

**RESOLUTION NO. Z-20-27 OF
THE EAST COUNTY BOARD OF ZONING ADJUSTMENTS ADOPTED AT THE
HEARING OF DECEMBER 10, 2020
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE
SUNWALKER LIVERMORE COMMUNITY SOLAR FARM PROJECT
CONDITIONAL USE PERMIT PLN2016-00049
IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, Dunn / Skywalker / White have filed for CONDITIONAL USE PERMIT, PLN2016-00049, application to allow the construction and operation of a 59-acre, six (6) megawatt, solar electric facility, in the A (Agricultural) District, located at 4871 North Livermore Avenue, northeast corner, intersection of North Livermore Avenue and May School Road, Livermore area of unincorporated Alameda County, designated Assessor's Parcel Number 902-003-02-00, and further described in Resolution Z-20-28 that accompanies this Resolution; and

WHEREAS Planning staff subsequently determined that the project could have potentially significant impacts on the environment and that preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (1970, as amended) was required; and

WHEREAS a Notice of Preparation for the EIR was circulated for 30 days between January 11 and February 8, 2019 and a public scoping hearing to take comments on the scope of the EIR was held at the hour of 1:30 p.m. on May 28, 2020; and

WHEREAS the Draft EIR was prepared and circulated for 45 days between March 6 and April 21, 2020, and the Draft EIR was made available at the offices of the Alameda County Planning Department at 224 West Winton Avenue, Hayward, California, 94544, and made available on the Planning Department's public website on March 6, 2020; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was prepared on March 5, 2020 and copies of the Draft EIR were provided to the state Office of Planning and Research – State Clearinghouse (SCH) for distribution to state Responsible Agencies, and was also provided to or made available to other interested agencies, organizations and area property owners and residents to solicit comment on the Draft EIR during the aforementioned 45-day comment period; and

WHEREAS, the Draft EIR identified the significant impacts of the project on the environment and evaluated alternatives that would reduce the project impacts and which would also feasibly serve the objectives of the project for increasing the output of clean energy and meeting state energy portfolio goals; and

WHEREAS multiple letters of comment were received by the County through April 21, 2020 from state and local agencies, non-governmental organizations, local and regional residents regarding the merits of the project and the sufficiency of the environmental analysis in the Draft EIR; and

WHEREAS, in accordance with the CEQA Guidelines Section 15132, the Final

EIR document was prepared which includes the full text of the Draft EIR, as revised by the lead agency in response to public comments or to otherwise improve or clarify information in the Draft EIR, all comments received on the Draft EIR, a list of persons, organizations and agencies commenting on the Draft EIR, and responses to each comment, and said Final EIR was made available on October 16 and October 19, 2020 to interested agencies, organizations and persons who commented on the Draft EIR, each person, agency or organization having been sent an e-mail advising of its availability on the County Planning Department's public website for Current Development Projects and including a notice of the hearing to consider a decision to certify the Final EIR and approved the subject Conditional Use Permit; and

WHEREAS, it satisfactorily appears from affidavits on file that proper notice of said public hearings were given in all respects as required by law; and

WHEREAS, this Board, as the decision making body for the certification of this Final EIR, did hold a public hearing regarding the Final EIR at the hour of 1:30 p.m. on Tuesday, the 22nd day of October 2020 as an online virtual public meeting in respect of state and County health advisories regarding the COVID-19 pandemic; and

WHEREAS, this Board continued consideration of the document; and

WHEREAS, this Board, as the decision making body for the certification of this Final EIR, did hold a public hearing regarding the Final EIR at the hour of 1:30 p.m. on Thursday, the 10th day of December 2020 as an online virtual public meeting in respect of state and County health advisories regarding the COVID-19 pandemic; and

WHEREAS, the Final EIR did not include any additional significant new information or identify any new significant environmental impacts, a substantial increase in the severity of an environmental impact, or any other factors under CEQA Guidelines 15088.5 that would require recirculation of a revised Draft EIR; and

NOW, THEREFORE, BE IT RESOLVED that this Board certifies that the Final EIR for the Sunwalker Community Solar Project has been completed in compliance with CEQA; and

BE IT FURTHER RESOLVED as follows:

1. The Board certifies that it has been presented with all of the information described in the above recitals and has reviewed and considered this information and the Final EIR prior to adopting this Resolution and considering approval of the Project.
2. The Board certifies that the above recitals are true and correct.
3. The Board certifies that the Final EIR reflects the County's independent judgment and analysis.
4. Notice of the Board's hearings on the Draft EIR and Final EIR have been given as required by

law and the actions were conducted pursuant to the State Planning and Zoning Law, CEQA, the State CEQA Guidelines and the County's CEQA Guidelines.

5. The Board is a non-elected decision-making body within a local lead agency, and that the certification of the Final EIR may be appealed to the Board of Supervisors of the County of Alameda.
6. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Final EIR which met or exceeded the requirements of State Planning and Zoning Law and CEQA.
7. All comments submitted during the public review and comment period on the Draft EIR were responded to adequately in the Final EIR.
8. No new comments or information has been submitted during the hearing on the Final EIR that would substantially change the analysis or conclusions of the Final EIR.