

RESOLUTION NO. 2011-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT CERTIFYING THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE COMPREHENSIVE GENERAL PLAN UPDATE IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE STATE CEQA GUIDELINES AND THE CITY'S LOCAL PROCEDURES FOR IMPLEMENTING CEQA

WHEREAS, pursuant to the requirements of California Government Code Sections 65300 *et seq.*, the City of Fremont has prepared and proposes to adopt a comprehensive update of its General Plan; and

WHEREAS, in August 2010, a Notice of Preparation pursuant to the California Environmental Quality Act (CEQA) was distributed to appropriate agencies for the purpose of obtaining written comments from these agencies regarding the scope and content of environmental information and analysis which the agencies wanted addressed in the Environmental Impact Report (EIR); and

WHEREAS, a Draft EIR ("DEIR") was prepared for the General Plan Update, in accordance with CEQA, which was circulated for public review and comment from July 6, 2011 to August 19, 2011; and

WHEREAS, on July 6, 2011, notice of availability of the DEIR was provided to appropriate agencies and the general public via a Notice of Completion sent to the State Clearinghouse, and copies of the DEIR were available for review at the City of Fremont Community Development Department and on the City's website, as well as other locations throughout the City; and

WHEREAS, seven letters with written comments were received on the DEIR prior to the close of the 45-day review period for submitting comments. The comments received and the City's responses to such comments, as well as revisions to the DEIR, are contained in the Final EIR (collectively, the DEIR and Final EIR are referred to as "the EIR"), made available on September 29, 2011; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 13th and 20th, 2011, to receive testimony and to consider recommendations to the City Council to certify the EIR for the General Plan Update and to adopt the General Plan Update; and

WHEREAS, on October 20, 2011, the Planning Commission adopted Resolution No. PC-2011-13 recommending that the City Council certify the EIR for the General Plan Update; and

WHEREAS, on December 6 and 13, 2011, the City Council held a duly noticed public hearing and considered the reports and documents presented by City staff, the Planning Commission's recommendations, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT HEREBY RESOLVES AS FOLLOWS :

SECTION 1. The above recitals are true and correct and reflect the independent judgment of the City Council.

SECTION 2. Notice of the public hearings on the General Plan Update, the Draft EIR and Final EIR was given as required by law and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, the State CEQA Guidelines and the City's local guidelines.

SECTION 3. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the General Plan Update, the Draft EIR and the Final EIR. These opportunities for comment meet or exceed the requirements of the Planning and Zoning Law, CEQA and the City's local guidelines.

SECTION 4. All comments submitted during the public review and comment period on the Draft EIR, including comments received at the public hearings on the adequacy of the Draft EIR were responded to adequately including late comments submitted.

SECTION 5. The City Council has been presented with all of the information described in the recitals and has considered this information prior to adopting this Resolution.

SECTION 6. The EIR has been prepared in compliance with CEQA, the State CEQA Guidelines and the City's local guidelines, and reflects the City's independent judgment and analysis.

SECTION 7. The EIR adequately identifies and addresses all of the identified environmental impacts and all feasible mitigation measures have been incorporated into the General Plan Update in the form of goals, objectives, policies, action items and programs to reduce the anticipated environmental impacts.

SECTION 8. No changes to the General Plan Update or to the Draft EIR that were circulated for public review have been made that necessitate or involve significant new information as outlined in CEQA Guidelines Section 15088.5.

SECTION 9. Pursuant to CEQA Guidelines Section 15025 (c), the Fremont Planning Commission has reviewed and considered the information in the EIR prior to making its recommendations to the City Council.

SECTION 10. The EIR was presented to the City Council, and the Council has reviewed and considered the information contained in the EIR prior to approving the General Plan Update.

SECTION 11. The City Council finds that the EIR prepared for the General Plan Update reflects the independent judgment of the City Council and its staff, and certifies the EIR as adequate, complete and in compliance with CEQA, the State CEQA Guidelines and the City's

local guidelines. The City Council finds that the EIR is adequate and complete for consideration in making a decision on the merits of the General Plan Update.

ADOPTED, December 13, 2011, by the City Council of the City of Fremont by the following vote, to wit:

AYES: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers Chan, Harrison and Dutra

NOES: None

ABSENT: None

ABSTAIN: None

Anu Natarajan
Vice Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Lantieri
Deputy City Clerk

John A. Boyer
Assistant City Attorney