

RESOLUTION NO. 13862

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ADOPTING ADDENDUM
NO. 3 TO THE CERTIFIED SAN RAFAEL GENERAL PLAN 2020 FINAL
ENVIRONMENTAL IMPACT REPORT (FEIR) (SCH# 2003052031) PREPARED FOR
GENERAL PLAN AMENDMENT GPA14-001
(HOUSING ELEMENT UPDATE- 2015-2023)**

The City Council of the City of San Rafael finds and determines that:

WHEREAS, on November 15, 2004, the San Rafael City Council adopted Resolution No. 11664, certifying the San Rafael General Plan 2020 Final Environmental Impact Report (General Plan 2020 FEIR). The General Plan 2020 FEIR is comprised of the following:

- Draft EIR prepared by Nichols-Berman Environmental Consultants, February 2004;
- San Rafael General Plan 2020 Background Report prepared by the City of San Rafael, April 2001 and updated August 2003;
- Response to Comments to Draft EIR prepared by Nichols-Berman Environmental Consultants, August 2004; and

WHEREAS, the FEIR assessed the physical environmental impacts caused by implementation of the San Rafael General Plan 2020. The General Plan 2020 FEIR concludes that many of the significant environmental effects can be substantially lessened through adoption of feasible mitigation measures and that some of these effects would remain significant and unavoidable despite the adoption of all feasible mitigation measures. The certification of the General Plan 2020 FEIR was supported by the following findings:

1. The FEIR for the General Plan 2020 has been completed in compliance with CEQA;
2. The FEIR is legally sufficient, not only for approval of General Plan 2020, but for all subsequent actions such as Rezoning, Pre-zonings, Annexations and revisions to the San Rafael Municipal Code and regulations as necessary to implement the provisions of the General Plan 2020;
3. The FEIR reflects the independent judgment of the City of San Rafael and the City Council of the City of San Rafael; and

WHEREAS, subsequent to certifying the General Plan 2020 FEIR, on November 15, 2004, the San Rafael City Council adopted Resolution No. 11665 adopting the San Rafael General Plan 2020. The adoption of the San Rafael General Plan 2020 was supported by CEQA Findings of Fact and a Statement of Overriding Consideration (Appendix C to Resolution 11665) and approval of a Mitigation Monitoring and Reporting Program (MMRP, Appendix B to Resolution 11665); and

WHEREAS, since 2004, the San Rafael General Plan 2020 has been amended numerous times. In processing and adopting subsequent amendments, the City has relied on use of the General Plan 2020 FEIR for environmental review and clearance. In 2009, the City prepared and adopted an Addendum to the General Plan 2020 FEIR (Addendum No. 1), which assessed a General Plan Amendment to change the Plan-adopted traffic level of service (LOS) standard at the intersection of 3rd and Union Streets; and

WHEREAS, in 2011, the City of San Rafael initiated a General Plan Amendment (GPA11-001) which consisted of 1) amending the Housing Element for 2009-2014, 2) incorporating a new Sustainability Element, 3) Amending Conservation Element Policy CON-3, and 4) eliminating the Project Selection Process (PSP). The Addendum to the General Plan 2020 FEIR (Addendum No.2) encompassed these policies and actions; and

WHEREAS, in 2014, the City of San Rafael initiated a General Plan Amendment (GPA14-001) to update the Housing Element for the 2015-2023 planning period, requiring Addendum No.3 to the General Plan 2020 FEIR; and

WHEREAS, as required by the California Environmental Quality Act (CEQA) Guidelines, General Plan Amendment GPA14-001 is defined as a 'project' and is therefore subject to environmental review. Given the components and scope of this project, it was determined that "tiering" from the General Plan 2020 FEIR is appropriate and consistent with the CEQA Guidelines Section 15152 in that:

1. The project and its environmental topic areas are broadly covered and analyzed in the General Plan 2020 FEIR.
2. The project proposes a General Plan Amendment that is not site-specific or project-specific; it addresses amendments to current policies that are applicable to the entire San Rafael Planning Area. The level of detail contained in this tier need not be greater than the program, plan or policy being analyzed.

WHEREAS, to further support "tiering" from the General Plan 2020 FEIR, the Initial Study has been prepared utilizing the most current CEQA Guidelines environmental checklist and considered the following factors that constitute the "baseline" for review:

1. None of the components of the project result in any changes to land use assumptions or projections currently presented in the San Rafael General Plan 2020 and analyzed in the General Plan EIR.
2. No changes are proposed to land use designations or their respective density and intensity parameters, nor are any changes proposed to adopted land use designations for individual sites/properties.
3. The project proposes no changes to circulation (transportation/traffic) projections, policies or implementing programs that would result in changes to level of service conditions at intersections or along arterials.

WHEREAS, in preparing the Initial Study, the project was reviewed against impacts identified and mitigation measures included in the certified General Plan 2020 FEIR (2004). The purpose of this review was to determine if the project would result in: new significant impacts; an increase in the severity of impacts; or new or expanded mitigation measures from those analyzed and determined in the General Plan EIR; and

WHEREAS, the project and the findings of the Initial Study were assessed to determine whether an Addendum to the EIR, Supplemental EIR or Subsequent EIR would be appropriate to address environmental review for General Plan Amendment GPA14-001. Public Resources Code Section 21166 and CEQA Guidelines Section 15162 set forth limited situations in which a Supplemental EIR or Subsequent EIR is required once an FEIR has been certified. Further,

CEQA Guidelines Section 15164 provides for preparation of an Addendum EIR if no Supplemental EIR or Subsequent EIR is required; and

WHEREAS, as demonstrated in the preparation of an Initial Study and comparing the project activities and actions against the impacts identified and mitigation measures included in the General Plan 2020 FEIR, none of the conditions analyzed under the General Plan 2020 FEIR have changed, nor does the proposed project meet the criteria for preparing a Subsequent EIR or Supplemental EIR. Further, the project will not result in one or more significant effects not discussed in the General Plan EIR, nor does the project create substantially more severe significant effects than previously examined in the General Plan EIR. Therefore, the Initial Study supports and recommends an Addendum versus the preparation of a Subsequent EIR or Supplemental EIR. As a result, an addendum to the certified General Plan 2020 FEIR (Addendum) was prepared; and

WHEREAS, on November 14, 2014, Addendum (No. 3) to the San Rafael General Plan 2020 FEIR was prepared for General Plan Amendment GPA14-001; and

WHEREAS, on December 9, 2014, the Planning Commission reviewed and considered Addendum No. 3 for General Plan Amendment GPA14-001, along with the previously certified General Plan 2020 FEIR and all applicable mitigation measures therein. On a 6-0-1 vote (Commissioner Schafer absent), the Planning Commission adopted Resolution 1408 recommending to the City Council the adoption of EIR Addendum No. 3; and

WHEREAS, on January 5, 2015, the City Council reviewed and considered the Addendum No. 3 for General Plan Amendment GPA14-001, along with the previously certified General Plan FEIR and all applicable mitigation measures therein; and

WHEREAS, the custodian of documents, which constitute the record of proceedings upon which this decision is based, is the Community Development Department.

NOW, THEREFORE, BE IT RESOLVED, that the City Council adopts the Addendum No. 3 to San Rafael General Plan 2020 FEIR for the General Plan Amendment GPA14-001 based on the following findings, and hereby reaffirms the findings made by the City in adopting Resolution No. 11664 (listed above) certifying the General Plan 2020 FEIR:

1. CEQA Section 21166 and its corresponding CEQA Guidelines Sections 15162 and 15163, provide that once an EIR has been prepared, no subsequent or supplemental EIR shall be required by the lead agency unless: (a) substantial changes are proposed in the project, requiring major revisions in the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (b) substantial changes arise in the circumstances of the project's undertaking, requiring major revisions in the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (c) new information, which was not known and could not have been known at the time the EIR was certified, shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the

project, but the project proponents decline to adopt the mitigation measure or alternative; or

- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline the mitigation measure or alternative.

2. CEQA Guidelines Section 15164(a) provides that a lead agency shall prepare an Addendum to a previously certified General Plan 2020 FEIR if some changes or additions to the certified EIR are necessary but none of the conditions calling for the preparation of a supplemental EIR have occurred. Based on the analysis and documentation in Addendum No. 3 and the supportive Initial Study environmental checklist prepared for the proposed project, none of the situations described in CEQA Section 21166 and CEQA Guidelines Sections 15162 and 15163 apply here. Based on the results of the supportive Initial Study environmental checklist, the City has concluded that the proposed project would not result in new significant adverse impacts nor an increase in the severity of impacts identified and studied in the certified General Plan 2020 FEIR. None of the conditions requiring a supplemental or subsequent EIR exists and the Addendum has been prepared in compliance with CEQA.
3. The Addendum has been prepared in accordance with CEQA, the CEQA Guidelines, and the provisions of the City of San Rafael Environmental Assessment Procedures Manual.
4. The Addendum has been presented to the Planning Commission and City Council, who have reviewed and considered the information in the Addendum and the certified General Plan 2020 FEIR prior to approving the Project Approvals.
5. The Addendum No. 3 and the certified General Plan 2020 FEIR reflect the City's independent judgment and analysis.

The foregoing resolution was adopted at a regular meeting of the San Rafael City Council held on the 5th day of January 2015.

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough, and Mayor Phillips

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



ESTHER C. BEIRNE, City Clerk