

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK MAKING CERTAIN FINDINGS AND ADOPTING
AN INITIAL STUDY AND MITIGATED NEGATIVE
DECLARATION FOR 281 DWELLING UNITS AT 5699
MOWRY AVENUE THE PRIMA PROJECT

WHEREAS, the Prima Project (“Project”), consists of the construction of 281 dwelling residential dwelling units on approximately 16.3 acre site located at 5699 Mowry Avenue (APN’s 092A-2587-006; 092A-2587-007; 092A-2587-008; 092A-2588-006; 092A-2588-005; and 092A-2588-008-03).

WHEREAS, the entitlements requested include Tentative Map 8208 (TM-14-18), a general plan amendment, rezoning; planned unit development; conditional use permit; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), a project level Initial Study and Mitigated Negative Declaration has been prepared for the Project, pursuant to Section 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the Project’s potentially significant environmental impacts; and

WHEREAS, through this study, it has been determined that the Project’s potentially significant environmental impacts specifically relate to impacts associated with air quality, hazards and hazardous materials, noise, and traffic/circulation; and

WHEREAS, these potentially significant impacts can be mitigated to less than significant as shown in Section 18 of the Initial Study/Mitigated Negative Declaration, and;

WHEREAS, a 20-day public review period for the Notice of Availability of the IS/MND was established beginning on August 29, 2014 and ending on September 18, 2014. Copies of the notice were transmitted, along with copies of the IS/MND, to local agencies concerned with the Project. The notice was posted with the Office of the Alameda County Clerk on August 29, 2014; and

WHEREAS, as of the date of this resolution, October 23, 2014, three comment letters have been received and addressed in the Initial Study/Mitigated Negative Declaration; and

WHEREAS, on September 23, 2014, the Planning Commission of the City of Newark conducted a duly noticed public hearing to consider the Initial Study and Mitigated Negative Declaration of environmental impact for the proposed Project, considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the September 23, 2014 meeting related to the proposed Project, and;

WHEREAS, the Planning Commission of the City of Newark recommended that City Council consider adopting the Initial Study and approving the Mitigated Negative Declaration of environmental impact for Vesting Tentative Map 8208 (TM-14-18), the amendment of the Land

Use element of the Newark General Plan, the amendment to Title 17 (Zoning) of the Newark Municipal Code and the Official Zoning Map (RZ-14-38) and;

NOW, THEREFORE, the City Council finds and resolves the following:

1. The Initial Study and corresponding Mitigated Negative Declaration of environmental impact were released for public review and said mitigation measures contained within the same would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and;
2. There is no substantial evidence in light of the whole record before the City of Newark that the project may have a significant effect on the environment.
3. The City Council has read and considered the Initial Study and the Mitigated Negative Declaration, and the comments thereon, and has determined the Initial Study and the Mitigated Negative Declaration reflect the independent judgment of the City and were prepared in accordance with CEQA.
4. The Initial Study and the Mitigated Negative Declaration (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the same, and the record of proceedings on which the Planning Commission and City Council's decision is based are located in the Community Development Department at City Hall for the City of Newark, located at 37101 Newark Blvd, California, and is available for public review.

NOW, THEREFORE, the City Council:

- a. Adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B to this Resolution and incorporated herein by reference;
- b. Based on the evidence and oral and written testimony presented at public hearings, and based on all the information contained in the Community Development Department's files on the project, including, but not limited to, the Initial Study/Mitigated Negative Declaration, the Planning Commission's and City Council's staff reports, certifies in accordance with CEQA guidelines that:
 1. The Initial Study/Mitigated Negative Declaration was prepared in compliance with CEQA and CEQA guidelines;
 2. The City Council has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration prior to approving the project;
 3. The Initial Study/Mitigated Negative Declaration adequately describes the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures;
 4. The Initial Study/Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.