

RESOLUTION NO. NS-xx,xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ADOPTING FINDINGS OF FACT, A MITIGATION MONITORING AND REPORTING PROGRAM AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROJECT CONSISTING OF AMENDMENTS TO THE DOWNTOWN RECOVERY PLAN, TEXT AMENDMENT TO THE GENERAL PLAN 2030, TEXT AMENDMENTS TO LOCAL COASTAL PROGRAM LAND USE PLAN POLICIES, AND AMENDMENTS TO CHAPTER 24.12 OF THE SANTA CRUZ MUNICIPAL CODE, AN IMPLEMENTING ORDINANCE OF THE CITY'S LOCAL COASTAL PROGRAM

WHEREAS, a Notice of Preparation ("NOP") of an Environmental Impact Report ("EIR") for the amendments to the Downtown Recovery Plan, General Plan, Local Coastal Plan, and Chapter 24.10 of the Santa Cruz Municipal Code (the "Project") was issued by the Planning and Community Development Department of the City of Santa Cruz on February 15, 2017; and

WHEREAS, an EIR Scoping Meeting was held on June 15, 2017 to receive comments regarding the scope of issues to be addressed in the EIR; and

WHEREAS, a Draft Environmental Impact Report ("DEIR" or "Draft EIR") was prepared and issued for agency and public review and comment on July 26, 2017, for a 45-day review period that ended on September 8, 2017; and

WHEREAS, nineteen (19) comment letters were received on the Draft EIR from private individuals as well as private and public entities; and

WHEREAS, a Final Environmental Impact Report ("FEIR" or "Final EIR"), incorporating all comments received on the DEIR and responses to comments was issued on October 5, 2017; and

WHEREAS, the FEIR has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq, the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq.) (the "State CEQA Guidelines") and local procedures adopted pursuant thereto; and

WHEREAS, the Planning Commission held a public hearing on the Project and the FEIR on October 12, 2017 and issued recommendations to the City Council; and

WHEREAS, the City Council held a public hearing on the Project and the FEIR on November 14, 2017; and

WHEREAS, on November 14, 2017, the City Council in Resolution No. [REDACTED] certified the FEIR for the Project; and

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WHEREAS, the complete Final EIR consists of the July 2017 Draft EIR, comments received on the document, and responses to comments contained in the October 5, 2017 FEIR, modifications made to the text of the Draft EIR that are also included in the FEIR, appendices to the Draft and Final EIRs, and all documents and resources referenced and incorporated by reference in the EIR; and

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment, including cumulative impacts to which the Project, as part of the General Plan, would make a cumulatively considerable contribution; and

WHEREAS, the Final EIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as a reasonable range of feasible alternatives, which would provide some environmental advantages over the Project; and

WHEREAS, the City of Santa Cruz is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible Project alternatives that can substantially lessen or avoid any significant environmental effects of a proposed Project; and

WHEREAS, Public Resources Code section 21081, subdivision (a), requires a public agency, before approving a Project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible; and

WHEREAS, Sections I through X of Exhibit A to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Public Resources Code section 21081, subdivision (a); and

WHEREAS, as the Findings of Fact explain, the City Council, reflecting the advice of City and Agency Staff, the Planning Commission, and extensive input from the community, has expressed its intention to approve the proposed Project in spite of its significant environmental impacts; and

WHEREAS, in taking this course, the City Council has acted consistently with the CEQA mandate to look to feasible Project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of the Project as proposed; and

WHEREAS, some of the significant and potentially significant environmental effects associated with the Project, as approved, can either be substantially lessened or avoided through the inclusion of mitigation measures proposed in the Final EIR; and

WHEREAS, the City Council in approving the Project as proposed intends to adopt all mitigation measures set forth in the Findings of Fact; and

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WHEREAS, those significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable; and

WHEREAS, the City Council has determined, based on the reasons and substantial evidence set forth in the Findings of Fact, that none of the alternatives addressed in the Final EIR are feasible and environmentally superior to the modified Project, except that Alternative 1, is the designated environmentally superior alternative as determined under CEQA, but it is not feasible based on the Findings set forth below; and

WHEREAS, Public Resources Code section 21081, subdivision (b), and CEQA Guidelines section 15093 require the Agency to adopt a "Statement of Overriding Considerations" before approving a project with significant unavoidable environmental effects; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant unavoidable environmental effects associated with the Project as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the Project that the City Council, in its legislative capacity, believes justify the occurrence or potential occurrence of those impacts and render them acceptable; and

WHEREAS, Section IX of Exhibit A attached hereto is a Statement of Overriding Considerations specifying the economic, social and other benefits that render acceptable the significant unavoidable environmental effects associated with the mitigated Project; and

WHEREAS, the City Council recognizes the City's obligation, pursuant to Public Resources Code section 21081.6, subdivision (a), to ensure the monitoring of all adopted mitigation measures necessary to substantially lessen or avoid the significant effects of the Project; and

WHEREAS, Exhibit B to this Resolution is the Mitigation Monitoring and Reporting Plan prepared in order to comply with § 21081.6, subdivision (a);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

In approving this Resolution, the City Council adopts Sections I through VII of Exhibit A attached hereto in order to satisfy its obligations under Public Resources Code sections 21002 and 21081, subdivision (a);

In approving this Resolution, the City of Santa Cruz adopts Section IX of Exhibit A attached hereto in order to satisfy its obligations under Public Resources Code sections 21081, subdivision (b), and CEQA Guidelines section 15093;

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In approving this Resolution, City Council adopts Exhibit B attached hereto in order to satisfy its obligations under Public Resources Code section 21081.6, subdivision (a); and

The City Council hereby approves the Project and directs City Staff to file with the County Clerk and the Office of Planning and Research in Sacramento a Notice of Determination commencing the 30-day statute of limitations for any legal challenge to the Project based on alleged non-compliance with CEQA.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk Administrator