

1 **WHEREAS**, the City retained the consulting firm Placeworks to prepare an
2 Initial Study of the proposed 2015-2023 Housing Element; and

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4 **WHEREAS**, the Initial Study-Mitigated Negative Declaration (IS-MND) was
5 made available to the public on December 9, 2014; and

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7 **WHEREAS**, on December 9, 2014 and Notice of Public Hearing for the Planning
8 & Zoning Commission and a Notice of Availability for the IS-MND were published in
9 the Contra Costa Times pursuant to Section 65090 and Section 65355 of the California
10 Government Code

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12 **WHEREAS**, the City provided public notice of the availability of the IS-MND
13 for public review and posted copies of the document on the City of Albany website for
14 over 21 days; and

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16 **WHEREAS**, two comment letters were received during the comment period from
17 East Bay Municipal Utility District and Alameda County Transportation Commission;
18 and

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20 **WHEREAS**, prior to the January 7, 2015 hearing, the Planning & Zoning
21 Commission was provided with the complete contents of the Draft Housing Element for
22 the 2015-2023 planning period reflecting edits in response to the comment letter dated
23 December 1, 2014 received from HCD and the draft IS-MND for the Housing Element;
24 and

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26 **WHEREAS**, on January 7, 2015 the Albany Planning and Zoning Commission
27 held a duly noticed public hearing to receive comments on the Initial Study-Mitigated
28 Negative Declaration (IS-MND) and draft Housing Element for the 2015-2023 planning
29 period;

1 **WHEREAS**, on January 7, 2015 the Albany Planning and Zoning Commission
2 adopted Resolution 2015-01 recommending adoption of the Initial Study-Mitigated
3 Negative Declaration for the 2015-2023 Albany Housing Element by the Albany City
4 Council; and

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6 **WHEREAS**, on January 7, 2015, the Albany Planning and Zoning Commission
7 adopted Resolution 2015-02 recommending adoption of the 2015-2023 Housing Element
8 by the Albany City Council; and

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10 **WHEREAS**, a public hearing notice was published in the West County Times
11 and posted in three public places pursuant to California Government Code Section 65090
12 on January 23, 2015 for the public hearing held on February 2, 2015; and

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

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

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21 a. The Planning and Zoning Commission has reviewed the record for the
22 Mitigated Negative Declaration for the Housing Element, including the Initial
23 Study;
- 24 b. The documents and materials that constitute the record of proceedings shall be
25 maintained with the City of Albany Community Development Department,
26 1000 San Pablo Avenue, Albany, CA 94706;
- 27 c. The Mitigated Negative Declaration identifies all potentially significant
28 adverse environmental impacts and feasible mitigation measures that would
29 reduce these impacts to a less-than-significant level. All of the mitigation

1 measures identified in the Mitigated Negative Declaration, including those in
2 the Mitigation Monitoring and Reporting Program, will be adopted as part of
3 the Project. The Commission finds that on the basis of the whole record before
4 it, there is no substantial evidence that the Project, as mitigated in the
5 Mitigated Negative Declaration, will have a significant impact on the
6 environment;

- 7 d. Any development proposals that would result from implementation of the
8 Housing Element will be evaluated in accordance with Section 15002 (d) of
9 CEQA. Prior to approval of such developments, the City shall conduct
10 project-specific environmental review to determine whether any significant
11 impacts could occur. As appropriate, the City shall require measures to
12 mitigate potential significant impacts;
- 13 e. The 2015-2023 Housing Element proposes no changes to the Albany General
14 Plan Map or Zoning Map, and proposes no zoning changes which would
15 increase allowable density;
- 16 f. During the preparation of the Initial Study Checklist, it was determined that
17 adoption of the Housing Element would have no impact or have less-than-
18 significant impact on the following environmental factors: Aesthetics,
19 Agricultural Resources, Biological Resources, Cultural Resources, Geology
20 and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials,
21 Land Use and Planning, Mineral Resources, Noise, Population and Housing,
22 Public Services, Recreation, Transportation/Traffic, Utilities/Service Systems;
- 23 g. During the preparation of the Initial Study Checklist, it was determined that
24 adoption of the Housing Element could have a potentially significant impact
25 on one or more of the following environmental factors: Air Quality,
26 Hydrology and Water Quality;
- 27 h. Consistent with CEQA Statutes and CEQA Guidelines, the Mitigated
28 Negative Declaration contains a full and complete explanation as to how the
29 potentially significant impact on these environmental factors are reduced to

1 less-than-significant impact levels by the incorporation of the required
2 mitigation measures set forth in the Mitigation Monitoring and Reporting
3 Program attached hereto as Exhibit A and incorporated herein;

- 4 i. The Mitigated Negative Declaration constitutes an adequate, accurate,
5 objective and complete document prepared, published, circulated and
6 reviewed in accordance with the requirements of CEQA and the City CEQA
7 Guidelines;
- 8 j. The Commission has reviewed and considered the information contained
9 within the Mitigated Negative Declaration prior to preparing a
10 recommendation on the Housing Element, and finds that the Mitigated
11 Negative Declaration reflects the independent judgment and analysis of the
12 City;
- 13 k. The Commission’s recommendation on the Mitigated Negative Declaration,
14 along with any comments on the document received by the close of the
15 comment period on December 30, 2014, will be forwarded to the Albany City
16 Council.

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18 **NOW THEREFORE BE IT FURTHER RESOLVED**, that the Albany City
19 Council adopts the Mitigated Negative Declaration for the 2015-2023 Albany
20 Housing Element and the Mitigation Monitoring and Reporting Program
21 contained as Exhibit A.
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1 **PASSED, APPROVED AND ADOPTED** this 2nd day of February 2015 by the
2 following vote:

3

4 AYES-

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6 NOES-

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8 ABSENT-

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10 ABSTENTION-

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PETER MAASS, MAYOR

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16 ATTEST:

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Nicole Almaguer, City Clerk

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EXHIBIT A
IS/MND

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EXHIBIT B
ADDENDUM WITH CHANGES