

CITY OF BELVEDERE

RESOLUTION NO. 2024-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BELVEDERE MAKING FINDINGS AND ADOPTING A MITIGATED
NEGATIVE DECLARATION AND MITIGATION MONITORING
PROGRAM PREPARED PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR THE REVISED SIXTH CYCLE
HOUSING ELEMENT UPDATE AND IMPLEMENTING ACTIONS

WHEREAS, on January 24, 2023, the City Council adopted the Sixth Cycle Housing Element Update (“2023 HEU”) by Resolution No. 2023-04, forwarding said document to the State Department of Housing and Community Development (“Department”) on January 31, 2023; and

WHEREAS, on May 1, 2023, the Department provided comments on the 2023 HEU requesting a number of revisions to that document and requesting that the City rezone certain properties to better facilitate development of its Regional Housing Needs Allocation for the 2023-2031 planning cycle (“RHNA”); and

WHEREAS, upon receiving the Department’s comments, the City initiated the requested revisions, using a process that included the following milestones:

- On November 3, 2023, the City published the draft Revised Sixth Cycle Housing Element Update (“Revised Housing Element”) for public review and comment for a period of ten days.
- On November 9, 2023, the City held a community workshop to present the Revised Housing Element concepts to the community and receive public comments.
- On November 21, 2023, the Planning Commission considered the Draft Revised Housing Element, took public comment and requested multiple changes to the document; and

WHEREAS, concurrently with the foregoing actions, the City prepared an initial study to determine the appropriate level of environment review under the California Environmental Quality Act, Sections 21000 *et seq.* of the California Public Resources Code (“CEQA”), using the environmental checklist set forth in the CEQA Guidelines, 14 CCR Div. 6 Ch. 3 App. G; and

WHEREAS, the project analyzed by the Initial Study included the Revised Housing Element and all actions required to implement said document, including, without limitation, amendments to the City’s Zoning Ordinance (collectively, “Project”); and

WHEREAS, the Initial Study identified potentially significant environmental impacts from the Project in the following categories:

- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Tribal Cultural Resources
- Cumulative effects in the forgoing
- Direct or indirect effects on human beings; and

WHEREAS, The Initial Study concluded that the Project's adverse environmental impacts would be avoided or reduced to a level of insignificance by specified mitigation measures and recommended that the City prepare a Mitigated Negative Declaration for the project.

WHEREAS, on December 28, 2023, the City provided notice to the public of its intent to adopt a mitigated negative declaration by posting said notice on its website and publishing said notice in a newspaper of general circulation; and

WHEREAS, on December 28, 2023, the City provided notice of its intent to adopt a mitigated negative declaration to the following responsible agencies: California Emergency Management Agency, Caltrans District #4, Fish and Game Region #3, the Native American Heritage Commission, the Office of Historic Preservation, and the Regional WQCB#2; and

WHEREAS, on November 20, 2023, the City provided notice of its intent to adopt a mitigated negative declaration to the Federated Indians of Graton Rancheria; and

WHEREAS, on December 28, 2023, the City provided the County Clerk of Marin County a copy of the notice of intent to adopt a mitigated negative declaration for posting; and

WHEREAS, on December 28, 2023, the City published the Initial Study and Mitigated Negative Declaration ("IS/MND"), which included the recommended mitigation measures as part of the Project, for public review and comment and

WHEREAS, on January 3, 2024, the City Planning Commission held a duly noticed public hearing on the draft IS/MND, took public comment and after reviewing the entire record, found that the recommended mitigation measures will effectively avoid or mitigate the project's potential significant adverse environmental impacts to a less than significant level; and, the project would not have a significant adverse environmental impact; and

WHEREAS, at said meeting, the Planning Commission further determined that the record did not contain substantial evidence sufficient to support a fair argument that the Project as mitigated will have a significant adverse impact on the environment.

WHEREAS, based on the aforesaid findings, the Planning Commission adopted Resolution No. 2024-001 recommending that the City Council adopt the IS/MND and a mitigation monitoring program as the environmental documents for the Project; and

WHEREAS, on January 4, 2024, the City published notice of a public hearing on the IS/MND and the Project; and

WHEREAS, on January 16, 2024, the City Council held public hearings on the Initial Study and Mitigated Negative Declaration, attached hereto as Attachment 1, the Mitigation Monitoring Program, attached hereto as Attachment 2, Revised Housing Element and Zoning Ordinance Amendments. During this hearing, the City Council heard presentations from staff, reviewed the draft Revised Housing Element, draft Zoning Ordinance Amendments, draft Initial Study and Mitigated Negative Declaration, and draft Mitigation Monitoring Program. The staff presentation included an extensive review of the IS/MND by the City's professional consultants.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council adopts the above Recitals as true and correct findings of fact.

2. After reviewing the entire record, the City Council finds that the recommended mitigation measures will effectively avoid or mitigate the project's potential significant adverse environmental impacts to a less than significant level; an, the project would not have a significant adverse environmental impact.
3. After reviewing the record in its entirety, the City Council finds that the record does not contain substantial evidence sufficient to support a fair argument that the Project as mitigated will have a significant adverse impact on the environment.
4. The City Council further finds that the IS/MND represents the City Council's independent judgement and analysis.
5. The City Council has reviewed the draft Mitigation Monitoring Program and finds that it will ensure that the City implements the mitigation measures recommended in the IS/MND thereby avoiding or reducing the Project's significant environmental effects to less than significant.
6. The City Council hereby adopts the Mitigation Monitoring Program as applicable to every component of the Project.
7. This resolution includes the following attachments, which are attached hereto and incorporated herein by this reference:
 - a. Attachment 1: Initial Study and Mitigated Negative Declaration for the Revised Sixth Cycle Housing Element Update and Implementing Actions.
 - b. Attachment 2: Mitigation Monitoring Program
8. The record of proceedings of this matter are located at the Office of the City Clerk (custodian), Belvedere City Hall, 450 San Rafael Avenue, Belvedere, CA 94920.


PASSED AND ADOPTED at a special meeting of the Belvedere City Council on January 16, 2024, by the following vote:

AYES: Cooper, Lynch, Wilkinson, Mark
NOES: None
ABSENT: Kemnitzer
ABSTAIN: None

APPROVED: _____


Peter Mark, Mayor

ATTEST: _____


Beth Haener, City Clerk

ATTACHMENT 1: Initial Study and Negative Declaration

ATTACHMENT 2:
Mitigation Monitoring Program