



Legislation Text

File #: 16-456, **Version:** 1

RESOLUTION Certifying an Environmental Impact Report and Adopting Mitigation Findings, Alternatives Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the San Leandro 2035 General Plan (as required under the California Environmental Quality Act)

WHEREAS, 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, the City Council authorized an update of the General Plan in 2013 to ensure that the Plan remains legally adequate and relevant. The City Council further authorized preparation of zoning ordinance amendments, generally for conformity with the updated general plan. The General Plan update and zoning amendments are the Project for CEQA purposes; 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 4, 2014 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 June 1, 2016 (SCH No. 2001092001) that reflected the independent judgment of the City as to the potential environmental effects of the Project. The Draft EIR is **Exhibit A** and is a separately bound document on file at City Hall and incorporated herein by reference. The City circulated the Draft EIR for a 45-day public review period, from June 1, 2016 to July 15, 2016. The Draft EIR was distributed to local, regional, and State agencies and 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, although not required by CEQA, the City held two public study sessions to

facilitate public review and comment on the Draft EIR. The Planning Commission study session was held on June 16, 2016, followed by a City Council study session on July 5, 2016; and

WHEREAS, the City received comment letters from State, regional, and local agencies as well as interested individuals during the public review period, and one letter after the public review period. In accordance with CEQA, the City prepared written responses to all comments received during the public review period, both oral and written; the City also prepared written responses to the comments received after the public review period. The City prepared a Final EIR dated August 19, 2016, attached as **Exhibit B** and incorporated herein by reference. The Final EIR includes 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. Oral comments on the Draft EIR were also submitted in writing, for which the City prepared written responses. The responses to comments provide the City's good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, in the course of preparing written responses, information was generated 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 August 25, 2016 and incorporated herein by reference, described and analyzed the Project 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 August 25, 2016 at which time all interested parties had the opportunity to be heard; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 2016-

002, incorporated herein by reference, recommending that the City Council certify the EIR and make all required mitigation measures and other findings. The Planning Commission then adopted a series of resolutions recommending that the City Council approve the Project; and

WHEREAS, a staff report, dated September 19, 2016 and incorporated herein by reference, described and analyzed the Project and the related Draft and Final EIRs for the City Council; and

WHEREAS, the City Council reviewed the staff report and the Draft and Final EIRs at a noticed public hearing on September 19, 2016 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 San Leandro 2035 General Plan and related zoning amendments; 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 Project 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 Project. Approval of the Project by the City Council will therefore require adoption of alternatives findings and a Statement of Overriding Considerations; and

WHEREAS, the complete San Leandro 2035 General Plan EIR consists of the Draft EIR and the Final EIR, together with the following editorial and typographical corrections:

DEIR, Page 4.13-63, Impact TRAF-2A, line 2: Add “north of Davis Street” after the reference to Doolittle Drive.

DEIR, p. 5-1, section 5.1: Change AQ-2a and 2b to AQ-2A and 2B.

DEIR, p. 5-2, Section 5.4, last para: Change TRAF-2 to TRAF-2A and 2B. Add a new second sentence as follows: The project would significantly impact mixed flow transit operations.

DEIR, p. 6-17, second para: Change 15 to 12 re: affected intersections; change eight to seven re: affected freeway segments.

FEIR, p. 3-4, first sentence under Section 3.4: Change p.4.8-11 reference to 4.11-8.

The Draft and Final EIR documents are available for review in the Community Development Department at City Hall and Main Library 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.

NOW, THEREFORE BE IT RESOLVED THAT the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT the City Council hereby certifies as follows:

A. The EIR for the Project was completed in compliance with CEQA.

B.

C. The EIR was presented to the City Council, who reviewed and considered the information contained in the EIR prior to approving the Project.

D.

C. 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.

BE IT FURTHER RESOLVED THAT the City Council hereby adopts the Findings Concerning Significant Impacts and Mitigation Measures set forth in **Exhibit C**, the Findings Concerning Infeasibility of Alternatives in **Exhibit D**, the Statement of Overriding Considerations set forth in **Exhibit E**, and the Mitigation Monitoring and Reporting Program set forth in **Exhibit F**, all in compliance with the requirements of CEQA. Exhibits C, D, E and F are incorporated herein by reference.