

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2025-XXX

RESOLUTION CERTIFYING AN ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM, 880 DOOLITTLE DRIVE (PLN22-0039)

WHEREAS, Prologis LC (“Applicant”), submitted an application for a Conditional Use Permit, Administrative Site Plan Review, and Administrative Exception (Height) to build and operate a new approximately 244,573-square-foot warehouse/distribution building at 880 Doolittle Drive (PLN22-0039) (“Project”); and

WHEREAS, 880 Doolittle Drive (“Property”) is comprised of two lots totaling 14.14 acres, further described as Assessor’s Parcel Numbers: 77A-741-4-2 and 77A-741-5 (the “Property”); and

WHEREAS, pursuant to Section 15161 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study had been prepared for the Project. The Initial Study identified potentially significant environmental impacts arising from the Project that could not be mitigated to a less-than-significant level; and

WHEREAS, the City determined that an Environmental Impact Report (EIR) would be prepared for the Project and circulated a Notice of Preparation (NOP) dated November 22, 2023, to public agencies and interested parties, posted on the East Bay Times Daily Newspaper and was available for review on the City’s website and at City Hall for consultation on the scope of the EIR; and

WHEREAS, based on the project description and responses to the NOP, the City prepared a Draft EIR dated June 2024 (SCH No. 2023110597) which reflects the independent judgment of the City as to the potential environmental effects of the Project; and

WHEREAS, the City circulated a Notice of Availability (NOA) and the Draft EIR for a 45-day public review period, from June 21, 2024, to August 5, 2024. The Draft EIR was distributed to local, regional, and State agencies. The Draft EIR was available for review on the City’s website, and at City Hall; and

WHEREAS, the City received nine comment letters during the public review period in response to the Draft EIR and the City prepared written responses to all of the comments, as well as revisions to the Draft EIR, which were incorporated into the Final EIR. The Final EIR included an annotated copy of each comment letter identifying specific comments, responses to each specific comment, and clarifications and minor corrections to information presented in the Draft EIR. The responses to comments provide the City’s good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, information was generated in the course of preparing written responses for the Final EIR. The City carefully reviewed the comments and the written responses to assess whether they constituted significant new information that would require recirculation of the Draft EIR under the standards in CEQA Guidelines Section 15088.5. After its review, the City determined that the Final EIR, including the comments, clarifications and minor corrections to the Draft EIR, do not constitute significant new information requiring recirculation of the Draft EIR; and

WHEREAS, a staff report, dated February 6, 2025 and incorporated herein by reference, described and analyzed the Project and the related Draft and Final EIRs for the Planning Commission; and

WHEREAS, on February 6, 2025, the Planning Commission reviewed the proposed Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission fully considered the Draft EIR, Final EIR, required CEQA Findings and Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Project application and entitlements, applicant's statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Planning Commission found that the staff report and Environmental Impact Report (SCH No. 2023110597) reflected the City's independent judgement and analysis of the Project; and

WHEREAS, on February 6, 2025, the Planning Commission voted to adopt a Resolution certifying the Environmental Impact Report and adopt Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and

WHEREAS, on February 6, 2025, the Planning Commission voted to adopt a Resolution approving the Project; and

WHEREAS, an appeal of the Planning Commission's decision to certify the EIR and approve the Project was timely filed by Mitchell M. Tsai Law Offices for Carpenters Local 713 and Advocates for the Environment; and

WHEREAS, a City Council staff report dated May 5, 2025, and incorporated herein by reference, describes and analyzes the proposed Project; and

WHEREAS, on May 5, 2025, the City Council held a public hearing to consider the EIR and the proposed Project, at which time the applicant, appellant, and all other interested parties had an opportunity to be heard; and

WHEREAS, the City Council has considered all public comments received, the presentation by City staff, the staff report, and environmental documents attached to this this resolution; and

WHEREAS, the City Council finds that the staff report and Environmental Impact Report (SCH No. 2023110597) reflect the City's independent judgement and analysis of the Project; and

WHEREAS, the Environmental Impact Report identified potentially significant impacts that cannot be reduced to a less-than-significant level, as there are no available mitigation measures and potentially significant impacts that can be reduced to a less-than-significant level with the application of specified mitigation measures. Approval of the Project by the City Council will therefore require adoption of Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, which are attached to this Resolution as **Exhibits C** and **D**; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the authority of the City Council to approve this project even though it may cause significant effects on the environment so long as the City Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (Guidelines Section 15093).

WHEREAS, the City Council has determined that the proposed Project does satisfy the requisite Findings of Fact necessary for approval as described in the staff report and herein; and

WHEREAS, the City desires to affirm the Planning Commission's approval of a Conditional Use Permit, Administrative Site Plan Review, and Administrative Exception (Height) for the Project subject to the conditions of approval; and

WHEREAS, the complete EIR consists of the Draft EIR and the Final EIR together. The Draft and Final EIRs are available for review online and in the Community Development Department at City Hall during normal business hours. The location and custodian of the EIR and other documents that constitute the record of proceedings for the Project is the City of San Leandro Community Development Department, 835 East 14th Street, San Leandro, CA 94577.

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code, are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

That the above recitals are true and correct and made a part of this resolution; and

BE IT FURTHER RESOLVED that the City Council of the City of San Leandro does hereby make the following findings and determinations regarding the proposed Project:

1. The City Council has independently reviewed and considered the information contained in the EIR, including the written comments received on the Draft EIR and written responses to the comments, prior to making a recommendation on the Project; and
2. The EIR reflects the City's independent judgment and analysis on the potential environmental impacts of the Project and provides information to the decision-makers and the public on the environmental consequences of approving the Project; and
3. The EIR adequately described the Project, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the Project; and

BE IT FURTHER RESOLVED that the City Council of the City of San Leandro does hereby prior to the approval of the project, certify the Environmental Impact Report as complete, adequate, and in compliance with CEQA and the CEQA Guidelines. The City Council further makes and adopts all the required mitigation and alternatives findings, adopts a Statement of Overriding Considerations, and adopts a Mitigation Monitoring and Reporting Program, in compliance with the requirements of CEQA. These findings made by the City Council are supported by substantial evidence in the record as a whole, which is summarized herein. The City Council directs that, upon approval of the Project, the City's Community Development Department shall file a Notice of Determination with the County Clerk of Alameda County and, if the Project requires discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA Section 21152.

Introduced by Councilmember _____ and passed and adopted this 5th day of May 2025 by the following vote:

AYES: _____ ()

NOES: _____ ()

ABSENT: _____ ()

ATTEST:

Kelly B. Clancy, CMC
City Clerk