

RESOLUTION NO. EIR 15-0002

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR 15-0002/SCH2016021010) FOR THE SHARP OCEAN VIEW TOWER PROJECT; MAKING CERTAIN FINDINGS OF FACT; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Sharp Chula Vista Medical Center, submitted an application on November 30, 2015 requesting approval of the Sharp Ocean View Tower Project (Project); and

WHEREAS, a Draft EIR 15-0002 for the Project was issued for public review on June 20, 2016, and was processed through the State Clearinghouse; and

WHEREAS, public comments were received regarding the public review draft of EIR 15-0002, and pursuant to Section 15088 all comments received were responded to in writing; and

WHEREAS, a Final Environmental Impact Report (EIR 15-0002) was prepared for the Sharp Ocean View Tower Project; and

WHEREAS, to the extent that the Findings of Fact for the Project, dated August 23, 2016 (Exhibit "A" of this Resolution, a copy of which is on file in the office of the City Clerk), conclude that proposed mitigation measures outlined in Final EIR 15-0002 are feasible and have not been modified, superseded or withdrawn, the City of Chula Vista hereby binds itself and the Applicant and its successors in interest, to implement those measures.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 adopts the resolution approving the Project. The adopted mitigation measures contained within the Mitigation Monitoring and Reporting Program, Exhibit "B" of this Resolution, a copy of which is on file in the office of the City Clerk, are expressed as conditions of approval. Other requirements are referenced in the Mitigation Monitoring and Reporting Program adopted concurrently with these Findings of Fact and will be effectuated through the process of implementing the Project.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL of the City of Chula Vista does hereby determine, resolve and order as follows:

I. Final EIR 15-0002 CONTENTS

That the final EIR 15-0002 consists of the following:

1. Project EIR for the Sharp Ocean View Tower Project (including technical appendices); and
2. Comments and Responses

(All hereafter collectively referred to as “FEIR 15-0002”)

II. ACCOMPANYING DOCUMENTS TO FEIR 15-0002

1. Mitigation Monitoring and Reporting Program; and
2. Findings of Fact

III. CERTIFICATION OF COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

That the City Council does hereby find that FEIR 15-0002, and the Findings of Fact (Exhibit “A” to this Resolution, a copy which is on file with the office of the City Clerk), and the Mitigation Monitoring and Reporting Program (Exhibit “B” to this Resolution, a copy which is on file with the office of the City Clerk) are prepared in accordance with the requirements of the California Environmental Quality Act (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.

IV. INDEPENDENT JUDGMENT OF CITY COUNCIL

That the City Council finds that the FEIR 15-0002 reflects the independent judgment of the City of Chula Vista City Council.

V. CEQA FINDINGS OF FACT, AND MITIGATION MONITORING AND REPORTING PROGRAM

A. Adoption of Findings of Fact

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

B. Mitigation Measures Feasible and Adopted

As more fully identified and set forth in FEIR 15-0002 and in the Findings of Fact for this Project, which is Exhibit “A” to this Resolution, a copy of which is on file in the office of the City Clerk, the City Council hereby finds pursuant to Public Resources Code Section 21081 and CEQA

Guidelines Section 15091 that the mitigation measures described in the above referenced documents are feasible and will become binding upon the entity (such as the Project proponent or the City) assigned thereby to implement the same.

C. Infeasibility of Alternatives

As more fully identified and set forth in FEIR 15-0002 and in the Findings of Fact, for this Project, which is Exhibit “A” to this Resolution, a copy of which is on file in the office of the City Clerk, 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 FEIR-15-0002, were not found to reduce impacts to a less than significant level or meet the Project objectives.

D. Adoption of Mitigation Monitoring and Reporting Program

As required by the Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in Exhibit “B” of this Resolution, a copy of which is on file in the office of the City Clerk. 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.

VI. NOTICE OF DETERMINATION

That the Development Services Director of the City of Chula Vista is directed after City Council approval of this Project to ensure that a Notice of Determination is filed with the County Clerk of the County of San Diego. These documents, along with any documents submitted to the decision-makers, including documents specified in Public Resources Code Section 21167.6, subdivision(s), shall comprise the entire record of proceedings for any claims under the CEQA.

BE IT FURTHER RESOLVED THAT the City Council of the City of Chula Vista does hereby find that FEIR 15-0002, and the Findings of Fact (Exhibit “A” to this Resolution, a copy which is on file with the office of the City Clerk), and the Mitigation Monitoring and Reporting Program (Exhibit “B” to this Resolution, a copy which is on file with the office of the City Clerk) have been prepared in accordance with the requirements of the CEQA (Pub. Resources Code, §21000 *et seq.*), CEQA Guidelines (California Code Regs. Title 14 §15000 *et seq.*), and the Environmental Review Procedures of the City of Chula Vista and therefore, should be certified.

Presented by:

Kelly Broughton
Development Services Director

Approved as to form by:

Glen R. Googins
City Attorney