

RESOLUTION NO. 2008-115

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LODI APPROVING AND CERTIFYING THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE REDEVELOPMENT PLAN FOR THE LODI
COMMUNITY IMPROVEMENT PROJECT

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WHEREAS, the Redevelopment Agency of the City of Lodi (the "Agency") has initiated a Redevelopment Plan for the Lodi Community Improvement Project (the "Redevelopment Plan"); and

WHEREAS, the Planning Commission of the City of Lodi has approved and forwarded to the Agency and City of Lodi (the "City") its report that the proposed Redevelopment Plan is in conformity with the General Plan of the City of Lodi and has recommended approval of said Redevelopment Plan; and

WHEREAS, a Draft Environmental Impact Report (the "Draft EIR") was prepared for the Redevelopment Plan pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000, ~~et~~ seq.) ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, California Code of Regulations Sections 15000, et seq.) (the "CEQA Guidelines"); and

WHEREAS, the Draft EIR was sent to the City of Lodi Planning Commission (the "Commission"), and the Commission held a public meeting to receive public input on the adequacy of the Draft Environmental Impact Report; and

WHEREAS, all actions required to be taken by applicable law related to the preparation, circulation, and review of the Draft EIR have been taken; and

WHEREAS, pursuant to public notice duly given, the City Council of the City of Lodi (the "City Council") and the Agency held a full and fair public hearing on the proposed Redevelopment Plan and Final Environmental Impact Report ("Final EIR") on May 28, 2008; and

WHEREAS, the City *is* a responsible agency for the Redevelopment Plan under CEQA; and

WHEREAS, the City has reviewed and considered the Final EIR and the mitigation monitoring program included therein with respect to the Redevelopment Plan (the "Mitigation Monitoring Program"), including all comments and responses thereto; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES HEREBY RESOLVE:

SECTION 1. The Final EIR has been completed in compliance with CEQA and the CEQA Guidelines, as well as the local CEQA guidelines.

SECTION 2. The City hereby certifies that a full and fair public hearing has been held on the Final EIR, including all comments received thereon and responses thereto, which comments and responses are included in the Final EIR; the City as a responsible agency has reviewed and considered the Final EIR and the information contained therein prior to deciding whether to approve the proposed Redevelopment Plan, including all comments received thereon and responses thereto; and the City finds that the Final EIR reflects the independent judgment of the City. These actions having been taken, the Final EIR is hereby approved and certified by the City.

SECTION 3. The City hereby makes and adopts the following findings of fact as set forth in the Final EIR:

Environmental impacts of the Redevelopment Plan will be less than significant without mitigation for aesthetics, agricultural resources, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, traffic, and utilities.

Certain environmental impacts related to the Redevelopment Plan are potentially significantly adverse, but will be mitigated to less than significant level by conditions imposed upon the Redevelopment Plan in the area of air quality and cultural resources. Such impacts and mitigations are identified in Sections 4.4 Air Quality and 4.7 Cultural Resources of the Draft EIR portion of the Final EIR.

All feasible mitigation measures, which are within the jurisdiction of the City of Lodi as identified in the Final Environmental Impact Report, have been incorporated into the project and represent the fullest extent to which the project-related impacts can be reasonably avoided and/or substantially lessened.

SECTION 4. The City hereby adopts the Mitigation Monitoring Program set forth in the Final EIR, which is hereby incorporated herein by reference, and finds that the mitigation measures and Mitigation Monitoring Program set forth in the Final EIR will eliminate, mitigate, avoid, or reduce to a level of significance, all potentially significant environmental effects of the Redevelopment Plan. The City hereby requires that such mitigation measures and the Mitigation Monitoring Program shall be implemented in connection with, and are hereby made a part of, the Redevelopment Plan.

SECTION 5. The City finds that the project alternatives identified in the Final EIR, including the No Project alternative and the Reduced Project Area alternative, either would not reduce environmental impacts, or would not achieve the primary objectives of the Redevelopment Plan, and such alternatives are therefore infeasible, and the proposed Redevelopment Plan is the environmentally superior alternative.

SECTION 6. The City shall make available the Final EIR and other related materials which constitute the record of the proceedings upon which its decision is based at the Lodi City Hall, 221 W. Pine Street in the City of Lodi, California.

SECTION 7. Based on the Initial Study and the entire record before the City, the city declares that there is no evidence before it that the Redevelopment Plan has

any potential for an adverse effect on wildlife resources or habitats and has rebutted the presumption of adverse effects set forth in Title 14, California Code of Regulations, Section 753.5(d).

SECTION 8. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence in the record of the proceedings on the Redevelopment Plan and the Final EIR, which include, among other things, the City of Lodi General Plan and the City of Lodi zoning regulations. The documents, staff reports, plans, specifications, technical studies, and other relevant materials, including, without limitation, the Final EIR, that constitute the record of proceedings on which this Resolution is based are on file and available for public examination during normal business hours in the Agency offices, 221 W. Pine Street, Lodi, California. The custodian of said records is the City Clerk.

SECTION 9. That the Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

Dated: June 18, 2008

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I hereby certify that Resolution No. 2008-115 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 18, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, and Katzakian
NOES: COUNCIL MEMBERS – Mayor Mounce
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – Hitchcock


JENNIFER M. PERRIN
Deputy City Clerk