

STOCKTON CITY COUNCIL

RESOLUTION DENYING THE FINAL ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BEAR CREEK EAST SPECIFIC PLAN PROJECT (P10-225)

The City of Stockton, as the Lead Agency, prepared and posted a Notice of Preparation on November 30, 2005, stating the intent to prepare an Environmental Impact Report for the Bear Creek East Specific Plan Project in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Guidelines for the Implementation of CEQA; and

A Notice of Completion and Notice of Availability of a Draft Environmental Impact Report for the Bear Creek East Specific Plan Project was posted on October 31, 2011 and circulated to the public for a minimum 45 day review period that culminated on December 19, 2011; and

A Final Environmental Impact Report was prepared (document dated May 29, 2013) pursuant to CEQA requirements and includes: the Draft Environmental Impact Report and any changes made as a result of comments received; a list of persons, organizations, and public agencies commenting on the Draft Environmental Impact Report; responses to significant environmental points raised and received in the review process; and

CEQA Findings of Fact for Significant or Potentially Significant Impacts reduced to less than Significant levels, Findings of Significant or Potentially Significant and Unavoidable Impacts, Alternatives to the proposed Project, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program have been prepared (document dated May 29, 2013); now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

The City Council of the City of Stockton, after careful review and consideration of all comments received, and after using its independent judgment, hereby denies the Final Environmental Impact Report for the Bear Creek Specific Plan Project and denies the Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the General Plan amendment, Specific Plan, Rezoning, Amendment to the Eight Mile Road Precise Road Plan, and Amendment to the West Lane Precise Road Plan, for property located generally located north of Bear Creek, east of West Lane, south of Eight Mile Road, and west of the Union Pacific Railroad; and, as set forth in the report filed with the City Council on February 25, 2014, based upon the following findings:

1. The Draft EIR and Final Environmental Impact Report (FEIR) have been completed in compliance with the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Guidelines for the Implementation of CEQA; Several environmental areas, related to agricultural resources, open space, air quality, noise, and traffic remain significant and unavoidable.

2. In accordance with CEQA Guidelines Sections 15091 and 15093, the City finds that the significant and unavoidable adverse environmental effects identified in the FEIR are not outweighed by the anticipated economic and social benefits of the proposed project.

3. The City Council denies the FEIR, findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program for the Bear Creek East Specific Plan Project.

PASSED, APPROVED, and ADOPTED February 25, 2014

ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE, City Clerk
of the City of Stockton