



Legislation Text

File #: 18-003, Version: 1

Resolution No. 2018-001 Recommending Certification of the Environmental Impact Report for the Bay Fair Transit-Oriented Development (TOD) Specific Plan

WHEREAS, the California Government Code Section 65300 et. seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues; and

WHEREAS; in 2016, the City Council adopted the San Leandro 2035 General plan; and

WHEREAS, Government Code Section 65450 et seq. permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

WHEREAS, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14 Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the "Specific Plan Area"); and

WHEREAS, the Bay Fair BART Station and parking lots, Bayfair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14th corridors are included within the Specific Plan Area; and

WHEREAS, the City initiated a process to develop a vision, policies, standards and implementation strategies for the Specific Plan Area through the Development of the Bay Fair TOD Specific Plan (the "Specific Plan"), in collaboration with Alameda County, BART, the owners of the Bayfair Center shopping mall Madison Marquette, and the public; and

WHEREAS, in 2015, the City selected Raimi & Associates to serve as lead consultant for the Specific Plan and related Environmental Impact Report; 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 March 3, 2017 to public agencies and interested parties 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 September 28, 2017 (SCH No. 2017032016) which reflected the independent judgment of the City as to the potential environmental effects of the Specific Plan. The Draft EIR is attached as Exhibit A and incorporated herein by reference. The City circulated the Draft EIR for a 45-day day public review period, from October 6, 2017 to November 20, 2017. The Draft EIR was distributed to local, regional, and State agencies. The public was advised of its availability. The Draft EIR was available for review on the City's website, at City Hall and at the San Leandro Main Library; and

WHEREAS, the City received comment letters from State, regional, and local agencies as well as interested individuals and organizations during the public review period. In accordance with CEQA, the City prepared written responses to all the written comments received during the public review period. The City prepared a Final EIR dated January 5, 2018, attached as Exhibit B, incorporated herein by reference. 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 both 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 January 18, 2018 and incorporated herein by reference, described and analyzed the Specific Plan and the related Draft and Final EIRs for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report, and the Draft and Final EIRs at a noticed public hearing on January 18, 2018 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential for environmental impacts and constitute the Environmental Impact Report for the Bay Fair TOD Specific Plan; and

WHEREAS, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures. Approval of the Specific Plan by the City Council will therefore require adoption of findings on impacts and mitigations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, the EIR identified significant and unavoidable environmental impacts of the Specific Plan. Approval of the Specific Plan by the City Council will therefore require adoption of Alternatives Findings and a Statement of Overriding Considerations; and

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

NOW, THEREFORE THE CITY OF SAN LEANDRO PLANNING COMMISSION RESOLVES THAT:

- A. The foregoing recitals are true and correct and made a part of this resolution.

- B. The Planning Commission independently reviewed and considered the information contained in the EIR, including the written and oral comments received on the Draft EIR and written responses to the comments, prior to making a recommendation on the Specific Plan.

- C. The EIR reflects the City's independent judgment and analysis on the potential environmental impacts of the Specific Plan, and provides information to the decision-makers and the public on the environmental consequences of approving the Specific Plan.

- D. The EIR adequately describes the Specific Plan, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the Specific Plan.

BE IT FURTHER RESOLVED THAT: The Planning Commission hereby recommends to the City of San Leandro City Council that, prior to the approval of the Specific Plan, the City Council certify the Environmental Impact Report as complete, adequate, and in compliance with CEQA and the CEQA Guidelines. The Planning Commission further recommends that the City Council make all required mitigation and alternatives findings, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program, all in compliance with the requirements of CEQA.

PASSED, APPROVED, AND ADOPTED this 18TH day of January, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Pon
Planning Commission Chairperson

ATTEST:

Tom Liao
Secretary to the Planning Commission