

DECERTIFICATION and RECERTIFICATION OF ENVIRONMENTAL IMPACT REPORT (EIR) and PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to the 4051 South Alameda Street Project.

Recommendations for Council action:

1. DECERTIFY the 2017 Final EIR, in compliance with the Peremptory Writ of Mandate issued on January 8, 2019 by the Superior Court; and CONSIDER the 2017 Final EIR with the addition of the Partially Recirculated Draft EIR and Partially Recirculated Final EIR (referred to together as the PRFEIR), and take the following actions to certify the 2019 Final EIR, with the added analysis of potential cumulative environmental impacts related to freeways.
2. FIND that the City Council has reviewed and considered the information contained in the Partially Recirculated Draft EIR cumulative freeway analysis (State Clearinghouse No. 2014061030) dated March 21, 2019, and the Partially Recirculated Final EIR prepared for the cumulative freeway analysis, which contains responses to comments (collectively the PRFEIR), dated June 2019, as well as the 2017 Final EIR and the whole of the administrative record (all collectively referred to as the 2019 Final EIR).
3. CERTIFY that:
 - a. The PRFEIR and the 2019 Final EIR have been completed in compliance with the California Environmental Quality Act (CEQA).
 - b. The PRFEIR has been completed in compliance with the August 9, 2018 Court Ruling, as memorialized in the January 8, 2019 Peremptory Writ of Mandate.
 - c. The analysis in the PRFEIR confirmed the conclusion in the 2017 Final EIR (that there were no significant cumulative impacts to the freeway system), which was presented to the PLUM Committee and full City Council and that body considered the information contained in the 2017 Final EIR prior to approving the project, and the PRFEIR was presented to the PLUM Committee and to the full City Council as the legislative decision-making body of the lead agency.
 - d. The PRFEIR and 2019 Final EIR reflect the independent judgment and analysis of the lead agency.
 - e. The Responses to Comments on the PRFEIR fully considered and responded to the comments received and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, new or more severe significant impacts than were discussed in the 2017 Final EIR, a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it, or that the PRFEIR was so fundamentally and basically

inadequate and conclusory in nature that meaningful public review and comment were precluded. Accordingly, recirculation of the PRFEIR is not required.

4. RECERTIFY the entire 2019 Final EIR, which includes the addition of the PRFEIR.
5. FIND that because the PRFEIR determined that the 4051 South Alameda Street Project's environmental impacts related to cumulative freeway systems are less than significant, the 2017 Environmental Findings made pursuant to CEQA Guidelines Section 15091 need not be amended, except for amendments to the findings related to cumulative freeway impacts and adopt these amendments to the Findings, reflected in redline for ease of reference in the Amended 2019 CEQA Findings.
6. FIND that because the PRFEIR determined that the Project's environmental impacts related to cumulative freeways are less than significant, the 2017 Statement of Overriding Considerations and Mitigation Monitoring Program, adopted by the City Council on March 21, 2017 do not need to be revised, and are restated and incorporated by reference in the Amended 2019 CEQA Findings.

Case Nos. AA-2012-919-PMLA; DIR-2013-887-SPR

Environmental Nos. ENV-2012-920-EIR; SCH No. 2014061030

Fiscal Impact Statement: None submitted by the Department of City Planning (DCP). Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.

Against:

Central Alameda Neighborhood Council
Community and Neighborhoods for Ninth District Unity
South Central Neighborhood Council

Summary:

At a regular meeting held on June 25, 2019, the PLUM Committee considered a DCP report relative to decertifying the 2017 Final EIR, in compliance with the Peremptory Writ of Mandate issued on January 8, 2019 by the Superior Court, and recertifying the entire 2019 Final EIR, along with the certification that the PRFEIR and the 2019 Final EIR have been completed in compliance with the California Environmental Quality Act (CEQA). DCP Staff provided an overview of the matter. After an opportunity for public comment, the Committee recommended decertifying the 2017 Final EIR and recertifying the 2019 Final EIR, which includes the addition of the PRFEIR. This matter is now submitted to the Council for consideration.

Respectfully Submitted,



PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
HARRIS-DAWSON	YES
BLUMENFIELD	YES
PRICE	ABSENT
CEDILLO	ABSENT
SMITH	YES

RM

-NOT OFFICIAL UNTIL COUNCIL ACTS-