



## Legislation Text

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File #: 18-065, Version: 1

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### **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 Bay Fair Transit-Oriented Development (TOD) Specific Plan**

**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**; 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 14th 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 14<sup>th</sup> 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 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 and 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, did 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 January 18, 2018 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**, following the public hearing, the Planning Commission adopted Resolution 2018-001, incorporated herein by reference, recommending that the City Council certify the EIR, and make all required mitigation and other findings. The Planning Commission then adopted a resolution recommending that the City Council adopt the Specific Plan; and

**WHEREAS**, Resolution 2018-001 also included a recommendation that the City Council receive and review comments from individual Planning Commissioners related to the Specific Plan EIR; and

**WHEREAS**, a staff report, dated February 20, 2018 and incorporated herein by reference, described and analyzed the Specific Plan 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 February 20, 2018, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council received and reviewed the comments from individual Planning Commissioners related to the Specific Plan EIR; 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 Transit-Oriented Development (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 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 will therefore require adoption of alternatives findings and a Statement of Overriding Considerations; and

**WHEREAS**, the Draft and Final EIR documents 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 that the CITY OF SAN LEANDRO CITY COUNCIL HEREBY RESOLVES 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 Specific Plan has been completed in compliance with CEQA.
- B. The EIR was presented to the City Council, which reviewed and considered the information contained in the EIR prior to approving 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.

**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 **Chapter 4 of the FEIR (Exhibit B)**, all in compliance with the requirements of CEQA. Exhibits C, D, and E are incorporated herein by reference.