

**CITY OF ALBANY
DRAFT 2035 GENERAL PLAN
RESPONSE TO COMMENTS DOCUMENT**

SCH: 2014032040

LSA

February 2016

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DRAFT 2035 GENERAL PLAN
RESPONSE TO COMMENTS DOCUMENT**

SCH: 2014032040

Submitted to:

City of Albany
1000 San Pablo Avenue
Albany, California 94706

Prepared by:

LSA Associates, Inc.
2215 Fifth Street
Berkeley, California 94710
510.540.7331

LSA

February 2016

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I. INTRODUCTION

A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed City of Albany Draft 2035 General Plan (Draft General Plan). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

B. ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On March 11, 2014, the City of Albany circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts. The City extended the comment period on April, 21, 2014 and recirculated the NOP at that time. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on November 25, 2015 and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website and the General Plan Project website, and hard copies were available for public review at the Albany Community Development Department and the Albany Public Library.

The 60-day public comment period ended on January 25, 2016. The City held a hearing on the Draft EIR with the Planning and Zoning Commission on January 13, 2016 at Albany City Hall. Copies of all written comments received during the comment period and notes of the oral comments received at the public hearing are included in Chapter III of this document.

C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document, and the Final EIR, and summarizes the environmental review process for the project.
- *Chapter II: List of Commenters.* This chapter contains a list of agencies, individuals and organizations who submitted written comments during the public review period and comments made at the public hearing on the Draft EIR.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR, as well as a summary of verbal comments on the Draft EIR provided at the public hearing. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment. Comments on the General Plan document that do not pertain to the Draft EIR are not included.
- *Chapter IV: Draft EIR Text Revisions.* Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Double underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

II. LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Chapter III, Comments and Responses, of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each comment letter received on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: Federal, State, regional and local agencies (A), organizations (B), individuals (C), and commenters (D) at the January 13, 2016 Planning and Zoning Draft EIR hearing.

The comment letters are numbered consecutively following the A, B, C and D designations defined below:

Federal, State, Regional, and Local Agencies	A1-A4
Organizations	B1-B2
Individuals	C1-C4
Public Hearing	D

Comment letters are numbered and comments within each letter are numbered consecutively after the hyphen. Each speaker at the public hearing has been designated with a number as well. Comment letters that address the General Plan, without reference to the Draft EIR, are not included. The City is also preparing the Albany 2035 General Plan Addendum (also called the General Plan Addendum in this document). This General Plan Addendum incorporates responses to comments solely on the Draft General Plan through edits, deletions, and additions.

B. LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the City during the public review period.

Federal, State, Regional, and Local Agencies

- A1 California Department of Transportation, Patricia Maurice (January, 7, 2016)
- A2 East Bay Municipal Utility District, David Rehnstrom (December 30, 2015)
- A3 East Bay Regional Parks District, Neoma Lavalley (January 25, 2016)
- A4 Alameda County Transportation Commission, Tess Lengyel (January 28, 2016)

Organizations

- B1 Friends of Albany Hill, Margo Cunningham (January 24, 2016)

B2 Diverse Housing Working Group, Alexa Hauser (January 13, 2016)

Individuals

C1 Fields, Ed (December 14, 2015)

C2 Holan, Jerri (January 2, 2016)

C3 Fields, Ed (January 13, 2016)

C4 Menotti, Val (January 24, 2016)

Commenters on the Draft EIR, Public Hearing January 13, 2016

D1 Planning and Zoning Commission Chairperson Doug Donaldson

D2 Planning and Zoning Commissioner Val Menotti

III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR and summarized comments on the Draft EIR made at the Planning and Zoning Commission hearing held on January 13, 2016 are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: Federal, State, regional, and local agencies (A), organizations (B), individuals (C) and public hearing comments (D). Letters addressing the General Plan without reference to the Draft EIR are not included.

Please note that some of the text within individual letters and the summary of the Planning and Zoning Commission hearing has not been numbered. Such text does not raise environmental issues or relate to the adequacy of the information or analysis within the Draft EIR, and therefore no comment is enumerated or response required, per CEQA Guidelines Section 15132. Additionally, for comments on the Draft General Plan, the reader is directed to the Albany 2035 General Plan Addendum (also called the General Plan Addendum in this document). Similar to changes shown in the Draft EIR, revisions to proposed text in the Draft General Plan are shown via ~~strikeout~~ where text is removed and double underline where text has been added. Please see the General Plan Addendum for final language.

A. FEDERAL, STATE, REGIONAL, AND LOCAL AGENCIES

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Serious Drought.
Help save water!*

January 7, 2016

ALAGEN259
SCH# 2014032040

Ms. Anne Hersch, City Planner
Planning Division
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

City of Albany 2035 General Plan – Draft Environmental Impact Report

Dear Ms. Hersch:

Thank you for continuing to include the California Department of Transportation (Caltrans) in the early environmental review process for the project referenced above. Our comments seek to promote the State's smart mobility goals that support a vibrant economy and build active communities rather than sprawl. We have reviewed the Draft Environmental Impact Report and have the following comments to offer.

Project Understanding

The proposed project is the comprehensive update to the City's existing General Plan, adopted in 1992. The City of Albany 2035 General Plan includes an updated vision, with goals, policies, action implementation measures, and updated land use map that anticipate the 2035 build-out, which will also reflect the needs and preferences of the community while ensuring compliance with State law. All state mandated elements are included in the Update, as well as optional elements to address community services and facilities and the Waterfront. The General Plan's growth projections include up to an approximate 815 new dwelling units and 850 new jobs, supporting a population of approximately 20,385 people by 2035. The City of Albany is the northernmost city of Alameda County. It is adjacent to Interstate 80 (I-80), which is also designated I-580 through Albany. Direct access to I-80 in Albany is provided via the Buchanan Street interchange. State Route 123 (SR 123), also called San Pablo Avenue, is a key north-south arterial crossing through the City.

1

Mitigation Responsibility

As the lead agency, the City of Albany (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

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January 7, 2016
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Forecasting

As noted in the DEIR, expected buildout of the proposed Draft General Plan would result in approximately 815 new residential units and 850 new jobs within the City (pg. 101). The scale and residential and non-residential land uses will likely surpass the 100 vehicle-per-hour threshold that would require a Traffic Impact Study and its associated cumulative Traffic Impact Study. As Figure IV.C-1 demonstrates, I-80 and I-580 are immediately adjacent to the City (pg. 81). Caltrans believes the General Plan will likely cause significant traffic impacts upon I-80 and I-580 and their associated on- and off- interchanges during the AM and PM peak periods. Therefore, Caltrans recommends the DEIR include:

3

- An AM and PM Project Trip Generation Table derived from Alameda County Transportation Commission Travel Demand Model with and without the project, and
- A Transportation Impact Study and its associated AM and PM turning movements per study intersection under Existing, Project Only, 2040 Cumulative, and 2040 Cumulative + Project Conditions for further comparison review.

Pedestrian and Bicycle Improvements

Figures IV. C-3 and C4 show the locations of existing and proposed pedestrian and bicycle facilities (pgs. 91-92). The identification of SR 123 as a Complete Streets Corridor is consistent with Caltrans policies and goals. Please further elaborate on the implementation schedule and expected bicycle and pedestrian count for these proposed improvements, noted in Figure IV. C-4. Planning activities for SR 123 should be coordinated in partnership with Caltrans. Please clarify whether standard bicycle facilities are provided at the approach to I-80/Buchanan Street/Frontage Road.

4

Transportation Funding

The Draft Land Use Element explicitly states the majority of growth in the City would occur in mixed-use projects along SR 123, San Pablo Avenue, and Solano Avenue (pg. 63). According to Table IV.C-1, thirty-five percent of the City's residents work outside of the county of residence (pg. 78). Given the project's contribution to area traffic and future General Plan 2035 buildout, Caltrans strongly encourages the City include a policy to participate in funding and development of a regional transportation improvements proportion to the demand placed by the City's resident commuters. A fair-share fee contribution program may be used to mitigate the impacts of future growth on regional corridors and state facilities. As a permanent funding mechanism with a demonstrated nexus to project impacts, transportation impact fees would be an effective action consistent with the draft Transportation Policies T-6.4: Interstate Improvements and T-6.5: Development-Related Improvements. In addition, the Albany Capital Improvement Plan has no identified source of funding to construct the City's Complete Street Plan improvements on SR 123, San Pablo Avenue (City of Albany 2016-2020 CIP, page 11). Please also consider a multimodal fee to improve transit, which would not only benefit the region but also reduce any queuing on local roadways caused by highway congestion.

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January 7, 2016
Page 3

Caltrans recommends the City engage in continuous coordination with Caltrans regarding plans to mitigate transportation impacts to State facilities. Such strategies are listed in the California Office of Planning and Research (OPR) *2003 General Plan Guidelines*, page 163, located at the following webpage: https://www.opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf.

8

Transportation Demand Management (TDM)

Caltrans encourages the City to locate future housing, jobs and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional vehicle miles traveled (VMT) and traffic impacts. Caltrans commends the City on the array of proposed TDM and Parking policies and actions included throughout the General Plan to move the City toward a less-auto dependent and more sustainable transportation pattern. We recommend the Transportation Element include a policy to discuss how these TDM Programs will be monitored and documented, such as through annual reports, surveys and trip counts, to demonstrate their effectiveness and to measure the methods of travel used by residents and employees.

9

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Habitat Restoration and Management

Project level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and with Caltrans where our programs share stewardship responsibilities for habitats, species and/or migration routes.

11

Bridges, Trestles, Culverts and Other Structures in Riparian Environments

Some project level activities may affect riparian flow patterns upstream of bridges, trestles, culverts or other structures for which Caltrans holds responsibility. Please ensure your project level environmental documents include hydrological studies to determine whether such impacts will occur, and to identify appropriate mitigation measures.

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Should you have any questions regarding this letter or seek additional information, please contact Sherie George at (510) 286-5535 or sherie.george@dot.ca.gov.

Sincerely,

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

COMMENTER A1

California Department of Transportation
Patricia Maurice
January, 7, 2016

Response A1-1: This comment is introductory in nature, and does not raise concerns regarding the environmental analysis or information contained within the Draft EIR. Please see Responses A1-2 through A1-12, which respond to concerns the commenter raised within this letter.

Response A1-2: The Albany General Plan Draft EIR is a program-level EIR. It is not associated with a specific development proposal or set of development proposals, but rather a forecast of potential development based on land use policies. If a mechanism existed to contribute to improvements on State routes, and if individual developments proposed in Albany have such impacts, it is reasonable that the specific development proposals, if/when proposed, would contribute a fair share to improvements on affected routes.

Response A1-3: The commenter states that the Draft General Plan “will result in 815 new residential units and 850 new jobs.” In fact, the General Plan in and of itself will not result in any additional residential units or jobs. No changes to existing land use designations are proposed, and the development capacity of the City is unchanged after adoption of the General Plan. The program-level EIR does not evaluate specific projects and associated housing and job growth.

If and when development was to occur that is consistent with the 2035 General Plan, and such project or land use change would generate more than 100 peak hour trips, then it would trigger the need for a Traffic Impact Study. The Draft EIR does include a facility-specific impact analysis that includes Alameda County Transportation Commission (ACTC), Congestion Management Program (CMP) and Metropolitan Transportation System (MTS) facilities, including I-80 and I-580, for AM and PM peak hours for cumulative conditions with and without the development that would be allowed by the land use regulations contained in the General Plan.

The cumulative land use plan assessed in the Draft EIR is not based on specific development proposal, or set of development assumptions. As a result, traffic impact analysis was conducted using the ACTC travel demand model and is assessed at a link (not intersection) level. The model predicts that the General Plan will generate the following auto travel demand.

	2040 No Development in Albany (Trips)	2040 Plus Development Consistent with the General Plan (Trips)
Daily	48,300	54,200
AM Peak Hour	3,520	3,790
PM Peak Hour	3,850	4,300

When specific development proposals are proposed in the City of Albany, more precise interchange and intersection-level analysis would be considered if the proposed development triggers the thresholds for such analysis.

Response A1-4: The City has allocated \$400,000 for design of bicycle and pedestrian improvements by 2017, and is actively seeking grants to fund the capital cost of \$3 million for construction of complete streets improvements. There is no implementation schedule for the improvements themselves as of February 2016. The plans and design for the I-80/Buchanan Street/Frontage Road and the bicycle facilities and improvements are still being finalized and are under review.

Response A1-5: The General Plan includes three policies that relate to funding regional transportation facilities:

- Policy T-2.10: Funding Commitment, which states that the City should “maintain reliable and sustainable funding sources to ensure the safe and efficient operation of the transportation system...”
- Policy T-6.4: Interstate Improvements, which contains the language “coordinate with Caltrans on future planning, construction, repair and maintenance activities along I-80, I-580 around the Buchanan Street Interchange, and along San Pablo Avenue.”
- Policy T-6.5: Development-Related Improvements, which contains the language “require completion of traffic studies to address the effects of new development” and “collect the appropriate fees needed to complete improvements...”

These policies support the idea that new development in Albany should participate in funding for local and regional transportation improvements. At present, there is no mechanism to collect regional impact fees, nor any substantial progress toward the development of a regional impact fee.

Please see the General Plan Addendum, as in response to this comment, the City is proposing to add the following new Policy T-6.11 to the General Plan:

Policy T-6.11: As appropriate and in partnership with other jurisdictions, participate in the funding and development of regional transportation improvements proportional to the demand associated with Albany residents and businesses.

Response A1-6:

It is accurate that the City's Capital Improvement Program does not include allocation of resources to fully implement Complete Street Plan improvements along San Pablo Avenue (State Route 123). The CIP is a short-term implementation tool, while the General Plan is a long-term planning tool with a 2035 horizon, so the lack of funding in the 2016-2020 CIP time period does not represent an inconsistency. Furthermore, funding for the Complete Streets Plan could come from a number of other sources including private development and grant programs. Action T-2.A: Grant Applications contains language to "pursue grants and other funding sources which support multi-modal transportation improvements." The City has a strong track record of attracting grant funding for multi-modal transportation improvements including substantial transportation improvement projects such as the Marin Avenue road diet and the Buchanan Street street/trail enhancements. See also response to comment A1-4.

The City currently collects a Capital Facilities Fee on new development to cover a portion of development-related improvement costs. In response to this comment, the City will add an action to its Transportation Element suggesting that this fee be updated, and that the feasibility of a set-aside for transportation be considered. Please see the General Plan Addendum, and specifically, the following new Action T-5.G:

Action T-5.G: Update development impact fees for capital facilities, including transportation. The feasibility of a separate transportation impact fee should be considered through this process. Revenue from such a fee could be used for multi-modal improvements, including pedestrian, bicycle, transit, and complete streets projects, as well as projects related to motorized vehicle flow.

Response A1-7:

Funding for on-going operations of transit is addressed through several General Plan policies and actions. The General Plan contains policies supportive of enhanced transit service and facilities including Policy T-3.10: Public Transit Service, which advocates for enhancements that would improve the speed and reliability of bus transit service, which would have the complementary effect of reducing transit operating costs. Action T-2.C: Trip Reduction Ordinance addresses ways the City could leverage on-going resources gathered from private development to fund on-going operations of programs aimed at reducing auto travel. Other actions aimed at enhancing transit are: Action T-3.H: Transit Gap Study; Action T-3.I: Bus Stop Improvements; and Action T-3.J: Bus to BART. See also response to comment A1-6.

- Response A1-8: The recommendation is noted and is consistent with the General Plan as noted in response to comment A1-5 above.
- Response A1-9: The Draft General Plan contains a number of policies that encourage the placement of housing and jobs near transit stations and transit-served corridors (e.g., LU-1.8, LU-3.1, and T-2.1).
- Response A1-10: The commenter's encouragement is consistent with the philosophy and intent of the General Plan. The City prepares an annual work plan for its Traffic and Safety Commission, and the work plan addresses monitoring the effectiveness of City transportation programs. The City also is planning an update to its Active Transportation Plan, and will address Transportation Demand Measures (TDM) through that process.
- Response A1-11: The comment regarding the need to coordinate with local and regional habitat conservation plans and restoration and management plans to address potential effects from project level activities concerning Caltrans facilities is noted.
- Response A1-12: The comment regarding the potential effects project level activities concerning Caltrans facilities such as bridges, trestles, and culverts may have on riparian flow patterns is noted.



City of Albany

JAN 07 2016

Community Development

December 30, 2015

Anne Hersch, City Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Re: Notice of Availability of a Draft Environmental Impact Report
City of Albany 2035 Draft General Plan, Albany

Dear Ms. Hersch:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Availability of a Draft Environmental Impact Report for the City of Albany 2035 Draft General Plan. EBMUD provided comments on the Notice of Preparation of the Draft EIR on May 19, 2014. EBMUD's original comments (see enclosure) still apply regarding water service, wastewater, recycled water, and water conservation.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

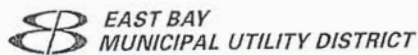
A handwritten signature in black ink that reads 'David J. Rehnstrom'.

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:SHT:dks
sb15_206.doc

Enclosure: Letter dated May 19, 2014 to Anne Hersch, City Manager, City of Albany
from EBMUD

[Faint, illegible text, likely bleed-through from the reverse side of the page]



May 19, 2014

Anne Hersch, City Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Re: Notice of Preparation of a Draft Environmental Impact Report for the City of Albany 2035
General Plan

Dear Ms. Hersch:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the City of Albany 2035 General Plan. EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone with a service elevation between 0 and 100 feet, Aqueduct Pressure Zone with a service elevation between 100 feet and 200 feet, and Berryman Pressure Zone with a service elevation between 200 and 400 feet will serve the General Plan area. Any development project associated with the City's General Plan will be subject to the following general requirements.

Main extensions that may be required to serve any specific development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, all project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

Project sponsors should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must

Anne Hersch, City Planner
May 19, 2014
Page 2

submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.

In addition, the project sponsors must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

**2
cont.**

WASTEWATER

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the project and the wastewater generated by the project meet the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

3

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for this project.

Anne Hersch, City Planner
May 19, 2014
Page 3

RECYCLED WATER

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply.

Some portions of the City's boundaries fall within and around the service area of East Bayshore Recycled Water Project transmission and distribution pipeline infrastructure. Any projects within the boundary of EBMUD's East Bayshore Recycled Water Project present opportunities for recycled water uses ranging from landscape irrigation, toilet flushing and other non-potable commercial and industrial application that can be served by existing or expanded recycled water pipelines in the future. EBMUD recommends that the City and their developers maintain continued coordination and consultation with EBMUD as they plan and implement the various projects within the 2035 General Plan regarding the feasibility of providing recycled water for appropriate non-potable uses.

4

WATER CONSERVATION

Individual projects within the General Plan area may present opportunities to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsors comply with the Landscape Water Conservation Guidelines adopted by the Alameda County Board of Supervisors. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

5

If you have any questions regarding this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:sb
sb14_110.docx

COMMENTER A2

East Bay Municipal Utility District
David Rehnstrom
December 30, 2015

Response A2-1: This comment is introductory in nature, and does not raise concerns regarding the environmental analysis or information contained within the Draft EIR. Please see Responses A2-2 through A2-5 which respond to concerns the commenter raised within this letter.

Response A2-2: The provision of water services and demand associated with Draft General Plan projected growth was evaluated in Draft EIR Section IV.M, Utilities and Infrastructure, and no significant unavoidable impacts were identified. The General Plan projections are consistent with EBMUD's Urban Water Management Plan.

As described in the Draft EIR on page 397, Draft General Plan Policy CSF-6.1 states that the City will "work with East Bay Municipal Utility District (EBMUD) to ensure the adequacy and safety of water utilities. The City will work with EBMUD to plan for adequate long-term water supply, the safety of the water storage and distribution system, the adequacy of the system to support fire flow needs, and the safe treatment and disposal of Albany's wastewater." This policy will ensure that future projects proposed under the Draft General Plan would comply with EBMUD requirements to evaluate that adequate water service is available. Future project sponsors would be required to update water infrastructure in order to serve the project site. In addition, future project sponsors would be required to ensure that no contaminated soil or groundwater is located on future project sites, prior to EBMUD's installation of water infrastructure. The location and regulations associated with hazards and hazardous materials was evaluated in Draft EIR Section IV.L, in the Draft EIR.

Response A2-3: The provision of wastewater services and demand associated with Draft General Plan projected growth was evaluated in Draft EIR Section IV.M, Utilities and Infrastructure, and no significant unavoidable impacts were identified. As described in the Draft EIR on page 398, Draft General Plan Policy CSF-6.2 states that the City will "ensure the safe management, operation, and maintenance of Albany's wastewater collection system." The City does require proposed developments to replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum.

Response A2-4: The provision and status of recycled water services and demand associated with Draft General Plan projected growth was evaluated in Draft EIR Section IV.M, Utilities and Infrastructure, and no significant unavoidable impacts were identified. As described in the Draft EIR on page 397, Draft General Plan Policy CON-6.10 states that the City will “support the use of reclaimed water, both on an individual basis (e.g., grey water recycling for private residences) and on a citywide basis for landscaping and irrigation.” In addition, Draft General Plan Policy CSF-6.5 states that the City will “continue to work toward the expanded application of reclaimed water from the EBMUD treatment plant for a variety of purposes, such as landscape irrigation.” These policies will be considered as the City approves potential future development under the Draft General Plan.

Response A2-5: Water conservation practices were identified in Draft EIR Section IV.M, Utilities and Infrastructure, and no significant unavoidable impacts associated with the provision of water were identified. As described in the Draft EIR on page 397, Draft General Plan contains a number of policies related to water conservation. Specifically, Policies CON-6.2, CON-6.8, CON-6.9 and Action CON-6.H are all aimed to achieve water conservation within the City. In addition, future project sponsors would be required to comply with any landscape and water use conservation guidelines adopted by the City, Alameda County or EBMUD.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

January 25 2016

City of Albany

JAN 25 2016

Ms. Anne Hersch
City of Albany
Community Development
1000 San Pablo Avenue
Albany, CA 94706

Community Development

Sent via e-mail to
ahersch@albanycva.org
On January 25, 2016

WL

RE: Notice of Availability of Draft General Plan and Draft Environmental Impact Report

Dear Ms. Hersch,

The East Bay Regional Park District ("District") appreciates the opportunity to provide comments on the City of Albany Draft General Plan 2035 and Draft Environmental Impact Report (DEIR). The Park District has a long term interest in the Albany Waterfront as it manages and operates McLaughlin Eastshore State Park ("State Park") and the San Francisco Bay Trail ("Bay Trail"), which are integral parts of the Albany Waterfront.

The Park District is interested in the Land Use and Waterfront Elements of the General Plan 2035, in particular items related the Albany Neck and Bulb Transition Plan ("Transition Plan"), San Francisco Bay Trail and McLaughlin Eastshore State Park. The San Francisco Bay Trail is a regionally important trail, and the segment stretching from Berkeley to Richmond is a vital transportation and recreational component of the McLaughlin Eastshore State Park. The Park District is currently implementing the Albany Beach Restoration and Public Access Project, having complete Phase I of the project in 2015, which included a shoreline stabilization and Bay Trail spur improvements along the Albany Neck. Future phases include a beach restoration, developed staging area, and completion of an approximate 5,000 ft gap in the Bay Trail from Gilman Street to Buchanan Street.

1

The District appreciates the General Plan's incorporation of the Eastshore State Park General Plan policies and goals. We look forward to continuing to work with the City of Albany, the State of California, and other stakeholders in the development and implementation of the Transition Plan for the Albany Bulb, including discussions regarding future ownership. Furthermore, the District supports Action W-6.B to develop a strategy to change the General Plan designation of publically-owned properties, including properties owned by the District, from "Commercial Recreation" to "Parks and Open Space" along with a corresponding zoning designation.

2

Board of Directors

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Thank you for the opportunity to comment on the Draft General Plan 2035 and Environmental Impact Report. We look forward to working with the City of Albany in implementation of the General Plan 2035 and on projects related to the Albany Waterfront. Please feel free to contact me at (510) 544-2626, or by e-mail at nlavalle@ebparks.org, should you have any questions.

2
cont.

Respectfully,



Neoma Lavalley
Senior Planner

cc:

Larry Tong, Chief of Planning/GIS
Brian Holt, Principal Planner

COMMENTER A3

East Bay Regional Parks District
Neoma Lavalle
January 25, 2016

- Response A3-1: This comment describes the East Bay Regional Park District's (EBRPD) involvement with the Albany Neck and Bulb Transition Plan and does not raise concerns regarding the environmental analysis or information contained within the Draft EIR.
- Response A3-2: This comment supports the General Plan policies related to the Eastshore State Park and does not raise concerns regarding the environmental analysis or information contained within the Draft EIR.



January 25 2016

Anne Hersch
Senior Planner
Community Development – Planning Division
1000 San Pablo Avenue
Albany, CA 94706

SUBJECT: Comments on Draft Environmental Impact Report for the City of Albany’s 2035 General Plan

Dear Ms. Hersch,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the City of Albany’s 2035 General Plan. The City of Albany’s 2035 Draft General Plan is intended to be the foundation for future land use and capital improvement decisions and will replace the City’s existing 1992 General Plan. Implementation of Albany’s Draft General Plan is forecast to result in 850 additional jobs and 815 additional housing units by 2035. This implementation would result in a total population of 20,385 residents and 8,660 housing units, which is roughly consistent with the 2013 ABAG population and household projections of 21,800 residents and 8,510 housing units, respectively. Consistent with these projections, the proposed 2035 General Plan does not significantly alter existing or create new land use designations, or result in significant redesignation of land in the City of Albany.

1

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Comments on the DEIR

- Chapter 4 C (page 83), Section 1c: Study locations should indicate that 10 (7 arterial segments and 3 highway segments) of the roadway segments listed for traffic impacts analysis are on 2002 MTS network and required by Alameda CTC’s Congestion Management Program (CMP). 2
- Chapter 4 C (page 95), Section 2a (2): Please correct the report’s language to reflect that:
 - The CMP does not establish significance analysis thresholds for designated roadways. The CMP requires a land use analysis when a project will cause a net increase of over 100 afternoon peak hour trips relative to trips generated by existing General Plan land use. 3
 - The CMP requires studying impacts to roadways on the 2002 Metropolitan Transportation System, which includes the following roadways in Albany: I-580, I-80, San Pablo Avenue, Solano Avenue, Marin Avenue, and Buchanan Street. In addition, the CMP also requires that the report address potential impacts of the projects on MTS transit operators (BART and AC Transit), Countywide Bicycle Network, and Pedestrian Areas of Countywide Significance. 4
- Chapter 4 C (page 96), Section 2a (2): Please note that the Alameda CTC’s former Citizen Watchdog Committee is now the Independent Watchdog Committee. This committee ensures that funds are expended in accordance with the voter approved expenditure plans. 5

Anne Hersch
January 25, 2016
Page 2

- Chapter 4 C (page 100), Section 3b (1): Note that Alameda CTC made minor refinements to its travel demand model in the summer of 2015.
- Chapter 4 C (page 110), Section 3b (3): As previously noted, the CMP requires studying the impacts of the General Plan's implementation on MTS transit operators. The DEIR should also address how the Plan's implementation would impact BART ridership and parking at stations used to travel to and from the City of Albany.

6

7

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7428 or Daniel Wu of my staff at (510) 208-7453 if you have any questions.

Sincerely,



Tess Lengyel
Deputy Director of Planning and Policy

cc: Daniel Wu, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2016

COMMENTER A4

Alameda County Transportation Commission
Tess Lengyel
January 28, 2016

- Response A4-1: This comment is introductory in nature. See responses to comments A4-2 through A4-6.
- Response A4-2: The information requested is contained in sections of the Draft EIR. The ACTC and MTC regional and sub-regional frameworks are described in Draft EIR Section IV.C, Transportation and Circulation (see the description of the Regulatory Framework beginning on page 95). Specific MTS routes and impacts to these facilities are called out in the Impacts and Mitigation Measures subsection of beginning on page 104.
- Response A4-3: The commenter's characterization of the function of the CMP is accurate and the Draft EIR reflects the same understanding, as shown in the following sentence on page 95 of the Draft EIR, "...the CMP established analysis thresholds for designated roadways..." the Draft EIR clarifies that "...Alameda CTC...uses 100-trip PM (increase) threshold, which if exceeded, would require a detailed traffic impact study." The project meets this threshold triggering the need for further analysis, which is presented in Section IV.C, of the Draft EIR.
- Response A4-4: As noted in Response A4-2 above, the MTS facilities and impacts are discussed on page 104 of the Draft EIR. Potential impacts to the MTS transit operators (BART and AC Transit) are on pages 110 and 111. With respect to the Countywide Bicycle Network and Pedestrian Areas of Countywide Significance, the Albany Active Transportation Plan (ATP) was approved in 2012, the same year the Countywide Bicycle and Countywide Pedestrian Plans were adopted. The Draft EIR uses the City's ATP as the basis for consistency analysis as the ATP has planning objectives that are consistent with the Countywide Plans and the ATP is more precise within the geography of Albany. Pedestrian and bicycle impacts are discussed on page 107 of the Draft EIR.
- Response A4-5: The change in name of the ACTC Citizen Watchdog Committee now the Independent Watchdog Committee is noted.
- Response A4-6: The comment regarding the 2015 refinements made to the ACTC travel demand is noted, and the analysis contained in the Draft EIR was made using the model refined in the summer of 2015.
- Response A4-7: An analysis of potential impacts on transit services related to implementation of the Draft General Plan is contained on pages 110 and 111 of the Draft

EIR. This analysis generally concludes that the addition of transit riders to BART and AC Transit is consistent with City, ACTC and regional (MTC) planning objectives. It may also be worth noting that transit capacity is based on the frequency of service (among other factors), which is not an element of the permanent environment. Similarly, parking impacts represent temporal inconveniences to users, but are not a part of the permanent environment. Additionally, Draft General Plan policies include strong support for increased transit use, and improved BART station access via the Ohlone bikeway which should assist in decreasing BART vehicular parking demand.

B. ORGANIZATIONS

January 24, 2016

Friends of Albany Hill
1727 Santa Clara St
Richmond, CA 94804

Anne Hirsch, City Planner
City of Albany Community Development
Planning Division
1000 San Pablo Avenue
Albany, CA 94706

City of Albany

JAN 25 2016

Community Development

re: Albany General Plan 2035

Dear Ms. Hersch:

The Draft General Plan and EIR are good in most ways for Albany Hill, but the following points should be added.

1) In Chapter 6 of the Draft General Plan (Parks, Recreation, Open Space Element), page 6-17, Policy PROS-1.2, the phrase "...adjacent upper slopes..." is not specific enough:

Policy PROS-1.2: Albany Hill Designate the crest of Albany Hill and *adjacent upper slopes* for open space and require dedication of this area for conservation and public access as a condition of approval for any proposed development on parcels along the ridgeline. Albany Hill should be considered an essential and valuable regional open space resource." [italics added]

The west side of the slope from the crest to at least 400 feet down slope and the east slope from the crest to Taft Ave. should be preserved for open space.

2) The same vague wording is used on page 6-18 of the Draft General Plan for Action PROS-1.C:

Action PROS-1C: Albany Hill Conservation Easements Work the owner of the 11-acre vacant parcel south of Gateway Towers and land conservation organizations to develop a site plan for the property which maximizes the conservation of open space *on the upper slopes* and ridgeline portions of the site. Continue to work with owners of other private properties on Albany Hill to reduce fire hazards and manage the Hill's unique ecosystem." [italics added]

Open space should be preserved from the crest to at least 400 feet down slope on the west side and from the crest to Taft Ave. on the east slope

Giving more specific descriptions in the policy and action statements will ensure that more of the valuable open space on the hill is retained for recreational users, who don't have that many options for trails so close to home, and will also protect the habitat on the southern end of Albany Hill, which contains some of the best variety of native flowers and grasses on the hill. Several significant plants on two watch lists (see attached list) have been recorded there by the East Bay California Native Plant Society, including the following¹:

red fescue (*Festuca rubra*)--B ranked, big squirreltail grass (*Elymus multisetus*)--C-ranked, gumplant (*Grindelia hirsutula* var. *hirsutula*)--C ranked, golden aster (*Heterotheca sessiliflora* ssp. *bolanderi*)--C-ranked, California Melic grass (*Melica californica*)--C-ranked, purple needlegrass (*Stipa pulchra*)--C-ranked.¹

1

2

Other plants considered locally rare by the East Bay California Native Plant Society (A-ranked) have also been found on the hill, some possibly on the southern end, including marsh bristlegrass (*Setaria parviflora*)--A2-ranked.¹

2
cont.

3) The Biological Resources section of the General Plan EIR fails to mention several special-status native plants growing on Albany Hill. Nine A-ranked plants (list attached) grow on the hill and along Cerrito Creek. They are subject to CEQA and should be included in the EIR. According to Dianne Lake,

When several Unusual species occur on a property, even if there are no statewide rare plants there, it should be considered a significant impact under guidelines in the California Environmental Quality Act (CEQA) that refer to locally rare populations in sections 15380 and 15125a which address species of local concern and place special emphasis on environmental resources that are rare or unique to a region.²

3

The city should also be aware that further down the west slope on the 11-acre private parcel in the grassy areas next to the sidewalk on both sides of the driveway along Pierce St grow two C-ranked native grasses, California oat grass (*Danthonia californica*) and purple needlegrass (*Stipa pulchra*). While not subject to CEQA these grasses, like many other native plants on the hill, used to grow all over the bay area but have disappeared from most areas.

4

4) While the Draft General Plan has a paragraph on page 6-22 about funding (see below), it does not specifically mention Measure R (Lighting and Landscaping Assessment District 1996-1). Voters passed the measure with the intent that 50% of revenues from the bond be used for purchase and improvement of open space on Albany Hill. As of June 2013 there is \$2.1 million in the account to be used for purchase of open space on Albany Hill, and assessments end in 2020³.

5

Policy PROS-3.12: Funding and Grants. Consider a variety of strategies to increase funding for capital projects and to enhance park maintenance, such as local fundraising, grants, development partnerships, and special taxing districts such as Landscape and Lighting Assessment Districts.

The plan should include a statement about using these available funds for purchase of additional open space on the hill before the assessment district expires.

Thank you for the opportunity to comment on the general plan update and EIR,

Margot Cunningham

Head, Friends of Albany Hill

friendsalbanhill@gmail.com, friendsofalbanhill.org

1 Lake, Dianne, 2010. *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties*. Eighth Edition. March 15, 2010. California Native Plant Society, East Bay Chapter

2. <http://ebcnps.org/plant-science/unusual-plants/>

3 City of Albany Open Space, Recreational Playfield, and Creek Restoration Assessment District 1996-1 Annual Report Fiscal Year 2015-2016

Albany Hill
Rare and Unusual Plant Species
(Statewide Rare Plants Are In Upper Case)

East Bay CNPS				
RarityRank	Species	Location	Habitat	Date
A2	Carex multicosata	Albany Hill	Misc. habitats	4/1998
C	Carex tumulicola	Albany Hill	Misc. Wetlands; Misc. Habitats	6/21/1991
B	Corallorhiza maculata fma. immaculata	Albany Hill: 3 sites	Forest; Woodland	6/4/2003
C	Danthonia californica var. californica	Albany Hill	Grassland	1997
C	Deschampsia elongata	Albany Hill	Freshwater Marsh; Grassland; Woodland	6/21/1991
C	Elymus multisetus	Albany Hill	Dry Open Slopes; Grassland; Rock, Tallus or Scree; Sand or Sandstone	6/21/1991
B	Festuca rubra	Albany Hill	Coastal Bluff; Grassland; Sand or Sandstone	1997
A1	Glyceria leptostachya	Albany Hill: along creek bank in and at water's edge	Freshwater Marsh; Riparian	5/28/1994
C	Grindelia hirsutula var. hirsutula	Albany Hill	Dry Open Slopes; Sand or Sandstone; Serpentine; Misc. habitats	6/21/1991
C	Heterotheca sessiliflora ssp. bolanderi	Albany Hill	Coastal Bluff; Scrub; Sand or Sandstone	6/21/1991
A1	Horkelia californica ssp. californica	Albany Hill	Grassland; Scrub	6/21/1991
C	Koeleria macrantha	Albany Hill	Forest; Grassland; Scrub; Woodland	6/21/1991
B	Lomatium caruifolium var. caruifolium	Albany Hill: W side of Albany Hill	Grassland; Vernal Pool; Misc. habitats	5/10/1989
C	Melica californica	Albany Hill	Grassland	6/21/1991
A2	Phacelia malvifolia	Albany Hill: Near stream at bottom on NE side	Gravel; Sand or Sandstone	6/21/1991
*A2	PIPERIA MICHAELII	Albany Hill	Forest; Scrub; Woodland	6/21/1991
C	Prunus subcordata	Albany Hill: NW corner of hill, about half-way up	Forest	3/12/1994
A2	Pseudognaphalium biolettii (formerly Gnaphalium bicolor)	Albany Hill	Dry Open Slopes; Sand or Sandstone	1997
A1	Ribes aureum var. gracillimum	Albany Hill: along edge of Cerrito Creek, brush between creek and condominiums along path	Riparian areas; Misc. habitats	5/28/1994
B	Ribes malvaceum var. malvaceum	Albany Hill: In oak forest on N face of hill, path at edge of Jackson St	Chaparral; Woodland	3/12/1994

A1	<i>Rosa nutkana</i> var. <i>nutkana</i>	Albany Hill	Misc. habitats	? date
B	<i>Rumex transitorius</i>	Albany Hill: Along edge of Cerrito Creek, brush between creek and condominiums along path	Misc. Wetlands	5/28/1994
A2	<i>Setaria gracilis</i> (currently called <i>S. parviflora</i>)	Albany Hill: W side of hill in partial shade of Eucalyptus, growing from cracks in mortared road bank	Chaparral; Grassland	6/25/1994
B	<i>Trisetum canescens</i>	Albany Hill	Forest; Misc. habitats	1997
C	<i>Stipa lepida</i> (formerly <i>Nassella l.</i>)	Albany Hill	Grassland; Scrub	6/21/1991
C	<i>Stipa pulchra</i> (formerly <i>Nassella p.</i>)	Albany Hill	Grassland	6/21/1991
C	<i>Vaccinium ovatum</i>	Albany Hill	Forest; Redwood Forest	2000
C	<i>Veronica americana</i> (<i>V. anagallis-aquatica</i> is more common)	Albany Hill	Riparian areas; Misc. Wetlands	6/21/1991
C	<i>Vicia americana</i>	Albany Hill	Grassland; Forest; Misc. Wetlands; Misc. Habitats	6/21/1991

**6
cont.**

source: Lake, Dianne, 2010. Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties. Eighth Edition. March 15, 2010. California Native Plant Society, East Bay Chapter

COMMENTS B1

Friends of Albany Hill
Margo Cunningham
January 24, 2016

Response B1-1: The commenter is requesting changes to the General Plan policies and actions (specifically Policy PROS-1.2 and Action PROS-1.C) to increase the amount of land on Albany Hill that is preserved as open space. The comment does not raise concerns regarding the environmental analysis or information contained within the Draft EIR.

The City believes that it would be premature to specifically quantify the undevelopable portion of the site through the General Plan process (e.g., 400 feet from the crest of the hill), and that such specificity would be inconsistent with the scope and intent of a 20-year citywide General Plan. The proposed Draft General Plan policies and text discussion already expand the direction provided by the 1992 General Plan by calling for preservation not only of the crest (per the 1992 General Plan) but also the upper slopes (which were not addressed in the 1992 General Plan). Further study and site planning (beyond the scope of the 2035 General Plan) will be needed to define the extent of the “upper slope.” There is also a need for consultation with the property owner and potentially further studies of topography (slope), natural resources, and land stability before such a finite determination is made.

Response B1-2: The comment regarding the habitat and significant plants on Albany Hill is noted. The Draft EIR contains a discussion and description of habitats and special-status plant species found in Albany in Section IV.J, Biological Resources. Please also see the General Plan Addendum revisions to page 7-17. Additional information has been added to the General Plan, consistent with this comment.

Response B1-3: In response to this comment, Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, starting on page 281, has been revised to include the plant species identified in this comment. The revised Table IV.J-2 is included in Chapter IV of this RTC Document.

Response B1-4: The comment regarding the two native grass species not subject to CEQA is noted.

Response B1-5: The commenter is requesting changes to General Plan Policy PROS-3.12 regarding Measure R and funding. The comment does not raise concerns regarding the environmental analysis or information contained within the Draft EIR. Please see the General Plan Addendum, as in response to this

comment, the City will add a new Action PROS-3.H: Measure R Expenditures to the Draft General Plan:

Action PROS-3.H: Measure R Expenditures: Prior to the expiration of Measure R (Landscape and Lighting Assessment District No. 1996-1) in 2020, utilize available funds to acquire additional open space and implement vegetation management programs on Albany Hill, and to undertake continued restoration of Codornices and Cerrito Creeks.

Response B1-6: The comment provides a list of Albany Hill Rare and Unusual Plant Species, and was used to update Draft EIR Table IV.J-2. See Response BI-3, and revised Table IV.J-2 in Chapter IV of this RTC Document.

January 13, 2016

To: Planning and Zoning Commissioners—Doug Donaldson, chair; Susan Friedland; Erik Giesen-Fields; Christopher Kent; and Val Joseph Menotti

From: Alexa Hauser, Diverse Housing Working Group (DHWG) Liaison

Re: Notes from City Council Work Session on Draft General Plan, December 15, 2015

The primary purpose of this communication is to clarify the intention of DHWG in our communications regarding the Land Use and Waterfront Elements. The representation of these comments in the notes and the Council's responses to us during the meeting demonstrate that we were not clear. In our attempt to address the special nuances of language connected to the Waterfront and Measure C, our overall intent was lost. We hope that the Commission will agree that the City's priority for housing should be reflected throughout the General Plan, as appropriate.

1

At the end of my remarks are some editing changes needed in the Council's Work Session Notes, as several members of the public have their names misspelled and/or misheard.

Reverend Julie Wakelee-Lynch wrote the following to the Council on December 10, 2015, on behalf of DHWG:

Re: Including consideration of housing needs in General Plan

I write in my capacity as the rector of St. Alban's Church and as a member of the Diverse Housing Working Group (DHWG), to ask that as you study and work toward the new General Plan 2035, you pay attention to and prioritize the following information regarding the development of new affordable housing in Albany.

Given (1) the housing crisis in the Bay Area, East Bay, and Albany, (2) Albany's RHNA, (3) Albany's commitment to meeting its RHNA, and (4) the fact that the land under Golden Gate Fields is available for possible redevelopment in the next twenty years, the Diverse Housing Working Group urges the City to include in the 2035 General Plan language that makes it clear that in developing any proposal for the voters on the redevelopment of the Golden Gate Fields property, housing will be considered a top priority use.

2

Further, any housing development included in an initiative for the voters would include (1) housing affordable to households in a ratio equal to the RHNA ratios of income categories (24% very low income, 16% low income, 17% moderate income, and 43% above moderate income) or

(2) contributions to an affordable housing fund in amounts to substantially support the development of housing for income categories not included in the project in equal percentages on San Pablo Avenue or elsewhere in town or

(3) the development on San Pablo Avenue or elsewhere in town of housing for households in income categories not included in the project in equal percentages to those provided in the project.

Thank you so much for your consideration in this important matter, and for your good work in leading our community.

With this statement, we are not advocating for housing in any redevelopment of Golden Gate Fields; most broadly, we are advocating that all redevelopment projects in town should be leveraged to increase housing (related to meeting Regional Housing Needs Assessment [RHNA] percentages).

Specifically, we are advocating that in appropriate sections of the General Plan (e.g., Land Use and Waterfront), the City's adopted priority to increase housing in line with meeting RHNA goals (in the 2015-2023 Housing Element), be addressed in all potential redevelopment efforts, including any potential Golden Gate Fields redevelopment. Addressing this priority looks to us like including housing (related to meeting RHNA percentages) in redevelopment projects, requiring housing development (related to meeting RHNA percentages) elsewhere in town as part of the approval of redevelopment projects without housing, and/or collecting fees for an Affordable Housing Fund as part of the approval of redevelopment projects without housing or without housing affordable to households with moderate, low, and very low incomes. We understand that in any Golden Gate Fields redevelopment project, these three actions would need to be considered within the process of drafting language of an initiative to put before the voters.

In most conversations about increasing affordable housing in town, people say that one critical problem is that Albany is already completely built up. And while we see a tiny amount of increase in housing through the addition of second units, it seems clear that we will not reach RHNA goals through this method alone. To DHWG, then, a key strategy to meeting RHNA goals is increasing housing through redevelopment. And for us enacting the priority of meeting RHNA through redevelopment, means leveraging all redevelopment efforts for an increase in housing or, at the very least, seriously considering how each redevelopment project can contribute to meeting RHNA. Without this kind of change it seems evident that we will not meet RHNA goals within this Housing Element cycle or future cycles.

We ask that the Commission encourage the inclusion of this kind of prioritization of meeting RHNA goals throughout the General Plan, as appropriate, and in its work in general.

Suggested edits:

Pages 3-4, Reverend Kevin ~~Ome~~, spells his name **Omi**.

Page 4, ~~Julia~~ Carroll, is actually **Delia** Carroll. Reverend Julie ~~Wakelee-Lynch~~ is **Wakelee-Lynch**. ~~Geri~~ Holan is actually **Jerri** Holan.

COMMENTER B2

Diverse Housing Working Group
Alexa Hauser
January 13, 2016

Response B2-1: This comment is introductory in nature and identifies the intent of the commenter regarding the communications concerning the Draft General Plan Land Use and Waterfront Elements. The comment does not raise concerns regarding the environmental analysis or information contained within the Draft EIR.

Response B2-2: The comment does not raise concerns regarding the environmental analysis or information contained within the Draft EIR. Housing and Albany's Regional Housing Needs Allocation (RHNA) goals are discussed in the Draft EIR Section IV.B, Population and Housing. Please also see the General Plan Addendum, as in response to this comment the City will add new Policy W-6.5: Community Benefits to the Waterfront Element of the Draft General Plan:

Policy W-6.5: Community Benefits: Ensure that any future reuse proposal for Golden Gate Fields provides community benefits, such as funding for affordable housing, parks, and shoreline access improvements, within the Albany city limits. Such benefits need not be on the site itself, and should be provided in a manner consistent with the goals and policies of this General Plan.

In addition, Policy LU-1.1 (Land Use Element) will be edited as follows:

Policy LU-1.1 Create opportunities to meet the housing needs of current and future Albany residents by zoning land for a variety of housing types, particularly on underutilized commercial properties. To the extent possible, new development throughout the City should be leveraged to create on-site or off-site opportunities for housing serving very low, low, and moderate income households.

C. INDIVIDUALS

From: Ed Fields
Date: 12/14/2015

Comments on the 2035 Draft General Plan and DEIR

High Density Residential

At Page 28 of the DEIR:

“The High Density category (35-87 units/acre) merges the “High” and “Tower” categories included in the 1992 General Plan, but the definition notes that the top (Tower) end of the density range is only permitted on the Gateview site; everywhere else, the high end of the range is 63 units/acre, which is consistent with the existing high density category.”

At Page 55 of the DEIR:

“Residential Towers. This category was added through a 2004 General Plan Amendment to recognize that the existing densities at Gateview (555 Pierce) are 87 dwelling units per acre. It applies only to the 466-unit Gateview development.”

The definition at page 3-10 of the Draft General Plan itself states only: “However, development at the top end of this range is not permitted on all sites.”

The 1992 General Plan does not permit new development at 87 units/acre. See pages 38 and 59: “Multi-unit residential densities begin at 35 units per acre and go as high as 87 units per acre, although this maximum density is no longer permitted.”

The language in the new General Plan is vague and misleading and should clarify that the maximum density for all additional development in the High Density Residential category is 63 units/acre.

1

San Pablo Avenue Mixed Use

At Page 3-14 of the Draft General Plan:

“A 38-foot height limit applies, although height bonuses may be considered to achieve General Plan goals.”

Such height bonuses are not part of the current General Plan or Zoning Code, and are not analyzed in the DEIR. Nor is there similar language proposed for the Solano Mixed Use category.

2

University Village

At Page 3-15 of the Draft General Plan:

“Non-residential uses, including recreational and academic buildings, are subject to a maximum allowable FAR of 0.95.”

Why is development in furtherance of the University’s academic or research mission subject to Albany’s FAR?

3

Solano Avenue Corridor

At Page 3-20 of the Draft General Plan:

“There are also frequent applications to improve or alter existing structures, or to change uses in existing storefronts or upper story spaces. Given the limited amount of offstreet parking available, the proximity to single family homes, and the density of existing uses, these applications are sometimes controversial.”

Isn't this also true for the San Pablo Avenue Corridor?

University Village

At Page 3-24 of the Draft General Plan:

“The 2004 Master Plan calls for continued use of this area as open space, including urban agriculture and potentially including other recreational or research activities.”

There is no provision in the 2004 UC Master Plan for “urban agriculture.” The UC Village community garden (for residents) was proposed to remain, but it is incorrect to state that urban agriculture was included as a use of the Step 3 area east of Jackson Street.

Land Use Element Implementing Actions

Note the difference between LU-3.E (San Pablo Avenue) and LU-3.F (Solano Avenue) in how “existing older single family homes” and “potential impacts on neighboring residential properties” are treated. The proposed action for San Pablo Avenue is to increase the height limit, which would impact neighboring homes on Kains Avenue and Adams Street (R-3 District), while the proposed action for Solano Avenue is to “Consider special zoning regulations... to minimize potential impacts on neighboring residential properties” by creating a transition to the R-1 district.

GOAL LU-4: CIVIC, INSTITUTIONAL, AND MEDICAL USES

At Page 3-39 of the Draft General Plan, Policy LU-4.6: Gill Tract

“Support future uses of the Gill Tract (San Pablo Avenue at Buchanan Street) that are consistent with the University’s academic objectives while also responding to the community’s desire to retain a substantial portion of the property for open space and recreational uses.”

Mention should be made of the community’s desire to include urban agriculture, as that use is not currently included in UC’s 2004 Master Plan.

Chapter 7: CONSERVATION AND SUSTAINABILITY ELEMENT

Table 7-3

The General Plan and EIR should account for Monarch Butterfly surveys done since 1998. I know surveys were done on Albany Hill at least in 2014 and as recently as November, 2015.

**3
cont.**

4

COMMENTS C1

Fields, Ed

December 14, 2015

Response C1-1: The commenter questions language in the Draft General Plan concerning the maximum density in the High Density Residential category. In response to this comment please see the General Plan Addendum. The definition now states that the 87 units per acre only applies to the Gateview Towers development, where it reflects existing density. Elsewhere, the maximum is 63 units per acre.

Response C1-2: As allowed under CEQA Guidelines Section 15168 or pursuant to Section 15152, a program EIR was prepared for the Draft 2035 General Plan. The document is intended to act as an analytical superstructure for subsequent, more detailed analyses associated with individual project applications consistent with the Draft General Plan. As such, the Draft EIR did not identify or analyze which parcels and future development or redevelopment would request and receive a height bonus, as it would be speculative to do so. Additionally, in response to this comment please see the General Plan Addendum edits that were made concerning a deletion of the reference to height bonuses along San Pablo in the definition of the San Pablo Mixed Use Land Use category and further edits made to General Plan page 3-9 to note that height bonuses and other development incentives may be granted to projects including senior housing or affordable housing, consistent with State Density Bonus law.

Response C1-3: In a series of comments, the commenter questions language contained in the Draft General Plan. The comments do not question the contents or adequacy of the analysis contained in the Draft EIR. In response to these comments please see edits made in the General Plan Addendum.

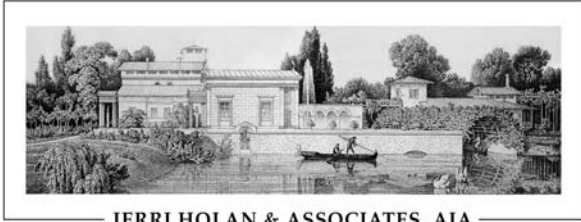
Response C1-4: In response to this comment, the following text revision is made to page 298 of the Draft EIR:

The eucalyptus, pine, and cypress groves within and adjacent to the City have the potential to support Monarch butterflies. U.C. Berkeley staff observed Monarchs roosting in eucalyptus trees along Codornices Creek in 1998.⁷² In October 1997, City of Albany staff observed several hundred Monarch butterflies in the eucalyptus groves in Dowling Park (University Village), along the railroad tracks, and in pine and eucalyptus trees east of San Pablo Avenue and south of Marin Avenue east of the University Village. At that time, the University consulted with Paul Cherubini, a Monarch butterfly expert who determined that these aggregations of Monarchs represented temporary roosts, rather than over-wintering habitats.

The nearest known regular wintering colony is at the Point Pinole Regional Shoreline. Large groups of Monarch butterflies have also been observed in the fall and winter in eucalyptus groves near Albany Hill. The Xerces Society sponsors the Western Monarch Thanksgiving Count in which local volunteers have participated most years since 1997. These volunteers have documented the annual number of Monarch butterflies at Albany Hill from a low of 0 to a high of 3,000 individuals. During most recent count conducted in the winter of 2015, 1,244 Monarchs were recorded at Albany Hill.⁷³ Additionally, a recent survey of a parcel on San Pablo Avenue was conducted for a separate project.⁷⁴

⁷³ Xerces Society, 2016. Western Monarch Thanksgiving Count data set for 1997-2015. Available online at www.westernmonarchcount.org/wp-content/uploads/2014/11/WMTC-Data-1997-2015_2.1.2016_FINAL.pdf.

⁷⁴ Hale, Nathan, 2015. Live Oak Associates, Project Manager. Letter to Chase Jiannalone of Oppidan Investment Company, “Wintering monarch colony survey results for the Oppidan San Pablo/Monroe (Parcel A) property located along San Pablo Avenue, Albany, California. (PN 1925-02)”.



JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

January 2, 2016

City Council & Planning Commission
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

RE: Draft EIR and 2035 General Plan

Dear Council Members and Commissioners:

In response to the Draft 2035 General Plan and EIR, I am writing to express my concern that the Plan does not significantly address potential negative impacts to older, historic buildings in Albany. After reviewing Table IV.K-1, the EIR is also very deficient in identifying Albany’s significant buildings which are over 50 years old and are potential cultural and historic resources according to the California Environmental Quality Act (CEQA). Furthermore, the Plan is vague and does not define any kind of process where historical or cultural resources are identified or how to prevent negative impacts to them.

1

I am especially concerned as the EIR acknowledges that the Plan WILL have potential adverse impacts on potential historic resources due to its encouragement of high-density housing AND high-density transit-oriented development.

In order to mitigate negative impacts on historic buildings, I would like to recommend the following revisions to the proposed Land Use Actions cited in the EIR and General Plan:

ACTION LU-2C should be revised as follows:

Preserve the architectural prototypes and prevailing design styles and features of homes in each Albany neighborhood.

2

(We don’t need to identify the prototype, it’s fairly well known that our city is defined by 1920’s MacGregor bungalows. However, we do need to preserve the prototypes).

ACTION LU-6.D, first sentence, should be revised as follows:

Work with the State Historic Preservation Office and Historic Consultants to establish a formal historic preservation ordinance for Albany.

3

(We don’t need to “explore the feasibility of a historic program.” Every City in the Bay Area has a historic ordinance except for Albany, of course it’s feasible. And a historic ordinance is way overdue: annually, we are losing much of the character that defines our community.)

ACTION LU-6.G should be revised as follows:

Any property that is older than 50 years old that proposes demolition or construction of the property shall have an historical evaluation, prepared by a qualified historical consultant, to determine if the property is a potential historic resource. If the property is deemed a potential resource, then, per CEQA, the project must be reviewed to see if it will negatively impact the resource. [The City could prepare this evaluation using a qualified consultant or could require the developer to prepare it using a qualified consultant.]

4

(The NWIC has no resources to conduct a survey of Albany and, at the moment, neither does Albany. Therefore, the onus of identifying potential cultural or historical resources should be on the developer until such time Albany conducts a formal survey of its historical buildings. The evaluation needs to be prepared by a qualified consultant with the Criteria established in the California Register of Historic Places.)

I would also like to make two more important recommendations:

- 1) Table IV.K-1 in the EIR (p. 335) should be expanded to include the following buildings, all of which qualify for the California Register of Historic Places under Criteria 1 and 3:

- City Hall, 1000 San Pablo Avenue
- Veterans Building, 1325 Portland Avenue
- MacGregor Building, 1391-95 Solano Avenue
- Albany Theater, 1115 Solano Avenue
- Albany Methodist Church, 980 Stannage Avenue
- Albany Post Office, 1191 Solano Avenue
- USDA Building, Buchanan Street
- All Existing Residences built by Charles MacGregor that retain Integrity

5

This expanded group of buildings should form a preliminary inventory of Potential Historic Resources for Albany.

- 2) The 2035 General Plan assumes that historic residential structures are defined and protected by zoning regulations (p. 3-31 and LU-2). This is not true and should be corrected. Residential or Design Guidelines are NOT historical guidelines. Further, there are NO design guidelines for commercial historic structures at all (LU-3).

6

Because of these significant deficiencies, it is imperative that Albany develop a historical ordinance (per Land Use Implementing Action 6.D or otherwise) as soon as possible that contains specific recommendations for all historic buildings.

Thank you for your attention to these important recommendations and please call if you have any questions or need more information.

Truly,



Jerri Holan, FAIA

cc: Anne L. Hersch, Senior Planner, AICP
Jeff Bonds, Community Development Director

COMMENTS C2

Holan, Jerri
January 2, 2016

Response C2-1: Cultural resources were evaluated in the Draft EIR Section IV.K, Cultural Resources. As allowed under CEQA Guidelines Section 15168, the Draft EIR is a program level document. As such, a complete inventory of Albany's significant buildings over 50 years old was not required to be completed as no specific changes or potential impacts to those buildings or building sites were considered or proposed in the Draft General Plan. The Draft EIR does identify General Plan Policy LU-6.G, which would encourage the establishment of protocols for project-specific reviews and the identification of historical resources. No additional response or mitigation measures are required.

Response C2-2: The commenter suggests changes to General Plan Action LU-2.C. Please see the Draft General Plan Addendum. In response to this comment, the text on page 339 of the Draft EIR is revised as follows:

- **Action LU-2.C: Amendments to Design Guidelines.** Amend Albany's Residential Design Guidelines to more comprehensively address the preservation of Albany's architectural history and the characteristic elements of its housing stock. This should include a description of the key elements of the City's "MacGregor" homes and other older housing types, and guidelines for the sensitive treatment of these elements in major additions and alterations. It should also include guidelines for the sensitive introduction of contemporary architecture in a traditional context. **Architectural Prototypes.** Develop an inventory of architectural "prototypes" that describes the prevailing design styles and features of homes in each Albany neighborhood.

Response C2-3: The commenter suggests changes to General Plan Action LU-6.D. Please see the Draft General Plan Addendum, and in response to this comment, the text on page 339 of the Draft EIR is revised as follows:

- **Action LU-6.D: Preservation Advocacy.** ~~Explore the feasibility of Pursue~~ a formal historic preservation program for Albany. Such a program ~~would~~ include a ~~potential~~ register of locally important historic buildings, markers and plaques which acknowledge key landmarks and sites, provisions to protect and enhance the defining qualities of the City's older buildings, and education and outreach on local resources and the benefits of preservation. Amendment of the zoning code to provide for historic preservation should be considered as part of this effort.

- Response C2-4: The commenter suggests changes to General Plan Action LU-6.G; however, these changes would be inconsistent with the intent of the Action. One of the key functions of the Northwestern Information Center (NWIC) is to carry out exactly the types of reviews described in this action, with funding provided by local governments through development application fees. The NWIC conducts hundreds of project reviews a year for various State and local agencies. The purpose of these project reviews is to determine if additional, project-specific study is recommended for cultural resources. The review is not limited to historical built-environment resources but includes an assessment of prehistoric and historical archaeological sensitivity as well. No revisions are made to Action LU-6.G.
- Response C2-5: The commenter would like to add additional buildings to Table IV.K-1 in the Draft EIR. The USDA Building on Buchanan Street, included in this comment, is already listed on Table IV.K-1, since a previous cultural resources analyses (for a specific project evaluated prior to the Draft General Plan) was conducted for that property. Regarding the other buildings, the California Office of Historic Preservation's (OHP) Directory of Properties does not include any of the other buildings listed in the comment. While they may be eligible for the California Register of Historic Places (CRHP), technical studies and coordination with OHPS would need to be completed on each one prior to including them on Table IV.K-1. The policies and actions of the General Plan would support an expansion of this list in the future.
- Response C2-6: The commenter questions language in the Draft General Plan concerning the protection of historic structures (per page 3-31 and LU-2). In response to this comment please see the General Plan Addendum edits that were made to page 3-31, column two, paragraph one.

From: Ed Fields
Date: 01/13/2016

Additional Comments on the 2035 Draft General Plan and DEIR

Albany needs to increase its development of affordable housing. The General Plan and DEIR assume that increased housing development in Albany will automatically result in an increase in affordable housing units. In the past this has not always proven to be true.

The DEIR states at page 438: "... development associated with the Draft General Plan would increase construction of housing in Albany, allowing the City to address its fair-share housing allocation requirements. An increased overall housing supply would allow the City to better address affordable housing needs."

1

Please state specifically how this would happen.

Currently, housing developers who build affordable units or units for senior housing are entitled to various state and city-mandated bonuses and concessions for density, height, reduced parking requirements, etc. For example, approved under existing regulations, the senior assisted-living housing development at University Village substantially exceeds height limits, and provides only 0.6 parking spaces per unit.

2

Increasing height limits and reducing parking requirements without tying those to the construction of affordable units may well result in the development of only more market-rate units.

Please correct Table 5-1, as two lines appear to be inconsistent. If the San Pablo Avenue Mixed Use increased by 11 acres, does that include the elimination of 6 acres from PRC?

3

COMMENTS C3

Fields, Ed
January 13, 2016

Response C3-1: The commenter questions whether an increase in development of housing would necessarily lead to an increase in affordable housing. In response to this comment, the following text revision is made to pages 437-438 of the Draft EIR:

The population and employment growth that would occur as a result of development associated with the Draft General Plan would occur entirely within Albany's City limits. Because much of the housing and commercial growth that would occur under the Draft General Plan is along commercial and transit corridors, anticipated growth would have several beneficial effects. First, such growth would support regional transit systems by increasing ridership and access to transit systems and would benefit bicycle and pedestrian access. Strengthening the transit system and improving bicycle and pedestrian circulation could reduce traffic and associated environmental effects, such as air pollution and noise, within the Bay Area. Second, development associated with the Draft General Plan would continue to enable increase construction of housing at a variety of densities and price points in Albany, allowing the City to address its fair share housing allocation requirements. Implementation of the programs in the General Plan Housing Element ~~An increased overall housing supply~~ would allow the City to better address affordable housing needs. Lastly, the population density within Albany would slightly increase. The development of dense residential and mixed-use districts within commercial and transit corridors represents an environmentally-sound method for accommodating a growing population and reducing sprawl, resulting in beneficial effects on both local and regional levels.

Response C3-2: The comment is noted, and the commenter does not question the contents or adequacy of the analysis contained in the Draft EIR. No additional response is required.

Response C3-3: The EIR authors believe that the table the commenter is referring to is Table III-1 on Page 34 of the Draft EIR (not Table 5-1 as identified in the comment). To reflect revisions that were subsequently made in the Draft General Plan and not reflected in Table III-1 of the Draft, the following text revisions are made to page 34 of the Draft EIR:

Table III-1: Acreage Comparison Between 1992 General Plan and Draft General Plan

Land Use Category	1992 General Plan Acreage	Draft General Plan Acreage	Difference
Low Density Residential ^a	466	465 7	+ - 1
Medium Density Residential	37	37	0
High Density Residential (including "Tower") ^b	65	63	-2
Hillside Residential (formerly Planned Development 1 and 2) ^c	26	19	-7
San Pablo Avenue Mixed Use ^d	33	44	+11
Planned Residential-Commercial	6	<u>0</u>	-6
Solano Avenue Mixed Use ^e	29	30	+1
Commercial Recreation	137	137	0
Commercial Services and Production (formerly Commercial Service/ Light Industrial) ^f	35	30	-5
Public/Quasi-Public ^g	62	63 5	+ 1 3
Parks/Open Space ^h	132	154 0	+ 22 18
University Village (formerly three different categories)	75	67 80	- 8 +5
Undesignated (Freeway/Railroad ROW)	72	66 53	- 6 19
TOTAL	1,175ⁱ	1,175ⁱ	0

^a Increase due to the addition of several churches to this category

^b Decrease partially due to removal of Albany Middle School from the High Density Residential category, offset by increase of 1.0 acre at Pierce Street parcel

^c Decrease due to acquisition of parcels on the east side of Albany Hill as parkland

^d Increase due to addition of 5 acres from University Village mixed use development and 6 acres from Planned Residential Commercial

^e Increase due to designation of AT&T facility as Solano Mixed Use

^f Decrease due to freeway realignment, Corporation Yard addition, removal of University Village ball field

^g Increase due to Albany Middle School and Corporation Yard addition

^h Increase due to Albany Hill, Pierce Street, University Village area addition

ⁱ The reason that the acreage totals 1,175, rather than 1,144 as is shown in the General Plan, is because the additional 30 acres in the Parks/Open Space category are wetlands that are subject to tidal influence and these were not included in the General Plan acreage total.

Notes:

- 1992 General Plan column includes General Plan Map Amendments made through 2004.
- Total excludes the Creek Conservation Overlay and the Major Activity Node overlay, to avoid double counting.

Source: Barry Miller, Planning Consultant to the City of Albany, 2015.

Comments – Val Menotti
Jan. 24, 2016

Albany Draft General Plan & DEIR

City of Albany

Overall, excellent work here. Congratulations.

JAN 25 2016

Draft General Plan

Community Development

- P. 1-5. Verify in SB375. I believe the responsibility for adopting the regional transportation plan and projections is shared, and both ABAG and MTC adopted *Plan Bay Area* in July 2013 (not 2012). 1
- Figure 2-1. Update map to show Albany located in Alameda County. 2
- P. 2-11. I believe the ABAG forecast was simply called *Plan Bay Area* – but please verify. 3
- P. 2-11. What is the basis for using a population and housing target 13% lower than that adopted in *Plan Bay Area*? More justification needed. This may have regional GHG emissions implications (especially if ever city does the same thing). P. 2-15 indicates Albany wants to be a regional leader on affordable housing and GHG emissions reduction. 4
- P. 3-18. Sidebar should note that PDA are designated locally, at the choice of location jurisdictions. Not imposed from regional agencies (though incentives are provided). Also, for San Pablo / Solano, did the Albany City Council not take an action request these be considered as PDA's. If so, narrative should be less passive, and more positive that this request was made locally.
- P. 3-13 and P. 3-18. For San Pablo and Solano, do we know what the optimized building typology would be, and what the market can provide? How do we create the most attractive General Plan / zoning code to achieve our development objectives?
- P. 3-23, 2nd paragraph. Strike out "of adoption" as it is duplicative.
- Transportation LOS (per OPR changes, p. 4-23)? p. 4-41 Action T-6.B Multi-Modal Levels of Service (MMLOS): 5
 - Current description is neutral (p. 4-23). Articulation of rationale or values should be consistent with vision / objectives identified elsewhere in General Plan (GHG, criteria pollutants, affordability, active transportation, parking).
 - Begin to provide some supporting policy rationale for future staff work element on updating approach to measures (likely VMT).
 - Why under Goal T-6, Motorized Vehicle Flow?
- Need to articulate Gilman / coordination with City of Berkeley (Action T-3.C, p. 4-36, Bicycle and Pedestrian Access to the Waterfront). Main corridor of access from south Albany to Waterfront and Bates fields.
- TOD: p. 4-32, Policy T-21; Albany Bowl, 1/2 mile from El Cerrito Plaza BART - "transit served corridors" Modify to include transit stations. (Identified on p. 4-21)
- Pedestrian: Upgrade pedestrian signals (larger buttons)

Comments – Val Menotti
Jan. 24, 2016

- Future BART infill station: Business Districts Action LU-3.H, Policy, CON-3.4). Ok to mention.
- Future CapCorridor infill station: MTC Regional Rail Plan, 2007. Should identify as possibility as part of future Waterfront Plan update.
- Glad we included some discussion of electric vehicles in public facilities, and multi-family and commercial buildings. Does this include potential for on-street / curb facilities?
- How do our wireless communications (mobile / cell tower) regulations track with LU designations?
- Does the City's easement agreement with BART for the Ohlone Trail provide any direction as to the Albany's proposed "Parks and Open Space (POS)" land use designation? BART usually prefers to designate these as multi-modal transportation corridors / facilities.

5
cont.

Draft EIR

- The Draft General Plan states (p. 2-11) that it is using a slightly lower forecast for population and housing (13% below), as compared to Plan Bay Area. One of the main purposes of SB375, and Plan Bay Area (2013) was to provide a regional blueprint for growth, fair share housing accommodation, and GHG emissions reductions. If Albany wants to be in a leadership position on Sustainability, and other key dimensions, why does the Draft General Plan not strive to achieve the regional target. Anything below would force growth elsewhere, often towards less sustainability locations which would increase overall GHG emissions. How does not planning for the regional population growth target impact regional GHG emissions? The EIR does consider a land use alternative with higher density on San Pablo / Solano, that would accommodate additional growth. Does this Alternative achieve the Plan Bay Area population forecast and GHG target?
- Consistency b/w GP map and Zoning map: example from Dec. 2015 project Santa Fe @ Solano Ave
- P. 8, Mitigation Measure Trans-2: What are the impacts if there is a parking measure in November 2016, and is passed by the voters (reform of Measure D)? To implement, will that require CEQA analysis, or do initiative passed by voters get a pass.
- P. 17: SB375 is shared responsibility of ABAG and MTC.
- P. 19: SB375 also integrated the RHNA process into other existing regional planning process, like updating the RTP and creating forecasts. Should locate this bullet advanced to Plan Bay Area. Actions adopted simultaneous by ABAG. (Suggest make as Bullet B).

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COMMENTS C4

Menotti, Val
January 24, 2016

Response C4-1: The commenter questions language in the Draft General Plan concerning regional transportation plan responsibilities (per page 1-5). In response to this comment please see the General Plan Addendum edits that were made to page 1-5 to add the Metropolitan Transportation Commission (MTC) to the discussion and change the adoption date of Plan Bay Area to 2013.

Response C4-2: In response to this comment the Draft General Plan Figure 2-1 and Draft EIR Figure III-1 have been updated to more clearly show that Albany is located in Alameda County. General Plan Figure 2-1 has been updated and is included in the General Plan Addendum. Draft EIR Figure III-1 is included in Chapter 4 of this Response to Comments Document.

Response C4-3: In response to this comment on the Draft General Plan, an edit has been made to page 2-11 in the General Plan Addendum, to now read “Projections 2013 (also known as the “Plan Bay Area” forecasts).”

Response C4-4: This comment is concerned with projected population and housing growth in the Draft General Plan that is lower than the growth projections for Albany contained in the Plan Bay Area forecasts. The commenter is also concerned that the lower forecast may have regional greenhouse gas emissions implications “if every city does the same thing.”

Unlike the Regional Housing Needs Allocation, the Plan Bay Area projections should not be considered a “target” that the City is required to achieve (but rather as the Association of Bay Area Governments’ (ABAG) estimate of the number of households the City of Albany will have by 2035. The City has the capacity to far exceed the Plan Bay Area forecasts based on its current land designations and zoning. By using a slightly lower growth forecast in the Draft General Plan and Draft EIR, the City is indicating that based on the trends of the last decade, it is unlikely that growth will occur at the very rapid pace anticipated by ABAG, especially during the next five years. For instance, Plan Bay Area forecasts indicated an increase of 220 households in Albany between 2010 and 2015. The reality is that only 15 households were added during that time period.¹ ABAG’s forecasts for 2015-2020 maintain high rates of growth. The Draft General Plan projections are still higher relative to past trends—but are somewhat more realistic than

¹ Miller, Barry. 2016. Planning Consultant to the City of Albany. Personal communication with LSA Associates Inc. February.

those developed by ABAG based on the dynamics of the local real estate market and characteristics of the available land supply.

Greenhouse gas emissions and energy use associated with the project were evaluated in EIR Section IV.E, Greenhouse Gas Emissions. It is unlikely and highly speculative, that there would be a cumulatively considerable increase in regional greenhouse gas emissions should some number of cities and counties decide to revise their general plan growth projections to be below those identified by ABAG.

Response C4-5: This comment identifies a series of suggested edits and comments on the Draft General Plan, and does not question the adequacy of the contents or analysis contained in the Draft EIR. In response to this comments please see the General Plan Addendum edits that were made on the pages identified in the comment.

Response C4-6: In response to the commenters concern that because the projected 2035 population and housing growth in the Draft General Plan (and evaluated in the Draft EIR) is lower than the growth projections for Albany contained in the Plan Bay Area, there may be regional greenhouse gas emissions implications; see response to comment C4-4. The comment also notes that the Draft EIR did not identify a land use alternative with higher densities (and more housing) on the San Pablo and Solano Avenue corridors to reflect the Plan Bay Area projections, although the Increased Density Near Transit Alternative would allow for additional floors and in increase in housing and job growth. In an EIR, the CEQA Guidelines require the analysis of a range of reasonable alternatives to the project that would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. While the City of Albany (and other local jurisdictions) are required to meet their State Regional Housing Needs Allocation (RHNA) goals (as evaluated in the Draft EIR Section IV.B, Population and Housing section), it can identify its own projections for future growth and development. Additionally, no significant impacts were identified in regards to not meeting ABAG's forecasts and therefore, identifying and evaluating an alternative that did so was not required under CEQA. As stated previously, there is sufficient allowable capacity under the existing General Plan designations to accommodate the higher ABAG projections.

Response C4-7: This comment has been provided to the City to identify and amend inconsistencies between the General Plan map and the Zoning map. This comment does not question the adequacy of the contents or analysis contained in the Draft EIR, and no further response is required.

Response C4-8: Mitigation Measure TRANS-2 states that, "Prior to adopting specific changes to parking requirements, conduct a parking and transportation study to evaluate the potential effects of these changes. 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.” In response to the comment, it is unknown at this time if a parking measure would be on the November 2016 ballot, what that measure would say, and whether it would be passed by the voters. The mitigation measure requires the City to conduct a parking and transportation study prior to adopting specific changes to parking requirements. It is in that study that potential impacts would be assessed.

Response C4-9: In response to this comment, the following text revisions are made to page 17 of the Draft EIR:

The California Air Resources Board (ARB) is required to set specific emissions reduction goals for metropolitan planning organizations, which in the Bay Area ~~are~~ is the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

Response C4-10: The comment is noted regarding ABAG’s RHNA process and relationship to SB 375.

D. PUBLIC HEARING COMMENTS

Summary of Planning and Zoning Discussion of Albany General Plan January 13, 2016

The Albany Planning and Zoning Commission convened a public hearing on the Draft 2035 General Plan and EIR on January 13, 2016. The purpose of the hearing was to take oral testimony on the Plan and EIR, and to provide Commissioners with an opportunity to comment on the Plan prior to the end of the formal EIR comment period on January 25, 2016.

Barry Miller delivered a PowerPoint presentation on the Plan. Following the presentation, Chair Donaldson opened the public hearing and invited public comment.

Public Comment

Alexa Hauser of the Diverse Housing Working Group noted that the DHWG's correspondence and testimony at the December 15, 2015 City Council Study Session had been slightly mis-characterized. The group was not advocating for housing at Golden Gate Fields, but rather was requesting a policy that any redevelopment that takes place in Albany (at Golden Gate Fields or elsewhere) be leveraged to generate funds for affordable housing. She suggested that language in the Land Use and Waterfront Elements should address redevelopment as a resource for housing either directly or indirectly (by generating funds for off-site housing). She also encouraged the Commission to move ahead with parking reforms.

Julie Winkelstein supported Alexa's comments, and further urged the Commission to recognize the need for housing serving very low and extremely low income persons. She noted that a large number of Albany properties were being marketed on AirBNB, removing potential housing units from the market. She also felt there had been inadequate community participation in the General Plan, and the City had not made enough efforts to advertise its public hearings.

Jerri Holan asked the Commissioners to think more seriously about historic preservation, and noted that the EIR did not sufficiently mitigate impacts to historic resources. She stated that preserving old homes was just as important as preserving marshland and other natural resources. She requested that the General Plan include an action to adopt a Historic Ordinance. The City doesn't need to identify architectural prototypes (as called for by the Land Use Element)—we already know the prototypes. We should do more than simply "explore the feasibility" of a program—we should just start it. She also indicated that Action LU-6.G to work with NWIC was not viable, because NWIC did not have staff or resources. She would like to see a requirement that property owners identify the historic significance of their homes when coming in with major changes, and then mitigate those changes appropriately. She also suggested that the City should compile a list of historic buildings. She suggested that the statement in the text that historic buildings were protected by zoning was inaccurate, and that existing design guidelines were not sufficient to protect historic resources.

Commissioner Comments

Chair **Donaldson** began his comments by commending staff and the consultant for their work on the Plan, indicating it was durable, easy to read, and nicely organized. He noted that he had some typo/wordsmithing comments that he would submit independently, and would focus on more substantive comments in his oral remarks. He made the following specific comments:

- Figure 2-1: Correct the map so it is clear Albany is in Alameda County
- P 2-10: In “Fast Facts”--be consistent when referring to the City’s land area (1.7 vs 1.8 sq mi). Use 1.8 here.
- Figure 3-1: Make the first interval 0-2,500 instead of 21-2,500
- P 3-38: Should the text on a Solano Avenue BART stop be deleted? (The Commission agreed to leave it as is.)
- P 4-4: The data on vehicle ownership is interesting
- Fig 4-4: Show the proposed Cycletrack as a Class IV facility (by UC Village)
- P 6-10: Correct photo caption. This is Codornices Creek, not Memorial Park
- P 7-12: Need to add unit of measurement (metric tons, etc.). Also typo—“reducing” not “redecing”
- P 7-14: Correct photo caption. Not a salt marsh, it’s the Plateau (grasslands). Also typo in first para—“songbirds”
- P 7-15: Should add the peregrine falcon (also relates to EIR)---it has the same status as the pelican, but we mention one but not the other. He saw one at Golden Gate Fields. Also, the clapper rail now has a new name (Ridgeway’s Rail), and we should refer to it that way
- P 7-16: Either add peregrine falcon, or delete the brown pelican. They have the same status, and are both off the endangered list now (he’d prefer to list them)
- P 7-25: Policy CON-2.2: Change “Require” to “Encourage” (tree removal)—it needs to be more nuanced. Commissioner Kent expressed some concern with this change—perhaps if they endanger structures they can be removed? Chair Donaldson indicated he was open to other wording, but was concerned that “require” was too strong.
- Chapter 8 – the Kinder Morgan gas pipelines should be mentioned in the Plan and EIR. They should be acknowledged as an explosion hazard. Talk to the Fire Department about the protocol for dealing with pipeline safety. Mention it in the FEIR. Mitigation measures are already in place and should be cited. (Also PG&E gas pipeline?)
- Chapter 9- The EIR discussion of telecommunications focused on land lines, but we should also recognize wireless and internet. Beef up the discussion of telecommunications facilities.
- Chair Donaldson also noted that he had submitted a memo to staff and his fellow commissioners with proposed changes to each chapter to acknowledge the potential for future changes at Golden Gate Fields. He asked for Commission support for the changes. He felt that if the text was silent on Golden Gate Fields, future generations might think the City was short-sighted.

Commissioner **Kent** offered his comments on the Plan:

- P 2-3: Use a different photo, since this one just shows empty tables (include people)
- P 3-16: Why aren’t streets considered open space? Why isn’t the creek conservation overlay listed as an open space/environmentally sensitive area category? Should this be reorganized to move that definition under open space? Perhaps don’t include a separate heading for “overlays” and move the creek conservation area under “open space”
- Chapter 4: Typo, criss-cross, not cris-cross
- P 4-7, 2nd para—first line: Text indicates walking is part of every trip, but really it’s not. Should delete that sentence.
- P 4-8: The nod to gateways on San Pablo is good, but we should also address the I-80 gateways—in particular the end of the Albany off-ramp on southbound I-80 (which terminates at a dead end on Cleveland Av.)—also Ohlone Greenway could use a city limit sign. Be more holistic about gateways.
- P 4-12: Be consistent in terminology. “Buffered Bike Lanes” vs “Class IV” lanes. Use the same term throughout. Another example: “Bike Lane” vs “Class II”, Bicycle Boulevard vs “Class II”.

- P 4-13: Change the photo at the top. This is the pedestrian path, not the bike path.
- Policy T-2.1: Encourage land use patterns and public space designs that encourage walking
- Policy T-2.9 on leadership—change to “Play a Pro-active role”. Leadership might be too strong? Chair Donaldson indicated many in the community would disagree, and we should stick with our goal to be leaders.
- P 4-36, Action T-3.E/F Improvements to sidewalks. Can the City help neighbors pool their resources so this can be a joint effort? City could send a memo to block captains letting them know of the opportunity, etc? That would make sidewalk improvements more viable due to economies of scale (Jeff noted that this action should be replaced, as the Council adopted a new sidewalk policy in December 2015. The City will pay for some sidewalk repair on priority routes near schools, etc.)
- T-3.I: Bus stops/ shelters are dirty. We should mention the importance of cleanliness to rider comfort.
- T-4.8 and 4.9: repetitious. Should distinguish them by noting that 4.8 is more about security and crime prevention. Note CPTED (Crime Prevention through Environmental Design)—that should be part of 4.8.
- T-4.B: Parking on sidewalks. Have to manage this so fire trucks can get through. Need to put that qualifying statement in there—recognize emergency management issues.
- P 6-3: Streets provide an important form of open space (public realm) and that should be acknowledged here. That open space is an essential part of livability.
- P 6-3: Identify the creek conservation area as fitting into one of the four types of open space listed.
- P 6-5: Park/Open Space Map: Should show the Little League fields. Also, what about the Gill Tract? It is mentioned on P 6-3 but not on the Map. Delete mention of Gill Tract on 6-3, since it is university owned.
- P 7-5 and P 3-11: Why is Middle Creek not shown on the Land Use Map? Middle Creek is an open space. Shouldn't the City protect that creek as well? Reference the SF Estuary Map (Barry noted that Middle Creek did appear in Chapter 7 in the map showing creeks. A creek conservation zone has not been designated along that creek because most of it has been culverted and urbanized.). Potentially add a note on the Land Use Map that cross-references the Creek map?
- Doug Donaldson suggested editing the map on P 7-5 to show the portion of Cerrito Creek planned for daylighting (as part of the condo project in El Cerrito)
- 7-24, CON-1.D: regarding language on creek clean-up: add “enforcement” of development agreements with property owners who have agreed to clean up their section of creeks but don't do it.
- 10-25: On W-6.A, recognize that a 100' shoreline setback will have a big impact. Is shoreline a term of art? In other words, is there an official legal definition? Use BCDC jurisdiction line.

Chair Donaldson asked Commissioner Kent to clarify how streets should be considered are open space. Kent noted that he was focused on sidewalks and non-vehicular areas of the right-of-way. Commissioner Menotti agreed that this was a valid type of open space.

Commissioner Menotti offered his comments on the Plan:

- The description on Page 4-23 sounds too neutral. It would be good to explain why using VMT as a metric for transportation supports the City's sustainability and public health goals instead of just noting that this change is happening. Need to make the link to greenhouse gas reduction efforts.
- Move Action T-6.B somewhere else. It doesn't really fit with motorized vehicle flow. Maybe move to Goal T-1 or 2?

- Need to add something on coordination with Berkeley and Caltrans on the proposed changes to the Gilman interchange, and the use of Gilman as a connection between Albany and the waterfront.
- T-4.3.2: Add proximity to El Cerrito BART. TOD is not just for corridors in Albany— but also for areas near the BART station.
- The “old school” small pedestrian buttons on the City’s traffic signals are antiquated and need to be updated; perhaps add an action to replace them with ADA compatible (or bicycle compatible) buttons.

Commissioner Geisen-Fields indicated that he agreed with Chair Donaldson’s changes regarding Golden Gate Fields and would also propose an action regarding Golden Gate Fields that encourages and supports a dialogue between the City and the property owner, and encourages any future land use plan for the site to support implementation of the goals and policies of the General Plan.

Commissioner Friedland indicated she had no comments beyond those she had made at prior study session, and supported Chair Donaldson’s addendum regarding acknowledgement of Golden Gate Fields. She asked Barry Miller to clarify the public participation opportunities in response to the earlier speaker’s comments.

Chair Donaldson asked the Commission for feedback on Gerri Holan’s request that the Plan call for a historic ordinance. Commissioner Kent thought there might be merit in the suggestion. Commissioner Geisen-Fields said he was also open to the idea, but did not believe the burden of doing historic surveys should be placed on the applicant. He agreed that there may be individual structures in the city that warranted protection.

Commissioner Kent wondered what recourse the City had to stop teardowns if they were proposed. Chair Donaldson noted that the zoning (e.g., floor area ratio limits) created a disincentive to teardowns and thus protected historic buildings indirectly. Geisen Fields wondered if, in lieu of an Ordinance, the City could instead strengthen its design guidelines with respect to historic structures. Perhaps the guidelines could be expanded? The Chair noted this could be helpful, and added he was not fond of very modern buildings on streets where all the other homes were MacGregors. The Commissioners agreed that protection of buildings such as the Veterans Memorial Building was still a concern. Commissioner Friedland suggested the Commission have a future work session on this item.

The Commissioners had no additional comments on the testimony of the Diverse Housing Working Group.

Comments on the EIR

The Chair asked for comments specifically on the EIR. He expressed that the information in the document was useful, but it was very long. He also added he would provide specific comments in writing.

D1-1

Chair Donaldson asked if the City was planning to do a careful comparison of the Zoning Map and the General Plan Map to identify any inconsistencies. He noted there had been an inconsistency on Santa Fe Avenue that needed to be corrected. He made the following additional comments:

D1-2

- Be consistent in referring to the City as either 1.8 square miles or 1.7 square miles. Note the discrepancy between 1,144 acres and 1,175 acres as the total land area. Add a footnote indicating why the difference, as was done in the General Plan.

D1-3
 - The fact that there are 1.41 cars per household is interesting.

D1-4
 - P 106-the last sentence in paragraph 4 about streets having additional capacity is bothersome.

D1-5
 - Tree preservation—are we running into situations where people are cutting down trees to add rooftop solar? We should use “encourage” rather than “require” in the tree preservation policy.

D1-6
 - P 247: Address fuel pipelines as well as other hazards

D1-7
 - P 279: Correct an inconsistency between page 300 and Table 3-3. One says the Western Pond Turtle is not found in Codornices Creek and the other says that it is. Which is it?

D1-8
 - Clapper Rail is now called Ridgeway Rail

D1-9
 - P 371: there is a reference to mutual aid agreements as a mitigation measure, but the text only lists Alameda County. Aren’t there also mutual aid agreements with Contra Costa jurisdictions, eg El Cerrito and Richmond?

D1-10
 - Note that, practically speaking, schools will be impacted by growth, but the State limits the extent to which mitigation can be required.

D1-11
 - Telecom setting section only talks about AT&T—should also address other communication mechanisms.

D1-12
 - Visual section (Setting portion) should address the extraordinary and iconic views of the Golden Gate Bridge, Mt Tam, Alcatraz, SF, etc. from the city. Punch up Paragraph 3 of visual setting.

D1-13
 - Light and glare section---note that billboards are another source of light and glare, above Montero’s for example. I’d like to see a policy in the General Plan about phasing out billboards, as they are hard to get rid of.

D1-14
- Commissioner Menotti added that the MTC Regional Rail Plan addressed future service improvements on the Capitol Corridor. This could conceivably include a future station on the UP tracks in Albany. If we’re including the possibility of a Solano station, perhaps we should also include an Albany station on the UP line. Given the context, that may be more viable than a Solano BART station. It would be walking distance from Golden Gate Fields and could use space under the freeway for parking. Following conclusion of this item, the Commission continued to their next agenda item.

D2-1

PUBLIC HEARING D

January 13, 2016

D1 Donaldson, Doug

- Response D1-1: This comment is introductory in nature and is noted.
- Response D1-2: This comment has been provided to the City to identify and amend inconsistencies between the General Plan map and the Zoning map. This comment does not question the adequacy of the contents or analysis contained in the Draft EIR, and no further response is required.
- Response D1-3: For the purposes of the General Plan, the City has calculated its land area as 1,144 acres. Other sources may indicate slightly different totals due to the inclusion or exclusion of certain tidal lands, including mudflats and salt marshes.
- Response D1-4: This comment concerning cars per household is noted.
- Response D1-5: This comment concerning street capacity is noted.
- Response D1-6: It is unknown whether people in the City are cutting down or pruning trees to add rooftop solar, as there is no information to support this concern, additionally the issue is too specific to be addressed in the program EIR on the Draft General Plan. Please see the General Plan Addendum as edits have been made to Action CON-2.B Tree Preservation Requirements in the Draft General Plan.
- Response D1-7: In response to this comment the following paragraph is added to the top of page 390 in the Draft EIR:

A high pressure natural gas transmission pipeline runs north and south through Albany. PG&E's natural gas transmission and distribution systems are operated under an inspection and monitoring program. The system operates in real time on a 24-hour basis, and includes leak inspections, surveys, and patrols of the pipelines. A new program, the Pipeline 2020 program, aims to modernize critical pipeline infrastructure, expand the use of automatic or remotely operated shut-off valves, catalyze development of next-generation inspection technologies, develop industry-leading best practices, and enhance public safety partnerships with local communities, public officials, and first responders.

In addition, Kinder-Morgan operates a high-pressure gasoline pipeline that runs adjacent to the Union Pacific railroad tracks.

Response D1-8: In response to this comment, the following text revision is made to page 300 of the Draft EIR:

Suitable habitat for western pond turtles exists within portions of Cerrito, Middle, and Codornices Creeks within the City. This species was observed by Michael Woods Botanical Consulting in the late 1990s in Codornices Creek, just upstream from the railroad tracks.⁸⁷ No turtles were observed during LSA's reconnaissance surveys of Cerrito, Middle, Codornices or Village Creeks in February 2014 or during LSA's field survey of Codornices and Village Creeks on June 2003 or August 2008,⁸⁸ or during extensive surveys of Codornices and Village Creeks conducted in 2001 by Rana Resources.⁸⁹ Village Creek does not provide suitable habitat for western pond turtles due to the lack of perennial deep pools or basking sites and because most of the creek channel is narrow or densely vegetated. The lack of large pools and/or suitable nesting habitat along ~~Codornices~~ Cerrito, Middle, and Village Creeks within the City makes it unlikely that this species would permanently occupy these creeks; however, suitable habitat along Codornices Creek exists within the City both upstream and downstream of the reach within University Village.⁹⁰ The closest CNDDDB occurrences are at Brooks Island, Tilden Regional Park in Berkeley, San Pablo Reservoir, and Lake Temescal.⁹¹

Response D1-9: In response to this comment, the following text revision is made to page 302 of the Draft EIR:

Ridgway's Rail (formerly known as California Clapper Rail [Federal and State Endangered; California Fully Protected Species]). This secretive species prefers tidal salt marshes dominated by pickleweed and cordgrass with adjacent areas of high marsh cover dominated by pickleweed, gumplant, saltgrass, alkali heath, and/or fleshy jaumea (*Jaumea carnosa*).¹⁰¹ ~~Clapper~~ Ridgway's rails also occupy tidal brackish marshes dominated by bulrush. The ~~California~~ local subspecies of ~~clapper~~ Ridgway's rail is now restricted to the tidal marshlands around the San Francisco, San Pablo, and Suisun Bays. A Bay-wide survey in the early 1970s estimated a total population of between 4,000 and 6,000 birds.¹⁰² The most recent population estimate for ~~California-clapper~~ Ridgway's rails was approximately 1,040 to 1,264 individuals in San Francisco Bay.¹⁰³ Although habitat loss is implicated in population declines, predation of rails by the introduced red fox is another major threat.

~~California-clapper~~ Ridgway's rails could occur in tidal marsh habitat along the Albany waterfront. ~~Clapper~~ Ridgway's rails have been

reported at the Emeryville Crescent marsh, Inner Richmond Harbor, and Wildcat Creek Marsh.¹⁰⁴

Response D1-10: This comment concerns the language of Draft General Plan Policy CSF-2.8: Mutual Aid. The policy states that the City should “maintain collaborative relationships with police and fire departments in adjacent cities...” and those would include El Cerrito, Richmond, and Berkeley.

Response D1-11: This comment regarding schools is noted.

Response D1-12: Page 390 of the Draft EIR identifies other “communication mechanisms” including: Digital Subscriber Line (DSL), Internet Service Provider (ISP), web hosting, virtual private networking, U-verse, Multi-protocol Label Switching (MPLS), and wireless/cellular paging services.

Response D1-13: In response to this comment, the following text revision is made to page 405 of the Draft EIR:

a. Regional Setting. Albany is the northernmost city in Alameda County and is located on the east shore of the San Francisco Bay. Albany is located close to two prominent natural features: San Francisco Bay, which acts as the western border of the City and Albany Hill, which rises to approximately 330 feet in the western part of the City. Albany’s central location on the East Bay shoreline allows residents and visitors spectacular and iconic views to the west of the Bay, Angel and Alcatraz Islands, San Francisco, the Golden Gate Bridge, and Mount Tamalpais, while views to the east are of the East Bay hills. Albany is located in an urbanized area and borders the Contra Costa County cities of Richmond on the northwest and El Cerrito on the north, and the Alameda County city of Berkeley on the east and south. Land uses, building types, and densities are similar in the adjacent cities and consist of primarily low rise development.

Response D1-14: This comment identifies existing billboards as a source of light and glare and suggests that a policy be provided in the Draft General Plan to phase them out. Potential impacts associated with light and glare arising from implementation of the Draft General Plan are evaluated in Section IV. N, Visual Resources. No significant impacts associated with additional light and glare were identified in the Draft EIR. See the General Plan Addendum for a new action to update the sign ordinance, including billboard regulations.

D2 Menotti, Val

Response D2-1: The comment that a future station on the UP tracks in Albany could conceivably be included in the MTC Regional Rail Plan is noted and has been provided to the City for further consideration. See the General Plan Addendum for edits.

IV. DRAFT EIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double underlined text. Deleted text is shown in ~~strikeout~~. Edits to the Draft General Plan are not included here and may be found in the General Plan Addendum under separate cover

Figure III-1: Regional Location Map on page 13 of the Draft EIR has been revised and is included within this text revision chapter.

The following text revisions are made to page 17 of the Draft EIR:

The California Air Resources Board (ARB) is required to set specific emissions reduction goals for metropolitan planning organizations, which in the Bay Area are ~~is~~ the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

Table IV-1 on page 34 of the Draft EIR has been revised as shown on the following page.

The following text revision is made to page 38 of the Draft EIR:

Goal and policies related to Golden Gate Fields are drawn from the 1992 General Plan. The policies propose no changes to the existing racetrack. The Element notes that in the event such changes are proposed, a citywide planning process and vote will be required.¹

¹ For further discussion of potential changes of use at Golden Gate Fields and the Albany waterfront area, please see page 10-1 of the Waterfront Element in the Draft General Plan.

The following text revision is made to page 71 of the Draft EIR:

The projected increase in residential units under the Draft General Plan (815 units) would more than offset potential impacts related to the minimal amount of potential displacement of housing units or people that might result from implementation of the Draft General Plan ...Therefore, the Draft General Plan would have a less-than-significant impact and would not displace a substantial number of existing housing units or people, and would not necessitate the construction of replacement housing elsewhere.

Table IV-1: Acreage Comparison Between 1992 General Plan and Draft General Plan

Land Use Category	1992 General Plan Acreage	Draft General Plan Acreage	Difference
Low Density Residential ^a	466	465 7	+ - 1
Medium Density Residential	37	37	0
High Density Residential (including "Tower") ^b	65	63	-2
Hillside Residential (formerly Planned Development 1 and 2) ^c	26	19	-7
San Pablo Avenue Mixed Use ^d	33	44	+11
Planned Residential-Commercial	6	<u>0</u>	-6
Solano Avenue Mixed Use ^e	29	30	+1
Commercial Recreation	137	137	0
Commercial Services and Production (formerly Commercial Service/ Light Industrial) ^f	35	30	-5
Public/Quasi-Public ^g	62	63 5	+ 1 3
Parks/Open Space ^h	132	154 0	+ 22 18
University Village (formerly three different categories)	75	67 80	- 8 +5
Undesignated (Freeway/Railroad ROW)	72	66 53	- 6 19
TOTAL	1,175ⁱ	1,175ⁱ	0

^a Increase due to the addition of several churches to this category

^b Decrease partially due to removal of Albany Middle School from the High Density Residential category, offset by increase of 1.0 acre at Pierce Street parcel

^c Decrease due to acquisition of parcels on the east side of Albany Hill as parkland

^d Increase due to addition of 5 acres from University Village mixed use development and 6 acres from Planned Residential Commercial

^e Increase due to designation of AT&T facility as Solano Mixed Use

^f Decrease due to freeway realignment, Corporation Yard addition, removal of University Village ball field

^g Increase due to Albany Middle School and Corporation Yard addition

^h Increase due to Albany Hill, Pierce Street, University Village area addition

ⁱ The reason that the acreage totals 1,175, rather than 1,144 as shown in the General Plan, is because the additional 30 acres in the Parks/Open Space category are wetlands that are subject to tidal influence and these were not included in the General Plan acreage total.

Notes:

- 1992 General Plan column includes General Plan Map Amendments made through 2004.
- Total excludes the Creek Conservation Overlay and the Major Activity Node overlay, to avoid double counting.

Source: Barry Miller, Planning Consultant to the City of Albany, 2015.

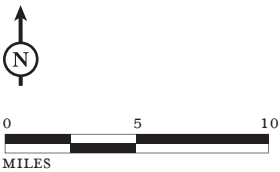
The following text revision is made to page 101 of the Draft EIR:

Table IV.C-7 presents the forecasted daily roadway segment volumes and levels of service for ~~20140~~ 2040 No Growth in Albany and 2040 Plus Project conditions. Table IV.C-8 presents the forecasted AM and PM peak hour volumes under 2040 No Growth in Albany and 2040 Plus Project conditions.



LSA

FIGURE III-1 - Revised



City of Albany General Plan EIR
Regional Location Map

SOURCE: LSA ASSOCIATES, INC., 2016.

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The following text revision is made to page 106 of the Draft EIR:

The implementation of the policies listed above would discourage and reduce through traffic on local streets through implementation of traffic calming strategies and/or potential roadway closures, which would be consistent with the Draft General Plan's goals to enhance livability and encourage bicycling and walking on local neighborhood streets. However, these policies would also concentrate through traffic on the collectors and arterials. ~~Although, these streets are more suitable to handling higher traffic volumes, many may not have the capacity for additional traffic.~~

The following text revision is made to page 113 of the Draft EIR:

- **Policy T-5.6: Traffic Calming.** Consider the use of road features such as speed humps, speed trailers, traffic diverters, traffic circles, medians, and other methods to limit through traffic and reduce speeds on residential streets. Implementation of such measures should be subject to a public process and should consider the potential impacts to adjacent streets due to changed travel patterns.

The following text revision is made to page 147 of the Draft EIR:

Diesel fueled back-up generators require permits issued by the BAAQMD. Permitted generators within the City are also sources of TAC emissions, including the generator located at the Pacific Bell Building and Albany High School, the locations of which are shown in Figure IV.D-1. High-volume roadways are additional sources of toxic air contaminants. Traffic on San Pablo Avenue, I-80, and I-580 are some of the primary sources of toxic air contaminants from motor vehicles in Albany. Other mobile sources of TACs include train operations along the UPRR rail lines.

Figure IV.D-1: 500-Foot Buffer from High Volume Roadways and Potential TAC Sources, on page 149 of the Draft EIR has been revised and is included within this text revision chapter.

The following text revision is made to page 165 of the Draft EIR:

The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The court of Appeal's decision was appealed to the California Supreme Court, ~~which granted limited review, and the matter is currently pending there pertaining to what~~ circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users of a proposed project. The Court did not address the BAAQMD's thresholds related to greenhouse gas emissions.

The following text revision is made to page 171 of the Draft EIR:

These significance thresholds were adopted as part of the May 2011 CEQA Air Quality Guidelines. As previously noted, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD CEQA Air Quality Guidelines. The court did not determine whether the thresholds of significance were valid on their merits, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD complied with CEQA. The California Supreme Court heard this case and provided a decision in December 2015.

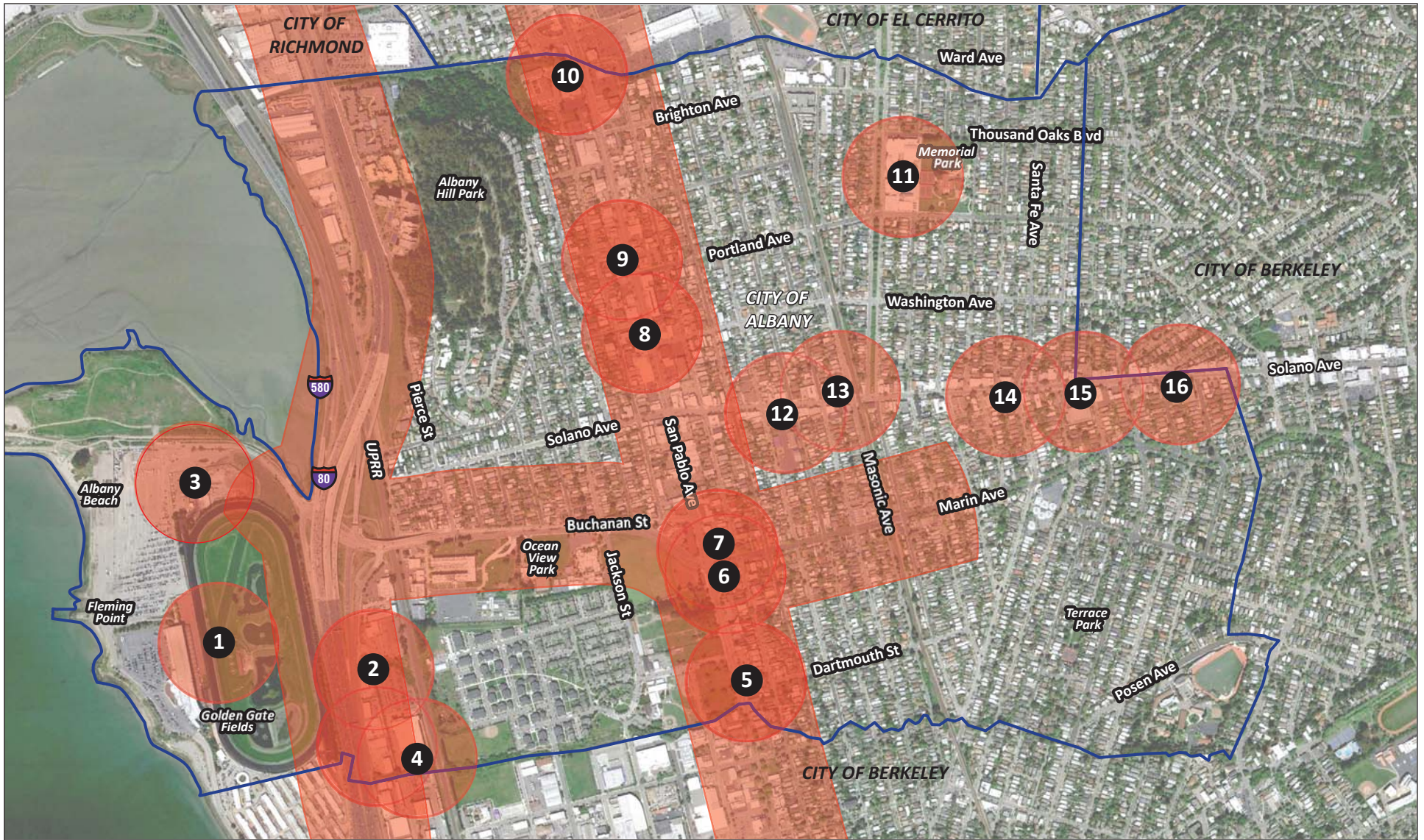
Although lead agencies may rely on the 2011 BAAQMD CEQA Air Quality Guidelines for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures, the BAAQMD has been ordered to set aside the thresholds and is no longer recommending that they be used as a general measure of a project's significant air quality impacts. The California Supreme Court reviewed issues related to the impacts of environmental conditions on future residents of a proposed project, but did not address the significance criteria for greenhouse gas emissions. The BAAQMD also recognizes that lead agencies may rely on the previously recommended thresholds of significance contained in its CEQA Air Quality Guidelines adopted in 1999.¹ However, the 1999 CEQA Guidelines do not contain thresholds to determine the significance of greenhouse gas emissions.

The following text revision is made to page 197 of the Draft EIR:

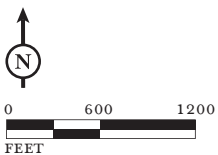
The noise monitoring results show that existing noise levels throughout the City ranged from 66.3 to 83.9 dBA L_{eq} . Maximum noise levels ranged from 89.8 dBA to 103.7 dBA. The calculated L_{dn} at the long-term 24-hour noise monitoring locations ranged from 56 to 76 dBA. This noise level range is typical of an urban/suburban setting near busy roadways and active outdoor use areas.

Figure IV.H-3: Tsunami Inundation Map on page 235 of the Draft EIR has been revised and is included within this text revision chapter.

¹ Bay Area Air Quality Management District, 1999. *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans*. December.



LSA



Stationary Sources

- | | | |
|------------------------------|-------------------------|-------------------------|
| ① Pacific Racing Association | ⑥ Arco Gas Station | ⑪ Albany High School |
| ② Target Store | ⑦ Shell Gas Station | ⑫ One Hour Cleaners |
| ③ Pacific Racing Association | ⑧ Albany Hill Mini Mart | ⑬ One Hour Martinizing |
| ④ Verizon Wireless | ⑨ Albany Body Shop | ⑭ Solano Cleanette |
| ⑤ Continental Auto Body | ⑩ Norge Cleaners | ⑮ Clean Living Cleaners |
| | | ⑯ Pacific Bell |

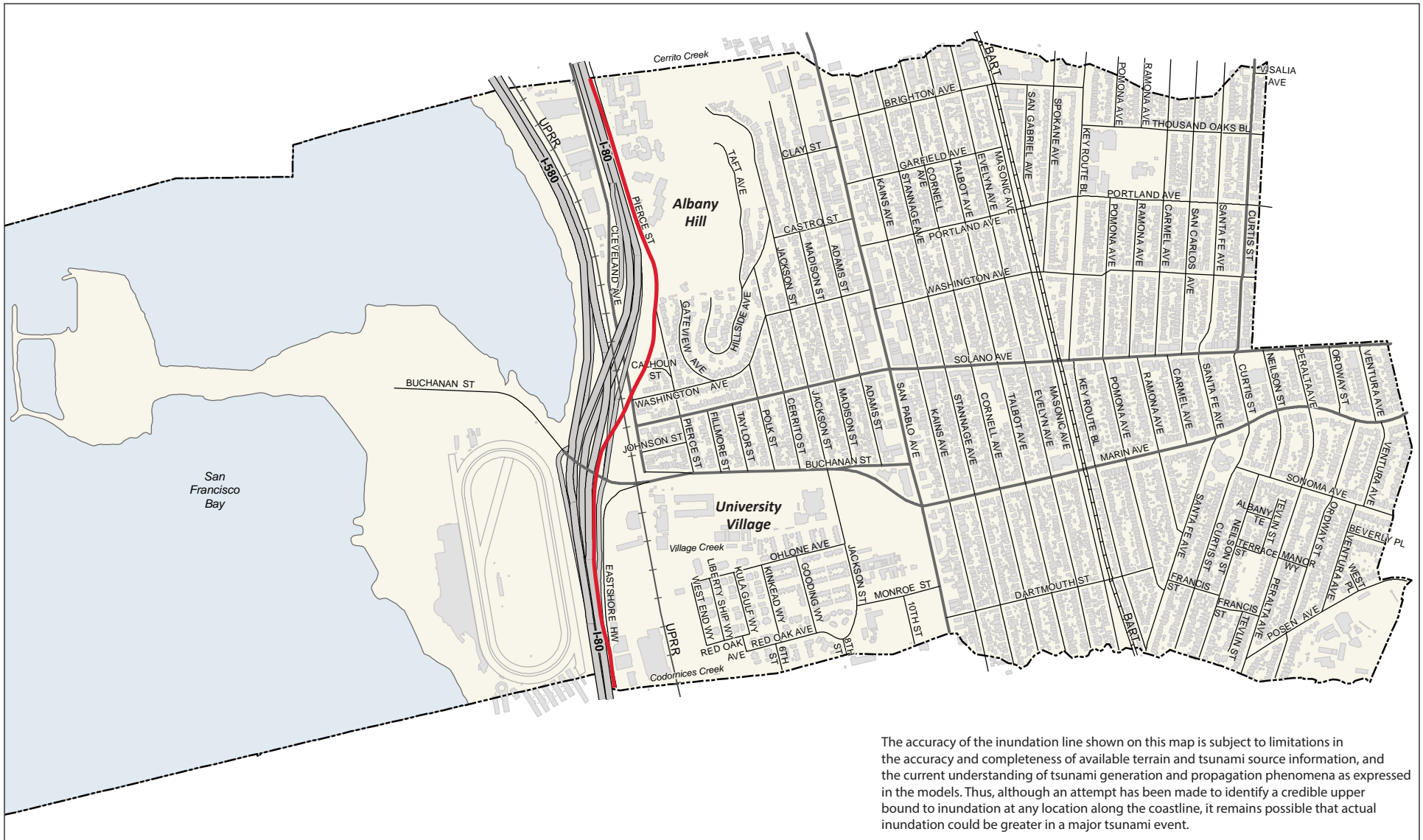
- City Limits
- 500-foot Radius (approximate)

FIGURE IV.D-1 - Revised

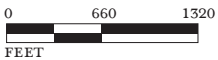
City of Albany General Plan EIR
 500-Foot Buffer from High Volume Roadways
 and Potential TAC Sources

SOURCES: GOOGLE EARTH; BAAQMD, 2015.

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LSA



LEGEND







-  Albany City Limit
-  Freeway
-  BART Tracks
-  Railroad Tracks
-  Building
-  General Tsunami Inundation Line (does not account for local topography)

FIGURE IV.H-3 - Revised

City of Albany General Plan EIR
Tsunami Inundation Map

SOURCE: STATE OF CALIFORNIA; CA EMERGENCY MANAGEMENT AGENCY, ET AL, JULY 31, 2009.

I:\ABY1301 Albany GP\RTC\RTC figures\Fig_IVH3-Revised.ai (2/18/16)

The following text revision is made to pages 279 and 280 of the Draft EIR:

(1) Special-Status Plants. ~~Forty-five (45)~~ Fifty-four (54) special-status vascular plant species were evaluated for their potential to occur in the City. These special-status plant species are listed in Table IV.J-2. Two criteria were used to select these plants: records from the California Natural Diversity Database³⁷ (either extant or extirpated) indicate the species occurs within a 5-mile radius of the planning area; or its potential presence in the City was indicated in a search of the database of *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties*.³⁸ Twenty-three (23) of these plants show no potential of occurrence based on the absence of suitable habitat, high levels of disturbance, or being outside of the species normal elevation range. Twelve (12) of the plants show a low potential of occurrence based on presence of marginal habitat resulting from degradation by human use or crowding out by invasive weeds. ~~Ten (10)~~ Seven (7) of the plants show a moderate to high potential of occurrence based upon presence of suitable, undisturbed habitat, and 12 of the plants are known to be present within the City. This moderate potential is particularly true at the Albany Mudflats Ecological Reserve within the City, in which three of these plants are present.

...

Big squirreltail (*Elymus multisetus*, locally rare), red fescue (*Festuca rubra*, locally rare), gumweed (*Grindelia hirsutula*, locally rare), Bolander's goldenaster (*Heterotheca sessiliflora* subsp. *bolanderi*, locally rare), California melic (*Melica californica*, locally rare), and purple needle grass (*Stipa pulchra*, locally rare) all occur within the City at Albany Hill.

Text revisions made to Table IV.J-2 and Table IV.J-3 on pages 281 through 297 of the Draft EIR are shown on the following pages.

The following text revision is made to page 298 of the Draft EIR:

The eucalyptus, pine, and cypress groves within and adjacent to the City have the potential to support Monarch butterflies. U.C. Berkeley staff observed Monarchs roosting in eucalyptus trees along Codornices Creek in 1998.⁷² In October 1997, City of Albany staff observed several hundred Monarch butterflies in the eucalyptus groves in Dowling Park (University Village), along the railroad tracks, and in pine and eucalyptus trees east of San Pablo Avenue and south of Marin Avenue east of the University Village. At that time, the University consulted with Paul Cherubini, a Monarch butterfly expert who determined that these aggregations of Monarchs represented temporary roosts, rather than over-wintering habitats. The nearest known regular wintering colony is at the Point Pinole Regional Shoreline. Large groups of Monarch butterflies have also been observed in the fall and winter in eucalyptus groves near Albany Hill. The Xerces Society sponsors the Western Monarch Thanksgiving Count in which local volunteers have participated most years since 1997. These volunteers have documented the annual number of Monarch butterflies at Albany Hill from a low of 0 to a high of 3,000 individuals. During most recent count conducted in the winter of 2015, 1,244 Monarchs were recorded at Albany Hill.⁷³ Additionally, a recent survey of a parcel on San Pablo Avenue was conducted for a separate project.⁷⁴

⁷³ Xerces Society, 2016. Western Monarch Thanksgiving Count data set for 1997-2015. Available online at www.westernmonarchcount.org/wp-content/uploads/2014/11/WMTC-Data-1997-2015_2.1.2016_FINAL.pdf.

⁷⁴ Hale, Nathan, 2015. Live Oak Associates, Project Manager. Letter to Chase Jiannalone of Oppidan Investment Company, "Wintering monarch colony survey results for the Oppidan San Pablo/Monroe (Parcel A) property located along San Pablo Avenue, Albany, California. (PN 1925-02)".

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Ambrosia chamissonis</i> Silver beachweed	A2	Coastal strand, sand Elevation: 0-480 m. Blooms: June-July	Low potential for occurrence. Although some sand dunes exist at Albany Beach, and this habitat may have been more extensive prior to the development of Golden Gate Fields, the current habitat conditions within the City are highly disturbed. The East Bay Chapter of the California Native Plant Society considers the Albany shoreline as potential habitat for this species. ¹
<i>Amsinckia lunaris</i> Bent-flowered fiddleneck	1B	Occurs in coastal bluff scrub, cismontane woodland, valley and foothill grassland. Elevation: 3-500 m. Blooms: March-June	Low potential for occurrence. No suitable habitat is present on-site due to past disturbance and development. Nearest occurrence is within 3 miles of the City on San Pablo Ridge.
<i>Arctostaphylos pallida</i> Pallid manzanita	FT/CE/1B	Broadleafed upland forest, close coned coniferous forest, cismontane woodland, coastal scrub, and chaparral. Grows on siliceous shale, sandy, or gravelly substrates in uplifted marine terraces. Elevation: 185-465 m. Blooms: December-March	No potential for occurrence. Although cismontane woodland habitat is present in the City, these habitats are below the elevation range for this species. Nearest remaining natural occurrences are in Sobrante Ridge Regional Preserve, approximately 6 air miles northeast of the City.
<i>Astragalus tener</i> var. <i>tener</i> Alkali milk-vetch	1B	Occurs in mesic alkaline and adobe clay soils in valley and foothill grassland, adjacent to vernal pools. Elevation: 1-60 m. Blooms: March-June	Low potential for occurrence. No suitable habitat is present on-site due to past development and disturbance. Nearest known records are in Emeryville, approximately 3.5 miles south of the City. There are no recent records; species presumed extirpated from the City.
<i>California macrophylla</i> Round-leaved filaree	1B	Grassy openings in cismontane woodland, valley and foothill grassland with clay soils Elevation: 15-1,200 m. Blooms: March-May	Low potential for occurrence. Although grassy openings in cismontane woodland habitat are present on Albany Hill, the potential for this species to occur is low due to the density of invasive plants and foot traffic. The closest CNDDDB occurrence (#54) is an extirpated population from the U.C. Berkeley campus, approximately 0.6 miles from the City. Furthermore, all of the occurrences for this species within 10 miles of the City are from the late 19th century with no current occurrences recorded.

¹ Lake, Diane, 2010, op. cit.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Calystegia purpurata</i> subsp. <i>saxicola</i> Coastal bluff morning-glory	1B	North Coast coniferous forest, coastal dunes, and coastal scrub Elevation: 10-105 m. Blooms: March-May	No potential for occurrence. No suitable habitat is present on-site due to past development and disturbance. The closest CNDDDB occurrence (#1) is from a presumed extant population on Brooks Island, approximately 0.48 miles from the City.
<i>Carex comosa</i> Bristly Sedge	2	Occurs in freshwater wetlands and lake margins in coastal prairie, marshes and swamps, valley and foothill grassland. Elevation: 0-425 m. Blooms: May-September	No potential for occurrence. Although habitat for this species may have been present prior to the development and fill of the Albany Plateau, the current habitat conditions within the City are unlike those required for this species. The closest CNDDDB occurrence (#10, possibly extirpated) is an 1866 record from an unspecified “swamp” location in San Francisco, approximately 4.1 miles west of the City.
<u><i>Carex multicosata</i></u> <u>Many-ribbed sedge</u>	<u>A2</u>	<u>Occurs in meadows and slopes on dry soils in coniferous forests</u> <u>Elevation: 1,900—3,500 m.</u> <u>Fruits: July-September</u>	<u>Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species.²</u> <u>This species was observed by CNPS on Albany Hill in April of 1998.</u>
<i>Castilleja affinis</i> var. <i>neglecta</i> Tiburon paintbrush	FE/CT/1B	Valley and foothill grassland (serpentine) Elevation: 60-400 m. Blooms: April-June	No potential for occurrence. Although valley and foothill grassland is present on Albany Hill, the soils there are not serpentine. The closest CNDDDB occurrence (#2) is from a presumed extant population in serpentine grassland in Tiburon, approximately 4.3 miles west of the City.
<i>Chloropyron maritimum</i> subsp. <i>palustre</i> [= <i>Cordylanthus maritimus</i> subsp. <i>palustris</i>] Point Reyes salty bird’s-beak	1B	Marshes and swamps (coastal salt) Elevation: 0-10 m. Blooms: June-October	Moderate potential for occurrence. Suitable habitat for this species may be present in the Albany Mudflats Ecological Reserve. The closest CNDDDB occurrence (#21, possibly extirpated) is an 1891 record from the generalized location along the Emeryville/Berkeley shoreline, approximately 2.5 miles south of the City.

² Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Chorizanthe cuspidata</i> var. <i>cuspidata</i> San Francisco Bay spineflower	1B	Coastal strand/dunes, coastal bluff scrub, coastal prairie, northern coastal scrub Elevation: 3-215 m. Blooms: April-August	No potential for occurrence. Although some sand dunes exist at Albany Beach, and this habitat may have been more extensive prior to the development of Golden Gate Fields, the current habitat conditions within the City are highly disturbed. The closest CNDDDB occurrence (#16, extirpated) is a 1881 record presumed to be west of what is now Lake Merritt in Oakland, approximately 3.8 miles to the south.
<i>Cirsium andrewsii</i> Franciscan thistle	1B	Occurs in mesic areas of broadleaf upland forest, coastal bluff scrub, coastal prairie and coastal scrub; sometimes serpentinite. Elevation: 0-150 m. Blooms: March-July	No potential for occurrence. Although broadleaf upland forest is present on Albany Hill, this species is typically associated with serpentinite seeps. The closest CNDDDB occurrence (#14) is from a presumed extant population from Tilden Regional Park, approximately 2.5 miles east of the City.
<i>Collinsia multicolor</i> San Francisco blue eyed Mary	1B	Closed-cone coniferous forest, coastal scrub and grassland on decomposed shale (mudstone) mixed with humus; in moist and shady areas and sometimes on serpentinite. Elevation: 30-250 m. Blooms: March-May	No potential for occurrence. The habitat conditions of the City are unlike those required for this species. The closest CNDDDB occurrence (#26) is from a presumed extant population from Angel Island State Park, approximately 2.7 miles northwest of the City.
<i>Dirca occidentalis</i> Western leatherwood	1B	Broadleafed upland forest, chaparral, closed-cone coniferous forest, cismontane woodland, north coast coniferous forest, riparian forest, and riparian woodland on brushy slopes, mesic sites. Elevation: 30-395 m. Blooms: January-March	Low potential for occurrence. Although cismontane woodland is present on Albany Hill, the potential for this species to occur is low due to the density of invasive plants and foot traffic. The closest CNDDDB occurrence (#24) is from a presumed extant population in Tilden Regional Park, approximately 1.2 miles from the City.
<i>Eriogonum luteolum</i> var. <i>caninum</i> Tiburon buckwheat	1B	Chaparral, cismontane woodland, coastal prairie, and valley and foothill grassland; often on serpentinite, gravelly to sandy soils. Elevation: 0-700 m. Blooms: May-September	No potential for occurrence. Although cismontane woodland and valley and foothill grassland are present on Albany Hill, the soils there are not serpentinite. The closest CNDDDB occurrence (#2) is from a presumed extant population in serpentinite grassland in Tiburon, approximately 4.3 miles west of the City.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Eriophyllum staechadifolium</i> Seaside golden yarrow	A2	Coastal strand and coastal sage scrub Elevation: 0-150 m. Blooms: May-August	Moderate potential for occurrence. Although some sand dunes exist at Albany Beach, and this habitat may have been more extensive prior to the development of Golden Gate Fields, the current habitat conditions within the City are highly disturbed. The East Bay Chapter of the California Native Plant Society considers the Albany shoreline as potential habitat for this species. ³
<i>Extriplex joaquinana</i> [= <i>Atriplex joaquiniana</i>] San Joaquin spearscale	1B	Seasonal alkali wetland, alkali sink/chenopod scrub, meadows and seeps, playas, valley and foothill grassland/alkaline Elevation: 1-835 m. Blooms: April-October	Low potential for occurrence. Although habitat for this species may have been present prior to the development and fill of the Albany Plateau, the current habitat conditions within the City are unlike those required for this species. The closest CNDDDB occurrence (#77, possibly extirpated) is a 1929 record from an unknown location at the “marshes of Oakland”, approximately 5 miles south of the City.
<i>Fraxinus latifolia</i> Oregon ash	B	Wetland riparian Elevation: 0-1,480 m. Blooms: April-May	Moderate potential for occurrence. Wetland riparian habitat occurs adjacent to Codornices Creek. The East Bay Chapter of the California Native Plant Society considers the Codornices Creek west of San Pablo Avenue and east of I-80 as potential habitat for this species. ⁴
<i>Fritillaria liliacea</i> Fragrant fritillary	1B	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine soils. Other various soils reported, though usually clay. Elevation: 3-410 m. Blooms: February-April	No potential for occurrence. Although habitat for this species may have been present prior to the development and fill of the Albany Plateau, the current habitat conditions within the City are unlike those required for this species. The closest CNDDDB occurrence (#57, possibly extirpated) is a 1900 record from a generalized location in present day Richmond, approximately 0.5 miles north of the City.

³ Ibid.

⁴ Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Gilia capitata</i> subsp. <i>chamissonis</i> Blue coast gilia	1B	Coastal dunes and coastal scrub Elevation: 2-200 m. Blooms: April-July	No potential for occurrence. Although some sand dunes exist at Albany Beach, and this habitat may have been more extensive prior to the development of Golden Gate Fields, the current habitat conditions within the City are highly disturbed. The closest CNDDDB occurrence (#3, extirpated) is attributed to a location on the south side of Yerba Buena Island, approximately 4.2 miles southwest of the City.
<u><i>Glyceria leptostachya</i></u> <u>Narrow mana grass</u>	<u>A1</u>	<u>Occurs in freshwater marshes, lakes, and riparian settings. Elevation: < 800 m.</u> <u>Blooms: May-June</u>	<u>Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species.⁵</u> <u>This species was observed by CNPS on along the creek bank in and at the water's edge at Albany Hill in May 1994.</u>
<i>Helianthella castanea</i> Diablo helianthella	1B	Broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland, usually within rocky azonal soils Elevation: 60–300 m. Blooms: April-June	Low potential for occurrence. Cismontane woodland and valley and foothill grassland is present on Albany Hill. There are no records of this species from Albany Hill, and its presence is unlikely due to the intimate knowledge volunteer botanists and plant enthusiasts have of the vegetation at this location. ⁶ The closest CNDDDB occurrence (# 84) is from a presumed extant population near Lawrence Hall of Science in Berkeley, approximately 1.8 miles from the City.
<i>Hemizonia congesta</i> subsp. <i>congesta</i> White seaside tarplant	1B	Valley and foothill grasslands; sometimes roadsides Elevation: 20-560 m. Blooms: April-November	Low potential for occurrence. Valley and foothill grassland is present on Albany Hill. There are no records of this species from Albany Hill, and its presence is unlikely due to the intimate knowledge volunteer botanists and plant enthusiasts have of the vegetation at this location. ⁷ The closest CNDDDB occurrence (#2, presumed extant) is a late 19th to early 20th century observation from a generalized location in the southern part of San Francisco, approximately 4.1 miles southwest of the City.

⁵ Lake, Diane, 2010, op. cit.

⁶ Ertter, B., 1999. *The Value of Albany Hill*. From the website of the Friends of Albany Hill: www.imaja.com/as/environment/albanyca/valueofalbanyhill.html.

⁷ Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Hesperolinon congestum</i> Marin western flax	FT/CT/1B	Chaparral, valley and foothill grassland/serpentine Elevation: 5-370 m. Blooms: April-July	No potential for occurrence. Although valley and foothill grassland is present on Albany Hill, the soils there are not serpentine. The closest CNDDDB occurrence (#6) is from a presumed extant population in serpentine grassland in Tiburon, approximately 4.2 miles west of the City.
<i>Heteranthera dubia</i> Water star-grass	2	Wetland riparian, pond and lake margins; alkaline Elevation: 0-1,500 m. Blooms: July-August	No potential for occurrence. Although riparian vegetation is present along Cerrito and Codornices Creeks, the habitat is unlike that required for this species. The closest CNDDDB occurrence (#1, presumed extant) is an 1879 observation from a generalized location in the general vicinity of San Francisco, approximately 4.1 miles southwest of the City.
<i>Hoita strobilina</i> Loma Prieta hoita	1B	Chaparral, cismontane woodland, and riparian woodland on mesic serpentine sites Elevation: 30-860 m. Blooms: May-October	Low potential for occurrence. Although cismontane woodland is present on Albany Hill, the site is likely too dry to support this species. There is no serpentine on the site. The closest CNDDDB occurrence (#15) is from a presumed extant population in El Sobrante, approximately 4.0 miles from the City.
<i>Holocarpa macradenia</i> Santa Cruz tarplant	FT/CE/1B	Occurs in sandy-clay soil in coastal prairie, coastal scrub, and in valley and foothill grassland Elevation: 10-220 m. Blooms: June-October	No potential for occurrence. Although valley and foothill grassland is present on Albany Hill, this species is known to occur on sandy soils, which are absent from Albany Hill. All extant populations of this plant have been reintroduced. Suitable habitat for this species may be present in the Albany Mudflats Ecological Reserve. The closest CNDDDB occurrence (#20, extirpated) is from a 1916 record from the generalized location along the Emeryville/Berkeley shoreline, approximately 1.6 miles south of the City.
<u><i>Horkelia californica</i> var. <i>californica</i></u> <u>California horkelia</u>	<u>A1</u>	<u>Northern coastal scrub, coastal prairie in grassy openings on north facing slopes.</u> <u>Elevation: < 400 m.</u> <u>Blooms: April-July</u>	<u>Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species.</u> ⁸ <u>This species was observed by CNPS in the grasslands and scrub at Albany Hill in June 1991.</u>

⁸ Lake, Diane, 2010, op. cit.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Horkelia cuneata</i> subsp. <i>sericea</i> Kellogg's horkelia	1B	Occurs in closed-cone coniferous forest, maritime chaparral, coastal scrub, dunes and coastal sandhills; sandy or gravelly openings. Primarily found on old dunes and coastal sand hills. Elevation: 10-200 m. Blooms: April-September	No potential for occurrence. Although some sand dunes exist at Albany Beach, and this habitat may have been more extensive prior to the development of Golden Gate Fields, the current habitat conditions within the City are highly disturbed. The closest CNDDDB occurrence (#35, possibly extirpated) is attributed to a vague location in Oakland, approximately 3.8 miles south of the City.
<i>Isolepis cernua</i> Low bulrush	B	Coastal salt marsh, freshwater wetlands, northern coastal scrub, and wetland riparian Elevation: 0-2,350 m. Blooms: June-February	Moderate potential for occurrence. Coastal salt marsh, marginal freshwater wetlands and some wetland riparian vegetation exists within the City. The East Bay Chapter of the California Native Plant Society considers the edges of Codornices Creek near its mouth, east of I-80 at the Albany/Berkeley border, as potential habitat for this species. ⁹
<i>Layia carnosa</i> Beach layia	FE/CE/1B	Coastal dunes and coastal strand Elevation: 0-60 m. Blooms: March-July	Low potential for occurrence. Although some sand dunes exist at Albany Beach, and this habitat may have been more extensive prior to the development of Golden Gate Fields, the current habitat conditions within the City are highly disturbed. The closest CNDDDB occurrence (#6, extirpated) is attributed to dune hollows prior to the development of San Francisco, approximately 4.11 air miles southwest of the City. One historical observation in Alameda is from the area now occupied by the Port of Oakland. The closest extant population is at Point Reyes National Seashore.
<i>Leptosiphon rosaceus</i> Rose leptosiphon	1B	Coastal bluff scrub Elevation: 0-100 m. Blooms: April-July	No potential for occurrence. Due to the past disturbance, coastal bluff scrub is absent from the City. The closest CNDDDB occurrence (#6, presumed extirpated) is attributed to a vague location in San Francisco, approximately 4.1 miles from the City.

⁹ Lake, Diane, 2010, op. cit. Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Limonium californicum</i> <i>California sealavender</i>	1B	Coastal salt marsh and coastal strand. Elevation: 0-160 m. Blooms: June-September	Present within the City within the coastal salt marsh. The East Bay Chapter of the California Native Plant Society considers the Albany shoreline as potential habitat for this species. ¹⁰ This species was observed at the Albany Mudflats Ecological Reserve.
Mason's lilaeopsis <i>Lilaeopsis masonii</i>	CR/1B	Tidal zone of freshwater and brackish marshes. Elevation: 0-1 m. Blooms: June-August	No potential for occurrence. Tidal zone of brackish marsh is limited at the Albany Mudflats Ecological Reserve during periods of high flows (winter and possibly spring rainy seasons) and therefore brackish conditions are not present long enough for this species colonize the site. This perennial herb is found on silty soils on eroding brackish slough banks, and occasionally on old wharf pilings. The closest CNDDDB occurrences are beyond five miles of the City from around Mare Island in Solano County. This species requires brackish waters with salt concentrations that are probably lower than at the salinity of the water in the City.
<i>Meconella oregana</i> White fairypoppy	1B	Coastal prairie, coastal scrub Elevation: 250-620 m. Blooms: March-April	No potential for occurrence. Due to the past disturbance, coastal bluff scrub is absent from the City. The closest CNDDDB occurrence (#4) is from a presumed extant population from Wildcat Canyon Regional Park, approximately 2.9 miles east of the City.
<i>Monardella villosa</i> subsp. <i>globosa</i> Robust monardella	1B	Openings in broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland Elevation: 100-915 m. Blooms: June-July (August)	Low potential for occurrence. Cismontane woodland and valley and foothill grassland habitat is present on Albany Hill. The taxonomy of this species is in question as the plant may show variance when growing in full sun or part shade. Nearest occurrence is within 3 miles of the City in Tilden Regional Park.
<u><i>Phacelia malvifolia</i></u> <u>Stinging phacelia</u>	<u>A2</u>	<u>Redwood forest, mixed evergreen forest, closed-cone pine forest, northern coastal scrub.</u> <u>Elevation: 1-570 m.</u> <u>Blooms: April-July</u>	<u>Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species.</u> ¹¹ <u>This species was observed by CNPS at north foot of Albany Hill along a fire trail in May 1994.</u>

¹⁰ Ibid.

¹¹ Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<u><i>Piperia michaelii</i></u> Michael's rein-orchid	<u>4.2/*A2</u>	Generally dry sites, coastal scrub, woodland, mixed-evergreen or closed-cone-pine forest. Elevation: 3-915 m. Blooms: April-August	Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species. ¹² This species was observed by CNPS on Albany Hill in June 1991.
<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i> Choris' popcornflower	1B	Occurs in grassy and moist areas (ephemeral drainages) in chaparral, coastal prairie and coastal scrub Elevation: 15-160 m. Blooms: March-June	No potential for occurrence. Due to the past disturbance, coastal bluff scrub and costal prairie are absent from the City. The closest CNDDDB occurrence (#11, extirpated) is attributed a vague location in Oakland, approximately 3.8 miles from the City.
<i>Polemonium carneum</i> Oregon polemonium	2	Coastal prairie, coastal scrub, lower montane coniferous forest Elevation: 0-1,830 m. Blooms: April-September	No potential for occurrence. Due to the past disturbance, coastal bluff scrub and costal prairie are absent from the City. The closest CNDDDB occurrence (# 3) is from a presumed extant population from Angel Island State Park, approximately 2.7 miles northwest of the City.
<i>Polygonum marinense</i> Marin knotweed	3	Marshes and swamps in coastal salt or brackish areas Elevation: 0-10 m. Blooms: April-October	Moderate potential for occurrence. Suitable habitat is present at within the Albany Mudflats Ecological Reserve. This perennial herb is often overlooked within pickleweed marsh habitat. The closest CNDDDB occurrences are beyond five miles of the City from the pickleweed marshes of the Napa River.
<u><i>Pseudognaphalium biolettii</i></u> <u>Two-color rabbit-tobacco</u>	<u>A2</u>	<u>Rocky slopes, roadsides, dunes, coastal scrub, chaparral, oak woodland.</u> Elevation: 5-1,200 m. Blooms: January-May	<u>Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species.</u> ¹³ <u>This species was observed by CNPS on Albany Hill in 1997.</u>
<u><i>Ribes aureum</i> var. <i>gracillimum</i></u> <u>Golden currant</u>	<u>A1</u>	<u>Wetland and riparian areas within alluvial fans and along forest edges.</u> Elevation: 105-910 m. Blooms: February-April	<u>Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species.</u> ¹⁴ <u>This species was observed by CNPS on along the edge of Cerrito Creek in brush between the creek and condominiums along the path adjacent to Albany Hill in May 1994.</u>

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Rosa nutkana</i> subsp. <i>nutkana</i> <u>Nutka rose</u>	A1	Redwood forest, mixed evergreen forest, wetland-riparian; generally moist flats. Elevation: <700 m. Blooms: May-June	Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species. ¹⁵ This species was observed by CNPS on Albany Hill in July 2010.
<i>Setaria parviflora</i> <u>Knotroot bristle grass</u>	A2	Valley grassland, coastal sage scrub, in moist, disturbed areas, roadsides, streambanks, canal banks. Blooms: May-September Elevation: < 1,470	Present within the City. The East Bay Chapter of the CNPS considers Albany Hill as potential habitat for this species. ¹⁶ This species was observed by CNPS on the west side of Albany Hill in partial shade of Eucalyptus, growing in cracks in the mortared road bank in June 1994.
<i>Spartina foliosa</i> California cordgrass	B	Coastal salt marsh and wetland riparian Elevation: 0-220 m. Blooms: June-November	Present within the City within the brackish marsh and sloughs connected to the Albany Mudflats Ecological Reserve. The East Bay Chapter of the California Native Plant Society considers the Albany shoreline as potential habitat for this species. ¹⁷
<i>Spergularia macrotheca</i> var. <i>macrotheca</i> Sand spurrey	A2	Wetland riparian Elevation: 0-340 m. Blooms: February-May	Present within the City along the upland areas of the brackish marsh and sloughs connected to the Albany Mudflats Ecological Reserve. The East Bay Chapter of the California Native Plant Society considers the Albany shoreline as potential habitat for this species. ¹⁸
<i>Stachys ajugoides</i> var. <i>ajugoides</i> Hedge nettle	A2	Mixed evergreen forest, northern coastal scrub, closed-cone pine forest, coastal sage scrub, wetland riparian Elevation: 0-2,460 m. Blooms: February-April	Moderate potential for occurrence. Marginal freshwater wetland habitat exists within the City. The East Bay Chapter of the California Native Plant Society considers the Albany area as potential habitat for this species. Although location of potential habitat is vague, this species would most likely be found adjacent to the neglected portions of creeks within private property and within Albany Hill Park. ¹⁹

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Stebbinsoseris decipiens</i> Santa Cruz microseris	1B	Occurs in broadleaf upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and valley and foothill grassland; open disturbed areas with sandstone, shale or serpentine derived soils Elevation: 10-500 m. Blooms: April-May	No potential for occurrence. The habitat conditions of the City are unlike those required for this species. The closest CNDDDB occurrence (#26) is from a presumed extant population from Angel Island State Park, approximately 2.7 miles northwest of the City.
<i>Streptanthus albidus</i> subsp. <i>Peramoenus</i> Most beautiful jewelflower	1B	Chaparral, cismontane woodland, valley and foothill grassland, serpentine soils Elevation: 95-1,000 m. Blooms: March-October	No potential for occurrence. The habitat conditions of the City are unlike those required for this species. This species has an affinity to grow on serpentine soils in grasslands and within openings in chaparral and oak woodland. There is no serpentine in the City.
<i>Streptanthus glandulosus</i> subsp. <i>niger</i> Tiburon jewelflower	FE/CE/1B	Valley and foothill grassland on serpentine soils Elevation: 30-150 m. Blooms: May-June	No potential for occurrence. The habitat conditions of the City are unlike those required for this species. This species has an affinity to grow on serpentine soils in grasslands and within openings in chaparral and oak woodland. There is no serpentine in the City.
<i>Suaeda californica</i> California sea-blite	FE/1B/A1x	Narrow high tide zone along sandy salt marsh edges or estuarine beaches Elevation: 0-15 m. Blooms: July-October	Low potential for occurrence. Tidal zone of brackish marsh is present at the Albany Mudflats Ecological Reserve, and some sand dunes exist at Albany Beach (albeit highly disturbed and unnatural). The closest CNDDDB occurrence (#10, extirpated) is attributed to a 1912 observation from the Albany landmark known as Fleming Point. Several recent occurrences at restored tidal sites within the San Francisco Bay may provide for passive recruitment in the City.
<i>Symphotrichum lentum</i> Suisun Marsh aster	1B	Brackish and freshwater marshes and swamps, most often seen along sloughs Elevation: 0-3 m. Blooms: May-November	Moderate potential for occurrence. Brackish marsh and freshwater marsh are present at the Albany Mudflats Ecological Reserve.

Table IV.J-2: Special-Status Plant Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat/Blooming Period	Potential for Occurrence
<i>Trifolium hydrophyllum</i> [= <i>Trifolium depauperatum</i> var. <i>hydrophyllum</i>] Saline clover	1B	Marshes and swamps, valley and foothill grassland, Vernal pools Elevation: 0-300 m. Blooms: April-June	No potential for occurrence. Although habitat for this species may have been present prior to the development and fill of the Albany Plateau, the current habitat conditions within the City are unlike those required for this species. The closest CNDDDB occurrence (#30, possibly extirpated) is a 1900 record from a generalized location in present day Richmond (Stege Marsh), approximately 0.5 miles north of the City.

^a Status:

Federal/State

- FE = Federally Endangered
- FT = Federally Threatened
- CE = State-Listed as Endangered
- CR = State Rare
- CT = State-Listed as Threatened

Rare Plant Rank

- 1B = California Rare Plant Rank 1B: species considered rare or endangered in California and elsewhere.
- 2 = California Rare Plant Rank 2 – rare, threatened or endangered in California, but more common elsewhere.
- 3 = California Rare Plant Rank 3 – review list, plants for which we need more information.

Local

A1 = Species known from 2 or less botanical regions in Alameda or Contra Costa Counties, either currently or historically.

A1x = Locally rare species previously known from Alameda or Contra Costa Counties, but now believed to be extirpated, and no longer occurring here.

A2 = Locally rare species currently known from 3 to 5 regions in Alameda or Contra Costa Counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

B = High priority watch list: a locally rare species currently known from 6 to 9 regions in Alameda or Contra Costa Counties, or, if more, meeting other important criteria as described above in A2.

Source: California Natural Diversity Database, California Department of Fish and Wildlife, 2015a.

Table IV.J-3: Special-Status Animal Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat	Potential for Occurrence
Invertebrates			
<i>Danaus plexippus</i> Monarch Butterfly –Winter colony sites	b	Winter colony sites occur along the California coast in wind protected tree groves (eucalyptus, Monterey pine, and cypress) where nectar and water resources are nearby.	Winter colony sites have been documented in eucalyptus trees on Albany Hill in 1991-92, 1997, and 1998, and in trees near the University Village near Village and Codornices creeks in January 1998. <u>The Xerces Society monitors butterfly populations in Albany on an annual basis.</u>
Fish			
<i>Acipenser medirostris</i> Green sturgeon, Southern DPS	FT/CSC	Near shore marine waters, bays and estuaries, spawns in rivers in deep fast water over large cobbles, but also clean sand to bedrock. Southern most spawning population in the Sacramento River.	May occasionally visit Bay waters within the City.
<i>Eucyclogobius newberryi</i> Tidewater goby	FE/CSC	Fresh to brackish shallow lagoons and lower stream reaches with still, but not stagnant, water.	No suitable habitat present, not expected to occur. Considered extirpated from San Francisco Bay, ²⁰ but some small populations may persist. ²¹
<i>Oncorhynchus tshawytscha</i> Chinook salmon (Sacramento River winter-run ESU ²²)	FE/SE	Anadromous: spawns in Sacramento River system; occurs in small numbers in San Francisco Bay.	May occasionally visit Bay waters within the City.
<i>Oncorhynchus tshawytscha</i> Chinook salmon (Central Valley spring-run ESU)	FT	Anadromous: spawns in Sacramento River system; occurs in small numbers in central San Francisco Bay.	May occasionally visit Bay waters within the City.
<i>Oncorhynchus mykiss</i> Steelhead (central California coast ESU)	FT	Anadromous: spawns in small coastal streams and rivers. For spawning and egg development requires cool, well-oxygenated water with moderate flow/velocity, small to medium gravel bottom material, and moderately deep, cool pools for refuge. Rearing sites are in tributaries.	Species known to occur in Codornices Creek. Approximately 150 juveniles observed in Codornices Creek between the railroad tracks and San Pablo Avenue during surveys in 2001 by Rana Resources; ²³ few individuals observed in pools during LSA’s site visit in June 2003. Suitable spawning habitat present in sections where cobbled stream beds occur.

²⁰ Moyle, P.B., 2002, op. cit.

²¹ Leidy, R.A., 2007, op. cit.

²² ESU = Evolutionarily Significant Unit. The National Marine Fisheries Service (NMFS) considers an ESU a “species” under the Endangered Species Act.

²³ Environmental Collaborative, 2001, op. cit.

Table IV.J-3: Special-Status Animal Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat	Potential for Occurrence
Amphibians and Reptiles			
<i>Emys marmorata</i> Western pond turtle	CSC	Ponds, marshes, streams, and irrigation ditches with aquatic vegetation, deep water, basking sites, and adjacent uplands that are suitable for egg-laying (sandy banks or grassland).	Portions of Codornices, Middle, and Cerrito Creeks provide suitable breeding or resident habitat. Species observed in Codornices Creek, just upstream from the railroad tracks. ²⁴ Four CNDDB occurrences have been recorded within 5 miles of the City: Brooks Island, San Pablo Reservoir, Jewell Lake, and Lake Temescal.
<i>Rana draytonii</i> California red-legged frog	FT/CSC	Perennial ponds or pools and streams where water remains long enough for breeding and development of young. Highest frog densities associated with dense emergent or shoreline riparian vegetation and deep (>2 feet), still or slow-moving water. Juvenile frogs often found in warm, shallow-water habitats with floating or submerged vegetation.	Not known to occur in or near the City. Creeks within the City do not provide high quality habitat due to their urban setting and the lack of adjacent upland habitat. Introduced predators, such as non-native fish and bullfrogs, further degrade the habitat. Closest CNDDB recorded occurrences are more than 3 miles away near San Pablo Dam Reservoir in the vicinity of El Sobrante and Orinda.
Birds			
<i>Aythya americana</i> Redhead	CSC	Large, deep bodies of water; nests in freshwater emergent wetlands.	May winter in small numbers on open water habitats along the Albany waterfront, but does not breed within the City.
<i>Pelecanus erythrorhynchos</i> American white pelican	CSC	Forages over shallow inland waters and coastal marine habitats, nests on isolated islands or peninsulas.	May forage and roost in the City, but does not breed in San Francisco Bay or in the City.
<i>Pelecanus occidentalis californicus</i> California brown pelican	FD/SD/CFP	Coastal areas; nests on islands.	May forage and roost in the shallow subtidal portions of the Albany waterfront, but does not breed in San Francisco Bay or in the City. Individuals may occasionally roost on Fleming Point Pier.

²⁴ Albany, City of, 1998. *City of Albany Watershed Management Plan*. Prepared in Consultation with David Mattern & Associates, Consulting Engineers; Wolfe Mason Associates, Landscape Architects; Balance Hydrologics, Inc.; and Botanical Consulting Services. October 1998.

Table IV.J-3: Special-Status Animal Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat	Potential for Occurrence
<i>Elanus leucurus</i> White-tailed kite	CFP	Open grasslands, meadows, or marshes; require dense-topped trees or shrubs for nesting and perching.	Marginal nesting and foraging habitat present at Albany Bulb, University Village, Albany Hill, and along the creeks within the Planting Area. Nesting has been documented on Brooks Island and in the vicinity of Berkeley Meadow approximately 1.6 miles south of the City. This species has been observed at University Village. ²⁵
<i>Haliaeetus leucocephalus</i> Bald eagle	FD/SE/CFP	Ocean shorelines, lake margins, and rivers for both nesting and wintering; nests in large trees with open branches.	May occasionally occur near the Albany waterfront during winter, but not expected to remain for long periods or breed within the City. Known to have nested near San Pablo Reservoir.
<i>Circus cyaneus</i> Northern harrier	CSC	Nests in wet meadows and marshes, forages over open grasslands and agricultural fields.	Marginal foraging habitat present at Albany Plateau, but limited in the City. Not expected to nest on or near the City due to ongoing disturbance associated with trail users and pets. Historically known to nest less than 1 mile south of the City in northwestern corner of Berkeley Meadow, but not in recent years.
<i>Aquila chrysaetos</i> Golden eagle	CFP	Rolling foothills and mountain areas. Nests in cliff-walled canyons or large trees in open areas.	May occasionally occur during winter, but not expected to remain for long periods or breed within the City.
<i>Falco peregrinus</i> American peregrine falcon	FD/SD/CFP	A variety of open habitats including coastlines, mountains, marshes, bay shorelines, and urban areas. Nest on cliffs, bridges, and tall buildings.	May occasionally forage over the City shoreline but not expected to nest due to lack of suitable nest sites on or adjacent to the City. Known to occasionally forage over Albany Mudflats Ecological Reserve. ²⁶
<i>Laterallus jamaicensis coturniculus</i> California black rail	ST/CFP	Salt marshes bordering larger bays, also found in brackish and freshwater marshes.	May occur in tidal marsh habitat along the Albany waterfront. Closest recent CNDDDB occurrence is approximately 3.5 miles south of the City at the Emeryville Crescent.
<i>Rallus longirostris obsoletus</i> <u>Ridgway's rail (formerly known as California clapper rail)</u>	FE/SE/CFP	Tidal salt marshes with sloughs and substantial cordgrass (<i>Spartina</i> sp.) cover.	May occur in tidal marsh habitat along the Albany waterfront. Known to occur approximately 0.25 miles north in the Richmond Inner Harbor, 3.1 miles south in the Emeryville Crescent Marsh, and 4.7 miles north at Wildcat Creek Marsh.

²⁵ Environmental Collaborative, 2001, op. cit.

²⁶ LSA Associates, Inc., 2002a, op. cit.

Table IV.J-3: Special-Status Animal Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat	Potential for Occurrence
<i>Charadrius alexandrinus nivosus</i> Western snowy plover (Pacific coast population)	FT	Sandy beaches, salt ponds, and salt pond levees.	Not known to breed within the City, but could forage on tidal mudflats. No suitable nesting habitat present.
<i>Sternula antillarum browni</i> California least tern	FE/SE/CFP	Sandy beaches, alkali flats, hard-pan surfaces (salt ponds).	Occasionally forages over Bay waters in the City between April and July. Observed nesting on created shell islands just south of Central Avenue in El Cerrito in 2000, ²⁷ just north of the City.
<i>Athene cunicularia</i> Burrowing owl	CSC	Open, dry grasslands that contain abundant ground squirrel burrows.	Wintering individuals may occasionally use concrete rip-rap along the shoreline of the Albany waterfront and natural and artificial burrows within the Albany Plateau. Has been observed wintering at scattered locations in the City and vicinity, including the Albany Bulb, Cesar Chavez Park, North Basin Strip of the Berkeley Marina, and Berkeley Meadow, ²⁸ but no nesting confirmed to date. The closest CNDDDB occurrence is approximately 1.2 miles northwest of the City in south Richmond. They have also been observed wintering along the Berkeley shoreline at the following locations: Cesar Chavez Park, Berkeley Meadows, and the Gilman ballfields. ²⁹
<i>Asio otus</i> Long-eared owl	CSC	Conifer, oak, riparian, pinyon-juniper, and desert woodlands adjacent to grasslands, meadows, or shrublands.	Not expected to occur due to lack of suitable habitat.
<i>Asio flammeus</i> Short-eared owl	CSC	Open grasslands, meadows, and marshes with few trees; requires dense ground vegetation for both roosting and nesting.	May occasionally occur in tidal marsh habitats within and adjacent to the Albany waterfront during winter. Closest CNDDDB occurrence is approximately 4.7 miles north of the City in Wildcat Creek Marsh.

²⁷ LSA observations as cited in LSA Associates, Inc., 2002a, op. cit.

²⁸ LSA observations and EBRPD observations 2009 and 2010 as cited in LSA Associates, Inc., 2002a. *Habitat Issues - Animal Life section in Eastshore Park Project Resource Inventory. Prepared for California Department of Parks and Recreation, East Bay Regional Park District.*

²⁹ LSA observations in 2008, 2009, and 2006 as cited in LSA Associates, Inc. 2002a. *Habitat Issues - Animal Life section in Eastshore Park Project Resource Inventory. Prepared for California Department of Parks and Recreation, East Bay Regional Park District*

Table IV.J-3: Special-Status Animal Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat	Potential for Occurrence
<i>Lanius ludovicianus</i> Loggerhead shrike	CSC	Open grasslands and woodlands with scattered shrubs, fence posts, utility lines, or other perches; nests in dense shrubs and lower branches of trees.	May nest and forage within the ruderal scrub habitat along the Albany waterfront, particularly at the Albany Plateau.
<i>Geothlypis trichas sinuosa</i> San Francisco common yellowthroat	CSC	Salt, brackish, and freshwater marshes; and riparian woodlands; nests on or near ground in low vegetation.	Suitable nesting habitat present within tidal marsh, scrub, and riparian habitat habitats. Observed along the Albany shoreline near the Codornices Creek outfall in 2000 and 2001. ³⁰ Closest CNDDDB occurrence is near the Bay Bridge toll plaza in Emeryville.
<i>Passerculus sandwichensis alaudinus</i> Bryant's savannah sparrow	CSC	Nests and forages in salt marsh and adjacent ruderal habitat, and moist grasslands in the fog belt, but has also be found in dry grasslands back from the coast.	May nest and/or forage in salt marsh and ruderal vegetation along the Albany waterfront. Known to occur in the vicinity of the BSA. ³¹ Observed in Albany Plateau. ³²
<i>Melospiza melodia pusillula</i> Alameda song sparrow	CSC	Tidal salt marshes dominated by pickleweed; nests primarily in pickleweed and marsh gumplant.	Observed at Middle and Cerrito Creeks during LSA's reconnaissance survey. Closest CNDDDB records are in Cerrito Creek and along the waterfront in Richmond and Emeryville. Likely occurs at Codornices Creek and within marsh and riparian habitat along the Albany waterfront.
Mammals			
<i>Sorex vagrans halicoetes</i> Salt marsh wandering shrew	CSC	Tidal marshes with abundant driftwood and other debris (for shelter and foraging).	Unlikely to occur due to the limited extent of transitional and upland habitat adjacent to tidal and non-tidal salt marsh in the City.
<i>Reithrodontomys raviventris</i> Salt-marsh harvest mouse	FE/SE/CFP	Tidal salt marshes of San Francisco Bay and its tributaries. Requires tall, dense pickleweed for cover.	Not expected to occur due to lack of high quality tidal marsh habitat. Known to occur approximately 3 miles south of the City in the Emeryville Crescent and approximately 4.7 miles north of the City in Wildcat Creek Marsh.
<i>Antrozous pallidus</i> Pallid bat	CSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with	Suitable roosting habitat present in large trees and snags on Albany Hill or along the creeks within the City. No recent

³⁰ Ohlson, Kristin, 2001, as cited in LSA 2002a.

³¹ Shuford, W. D. and T. Gardali, eds., 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California.

³² Ohlson, Kristin, 2001, op. cit.

Table IV.J-3: Special-Status Animal Species Potentially Occurring or Known to Occur in the Vicinity of Albany, Alameda County, California

Species	Status ^a	Habitat	Potential for Occurrence
		rockier areas for roosting. Needs roosts that protect bats from high temperature and disturbance.	(after 1970) CNDDDB occurrences within 5 miles of the City. Nearest occurrence was recorded at an unknown location in El Cerrito in 1943.
<i>Nyctinomops macrotis</i> Big free-tailed bat	CSC	Low-lying arid areas in Southern California. Needs high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.	No habitat present within the City. Only one occurrence within 5 miles of the City is a 1916 record at an unknown location in Berkeley.
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	SCT/CSC	Riparian woodlands, wetlands, forest edges, and open woodlands; roosts in caves, mines, and old buildings.	Suitable roosting habitat present in large trees and snags on Albany Hill or along the creeks within the City. Nearest CNDDDB occurrence is at Angel Island.

^a Status:

Federal/State

FE = Federally Endangered

FT = Federally Threatened

FD = Federally Delisted

SE = State Endangered

ST = State Threatened

SCT = State Candidate Threatened

SD = State Delisted

CSC = California Species of Special Concern

CFP = California Fully Protected Species

^b Winter colonies recognized by CDFW as a sensitive habitat in California. USFWS accepted a 90-day finding on a petition for listing the species as being warranted and USFWS are currently within the 12-month review period.

Source: California Natural Diversity Database, California Department of Fish and Wildlife 2015a, unless otherwise noted.

The following text revision is made to page 300 of the Draft EIR:

Suitable habitat for western pond turtles exists within portions of Cerrito, Middle, and Codornices Creeks within the City. This species was observed by Michael Woods Botanical Consulting in the late 1990s in Codornices Creek, just upstream from the railroad tracks.⁸⁷ No turtles were observed during LSA's reconnaissance surveys of Cerrito, Middle, Codornices or Village Creeks in February 2014 or during LSA's field survey of Codornices and Village Creeks on June 2003 or August 2008,⁸⁸ or during extensive surveys of Codornices and Village Creeks conducted in 2001 by Rana Resources.⁸⁹ Village Creek does not provide suitable habitat for western pond turtles due to the lack of perennial deep pools or basking sites and because most of the creek channel is narrow or densely vegetated. The lack of large pools and/or suitable nesting habitat along ~~Codornices~~ Cerrito, Middle, and Village Creeks within the City makes it unlikely that this species would permanently occupy these creeks; however, suitable habitat along Codornices Creek exists within the City both upstream and downstream of the reach within University Village.⁹⁰ The closest CNDDDB occurrences are at Brooks Island, Tilden Regional Park in Berkeley, San Pablo Reservoir, and Lake Temescal.⁹¹

The following text revision is made to page 302 of the Draft EIR:

Ridgway's Rail (formerly known as California Clapper Rail [Federal and State Endangered; California Fully Protected Species]). This secretive species prefers tidal salt marshes dominated by pickleweed and cordgrass with adjacent areas of high marsh cover dominated by pickleweed, gumplant, saltgrass, alkali heath, and/or fleshy jaumea (*Jaumea carnosa*).¹⁰¹ ~~Clapper~~ Ridgway's rails also occupy tidal brackish marshes dominated by bulrush. The ~~California-local~~ subspecies of ~~clapper~~ Ridgway's rail is now restricted to the tidal marshlands around the San Francisco, San Pablo, and Suisun Bays. A Bay-wide survey in the early 1970s estimated a total population of between 4,000 and 6,000 birds.¹⁰² The most recent population estimate for ~~California-clapper~~ Ridgway's rails was approximately 1,040 to 1,264 individuals in San Francisco Bay.¹⁰³ Although habitat loss is implicated in population declines, predation of rails by the introduced red fox is another major threat.

~~California-clapper~~ Ridgway's rails could occur in tidal marsh habitat along the Albany waterfront. ~~Clapper~~ Ridgway's rails have been reported at the Emeryville Crescent marsh, Inner Richmond Harbor, and Wildcat Creek Marsh.¹⁰⁴

The following text revision is made to page 303 of the Draft EIR:

Artificial burrows suitable for use by burrowing owls have been constructed within an established 8-acre fenced off area of the Albany Plateau, but as of 2015 ~~2012~~, the burrows have yet to be occupied.¹

¹ Albany Patch, 2012. *Burrowing Owls Eschew Albany Habitat at Waterfront*. Website: albany.patch.com/groups/politics-and-elections/p/burrowing-owls-eschew-albany-habitat-at-waterfront. June 6. Donaldson, Douglas. 2016. City of Albany Planning Commissioner. Personal communication to LSA Associates, Inc. February.

The following text revision is made to page 323 of the Draft EIR:

(7) **Conformance with Approved Conservation Plans.** The City ~~does not occur~~ is not located within or adjacent to the boundaries of any approved conservation plans. Implementation of the Draft General Plan will not impact approved conservation plans.

The text on page 339 of the Draft EIR is revised as follows:

- **Action LU-2C: Amendments to Design Guidelines.** Amend Albany’s Residential Design Guidelines to more comprehensively address the preservation of Albany’s architectural history and the characteristic elements of its housing stock. This should include a description of the key elements of the City’s “MacGregor” homes and other older housing types, and guidelines for the sensitive treatment of these elements in major additions and alterations. It should also include guidelines for the sensitive introduction of contemporary architecture in a traditional context. ~~Architectural Prototypes. Develop an inventory of architectural “prototypes” that describes the prevailing design styles and features of homes in each Albany neighborhood.~~
- **Action LU-6.D: Preservation Advocacy.** ~~Explore the feasibility of~~ Pursue a formal historic preservation program for Albany. Such a program ~~would~~ include a ~~potential~~ register of locally important historic buildings, markers and plaques which acknowledge key landmarks and sites, provisions to protect and enhance the defining qualities of the City’s older buildings, and education and outreach on local resources and the benefits of preservation. Amendment of the zoning code to provide for historic preservation should be considered as part of this effort.

The following text is added to the top of page 390 in the Draft EIR:

A high pressure natural gas transmission pipeline runs north and south through Albany. PG&E’s natural gas transmission and distribution systems are operated under an inspection and monitoring program. The system operates in real time on a 24-hour basis, and includes leak inspections, surveys, and patrols of the pipelines. A new program, the Pipeline 2020 program, aims to modernize critical pipeline infrastructure, expand the use of automatic or remotely operated shut-off valves, catalyze development of next-generation inspection technologies, develop industry-leading best practices, and enhance public safety partnerships with local communities, public officials, and first responders.

In addition, Kinder-Morgan operates a high-pressure gasoline pipeline that runs adjacent to the Union Pacific railroad tracks.

The following text revision is made to page 405 of the Draft EIR:

a. Regional Setting. Albany is the northernmost city in Alameda County and is located on the east shore of the San Francisco Bay. Albany is located close to two prominent natural features: San Francisco Bay, which acts as the western border of the City, and Albany Hill, which rises to approximately 330 feet in the western part of the City. Albany’s central location on the East Bay shoreline allows residents and visitors spectacular and iconic views to the west of the Bay, Angel and Alcatraz Islands, San Francisco, the Golden Gate Bridge, and Mount Tamalpais,

while views to the east are of the East Bay hills. Albany is located in an urbanized area and borders the Contra Costa County cities of Richmond on the northwest and El Cerrito on the north, and the Alameda County city of Berkeley on the east and south. Land uses, building types, and densities are similar in the adjacent cities and consist of primarily low rise development.

The following text revision is made to page 420 of the Draft EIR:

(3) Substantial Degradation to the Existing Visual Character. The City encompasses a diversity of visual environments ranging from the waterfront, single-family residential neighborhoods, to the Solano Avenue commercial district. In general, most growth in Albany's would occur along Solano Avenue and San Pablo Avenue...

The following text revision is made to pages 437-438 of the Draft EIR:

The population and employment growth that would occur as a result of development associated with the Draft General Plan would occur entirely within Albany's City limits. Because much of the housing and commercial growth that would occur under the Draft General Plan is along commercial and transit corridors, anticipated growth would have several beneficial effects. First, such growth would support regional transit systems by increasing ridership and access to transit systems and would benefit bicycle and pedestrian access. Strengthening the transit system and improving bicycle and pedestrian circulation could reduce traffic and associated environmental effects, such as air pollution and noise, within the Bay Area. Second, development associated with the Draft General Plan would continue to enable increase construction of housing at a variety of densities and price points in Albany, ~~allowing the City to address its fair share housing allocation requirements.~~ Implementation of the programs in the General Plan Housing Element ~~An increased overall housing supply~~ would allow the City to better address affordable housing needs. Lastly, the population density within Albany would slightly increase. The development of dense residential and mixed-use districts within commercial and transit corridors represents an environmentally-sound method for accommodating a growing population and reducing sprawl, resulting in beneficial effects on both local and regional levels.