RESOLUTION NO. 2019-30

A RESOLUTION OF THE ALBANY CITY COUNCIL MAKING FINDINGS
PURSUANT TO SECTION 21166 OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT AND SECTION 15162 OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT GUIDELINES
TO ESTABLISH A ZONING DESIGNATION FOR THE PARCEL
LOCATED AT THE NORTHEAST CORNER OF CLEVELAND AVENUE
AND WASHINGTON AVENUE

WHEREAS, the City of Albany acquired the vacated Caltrans easement at
Cleveland and Washington Avenue in 2012; and

WHEREAS, the Albany 2035 General Plan envisioned residential uses on the
subject parcel and provided a land use designation of High Density Residential (HDR);
and

WHEREAS, the General Plan Environmental Impact Report (EIR) was prepared
and analyzed assuming high density residential and open space uses on the subject parcel;
and

WHEREAS, the Albany 2035 General Plan and EIR (SCH# 2014032040) were
adopted on April 18, 2016; and

WHEREAS, Government Code Section 65860 requires that zoning ordinances be
consistent with the adopted General Plan; and

WHEREAS, the proposed zoning designation of R-3 High Density Residential
and PF-Public Facilities are consistent with the Albany 2035 General Plan; and

WHEREAS, the California Environmental Quality Act (CEQA) at Public
Resources Code Section 21166 and CEQA Guidelines Section 15162 identify that
subsequent analysis is not required when the lead agency (the City) determines that no substantial changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project was undertaken, and no new information of substantial importance has been identified; and

WHEREAS, the Albany Planning & Zoning Commission adopted Planning & Zoning Resolution 2019-05 making findings of consistency pursuant to the California Environmental Quality Act (CEQA) at Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

NOW, THEREFORE, The Albany City Council does hereby resolve and adopts a Resolution of Intention to establish a Zoning Designation of R-3 Residential High Density and PF-Public Facilities on the subject parcel.

CEQA

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

Evidence: The subject site was analyzed for residential development and open space uses under the Albany 2035 General Plan Environmental Impact Report (EIR) (SCH No. 2014032040). The proposed zoning classifications of R-3 High Density Residential and PF-Public Facilities are consistent with the General Plan land use classifications and the EIR that was prepared (SCH No 2014032040). No changes in the future planned land uses are proposed as part of the Project and no new information has been identified. Therefore, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, no further environmental review is required. Exhibit A provides additional findings.
PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 6th day of May 2019, by the following vote:

AYES: Council members: Barnes, Maass, McQuaid, Pick and Mayor Nason

NOES: none

ABSENT: none

ABSTAIN: none

ROCHELLE NASON, MAYOR
RESOLUTION NO.  2019-30

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 6th day of May, 2019, by the following votes:

AYES:  Council Members Barnes, Maass, McQuaid, Pilch and Mayor Nason

NOES:  None

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

7th Day of May, 2019.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.
RESOLUTION 2019-30
EXHIBIT A
The California Environmental Quality Act
(CEQA) Public Resources Code Section 21166 and CEQA Guidelines Section
15162 "Subsequent EIRs and Negative Declarations"

Findings

Project Description: Establishment of Zoning Classifications consistent with the General Plan Land Use Classifications from the Albany 2035 General Plan for the parcel located at the northwest corner of Cleveland and Washington Avenue

APN: 066-2780-024-01

Previous EIR Reference: SCH #2014032040

Original EIR Certification Date: The EIR was certified on April 18, 2016 by the Albany City Council

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Finding: The proposed establishment of zoning classifications is consistent with the EIR and the adopted General Plan Land Use Designation for the site of High Density Residential (HDR). No substantive changes are proposed and none involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

Finding: There has been no change in circumstances that would require major revisions to the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental impacts.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was
certified as complete or the Negative Declaration was adopted, shows any of the following:

Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted.

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Finding: N/A

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

Finding: N/A

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

Finding: N/A

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Finding: N/A
CEQA Addendum to Albany 2035 General Plan EIR (SCH# 2014032040)
Public Resources Code Section 21166 and CEQA Guidelines Section 15162

I. Introduction

The proposed project scope includes the establishment of zoning classifications consistent with the adopted Albany 2035 General Plan and General Plan Land Use Designation of High Density Residential (HDR) for the property located at the northwest corner of Washington and Cleveland Avenue, APN: 066-2780-024-01.

II. Analysis

The proposed scope includes establishing an R-3 High Density Residential Zoning classification for approximately 1.1 acres of the property and a PF-Public Facilities designation for 4.43 acres for the remainder of the property. The proposed zoning is consistent with the General Plan Land Use classifications and does not increase intensification of land use development or create significant impacts not previously evaluated in the General Plan EIR. Future development of the site is subject to a separate discretionary review process.

Based on the analysis of the Albany 2035 General Plan Environmental Impact Report (EIR), residential and open spaces uses were envisioned and analyzed for the property. The General Plan EIR did not identify significant and unavoidable impacts associated with the development of the property and did not identify mitigation measures for future development.

As such, no substantial changes are proposed in the project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information, which was not known and could not have been known at the time the EIR was certified as complete, has become available indicating that (1) the project will have one or more significant effects not discussed in the previous EIR or negative declaration, (2) significant effects previously examined will be substantially more severe than shown in the previous EIR, (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the City declines to adopt the mitigation measure or alternative, or (4) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.