



## Legislation Text

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File #: 16-429, Version: 1

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### **Resolution No. 2016-002 Recommending Certification of the Environmental Impact Report for the San Leandro 2035 General 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**, 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) which reflected the independent judgment of the City as to the potential environmental effects of the Project. 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 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 and organizations during the public review period, and one letter after the public review period. In accordance with CEQA, the City prepared written responses to all the 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, 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. 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**, 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 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**, 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 2035 San Leandro General Plan project; 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 2035 San Leandro General 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 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 14<sup>th</sup> Street, San Leandro, CA 94577.

**NOW, THEREFORE IT IS RESOLVED THAT:**

- A. The foregoing recitals are true and correct and made a part of this resolution.
- B. The Planning Commission has 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 Project.
- 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.
- D. The EIR adequately describes the Project, its significant environmental impacts, mitigation measures and a reasonable range of alternatives to the Project.

**BE IT FURTHER RESOLVED THAT:** The Planning Commission hereby recommends that, prior to the approval of the Project 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 25<sup>th</sup> day of August, 2016 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ed Hernandez  
Planning Commission Chairperson

**ATTEST:**

Tom Liao  
Secretary to the Planning Commission