



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: COYOTE VALLEY SPECIFIC
PLAN PROGRESS REPORT #3

DATE: April 4, 2005

Approved

Date

SUPPLEMENT

REASON FOR SUPPLEMENT

To respond to public inquiries regarding the Environmental Impact Report (EIR) component of the Third Progress Report on the Coyote Valley Specific Plan.

BACKGROUND

On January 25, 2005, Council accepted the second progress report on the Coyote Valley Specific Plan. Based on the public testimony and Council comments, staff indicated that the third progress report would focus on a framework for the EIR alternatives.

ANALYSIS

As part of the third progress report agendized for the April 5 Council Meeting, staff will be making a brief PowerPoint presentation to the Council on the EIR alternatives, explaining the framework of the alternatives that staff is considering for the EIR. As noted in the previous staff report, until staff completes the analysis of the environmental impacts of the proposed Coyote Valley Specific Plan (CVSP), the alternatives being included in the EIR cannot be finalized. Staff's framework of alternatives includes a No Project Alternative, Alternative Location, and alternatives that would look at options to the plan as proposed centered on transportation, services, flood control and biotic issues.

While a number of comments were made at the different meetings staff conducted on the EIR process for the CVSP, since the detailed analysis has not been completed, or in some cases started, staff cannot state with certainty what features would be incorporated into one or more of the alternatives that will be included in the CVSP EIR. At this point, staff does not know if some

of the ideas suggested truly lessen a potential significant environmental impact, or only provide a different design solution to the land plan. Staff will be using the comments from the meetings to help craft specific alternatives in the EIR. That work is underway currently and will continue over the next 3 to 4 months.

The California Environmental Quality Act (CEQA), and the many court decisions around it, limits the number of alternatives that need to be addressed under a “rule of reason”. CEQA recognizes that not every option or alternative needs to be analyzed, but that a reasonable range of alternatives should be analyzed so that the decision maker and the public is aware of alternatives that could lessen or eliminate significant environmental impacts. For a project of this size and complexity, it is reasonable to assume that at least five alternatives will be included in the EIR, and potentially more. The larger number of the alternatives does not necessarily make a better EIR, but rather the thought that goes into the creation of each alternative, and the analysis of each alternative.

CONCLUSION

Staff is committed to writing an EIR for the CVSP that fully assesses the impacts of the proposed project (i.e., the CVSP), identifies mitigation measures to reduce the impacts, and provides the City Council and the public the opportunity to understand the implications of the Plan so that they can weigh the alternatives to avoid or lessen significant environmental impacts. Staff recognizes that the CVSP is a very controversial project that will most certainly be challenged, including possible legal challenges. Staff will be preparing the EIR with the litigation prospect in mind to present to the Planning Commission and City Council a legally adequate and defensible EIR to utilize in the deliberations of the CVSP project.

STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement