

-RESOLUTION NO. FSEIR 12-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CHULA VISTA NOT MAKE CERTAIN FINDINGS OF FACT; NOT ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; NOT ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM AND NOT CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (FSEIR 12-01/SCH 2003091012) FOR AMENDMENTS TO THE GENERAL PLAN, OTAY RANCH GENERAL DEVELOPMENT PLAN, OTAY RANCH VILLAGES TWO, THREE AND A PORTION OF FOUR SECTIONAL PLANNING AREA PLAN, FOUR ASSOCIATED TENTATIVE MAPS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Baldwin and Sons, LLC, submitted applications requesting approvals for a General Plan, General Development Plan, Sectional Planning Area (SPA) Plan amendment(s) and four (4) Tentative Maps (TMs), for Otay Ranch Village Two (Project); and

WHEREAS, a Draft Supplemental Environmental Impact Report (Draft SEIR 12-01 or Draft SEIR) for the Project was issued for public review on May 20, 2014, and was processed through the State Clearinghouse; and

WHEREAS, in consideration of the comments received on the Draft SEIR and requirements of the California Environmental Quality Act (CEQA), a Final Second Tier EIR (Final SEIR 12-01 or Final SEIR) was prepared for the Project; and

WHEREAS, Final SEIR 12-01 incorporates all comments and recommendations received on the Draft SEIR, a list of all persons, organizations, and public agencies commenting on the Draft SEIR, 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, additional corrections to Final SEIR 12-01 did not result in modifications to conclusions regarding significance of impacts or the addition of significant new information that would require recirculation of the SEIR pursuant to CEQA Guidelines section 15088.5; and

WHEREAS, Final SEIR 12-01 incorporates, by reference, the prior EIRs that address the subject property including the 2006 Final Second Tier EIR (EIR 02-02), the 2005 Chula Vista General Plan Update EIR (EIR 05-01), and the Otay Ranch GDP/SRP Program EIR (EIR 90-01) as well as their associated Findings of Fact and Mitigation Monitoring and Reporting Programs; and

WHEREAS, the Chula Vista Planning Commission held a duly noticed public hearing for Final SEIR 12-01 on October 8, 2014; and

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

I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on FSEIR 12-01 held on October 8, 2014, as well as the minutes and resolutions resulting therefrom, shall be incorporated into the record of proceedings pursuant to Public Resources Code Section 21167.6. These documents, along with any proceedings of and documents submitted to the City Council as the decision-makers in certifying the Final SEIR 12-01, shall comprise the entire record of proceedings for any claims under the CEQA (Public Resources Code §21000 *et seq.*).

II. FINAL SEIR 12-01 CONTENTS

That Final SEIR 12-01 consists of the following:

1. Final Supplemental EIR for the General Plan, Otay Ranch General Development Plan, Villages Two, Three and a Portion of Four SPA Plan Amendment and 4 TMs
2. Comments received during public review and responses
3. Mitigation Monitoring and Reporting Program
4. Technical Appendices

(All hereafter collectively referred to as “Final SEIR 12-01”)

III. ACCOMPANYING DOCUMENT TO FINAL SEIR 12-01

1. Findings of Fact and Statement of Overriding Considerations

IV. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

That the Planning Commission does not find that the benefits of the Project outweigh its impacts and, thus, cannot make the Findings of Fact to support a Statement of Overriding Considerations (Exhibit “A” to this Resolution, a copy which is on file with the office of the City Clerk) and therefore recommends that the City Council not make certain findings of fact; not adopt a Statement of Overriding Considerations; not adopt a Mitigation Monitoring and Reporting Program and not certify the Final Supplemental Environmental Impact Report (FSEIR 12-01/SCH 2003091012) for amendments to the General Plan, Otay Ranch General Development Plan, Otay Ranch Villages Two, Three and a portion of Four Sectional Planning Area Plan, four associated Tentative Maps pursuant to the California Environmental Quality Act.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF
CHULA VISTA, CALIFORNIA, this October 8, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Yolanda Calvo, Chairperson

Patricia Laughlin,
Secretary to Planning Commission

Exhibit A - Findings of Fact and Statement of Overriding Considerations