

RESOLUTION NO. _____ (N.C.S.)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALINAS ADOPTING: 1) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS; 2) A STATEMENT OF OVERRIDING CONSIDERATIONS; AND 3) A MITIGATION AND MONITORING AND REPORTING PROGRAM FOR ECONOMIC DEVELOPMENT GENERAL PLAN AMENDMENT (GPA 2013-001)

WHEREAS, the City of Salinas (hereinafter “City”), as lead agency under the California Environmental Quality Act (CEQA) (Pub. Res. Code Section § 21000 et seq.), and pursuant to State CEQA Guidelines (14 Cal. Code Regs. Section § 15000 et seq.) (collectively “CEQA”) has completed the Final Program Environmental Impact Report (“Final EIR” or “FEIR”) State Clearinghouse No. 2015111036 for Economic Development Element (EDE) General Plan Amendment (GPA 2013-001) (hereinafter, “GPA 2013-001” or “Project”); and

WHEREAS, on November 15, 2017, the Planning Commission held a duly noticed public hearing to consider a recommendation to the City Council on the certification of the Final EIR (ER 2017-006) and approval of the GPA 2013-001; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, including the staff report, which is on file at the Community Development Department, together with the record of environmental review, including the Draft EIR, public comments on said document and responses thereto; the Final EIR; and evidence and public testimony presented at the public hearing; and

WHEREAS, the Planning Commission made no recommendation to the City Council regarding certification of the Final EIR, as the Commission’s vote to certify the Final EIR resulted in a tie, and therefore, the Commission was unable to make a recommendation on the Project and CEQA Findings; and

WHEREAS, on December 5, 2017, the City Council held a public hearing duly noticed in accordance with Division 7: Public Hearing Notice of the Salinas Municipal Code by advertisement in The Californian on November 18, 2017, for the purpose of providing an opportunity for public testimony on the Project; and

WHEREAS, the City Council weighed the evidence presented at said public hearing regarding GPA 2013-001, including the staff report, which is on file at the Community Development Department, together with the record of environmental review, including the Draft EIR, public comments on said document and responses thereto; the Final EIR, and evidence and public testimony presented at the public hearing; and

WHEREAS, after closing the public hearing, the City Council approved Resolution _____ (N.C.S.), herein incorporated by reference, certifying the FEIR; and

WHEREAS, prior to approving any proposed project for which an EIR has identified significant environmental effects, the City Council is required, pursuant to Public Resources Code

section 21081, subdivision (a), and CEQA Guidelines section 15091, to adopt findings demonstrating that the City Council has considered and adopted all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, prior to approving any proposed project with significant environmental effects that cannot feasibly be reduced to a less-than-significant level through the adoption of mitigation measures or project alternatives, the City Council is required by Public Resources Code section 21081, subdivision (b), and CEQA Guidelines section 15093 to adopt a Statement of Overriding Considerations identifying the benefits of the project that, in the decision-makers' minds, justify approval of the project notwithstanding those significant, unavoidable environmental effects; and

WHEREAS, the City is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City are carried out; and

WHEREAS, pursuant to the above-described provisions of CEQA, proposed findings have been prepared for the Project regarding: the environmental review process; the contents of the Economic Development Element Final Program EIR; the significant environmental impacts of the Project; the mitigation measures for those significant impacts identified in the Final EIR, which are adopted as conditions of approval; and findings regarding alternatives, and the reasons that such alternatives to the Project are not approved; and

WHEREAS, these proposed findings recommend adoption of Alternative 4, as set forth in the Project EIR, as a feasible option for reducing the severity of the significant environmental effects associated with the EDE as proposed in the EIR; and

WHEREAS, pursuant to CEQA, a proposed Statement of Overriding Considerations has been prepared for the Project in determining that the benefits of implementing the Project outweigh the significant unavoidable environmental impacts that will result, and therefore, justifying approval of the GPA 2013-001 despite those impacts; and

WHEREAS, the City Council has independently reviewed and considered the proposed CEQA Findings and the proposed Statement of Overriding Considerations required for the adoption of the GPA 2013-001 herein incorporated by reference as Exhibit "A"; and

WHEREAS, the City Council has independently reviewed and considered a Mitigation Monitoring and Reporting Program, which has been prepared for the Project incorporating the mitigation measures identified in the FEIR, herein incorporated by reference as Exhibit "B"; and

WHEREAS, mitigation measures identified in the City's 2002 General Plan Final Program EIR and in the City's 2007 Final Supplement for the General Plan Final Program EIR are still valid and applicable and are herein incorporated by reference; and

WHEREAS, subject to mitigation measures contained in the Final EIR and to conditions of approval for the General Plan Amendment, the Project is in conformance with the General Plan of the

City of Salinas.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council:

1. Finds that the foregoing recitals and the information contained in the Exhibits are true and correct and are hereby incorporated in and made a part of this Resolution by this reference.
2. Declares that it has been provided with and has reviewed all evidence available in the administrative record to support the findings for FEIR and GPA 2013-001 consideration. This evidence includes the staff report, presentation of the FEIR and Project, and written and oral testimony (collectively, the “Record of Proceedings”), and hereby provides notification that the Record of Proceedings is on file with the City Clerk of the City of Salinas, 200 Lincoln Avenue, CA 93901.
3. Declares that it has reviewed and considered the proposed CEQA Findings, including the Statement of Overriding Considerations (hereinafter, SOC), herein incorporated by reference. Based on its review of the evidence in the record, the City Council finds that the SOC provides substantial evidence that the benefits of approving GPA 2013-001 (EIR Alternative 4) outweigh the Project’s significant unavoidable environmental effects.
4. Finds that the FEIR, CEQA Findings and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City Council.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Salinas City Council approves this Resolution and hereby:

- a. Adopts the CEQA Findings contained in Exhibit “A” and adopts as conditions of approval all mitigation measures within the responsibility and jurisdiction of City of Salinas set forth in the CEQA Findings and the Final EIR;
- b. Adopts the Statement of Overriding Considerations included within the CEQA Findings in Exhibit “A; and
- c. Adopts the Mitigation Monitoring and Reporting Program contained in Exhibit “B”.

In summary, the City Council adopts the findings contained in Exhibits “A” and “B” in their entirety as its findings for the Project actions and approvals.

PASSED AND APPROVED this 5th day of December 2017 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

Attach:

Exhibit “A” CEQA Findings and Statement of Overriding Considerations
Exhibit “B” Mitigation and Monitoring Reporting Program