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**RESOLUTION #05-48**

**A RESOLUTION OF THE  
ALBANY CITY COUNCIL**

**ADOPTING A NEGATIVE DECLARATION  
REGARDING ENVIRONMENTAL EFFECTS OF  
PROPOSED AMENDMENTS TO  
THE ALBANY ZONING ORDINANCE  
TO ADD PROVISIONS FOR HOUSING**

**WHEREAS**, on June 14, 2005 the Albany Planning and Zoning Commission recommended that the City Council adopt a new Section 20.40, Housing Provisions, as part of Chapter XX of the Albany Municipal Code, also known as the Zoning Ordinance, and the Commission also recommended adoption of related definitions to be added to Section 20.08, Definitions, of said Code; and

**WHEREAS**, pursuant to the California Environmental Quality Act, City staff prepared an Initial Study of potential environmental effects of the proposed zoning amendments regarding housing, plus additional amendments to the General Plan and the Zoning Ordinance regarding floor area ratio bonuses, and as a result a notice of intent to adopt a Mitigated Negative Declaration was circulated on April 6, 2005 for public review and comment; and

**WHEREAS**, the Planning and Zoning Commission held a duly-noticed public hearing and heard public testimony on the proposed amendments to the Zoning Ordinance and the General Plan; considered all comments on the draft Mitigated Negative Declaration on April 26, 2005, and subsequently on May 10, May 31, and June 14, 2005; and

**WHEREAS**, in the course of said public hearing the Planning and Zoning Commission determined that proposed zoning amendments regarding floor-area ratios bonuses and related General Plan amendments were not appropriate for action at this time, and accordingly such proposals were not included in the recommendation of the Commission to the City Council; and

**WHEREAS**, the Albany City Council, on October 17, 2005, after due public notice, opened a public hearing on the proposed amendments to the Zoning Ordinance as recommended by the Planning and Zoning Commission, and on the draft Mitigated Negative Declaration, and continued the public hearing to .....

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby adopts a Negative Declaration, attached hereto as "Exhibit A", regarding potential environmental effects of the proposed amendments to the Zoning Ordinance, and finds as follows:

*1. That an Initial Study of the project has addressed the potential environmental impacts of the proposed amendments to the Zoning Ordinance, and certain amendments to the General Plan, in conformance with the California Environmental Quality Act, and the Community Development Director has determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been incorporated in the project; and*

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2. *That in considering the proposed Zoning amendments, the City Council has reviewed and considered the information contained in the Initial Study, dated circulated April 6, 2005, and has reviewed and considered all comments, testimony and other evidenced introduced at the public hearing and in the record of the proposed amendments; and*

3. *That during the course of review of proposed zoning amendments regarding housing, as recommended by the Planning and Zoning Commission, the City Council did not consider amendments regarding floor area ratio bonuses as discussed in the Initial Study, and accordingly the City Council determined that the housing provisions alone could not have a significant effect on the environment, and that therefore no mitigation measures nor monitoring program were required.*

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a Negative Declaration, attached hereto as Exhibit A, is hereby adopted with respect to environmental effects of proposed amendments to the Albany Zoning Ordinance to add provisions for housing.

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ROBERT GOOD  
MAYOR

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

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**EXHIBIT A  
TO CITY COUNCIL RESOLUTION #05-48**

**NEGATIVE DECLARATION  
REGARDING ENVIRONMENTAL EFFECTS OF  
PROPOSED AMENDMENTS TO  
THE ALBANY ZONING ORDINANCE  
TO ADD PROVISIONS FOR HOUSING**

10 The following proposed project has been reviewed pursuant to the provisions of the California  
11 Environmental Quality Act (CEQA) for the purpose of determining the likelihood of a significant adverse  
12 environmental impact occurring as a result of project completion.

13  
14 **NAME OF PROJECT: Amendments to General Plan and Zoning Ordinance Regarding Affordable  
15 Housing**

16  
17 **DESCRIPTION OF PROJECT:** The “Project” consists of certain additions and amendments to the  
18 Albany Zoning Ordinance, as described below:

- 19 1. A new Section 20.40, “Housing Provisions”, is proposed to be added to Chapter 20 of the Albany  
20 Municipal Code. The provisions address the following:
- 21 • Inclusion of affordable housing units within new housing developments of 5 or more  
22 dwelling units;
  - 23 • Procedures for granting density bonuses for developments that include affordable housing  
24 units, as required by State law (Government Code Section 65915);
  - 25 • Provisions for reasonable accommodation of disabled persons in housing developments;  
26 and
  - 27 • Procedures and guidelines for approval of emergency and transitional housing facilities.
- 28 2. The addition of housing-related definitions to Section 20.08, “Definitions”.

29  
30 **LOCATION OF PROJECT:** Entire area of the City of Albany in Alameda County, bounded by the  
31 Cities of Richmond, El Cerrito, Berkeley, an unincorporated portion of Contra Costa County, and San  
32 Francisco Bay.

33  
34 **COUNTY ASSESSOR PARCEL NO.:** Potentially affects all parcels within City limits where multi-  
35 family or mixed-use developments may be permitted.

36  
37 **NAME OF APPLICANT:** City of Albany

38  
39 **MAILING ADDRESS OF APPLICANT:** 1000 San Pablo Avenue, Albany CA 94706, Attention:  
40 David Dowswell, Planning Manager, (510) 528-5760, FAX (510) 524-9359, e-mail:  
41 [ddowswell@albanyca.org](mailto:ddowswell@albanyca.org)

42  
43 **TYPE OF ENTITLEMENT SOUGHT:** City Council adoption of amendments to Zoning Ordinance.

44  
45 **MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY  
46 SIGNIFICANT IMPACTS:** None.

47  
48 **EXPLANATION OF REASONS FOR THE FINDING:** A finding is made that this project will not  
49 have a significant effect on the environment. The Initial Study has not revealed any potentially significant  
50

1 impacts. The project complies with the mandates of Government Code 65915 regarding density bonuses,  
2 and otherwise implements policies stated in the City's adopted Housing Element.

3  
4 Any comments as to whether the draft negative declaration should become final or whether an EIR should  
5 be prepared for the project must be submitted within 30 days of the posting of this draft negative  
6 declaration.

7  
8 Draft Mitigated Negative Declaration Posted within the City of Albany on April 6, 2005

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10  
11 Statement of Negative Declaration was reviewed and finally adopted on XXXXX 2005.

12  
13 By approving Agency: Albany City Council

14  
15 Signed \_\_\_\_\_  
16 Jaqueline Bucholz, City Clerk

17  
18 Notice of Determination to be sent to:

- 19  
20  
21  Posting of Notice  County Clerk  
22  Mailed to owners of contiguous  State Clearing House  
23 property  
24  Publish notice

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25  
26  
27 **IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:**

28  
29 David Dowswell Planning Manager (510) 528-5760  
30  
31 NAME TITLE PHONE NUMBER

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