



## Legislation Text

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**RESOLUTION** of the City of San Leandro City Council Adopting an Initial Study - Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for PLN19-0037, General Plan Map Amendment, Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map at 903 Manor Boulevard (Assessor's Parcel Number 080H-1541-036-00).

**WHEREAS**, ERC SC, LLC ("Applicant") submitted an application for a General Plan Map Amendment, Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map to construct a 39-unit, three-story residential townhome condominium development at 903 Manor Boulevard (PLN19-0037) ("Project"); and

**WHEREAS**, in accordance with the California Environmental Quality Act, an Initial Study was prepared; and

**WHEREAS**, pursuant to the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), an Initial Study - Mitigated Negative Declaration (collectively, "Initial Study - Mitigated Negative Declaration" or "IS-MND"), dated March 2020, attached hereto as "Exhibit A" and incorporated herein by reference, was prepared for the project by Rincon Consultants, Inc. (Rincon) on behalf of the City. The purpose of the Initial Study - Mitigated Negative Declaration was to ascertain whether the 903 Manor Boulevard project would have a significant effect on the environment, and to identify and impose appropriate project changes and mitigation measures to avoid any such impacts or reduce such impacts to a less than significant level; and

**WHEREAS**, the Initial Study - Mitigated Negative Declaration analyzed the environmental effects of the project and concluded that the project, with the incorporation of the mitigation measures contained in the Initial Study - Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program ("Mitigated Monitoring and Reporting Program" or "MMRP") attached hereto as "Exhibit A" and incorporated herein by reference, would not have a significant adverse effect on the environment; and

**WHEREAS**, the Initial Study examined all of the environmental issues associated with the project and concluded that, with the incorporation of identified mitigation measures, the project would not have a significant effect on the environment. A Notice of Intent to Adopt a Mitigated Negative Declaration, along with the Mitigation Monitoring and Reporting Program, was prepared and circulated for review beginning on May 15, 2020; and

**WHEREAS**, written comments on the Initial Study - Mitigated Negative Declaration were submitted during the 20-day public review period beginning May 15, 2020 and ending on June 4, 2020. Twenty-two comments were received and a Response to Comments was prepared and is attached hereto as "Exhibit B" and incorporated herein by reference; and

**WHEREAS**, the Applicant has agreed and the project has been conditioned to incorporate into the project all applicable mitigation measures identified in the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, to reduce environmental impacts to less than a significant level; and

**WHEREAS**, on July 2, 2020, the Planning Commission, after consideration of all pertinent plans, documents, and testimony, recommended approval and adoption of the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the proposed Project to the City Council by a 6-1 decision; and

**WHEREAS**, the City Council, after giving all public notices required by State law and the San Leandro Zoning Code, held a duly noticed public hearing on September 8, 2020, on the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

**WHEREAS**, at such public hearing the City Council considered all oral testimony and written comments received during the public review process, the testimony and information received at the public hearing, the oral report from City staff, the written report from City staff, exhibits presented, pertinent plans and documents, the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, the application of all mitigating measures, and other materials and information contained in the record of proceedings relating to the project, which are maintained at the City of San Leandro Community Development Department (collectively, "Environmental Information").

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

**Section 1.** That the City Council does hereby adopt the Initial Study - Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program ("Exhibit A"), based upon the following findings:

1. The forgoing recitals are true and correct and made part of this Resolution.
2. An Initial Study - Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program is the appropriate environmental document for this project.
3. The environmental documents for the project were prepared, published, circulated, and reviewed in accordance with CEQA.
4. The City Council reviewed, considered, and evaluated all of the Environmental Information and all other pertinent plans, documents and testimony.
5. The Initial Study - Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program reflects the independent judgment and analysis of the City of San Leandro as the lead agency for the project.
6. The mitigation measures described in the Initial Study - Mitigated Negative Declaration are within the jurisdiction of the City of San Leandro to adopt, and will in fact be

implemented by the applicant.

7. The City Council hereby finds and determines that there is no substantial evidence in light of the whole record before the City Council, that the project, with the incorporation of the Mitigation Monitoring and Reporting Program, would have a significant effect on the environment.
8. All feasible mitigation measures for the project identified in the Mitigation Monitoring and Reporting Program and accompanying studies are hereby incorporated into this Resolution.

**Section 2.** This resolution shall become effective immediately upon its passage and adoption.