be expected to result in a substantial project level or cumulative increase in ambient noise. Construction activities associated with development allowed under the Draft General Plan could increase ambient noise levels within the

City. Implementation of Draft General Plan Policy EG-5.3 would ensure that noise impacts from construction activities associated with development that could occur would be minimized by following the guidelines and requirements of the Draft General Plan noise policies and guidelines, the Municipal Code and the City's Noise Ordinance. Therefore, implementation of the Draft General Plan would result in less-than-significant impacts related to noise and vibration.

#### **4.6 Geology, Seismicity, and Mineral Resources**

The growth and changes to land use in Albany resulting from implementation of the Draft General Plan could result in increased development and population in the City of Albany. Implementation of the Draft General Plan would therefore result in additional people and structures being exposed to geologic hazards, including seismic risks, liquefaction, slope instability, soil settlement or compaction, and adverse soil conditions (e.g., expansive soils, corrosive soils). Some of these geo-hazards, particularly those related to seismic shaking, could result in injuries and/or fatalities; all of the geo-hazards discussed could result in damage to structures and property. In addition, new development would adhere to federal and state regulations, programs, and standards to reduce impacts related to seismic hazards. The Draft General Plan includes policies that guide new development and reduce impacts related to seismic hazards, soil erosion, and landslide hazards and expansive and corrosive soils to a less-than-significant level.

#### **4.7 Hydrology and Water Quality**

Growth and new development associated with the Draft General Plan would be subject to existing water quality regulations and programs. New development in the City may alter local drainage and runoff characteristics; however, such changes would be minimized through policies within the Draft General Plan and adherence to existing regulations. The City's water supply is provided by EBMUD and new development under the Draft General Plan would not interfere with groundwater recharge of the EBMUD water supply. The Draft General Plan includes policies that would ensure that impacts on groundwater resources would be less than significant.

In addition, increased urbanization within Albany would be expected to increase impervious surfaces which could increase stormwater runoff volumes. Development under the Draft General Plan would be required to comply with existing stormwater regulations under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Development associated with the Draft General Plan is expected to increase vehicle traffic and related releases of automobile-related pollutants that drain from roads into surface waters. New development would be required to implement Best Management Practices (BMPs) to treat stormwater runoff, prior to its discharge, to the maximum extent practicable.

Regulations and policies, including the City's Municipal Code as well as Draft General Plan policies, would reduce the impacts of placing housing within a 100-year flood hazard area. A small portion of the City between I-80 and the Eastshore Highway south of Buchanan Street would be subject to potential flooding resulting from a catastrophic failure of the Berryman Reservoir. However, EBMUD has conducted improvements to the Berryman Reservoir to minimize impacts and impacts are considered less than significant. The City finds the implementation of the Draft General Plan would result in less-than significant impacts related to hydrology and water quality.

#### **4.8 Hazards and Hazardous Materials**

Construction activities resulting from implementation of the Draft General Plan would include the management of hazardous materials. Federal, State, and local laws, regulations, and programs regulate the safe storage, management, and disposal of hazardous materials. The Draft General Plan includes several policies and actions that, in conjunction with federal, State, and local regulations would reduce potential impacts to a less-than-significant level. Implementation of Draft General Plan policies and existing regulations, in addition to the existing low risk of accidental hazardous material releases in the City of Albany would reduce the potential risk of impacts related to reasonably foreseeable upset or accident conditions involving hazardous materials handlers to a less-than-significant level.

Draft General Plan Policy EH-3.7 would ensure that the existence and potential exposure to hazardous materials is considered during the development review process and that zoning regulations and standards would ensure safe distances between hazardous materials and sensitive land uses. Increased traffic resulting from implementation of the Draft General Plan could impair existing and future emergency response and evaluation procedures. However, Draft General Plan policies would reduce potential impacts related to impairment or interference to a less-than-significant level.

The City of Albany does not contain Very High Fire Hazard Severity Zones, however; the City has determined that the eucalyptus forest on Albany Hill poses a wildland fire hazard that could result in an impact to the surrounding community. Policies within the Draft General Plan are included to address general fire hazard concerns and the risk of wildland fire on Albany Hill. The City finds that impacts related to hazards and hazardous materials are less than significant.

#### **4.9 Biological Resources**

The Draft General Plan includes goals, policies, and actions that ensure the protection of native plants and wildlife and their habitats, including special-status species. The preservation of creeks and riparian woodlands are promoted in the Draft General Plan. Implementation of the Draft General Plan, as well as State and federal regulatory requirements and the City's extensive site-specific review process for new developments would reduce impacts to special-status plants and animals to a less-than-significant impact.

The City of Albany includes approximately 8 acres of riparian woodland habitat along Cerrito, Codornices, Middle, and Village Creek. The preservation of creeks and associated riparian habitat is promoted in the Draft General Plan as important plant and wildlife habitat and as an open space amenity. Increased public access to these areas could impact biological resources; however, Draft General Plan goals, policies, and actions would protect biological resources from public access impacts.

The City finds the implementation of the Draft General Plan would result in less-than-significant biological resource impacts.

#### **4.10 Public Services and Recreation**

Implementation of the Draft General Plan would result in an increase in housing units, population, and jobs within the City of Albany. The increase in population could lead to an increase in demand

for public services including fire and police services and public schools as well as recreational facilities.

The Albany Fire Department does not maintain staffing ratios based directly on population; staffing levels are identified based on service demand and other factors. The Albany Fire Department staff informed the Draft General Plan and confirmed that the increase in population associated with implementation of the Draft General Plan would not result in the need to construct or alter existing fire department facilities. In addition, the Police Department is currently over capacity in their existing office space and does not have sufficient storage space for police property, equipment, and vehicles. The Draft General Plan includes Action CSF-2.E in order to ensure that the City would evaluate police department needs and take steps to provide additional resources through budgeting and capital improvement programming processes.

Implementation of the Draft General Plan could generate approximately 266 students within the Albany Unified School District's attendance boundary over the next 20 years. Growth associated with the Draft General Plan could exceed the capacity of public elementary and middle school facilities resulting in the need for additional school facilities by 2035 to maintain acceptable service ratios. Payment of school impact fees and AUSD's methods of implementation measures specified by Government Code 65996 are meant to offset increased student enrollment. Therefore, through compliance with State and local regulations the Draft General Plan would have a less-than-significant impact on school facilities.

The Draft General Plan would not remove any parks or recreational facilities and includes policies and actions to protect and promote parks, open space, and recreational facilities. The recreational facilities within the City and the East Bay would be adequate to serve any population increases associated with implementation of the Draft General Plan.

The City finds that implementation of the Draft General Plan would result in a less-than-significant impact to public services and recreations.

#### **4.11 Utilities and Infrastructure**

Development, population and employment increases anticipated under implementation of the Draft General Plan would create additional demand for utilities and services. Anticipated growth is not expected to create demand for water that would exceed the existing water supply; under the East Bay Municipal Utility District's (EBMUD) 2010 Urban Water Management Plan, the City's water system is expected to be able to meet projected water demand during normal and multiple dry year scenarios through the year 2035. Policies and actions are included in the Draft General Plan to ensure that water is used efficiently and conservation measures are employed. The Draft General Plan also includes policies and actions to ensure the maintenance and development of high-quality wastewater collection services; require the implementation of the 2014 Sewer Master Plan; anticipate future wastewater generation; and monitor the conditions of the sanitary sewer collection system. While implementation of the Draft General Plan would increase demand for wastewater treatment, the wastewater flows to serve the projected growth would be within the EBMUD's current available capacity. Development could increase the amount of impervious surface and anticipated amount and rate of stormwater runoff volumes; however local regulations and the Draft General Plan includes policies and actions aimed at reducing runoff and ensuring that stormwater flows are treated prior to its discharge, to the



maximum extent practicable. The City finds that the project's utility and infrastructure impacts would be less-than-significant.

#### **4.12 Visual Resources**

Visual resources in Albany include views of the San Francisco Bay and Marin Hills (including Mount Tamalpais) to the west, East Bay Hills to the east, and Albany Hill throughout the City. Development associated with implementation of the Draft General Plan is proposed to be concentrated along San Pablo Avenue and Solano Avenue. As a result of increased development, building heights may increase along commercial corridors. Policies within the Draft General Plan protect important views. Additionally streets and existing open spaces would remain the same under the Draft General Plan and views from these publically-accessible viewpoints generally are expected to remain unobstructed. No officially designated State scenic highways exist in Albany. The Draft General Plan includes policies to ensure that new development fits within the scale and design of existing neighborhoods and would not adversely affect the visual character of adjacent areas. The Draft General Plan does not include any individual projects that would create substantial amounts of glare. However, development anticipated under the Draft General Plan would result in increased amounts of lighting associated with new development and reflective building surfaces. New lighting and reflective building services would be similar to existing urban development in Albany. The City finds that impacts associated with visual resources would be less than significant.

## **SECTION 5: FEASIBILITY OF PROJECT ALTERNATIVES**

### **5.1 Project Alternatives**

The Final EIR included three alternatives: the No Project alternative; the Increased Density Near Transit alternative; and the Reduced Density and Development alternative. The City hereby concludes that the Final EIR sets forth a reasonable range of alternatives to the proposed project so as to foster informed public participation and informed decision-making. Further, the City finds that the alternatives identified and described in the Draft EIR were considered, and finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA section 21081.

#### **5.1.1 No Project Alternative**

The No Project alternative assumes that development would occur in the City of Albany, and specifically on available opportunity sites identified in the Housing Element, as allowed under the current General Plan and zoning designations. While approximately the same number of future residents (1,800) and employees (850) are anticipated to occur with implementation of this alternative as with the Draft General Plan, the No Project alternative does not include the new goals, policies, and actions of the Draft General Plan that would provide environmental and community benefits.

Findings for the No Project Alternative: Under the No Project alternative, population growth would result in the same number of residents, jobs, and housing units as the Draft General Plan. This alternative would not focus on concentrating development – and thus new housing units, residents, and employees – along San Pablo and Solano Avenues, as would the Draft General Plan. More total daily trips could be made by automobile under this alternative compared to the Draft General Plan, which encourages growth along transit corridors (San Pablo and Solano Avenues) and improvements

to the transit, bicycle, and pedestrian networks. The No Project alternative would not contain the same measures to reduce impacts related to traffic calming strategies, pedestrians and bicycles, transit, and emergency access as would the Draft General Plan.

The No Project alternative would result in similar less-than-significant impacts related to air quality and greenhouse gas emissions. However, this alternative would not include the same measures to reduce noise and vibrations impacts as the Draft General Plan and would have a greater potential to result in noise and vibration impacts.

On a program level, this alternative would result in less-than-significant effects on hydrology and water quality, similar to the Draft General Plan. Potential impacts related to substantial risk of inundation by tsunami could be greater under this alternative as existing policies do not address sea level rise and tsunami risk. This alternative would result in less-than-significant effects on hazards and hazardous material impacts, similar to the Draft General Plan. However, the No Project alternative would not contain the same measures to address hazardous materials and reduce potential impacts as the Draft General Plan.

Although the amount of projected growth would essentially be the same as that of the Draft General Plan for this alternative, there could be more potential for impacts on biological resources with this alternative because new policies that address preservation of the waterfront, conservation of creeks, and expansion of the City's tree canopy would not be included. In addition, this alternative would have more potential for cultural resource impacts as it has fewer policies related to preservation of historic, archaeological resources, and paleontological resources.

With the same number of dwelling units and the same number of new residents as with the Draft General Plan, the No Project alternative would have similar impacts related to public services and utilities and infrastructure. This alternative would comply with existing regulatory programs and would result in less-than-significant impacts. The No Project alternative does not include the same policies that protect visual and scenic resources; however, it would comply with the City's standard conditions of approval and would result in less-than-significant effects on visual resources, as would the Draft General Plan.

The No Project alternative would meet many of the objectives of the proposed project but would not fully meet the project objectives, due to the lack of policies, actions and programs described above. This alternative would not achieve as many of the benefits of the proposed project, and for this reason and given the discussion above, the No Project alternative is determined to be infeasible.

### **5.1.2 Increased Density Near Transit Alternative**

The Increased Density Near Transit alternative (called the Increased Density alternative in this section) assumes that the City would identify and implement policies and land use regulations to encourage more density, more infill development and more redevelopment of underutilized parcels along major transit corridors and near transit nodes. At least four stories of development would be allowed by right with a bonus of up to five stories or more (under the State Density Bonus law), along San Pablo and Solano Avenues and on land within 0.5 miles of the El Cerrito BART Station. Under this alternative, zoning regulations for these areas would be amended to increase allowable densities, floor area ratios, and heights. It is expected that this alternative would result in an increase in the

number of new residents and employees compared to the Draft General Plan. This alternative includes all of the new mitigating policies and implementing actions contained in the Draft General Plan.

This alternative also would include the elimination of a minimum parking requirement for the San Pablo and Solano Avenue corridors and properties within 0.5 miles of the BART station. The elimination of parking requirements would be expected to incentivize development in these areas, and increase the number of people walking, bicycling and taking transit rather than using single-occupancy vehicles.

Findings for the Increased Density Near Transit Alternative: Under the Increased Density alternative, taller buildings would be allowed along the transit-served avenues and within 0.5 miles of the BART station and would result in an increase number of housing units, residents, and employees over Draft General Plan projections. The Increased Density alternative could result in an increase in daily vehicular trips associated with increased population and employment compared to the Draft General Plan. However, because no parking would be required for new development along Solano and San Pablo Avenues or within 0.5 miles of the BART station, it is possible that there could be a decrease in vehicular trips as more residents would use transit and other modes to travel.

On a program level, this alternative would result in less-than-significant effects on hydrology and water quality, similar to the Draft General Plan. This alternative would result in a less-than-significant effects on hazards and hazardous material impacts, similar to the Draft General Plan.

Although the amount of development could increase under this alternative, there would be similar potential for impacts on biological resources with this alternative because development would be infill development on already urbanized transit-served avenues and within 0.5 miles of the BART station. In addition, this alternative would have similar potential for cultural resource impacts.

Although this alternative could increase the number of new residents compared to the Draft General Plan, this alternative would have similar impacts related to public services and utilities and infrastructure. This alternative would comply with existing regulatory programs and would result in less-than-significant impacts.

The Increased Density alternative would accommodate more growth with taller buildings than would the Draft General Plan. The potential for impacts on aesthetics, shadows, and visual character would be greater with more development and taller buildings. This alternative could result in changes to views and visual character of the City. However, with adherence to the new visual resource policies, this alternative would result in less-than-significant effects on visual resources.

The Increased Density alternative would meet all of the objectives of the proposed project.

This alternative would allow more growth than the Draft General Plan along the San Pablo and Solano Avenue corridors, and although the Increased Density alternative would include the new beneficial policies of the Draft General Plan, it is possible that daily vehicular miles traveled and traffic effects could be greater than the Draft General Plan with the increase in allowed density and reduction in parking requirements. Visual and aesthetic impacts could also be greater, due to allowances for taller structures. Furthermore, it is speculative as to whether there would be a substantial increase in the use of alternative modes of traffic to offset the increase in vehicular traffic

related to the increase in population and jobs and associated air quality, greenhouse gas emissions, noise, and energy use. This alternative, therefore, may not achieve as many of the benefits of the proposed project, and for this reason and given the discussion above, the Increased Density alternative is determined to be infeasible.

### **5.1.3 Reduced Density and Development Alternative**

The Reduced Density and Development alternative (called the Reduced Density alternative in this section) assumes that the City would identify and implement policies and land use regulations to maintain slow growth in Albany over the next 20 years. These slow growth regulations would aim to result in housing and job growth that would continue at approximately the same pace that it has for the last decade, with far fewer households and jobs in 2035 than under the Draft General Plan. The Reduced Density alternative would include new policies to limit building size on residential and commercial properties, generally resulting in lower floor area ratio allowances on residential properties, and lower floor area ratio allowances on San Pablo and Solano Avenues. These policies would reduce the likelihood that small homes would be replaced with larger homes, and would also reduce the potential for large-scale residential additions. The character of the San Pablo and Solano Avenue corridors would remain similar to their current character, with mostly one- and two-story buildings.

This alternative includes all of the new mitigating policies and implementing actions contained in the Draft General Plan. However, this alternative also would not amend Measure D, and would retain the existing parking requirement of two spaces per residential unit. This alternative would meet all of the primary objectives of the Draft General Plan, although it would be less robust in its emphasis on directing growth to the San Pablo and Solano Avenue corridors that are well-served by transit.

Findings for the Reduced Density and Development Alternative: Under this alternative, future housing units, residents, and employees would decrease, relative to the Draft General Plan projections, as a result of less building square footage allowed along transit-served avenues and in residential zones. In addition, this alternative would produce less new affordable housing in the City compared to the Draft General Plan.

The Reduced Density alternative would result in similar less-than-significant impacts related to air quality, greenhouse gas emissions, and noise and vibration impacts. On a program level, this alternative would result in less-than-significant effects on hydrology and water quality and hazards and hazardous material impacts, similar to the Draft General Plan.

Although development potential would decrease for this alternative, there would be similar potential for impacts on biological resources with this alternative because some development would occur and could have similar effects as those identified for the Draft General Plan. In addition, this alternative would have similar potential for cultural resource impacts as the new beneficial policies would be implemented.

Although development under this alternative could result in a decrease in the potential number of new residents compared to the Draft General Plan, the Reduced Density alternative would have similar impacts related to public services and utilities and infrastructure. This alternative would comply with existing regulatory programs and would result in less-than-significant impacts.

The Reduced Density alternative would accommodate less growth with lower buildings than the Draft General Plan. This alternative could result in changes to views and visual character of the City, however, with adherence to the new visual resource policies, this alternative would result in less-than-significant effects on visual resources.

This alternative would meet most of the primary objectives of the Draft General Plan. It would yield fewer affordable housing opportunities, and be less robust in its emphasis on directing growth to the San Pablo and Solano Avenue corridors that are well-served by transit.

The Reduced Density alternative would allow for less growth than under the Draft General Plan. With this alternative, the City may not be able to meet its Residential Housing Needs Allocation (RHNA) housing requirements or improve the balance between jobs and housing in the City, as compared to the Draft General Plan. Additionally, with less growth and available parking along transit-served corridors, the City could potentially fall short of its reduction in vehicle miles travelled, air quality and greenhouse gas reduction goals. This alternative, therefore, may not achieve as many of the benefits of the proposed project, and for this reason and given the discussion above, the Decreased Density alternative is determined to be infeasible.

## **SECTION 6: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

The Final EIR did not identify any significant effects that cannot be mitigated to a less-than-significant level, and therefore a Statement of Overriding Considerations is not required, per CEQA Section 15093.

## **SECTION 7: CONCLUSION**

The 2035 General Plan Final EIR has been prepared pursuant to the CEQA Guidelines. The City Council has independently determined that the Final EIR fully and adequately addresses the impacts and mitigations of implementation of the General Plan goals, policies, actions, programs and projected build-out of the General Plan land uses. The number of project alternatives identified and considered in the Final EIR meets the test of “reasonable” analysis and provides the City Council with important information from which to make an informed decision. Public hearings were held before the Planning and Zoning Commission and the City Council. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits which the City would achieve from the implementation of the project. The City Council has balanced these project benefits and considerations against the environmental impacts that would result from the project and has concluded that those impacts are outweighed by the project benefits. Upon balancing the environmental risk and countervailing project benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the project outweigh those environmental risks. The City Council hereby finds that any residual or remaining effects on the environment resulting from adoption, implementation, and/or build-out of the 2035 General Plan are acceptable due to the benefits associated with adoption of the 2035 General Plan.

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