

RESOLUTION NO. 11664

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR
THE SAN RAFAEL GENERAL PLAN 2020.**

WHEREAS, the City determined it appropriate to prepare an Environmental Impact Report ("EIR") for the *General Plan 2020* to satisfy the requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code 21000 *et seq.*); and

WHEREAS, the City further determined that an EIR would allow the best opportunity for the evaluation and public disclosure of any potential environmental consequences generated by adoption of the *General Plan 2020*; and

WHEREAS, the City contracted with the environmental consulting firm Nichols Berman to assist the City in complying with the requirements of CEQA; Nichols-Berman reported solely to City staff, and any materials submitted regarding the proposed *General Plan 2020* were reviewed by both City staff and Nichols Berman for accuracy; and the Final Environmental Impact Report ("Final EIR") for the Project reflects the independent judgment of the City; and

WHEREAS, on May 6, 2003, in accordance with CEQA requirements, the City, as Lead Agency, issued a Notice of Preparation ("NOP") and submitted the NOP to the State Clearinghouse, informing public agencies of the City of San Rafael's intent to prepare a Draft Environmental Impact Report ("Draft EIR") for the City of San Rafael *General Plan 2020* and solicited input from Federal, State, regional, and local agencies as well as interested parties; and

WHEREAS, the NOP was circulated for a 30-day public review period, during which the City received comments from several individuals, groups, and State and local agencies; and

WHEREAS, on May 27, 2003, the Planning Commission held a scoping session wherein members of the public were invited to provide comments on the scope of the Draft EIR; and

WHEREAS, the City prepared a Draft EIR, dated February 2004, for *General Plan 2020*, which was circulated to the State Clearinghouse, local agencies, and members of the public, and advertised for availability for a 45-day public and agency comment period beginning on February 9, 2004 and ending on March 24, 2004; and

WHEREAS, on February 24, 2004 the Planning Commission held a duly-noticed public hearing on the Draft EIR wherein public comments on the Draft EIR were received and considered; and

WHEREAS, the Planning Commission received hundreds of written comments and oral comments on the Draft EIR and *General Plan 2020*; and

WHEREAS, the City and Nichols Berman prepared a Final Environmental Impact Report ("Final EIR") which includes the Draft EIR, responses to all comments received on the

Draft EIR as well as on the *General Plan 2020*, and revisions to the Draft EIR, and the Final EIR was made available to the public on August 9, 2004; and

WHEREAS, on August 24, 2004, the Planning Commission held a duly-noticed public hearing at which time it adopted a resolution recommending that the City Council certify the Final EIR (Resolution 04-21); and

WHEREAS, on September 15, 2004, the City Council held a duly-noticed public hearing to consider comments on the Final EIR; and

WHEREAS, the City prepared responses to oral and written comments submitted at the September 15, 2004, hearing which are included in the November 15, 2004 City Council staff report; and

WHEREAS, the City Council has proposed further amendments to *General Plan 2020* in addition to those made by the Planning Commission (as included in the September 15, 2004 City Council draft Plan), as set forth in Exhibit 1 in the November 15, 2004 City Council staff report about the adoption of *General Plan 2020*; and

WHEREAS, the City has determined that these changes do not constitute significant new information as contemplated by CEQA Guidelines, § 15088.5; and

WHEREAS, the Final EIR is hereby amended to incorporate by reference the amendments to *General Plan 2020* as proposed by the City Council; and

WHEREAS, the Final EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by implementation of *General Plan 2020*; and

WHEREAS, the City Council will be required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects related to *General Plan 2020*; and

WHEREAS, many of *General Plan 2020*'s significant environmental effects can be either substantially lessened through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with *General Plan 2020*, the City must consider feasibility of alternatives, as set forth in the Final EIR, that will be less environmentally damaging than the proposed *General Plan 2020* with respect to the unavoidable significant effects associated with *General Plan 2020*; and

WHEREAS, the City Council has determined that the alternatives identified in the Final EIR are either not environmentally preferable, are infeasible, or are neither environmentally preferable nor feasible; and determines that despite adoption of all feasible mitigation measures, implementation of *Draft General Plan 2020* will result in significant unavoidable impacts, and the City Council therefore must adopt a Statement of Overriding Considerations to approve *General Plan 2020*; and

WHEREAS, the CEQA also requires the City to adopt certain Findings of Fact and a Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Rafael as follows:

- The Final EIR for the *General Plan 2020* has been completed in compliance with CEQA;
- The Final EIR is legally sufficient, not only for approval of *General Plan 2020*, but also for subsequent actions such as rezonings, prezonings, annexations, and revisions to the San Rafael Municipal Code and regulations as necessary to implement the provisions of the *General Plan 2020*;
- The Final EIR reflects the independent judgment of the City of San Rafael and the City Council of the City of San Rafael.

BE IT FURTHER RESOLVED that the City Council hereby certifies the Final EIR for *General Plan 2020*.

I, JEANNE M. LEONCINI, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 15th day of November, 2004 by the following vote, to wit:

AYES: COUNCILMEMBERS: Cohen, Heller, Miller and Mayor Boro

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Phillips


JEANNE M. LEONCINI, City Clerk