RESOLUTION NO. 2014-108

A RESOLUTION OF THE ALBANY CITY COUNCIL, CITY OF ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ADOPTING THE INITIAL STUDY-MITIGATED NEGATIVE DECLARATION FOR THE DEVELOPMENT PUBLIC WORKS MAINTENANCE CENTER AT 540 CLEVELAND AVENUE

WHEREAS, the development of a permanent Public Works facility has been the goal of the City for a number of years. The existing facility is relatively expensive to rent, is undersized for the required activities, and does not meet contemporary standards for employee productivity and sustainability; and

WHEREAS, on October 21, 2013 the City Council authorized a series of steps related to the acquisition of a 0.864 acre parcel property at 540 Cleveland for development of a new facility to serve the City of Albany Public Works Dept; and

WHEREAS, the proposed building is sited in the City’s industrial area, bounding to the west with railroad tracks and I-580, to the east by Cleveland Avenue and I-80, and to the north and south by industrial buildings in active use; and

WHEREAS, The City retained Gillis+Panichapan Architects of Costa Mesa to prepare “bridging documents”, which were incorporated into a design-build form of request for proposals to development teams to construct the facility for the City; and

WHEREAS, Planning and Zoning Commission held public meetings on March 26, 2014 and September 24, 2014 reviewing the study session on the preliminary design for the proposed Public Works Center at 540 Cleveland Avenue; and

WHEREAS, on June 9, 2014 staff recommended that City Council revise the project to reduce the size of the facility and refine the financing plan for the project; and
WHEREAS, pursuant to the California Environmental Quality Act Guidelines, the City has prepared an Initial Study Checklist, which examines all areas of potential environmental impacts. The preliminary results are that there is either no impact or less than significant impacts, for most of the study areas; and

WHEREAS, on December 15, 2014, the Albany City Council held a duly noticed public meeting to receive comments on the Public Works project;

NOW THEREFORE, BE IT RESOLVED THAT THE ALBANY CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

a. The City Council has reviewed the public record for the Public Works Building located at 540 Cleveland Avenue, including the Initial Study, all written and oral comments and the written responses thereto;

b. The documents and materials that constitute the record of proceedings shall be maintained with the City of Albany Community Development Department, 1000 San Pablo Avenue, Albany, CA 94706.

c. The Initial Study Checklist identifies all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Mitigated Negative Declaration, including those in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the project. The City Council finds that on the basis of the whole record before it, there is no substantial evidence that the Project, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment;
d. During the preparation of the Initial Study Checklist, it was determined that the Project would have no impact or have less-than-significant impact on the following environment factors: Agricultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities/Services Systems;

e. During the preparation of the Initial Study Checklist, it was determined that the Project could have a potentially significant impact on one or more of the following environmental factors: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Geology and Soils;

f. Consistent with CEQA Statutes and CEQA Guidelines, the Mitigated Negative Declaration contains a full and complete explanation as to how the potentially significant impact on these environmental factors are reduced to less-than-significant impact level by the incorporation of the required mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A and incorporated herein;

g. The Mitigated Negative Declaration constitutes an adequate, accurate, objective and complete document prepared, published, circulated and reviewed in accordance with the requirements of CEQA and the City CEQA Guidelines;

h. The City Council has reviewed and considered the information contained within the Mitigated Negative Declaration prior to acting on the proposed Project, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council;

i. Based on the independent judgment of the City Council, the City Council finds that the Mitigated Negative Declaration, supported by the Mitigation
Monitoring Program, is the appropriate document to comply fully with the requirements of the California Environmental Quality Act; and

j. The monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the Mitigation Monitoring and Reporting Program incorporated into the Conditions of Approval for the Project. Adoption of the Mitigation Monitoring and Reporting Plan will constitute fulfillment of the monitoring and reporting requirement set forth in § 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the Project sponsor;

NOW THEREFORE BE IT RESOLVED, that the Albany City Council adopts the Mitigated Negative Declaration for the development of the Public Works Service Center at 540 Cleveland Avenue and the Mitigation Monitoring and Reporting Program contained as Exhibit A and Response to Comments as Exhibit B.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2014 by the following vote:

AYES- Council members Barnes, McQuaid, Pilch, Vice Mayor Maass

NOES-

ABSENT- Council member Nason

ABSTENTION-

PETER MAASS, VICE MAYOR

NIOCLE ALMAGUER, CITY CLERK

Eileen Harrington, Deputy City Clerk
EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)
MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study Checklist (IS) prepared for the Public Works Maintenance Facility at 540 Cleveland Avenue project in the City of Albany (City). This MMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS and identifies mitigation monitoring requirements.

The MMRP table below presents the mitigation measures identified in the Initial Study as necessary to mitigate potentially significant impacts. Each mitigation measure is numbered according to the topical section to which it pertains in the IS. As an example, Mitigation Measure AES-1 is the first mitigation measure identified in the IS in Section I: Aesthetics.

The first column of the MMRP table identifies the Mitigation Measure. The second column identifies the monitoring schedule or timing, while the third column names the party responsible for monitoring the required action. The fourth column, “Monitoring Procedure,” outlines the steps for monitoring the required action. The fifth and sixth columns deal with reporting and provide spaces for comments and dates and initials. These last columns will be used by the City to ensure that individual mitigation measures have been monitored.
Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Monitoring Schedule</th>
<th>Monitoring Responsibility</th>
<th>Monitoring Procedure</th>
<th>Comments</th>
<th>Date/Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. AESTHETICS</strong></td>
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<tr>
<td>Mitigation Measure AES-1: Prior to issuance of a building permit, an exterior lighting plan including fixture and standard design, coverage and intensity, shall be reviewed and approved by the Community Development Department to ensure that any outdoor night lighting proposed for the project is in compliance with City standards and is directed downward and shielded to prevent light spill onto surrounding properties, sky glow, and glare.</td>
<td>Prior to issuance of a building permit.</td>
<td>City of Albany Planner.</td>
<td>Review exterior lighting plan for conformance with the Zoning Code and performance standards set forth in mitigation measures.</td>
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<td>III. AIR QUALITY</td>
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<td>Mitigation Measure AQ-1: The construction contractor shall institute construction vehicle emissions and dust control programs, which shall be submitted to the Community Development Department and approved prior to any construction activity. Air quality measures shall be consistent with Best Management Practices recommended by Bay Area Air Quality Management District (BAAQMD).</td>
<td>Ongoing throughout grading, trenching, and construction period.</td>
<td>City of Albany Building Division.</td>
<td>Make regular visits to the project site to ensure that all dust-control and emissions mitigation measures are implemented.</td>
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</table>
V. CULTURAL RESOURCES

**Mitigation Measure CULT-1:** Should an archaeological resource be encountered during project construction activities, the construction contractor shall halt construction in the vicinity of the find and immediately notify the City of Albany Community Development Director. Construction activities shall be redirected and a qualified archaeologist shall evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and make recommendations about the treatment of the deposit.

- Ongoing throughout subsurface construction period.
- City of Albany Community Development Director and qualified archaeologist.
- If an archaeological resource is encountered, evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and make recommendations about the treatment of the deposit, as warranted.

**Mitigation Measure CULT-2:** If paleontological resources are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be halted until a qualified paleontologist has assessed the discoveries and made recommendations. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks.

- Ongoing throughout subsurface construction period.
- City of Albany Community Development Director and qualified paleontologist.
- Review report documenting methods and findings for treatment of paleontological resources discovered.
| 1. Mitigation Measure MTL-3: If human remains are encountered during construction activities, work within 25 feet of the discovery shall be halted and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials. | • Ongoing throughout subsurface construction period. | • City of Albany Community Development Director and qualified archaeologist. | • Review report documenting methods, results, and recommendations for treatment of human remains and any associated cultural materials discovered. |

| VI. GEOLOGY AND SOILS | Mitigation GEO-1: A site-specific geotechnical study will be required as part of a building permit application to identify potential concerns and recommended measures to reduce hazards. Recommendations in the geotechnical study should be implemented. The study must be prepared by a geologist, engineering geologist, or civil or structural engineer with expertise in geotechnical issues who is registered in the State of California. In addition, all non-structural building elements (i.e., fixtures, permanent equipment, etc.) are required to be anchored to minimize potential hazards from earthquakes. | • Prior to the issuance of any site-specific grading permits. | • City of Albany Building Division. | • Verify compliance with City requirements and with GEO-1 stipulations, including protection of the Caltrans embankment. |
### VIII. HAZARDS

<table>
<thead>
<tr>
<th>Mitigation Measure HAZ-1:</th>
<th>Prior to certificate of occupancy.</th>
<th>City of Albany Public Works Director</th>
<th>Review written documentation of completion of training.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City shall provide training programs for proper use, storage, transportation, and disposal of hazardous substances, including a site-specific emergency response plan consistent with best practices recommended by the American Public Works Association or other applicable organizations or agencies.</td>
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<thead>
<tr>
<th>Mitigation Measure HAZ-2:</th>
<th>Prior to issuance of a building permit.</th>
<th>City of Albany Public Works Director</th>
<th>Review construction drawings and construction specifications.</th>
</tr>
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<tbody>
<tr>
<td>The building shall be designed with systems for the storage and use of hazardous substances, including storing hazardous in secure and projected areas with containment systems and signage denoting type of hazardous materials.</td>
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<tr>
<th>Mitigation Measure HAZ-3:</th>
<th>Prior to issuance of a building permit and on-going during construction and operation of the facility</th>
<th>City of Albany Building Division</th>
<th>Make regular visits to the project site to ensure that all hazardous materials are handled properly.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The construction and operation of the project shall comply with all conditions of approval and other relevant regulatory requirements associated with the completed remediation of the site. The known or potential locations where hazardous materials (e.g., asbestos, lead, soil/goundwater contamination) shall be posted on the job site while the project is under construction.</td>
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<thead>
<tr>
<th>Mitigation Measure HAZ-4:</th>
<th>Prior to issuance of a building permit.</th>
<th>City of Albany Building Division</th>
<th>Review written soil management plan.</th>
</tr>
</thead>
</table>
| As a condition of approval for any grading and construction permits at the project site, the applicant shall provide a soil management plan, prepared by a qualified environmental professional, and submit to the Community Development Department for review and approval. The soil management plan shall be implemented during any earthmoving activities at the
project site and shall include a site-specific health and safety plan for construction workers, a dust control plan, a soil management plan to manage, characterize, and dispose of soils in the event that contamination is encountered, and an air monitoring plan protective of construction workers, the nearby public, and the environment.

### VIII. HYDROLOGY

<table>
<thead>
<tr>
<th>Mitigation Measure HYD-1</th>
<th>Prior to issuance of a building permit and during construction</th>
<th>City of Albany Building Division</th>
<th>Make regular visits to the project site to ensure that all stormwater controls are functioning properly.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure HYD-2</td>
<td>Prior to issuance of a building permit and during construction</td>
<td>City of Albany Building Division</td>
<td>Make regular visits to the project site to ensure that best management practices are implemented.</td>
</tr>
</tbody>
</table>
EXHIBIT B

RESPONSE TO COMMENTS

(Forthcoming if comments received)
December 5, 2014

Jeff Bond, Community Development Director  
City of Albany Community Development Department  
1000 San Pablo Avenue  
Albany, CA 94706

Re: Notice of Availability of a Draft Mitigated Negative Declaration – Public Works Service Center, Albany

Dear Mr. Bond:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the Public Works Service Center located at 540 Cleveland Avenue in the City of Albany (City). EBMUD has the following comments.

WATER SERVICE

EBMUD’s Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. EBMUD owns and operates an 8-inch distribution pipeline in an EBMUD right-of-way (R/W1062) on the northern portion of the subject property between 540 and 536 Cleveland Avenue, which provides continuous service to EBMUD customers in the area. The integrity of this pipeline needs to be maintained at all times. Any proposed construction activity in EBMUD’s right-of-way will be subject to the terms and conditions determined by EBMUD including relocation of the water main and/or right-of-way at the project sponsor’s expense.

When the development plans are finalized, the project sponsor should contact EBMUD’s New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor’s development schedule.

The project sponsor 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 submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.
In addition, the project sponsor 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.

**WATER CONSERVATION**

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor 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.

If you have any questions concerning 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:djr
sb14_263.docx
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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
the 15th day of December, 2014, by the following votes:

AYES: Council Members Barnes, McQuaid, Pilch, Vice Mayor Maass

NOES: none

ABSENT: Council Member Nason

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 16th day of December, 2014.

Eileen Harrington
DEPUTY CITY CLERK