

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A TECHNICAL CORRECTION AMENDMENT TO POLICY E6.4 OF THE CHULA VISTA GENERAL PLAN ENVIRONMENTAL ELEMENT

WHEREAS, in October 2013, the City Council approved amendments to the General Plan and Zoning Ordinance, including a new Council Policy, related to the siting of Electrical Generating Facilities (EGFs) in Chula Vista; and

WHEREAS, the adopted regulatory framework for EGFs reflects sound planning principles and is internally consistent with the General Plan; and

WHEREAS, Objective E6 of the Environmental Element states “Improve local air quality by minimizing the production and emission of air pollutants and toxic air contaminants and limit the exposure of people to such pollutants”; and

WHEREAS, Policy E6.4 as originally worded prior to the October 2013 amendments addressed EGFs “and other major toxic air emitters”; and

WHEREAS, it was realized by staff that the EGF amendments as approved by Council in October 2013 inadvertently deleted the phrase “and other major toxic air emitters” from Policy E6.4; and

WHEREAS, “and other major toxic air emitters” (separate from EGF’s) could include, but not be limited to, uses such as quarry operations, landfills, chrome-plating facilities, and batching plants; and

WHEREAS, separation of sensitive receptors from “other major toxic air emitters” is consistent with Objective E6 and should be retained in Policy E6.4 as originally written and approved; and

WHEREAS, as supported by the Agenda Statement and presentations to the Planning Commission and City Council by staff, it was never intended to delete “and other major toxic air emitters” from policy E6.4; and

WHEREAS, the Development Services Director has reviewed the proposed Amendment for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed action was adequately addressed in the previously certified EIR 05-01 for the General Plan Update. Thus, no further environmental review is necessary. Although environmental review is not necessary for the General Plan Amendment, environmental review will be required for any Energy Generating Facilities and “major toxic emitters” that are proposed as part of the conditional use permit evaluation for that specific project; and

WHEREAS, the Planning Commission, at a duly noticed public hearing held on August 13, 2014, voted (6-0-1-0) to recommend that the City Council approve a resolution adopting a technical correction amendment to Policy E6.4 of the Chula Vista General Plan Environmental Element; and

WHEREAS, the City Clerk set the time and place for the hearing on the proposed Amendment and notices of said hearings, together with its purposes given by its publication in a newspaper of general circulation in the City for the proposed Amendment at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the proposed Amendment was held before the City Council on September 9, 2014 in the Council Chambers in the City Hall, Chula Vista Civic Center, 276 Fourth Avenue, at 2:00 p.m. to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same. The proceedings and any documents submitted to the City Council as the decision-makers shall comprise the entire record of the proceedings.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find and determine as follows:

### **Section I. Environmental Determination**

That the proposed Amendment complies with CEQA because the proposed Amendment was adequately addressed in the previously certified EIR 05-01 for the General Plan Update. Thus, no further environmental review is necessary. Although environmental review is not necessary for the proposed Amendment, environmental review will be required for any Energy Generating Facilities “and other major toxic air emitters” that are proposed as part of the conditional use permit evaluation for that specific project.

### **Section II. Consistency with General Plan**

That the approval of the proposed Amendment is consistent with and follow the goals, objectives, and policies of the Chula Vista General Plan because the proposed Amendment, in accordance with the GPU, provide clear and comprehensive regulations for the siting of EGFs “and other major toxic air emitters” within the City, which will help to improve air quality, and minimize dependency on fossil fuels and exposure of sensitive uses to toxic air contaminants from (generally fossil-fuel based) EGF facilities as well as other major toxic air emitters, and ensure adequate separation between such uses and sensitive receptors.

BE IT FURTHER RESOLVED, that the City Council of the City of Chula Vista does hereby approve and adopt the Amendment to Environmental Element Policy E6.4 regarding the siting of EGFs “and other major toxic air emitters” within the City of Chula Vista, as follows:

### **Section III.**

#### **Environmental Element**

1. Amend Policy 6.4 to reinsert “and other major toxic air emitters,” as follows:

E6.4 Do not site new or re-powered fossil-fueled baseload or peaking-type Electrical Generating Facilities and other major toxic air emitters within 1,000 feet of sensitive receptors, or site sensitive receptors within 1,000 feet of such facilities.

Presented by:

Approved as to form by:

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Kelly Broughton, FASLA  
Development Services Director

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Glen R. Googins  
City Attorney