

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR-20-0002; SCH NO. 2020110148) FOR THE SUNBOW II, PHASE 3 SECTIONAL PLANNING AREA PLAN, SUNBOW II GENERAL DEVELOPMENT PLAN AMENDMENT AND TENTATIVE MAP PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Sunbow ACI, LLC (Applicant), submitted applications requesting approvals for a Sectional Planning Area (SPA) Plan, General Development Plan Amendment (GDPA) and Tentative Map (TM), for the Sunbow II, Phase 3 project (Project); and

WHEREAS, a Draft Environmental Impact Report (Draft EIR-20-0002 or Draft EIR) for the Project was issued for public review on March 15, 2021, and was processed through the State Clearinghouse; and

WHEREAS, in consideration of the comments received on the Draft EIR and requirements of the California Environmental Quality Act (CEQA), a Final EIR (Final EIR-20-0002 or Final EIR) was prepared for the Project; and

WHEREAS, Final EIR-20-0002 incorporates all comments and recommendations received on the Draft EIR, a list of all persons, organizations, and public agencies commenting on the Draft EIR, and the City's responses to all "significant environmental points" raised by public and agency comments submitted during the review and consultation process, in accordance with CEQA Guidelines Section 15132; and

WHEREAS, revisions to Final EIR-20-0002 did not result in modifications to conclusions regarding significance of impacts or the addition of significant new information that would require recirculation of the EIR pursuant to CEQA Guidelines section 15088.5; and

WHEREAS, the Chula Vista Planning Commission held a duly noticed public hearing for Final EIR-20-0002 and voted 0-6 recommending the City Council deny the approval of the Project, citing that further analysis related to the Jobs Enhancement Fund and a mix of land uses on the site be considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it hereby finds, determines and orders as follows:

I. PLANNING COMMISSION AND CITY COUNCIL RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on the Project and Final EIR-20-0002 and before the City Council at their public hearing on the Project and Final EIR-20-0002 as well as the Minutes and Resolutions resulting therefrom are hereby incorporated into the record of proceedings pursuant to Public Resources Code Section 21167.6. These documents, along with any documents submitted to the Planning Commission and City Council, including documents specified in Public Resources Code Section 21167.6, subdivision (e), shall comprise the entire record of proceedings for any claims under the CEQA (Public Resources Code §21000 *et seq.*) The record of proceedings shall be maintained by the City Clerk at City Hall.

II. Final EIR-20-0002 CONTENTS

That Final EIR-20-0002 consists of the following:

1. EIR for the Sunbow II, Phase 3 SPA Plan, Sunbow II GDPA and TM
2. Comments received during public review and responses
3. Mitigation Monitoring and Reporting Program
4. Technical Appendices

(All hereafter collectively referred to as “Final EIR-20-0002”)

III. ACCOMPANYING DOCUMENT TO Final EIR-20-0002

1. Findings of Fact and Statement of Overriding Considerations

IV. PRESENTATION TO THE DECISIONMAKING BODY

That the Final EIR-20-0002 was presented to the City Council as the decision-making body of the Lead Agency and that the City Council has reviewed and considered the information contained in Final EIR-20-0002 prior to approving the Project.

V. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

That the Final EIR-20-0002, the Findings of Fact and the Statement of Overriding Considerations (Exhibit “1” to this Resolution, a copy which is on file with the office of the City Clerk), and the Mitigation Monitoring and Reporting Program are prepared in accordance with the requirements of CEQA (Pub. Resources Code, §21000 *et seq.*), the CEQA Guidelines (California Code Regs. Title 14 §15000 *et seq.*), and the Environmental Review Procedures of the City of Chula Vista.

VI. INDEPENDENT JUDGMENT OF CITY COUNCIL

That it utilized its independent judgment and analysis in reviewing the Final EIR-20-0002 for the City as Lead Agency for the Project.

VII. CEQA FINDINGS OF FACT, MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

A. Adoption of Findings of Fact

That the City Council does hereby approve, accept as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in Exhibit “1” to this Resolution, a copy of which is on file in the office of the City Clerk.

B. Mitigation Measures Feasible and Adopted

That on the basis of the findings set forth in Exhibit “1” to this Resolution and as more fully identified and set forth in Final EIR-20-0002, the City Council hereby finds pursuant to CEQA Section 21081 and CEQA Guidelines Section 15091 that changes or alterations have been required in, or incorporated into the Project which avoid or substantially lessen the significant environmental effects identified in Final EIR-20-0002, and that such changes and alterations have eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings set forth in Exhibit “1” to this Resolution. Furthermore, that the measures to mitigate or avoid significant effects on the environment, consisting of those mitigation measures set forth in Final EIR-20-0002 and in Exhibit “1” to this Resolution, are fully enforceable through permit conditions, agreements or other measures, including but not limited to conditions of approval of the Project, and will become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the same.

C. Infeasibility of Mitigation Measures

As more fully identified and set forth in Final EIR-20-0002 and in the Findings of Fact for the Project, which is Exhibit “1” to this Resolution, certain mitigation measures described in said documents are infeasible.

D. Statement of Overriding Considerations

That even after the adoption of all feasible mitigation measures and any feasible alternatives, certain significant or potentially significant environmental effects caused by the Project, or cumulatively, will remain. However, pursuant to CEQA Guidelines Section 15092, the City Council hereby finds and determines that any remaining significant effects on the environment which have been found to be

unavoidable as shown in the findings set forth in Exhibit “1” to this Resolution are acceptable due to certain overriding considerations. Therefore, the City Council of the City of Chula Vista hereby approves, pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations in the form set forth in Exhibit “1” to this Resolution identifying the specific economic, legal, social, technological or other considerations that outweigh and render the unavoidable significant adverse environmental effects acceptable.

E. Infeasibility of Alternatives

As more fully identified and set forth in Final EIR-20-0002 and in Exhibit “1” to this Resolution, the City Council hereby finds pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 that alternatives to the Project, which were identified in Final EIR-20-0002, were not found to reduce impacts to a less than significant level or meet the Project objectives.

F. Adoption of Mitigation Monitoring and Reporting Program

As required by Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby adopts the program for reporting on or monitoring the changes which it has either required in the Project or made a condition of approval to avoid or substantially lessen significant environmental effects, consisting of the Mitigation Monitoring and Reporting Program set forth in Final EIR-20-0002. The City Council further finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during Project implementation, the permittee/Project Applicant and any other responsible parties implement the Project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

G. Findings are Binding and not Merely Advisory

That to the extent that the Findings of Fact and Statement of Overriding Considerations for the Project (Exhibit “1” of this Resolution) conclude that proposed mitigation measures outlined in Final EIR-20-0002 are feasible and have not been modified, superseded or withdrawn, the City Council hereby binds itself and the Applicant and its successors in interest, to implement those measures. These findings are not merely information or advisory, but constitute a binding set of obligations that will come into effect when the City Council adopts the Resolution approving the Project. The adopted mitigation measures contained within the Mitigation Monitoring and Reporting Program Section of Final EIR-20-0002 are also expressed as conditions of approval for the Project. Other requirements are referenced in the Mitigation Monitoring and Reporting Program that are adopted concurrently with these Findings of Fact and will be effectuated through the process of implementing the Project.

VIII. NOTICE OF DETERMINATION

That the Development Services Director of the City of Chula Vista is directed to file a Notice of Determination with the County Clerk of the County of San Diego, should the City Council approve this Project in accordance with CEQA Guidelines section 15094.

BE IT FURTHER RESOLVED THAT the City Council of the City of Chula Vista on the basis of the findings as set forth above certifies Final EIR-20-0002, and adopts the Findings of Fact and Statement of Overriding Considerations (Exhibit “1” to this Resolution), and Mitigation Monitoring and Reporting Program in accordance with CEQA Guidelines Section 15091.

Submitted by:

Approved as to form by:

Tiffany Allen
Development Services Director

Glen R. Googins
City Attorney

Exhibit 1 - Findings of Fact and Statement of Overriding Considerations