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(E-11-25)

RESOLUTION NO.

RESOLUTION RECOMMENDING APPROVAL AND CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE DUMBARTON TRANSIT ORIENTED DEVELOPMENT SPECIFIC PLAN AND RELATED GENERAL PLAN AMENDMENTS, INCLUDING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of Newark has caused an Environmental Impact Report (State Clearinghouse Number 2010042012) to be prepared to assess the potential environmental impacts of the proposed Dumbarton Transit Oriented Development project and related General Plan Amendments, and

WHEREAS, the Environmental Impact Report consists of a Draft Environmental Impact Report document as well as the Final Environmental Impact Report document, which in turn consists of all comments received by the City of Newark regarding the Draft Environmental Impact Report during the mandatory public review period and responses to those comments; and

WHEREAS, the City distributed copies of the Environmental Impact Report to public agencies which have jurisdiction by law with respect to the Project and other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the Draft Environmental Impact Report was given in compliance with CEQA Guidelines Section 15058; and

WHEREAS, written comments to the Draft Environmental Impact Report have been received, and responses to those comments were prepared in the form of a Final Environmental Impact Report; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided copies of the Final Environmental Impact Report to commenting agencies; and

WHEREAS, the members of the Planning Commission have read, reviewed, and considered the information contained in the Environmental Impact Report and staff report, and have conducted a public hearing on the subject of the Environmental Impact Report, and have discussed, evaluated, analyzed, reviewed and considered the information presented at said hearing, as well as all of the printed matter in the Environmental Impact Report; and

WHEREAS, Findings of Fact and Statement of Overriding Considerations (attached Exhibit A) have been prepared for the Dumbarton Transit Oriented Development Specific Plan

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Project and related General Plan Amendments, consistent with the requirements of Public Resources Code, Section 21000 et seq., which provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project; and

WHEREAS, the Planning Commission, having reviewed and considered the information contained in the Environmental Impact Report for the Dumbarton Transit Oriented Development Specific Plan Project, set forth in the Dumbarton Transit Oriented Development Specific Plan Findings of Fact and Statement of Overriding Considerations (attached Exhibit A) as required by the California Environmental Quality Act; and

WHEREAS, a Mitigation Monitoring and Reporting Program (attached Exhibit B) has been prepared for the Dumbarton Transit Oriented Development Specific Plan project, consistent with the requirements of Public Resources Code 21081.6, which lists all of the mitigation measures contained in the Environmental Impact Report, specified the appropriate agency or organization responsible for implementing each mitigation measure and approximate time frames for implementation of each mitigation measure; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 23, 2011, and finds that the Environmental Impact Report (State Clearinghouse Number 2010042012) is complete and adequate pursuant to the California Environmental Quality Act, and that the Commission has considered and reviewed all information considered in it; and

WHEREAS, the Planning Commission finds that the Environmental Impact Report reflects the independent judgment of the City of Newark.

NOW, THEREFORE, the Planning Commission resolves as follows:

- a. To recommend that the City Council certify the Environmental Impact Report (State Clearinghouse Number 2010042012), prepared pursuant to the California Environmental Quality Act; and
- b. That the project, with the exception of traffic impacts, will not have a significant impact on the environment once the proposed mitigation measures have been applied; and
- c. To recommend that the City Council adopt the Findings of Fact (attached Exhibit A), which provide the written analysis and conclusions regarding the Project's environmental impacts, mitigation measures, and alternatives to the Dumbarton Transit Oriented Development Specific Plan project; and
- d. To recommend that the City Council adopt a Statement of Overriding Considerations (attached Exhibit A) documenting the unavoidable significant impacts that will result from the Dumbarton Transit Oriented Development Specific Plan project; and the benefits that will occur as a result of the project that outweigh the impacts; and

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- e. To recommend that the City Council adopt the Mitigation Monitoring and Reporting Program (attached Exhibit B); and
- f. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.

This Resolution was introduced at the Planning Commission's August 23, 2011 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

GLEN KRAMER, Chairperson