

## RESOLUTION 2011-104

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO CERTIFYING THE SAN PABLO AVENUE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH NO. 2010112062) AND ADOPTING THE ASSOCIATED STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the City prepared a Draft Environmental Impact Report (Draft EIR) to assess the potential environmental effects of the proposed San Pablo Avenue Specific Plan; and

WHEREAS, on April 19, 2011, the City circulated for a 45-day public review period the Draft EIR; and

WHEREAS, the review period of the Draft EIR (State Clearinghouse No. 2010112062) ended on June 2, 2011; and

WHEREAS, the Draft EIR was presented for comments from the Planning Commission, City Council and general public at a joint Study Session held on June 6, 2011; and

WHEREAS, the City prepared a Final Environmental Impact Report (Final EIR) that incorporates by reference the Draft EIR and also responds to the comments received from the Planning Commission, City Council, public agencies, and the general public on the Draft EIR; and

WHEREAS, the Final EIR augments the environmental analysis and identifies additional mitigation measures/policies that respond to comments on the Draft EIR; and

WHEREAS, the Planning Commission reviewed the Final EIR, which consists of the Draft EIR (Attachment A) and the Final EIR (Attachment B) and is satisfied that it is compliant with CEQA; and

WHEREAS, the Planning Commission adopted Resolution No. 11-17 recommending that the City Council certify the Environmental Impact Report for the San Pablo Avenue Specific Plan, consisting of the DEIR (Attachment A) and the FEIR (Attachment B) and the Statement of Overriding Considerations; and

WHEREAS, notice of this public hearing was given pursuant to Government Code section 65090; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the City Council of the City of San Pablo hereby certifies the San Pablo Avenue Specific Plan Environmental Impact Report based on the following findings and Statement of Overriding Considerations:

### Findings for Certification of the Environmental Impact Report

1. Full and fair public hearings have been held on the Final EIR and the Planning Commission has considered all comments received thereon, and thus said Final EIR, which is incorporated by reference, is hereby determined to be adequate and complete.

2. In connection with the recommended approval to adopt the San Pablo Avenue Specific Plan, that the Final EIR for those actions has been prepared in compliance with CEQA and state and local environmental guidelines and regulations, and that the Planning Commission has independently reviewed and analyzed the information contained therein, including the written comments received during the EIR review period and the oral and written comments received at the public hearings, and that the Final EIR represents the independent judgment of the City of San Pablo as the Lead Agency for the Project.

3. The Final EIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft EIR. The Planning Commission does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of CEQA because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and they do not reflect any substantial increase in the severity of any environmental impact. All feasible mitigation measures for the Project identified in the Draft and Final EIR are hereby incorporated into this resolution.

#### 4. Findings of significant and unavoidable environmental impacts

A. The implementation of the proposed San Pablo Avenue Specific Plan could cause conflicts with existing MTSO's for Routes of Regional Significance presented in the West County Action Plan. In particular, intersections on Routes of Regional Significance may operate below the acceptable MTSO standard during one or both peak hours. According to the I-80/San Pablo Dam Road Interchange Project IS/EA, the San Pablo Avenue/San Pablo Dam Road intersection would operate at LOS F in the future with no project, as well as with Caltrans' proposed reconfiguration of the interchanges. This means that while the Caltrans interchange reconfigurations may improve traffic flow overall, those improvements do not substantively change performance of this intersection under future local and regional growth conditions. The cumulative impact at this intersection of regional growth, Caltrans efforts, and the proposed Specific Plan is therefore considered potentially significant;

B. Implementation of the proposed San Pablo Avenue Specific Plan could result in an increase in VMT at a rate that would exceed the rate of population increase within the City. The proposed Specific Plan includes many of the measures identified by the BAAQMD as applicable to reduce air quality impacts of general plans. Unfortunately, transportation modeling is still unable to account for the positive influence of these policy and land use design choices. Based strictly on the transportation modeling conducted for the proposed Project in accordance with BAAQMD CEQA Guidelines, vehicle travel is forecast to increase at a faster rate than population, and therefore this impact would be considered significant and unavoidable.

5. Statement of Overriding Considerations:

The proposed project has unavoidable and significant adverse impacts associated with transportation because of traffic congestion on the identified Routes of Regional Significance, however the benefits of the project outweighs the significant adverse impacts. The implementation of the San Pablo Avenue Specific Plan will contribute to traffic congestion on the identified Routes of Regional Significance that are already operating at congested levels that is largely attributed to regional growth in Contra Costa County and adjacent counties. Project impacts on transportation will be mitigated to the greatest extent feasible. Every viable San Pablo Avenue Specific Plan alternative, as well as the "No project" alternative, would have a significant and unavoidable environmental impact because of traffic congestion on the identified Routes of Regional Significance. There are no feasible mitigation measures identified that would reduce the impacts on the Routes of Regional Significance to a level that is less than significant. Mitigations, changes or alterations have been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effects identified in the EIR. The project will provide positive direction for the future development of the City, such as supporting mixed use development and transit supportive land uses, promote the economic development of the community, maintain and improve the quality of life in the community, preserve and enhance environmental resources, and conserve the natural and built environment.

The significant impacts related to the proposed San Pablo Avenue Specific Plan would not be considerably different under any other likely growth scenario that accommodates planned approved residential and non-residential development proposed for the city. Moreover, emissions of several criteria pollutants are expected to decrease by 2030 even with population growth and increased VMT because of fuel efficiency standards. This suggests that the plan will actually create only a minimal contribution to the overall regional cumulative impacts of criteria air pollutant emissions.

In addition, there are numerous San Pablo Avenue Specific Plan policies being proposed that would reduce the transportation impact. For example, policies supporting alternate travel modes to the single-occupant auto commuter and policies supporting smart growth land use that would ultimately reduce demand on the roads.

6. A public notice of hearing was given by mail, and was also published in the West County Times, in accordance with the requirements of Government Code Section 65090.

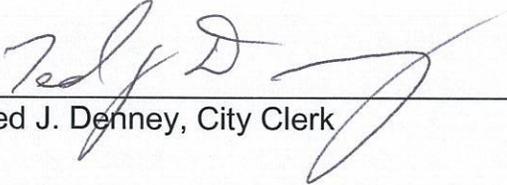
BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

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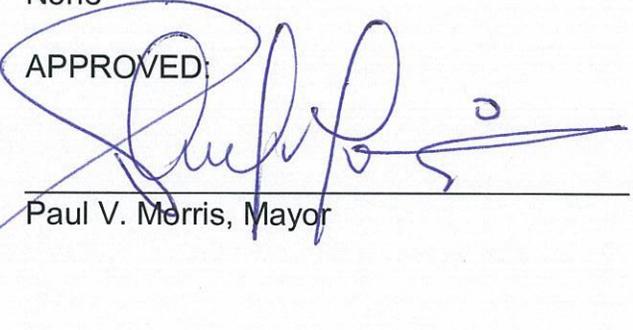
Adopted this 19<sup>th</sup> day of September, by the following vote to wit:

AYES:	COUNCILMEMBERS:	McNeil, Valdez, Calloway, Cruz and Morris
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

  
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Ted J. Denney, City Clerk

APPROVED:

  
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Paul V. Morris, Mayor