

RESOLUTION NO. EIR-17-0001

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA RECOMMENDING THE CITY COUNCIL MAKE CERTAIN FINDINGS OF FACT; ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM AND CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR-17-0001; SCH NO. 2016041080) FOR THE OTAY RANCH PORTION OF VILLAGE FOUR SECTIONAL PLANNING AREA PLAN, GENERAL DEVELOPMENT PLAN AMENDMENT AND TENTATIVE MAP PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Otay Valley Quarry, LLC, submitted an application requesting approvals for a Sectional Planning Area (SPA) Plan, General Development Plan Amendment (GDPA) and Tentative Map (TM), for the Portion of Village Four project (Project); and

WHEREAS, a Draft Environmental Impact Report (Draft EIR-17-0001 or Draft EIR) for the Project was issued for public review on October 23, 2017, 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-17-0001 or Final EIR) was prepared for the Project; and

WHEREAS, Final EIR-17-0001 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-17-0001 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-17-0001; and

WHEREAS, to the extent that the Findings of Fact and Statement of Overriding Considerations for the Project (Exhibit "1" 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conclude that proposed mitigation measures outlined in Final EIR-17-0001 are feasible and have not been modified, superseded or withdrawn, the City of Chula Vista, contingent upon certification of Final EIR-17-0001 by the City Council, binds itself and the Applicant and its successors in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, which is a section of Final

EIR-17-0001, are also expressed as conditions of approval for the Project. 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 PLANNING COMMISSION of the City of Chula Vista does hereby find, determine and order as follows:

I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on EIR-17-0001, 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 Final EIR-17-0001, 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-17-0001 CONTENTS

That Final EIR-17-0001 consists of the following:

1. EIR for the Otay Ranch, Portion of Village Four SPA Plan, 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-17-0001”)

III. ACCOMPANYING DOCUMENT TO FINAL EIR-17-0001

1. Findings of Fact and Statement of Overriding Considerations

IV. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

That the Planning Commission does hereby find that Final EIR-17-0001, the Findings of Fact and 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.

V. INDEPENDENT JUDGMENT OF PLANNING COMMISSION

That the Planning Commission finds that the Final EIR-17-0001 reflects the independent judgment and analysis of the City of Chula Vista as the lead agency for the Project.

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

A. Adoption of Findings of Fact

That the City Council 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

On the basis of the findings set forth in Exhibit “1” of the City Council EIR Resolution and as more fully identified and set forth in Final EIR-17-0001, the Planning Commission hereby recommends that the City Council find 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-17-0001, 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, the measures to mitigate or avoid significant effects on the environment, consisting of those mitigation measures set forth in Final EIR-17-0001 and in Exhibit “1” of the City Council EIR 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-17-0001 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

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 Planning Commission hereby recommends that the City Council find and determine 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 Planning Commission hereby recommends that the City Council approve, 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-17-0001 and in Exhibit “1” to this Resolution, the Planning Commission hereby recommends that the City Council find, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that alternatives to the Project, which were identified in Final EIR-17-0001, were not found to reduce impacts to a less than significant level or meet the Project objectives.

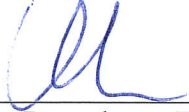
F. Adoption of Mitigation Monitoring and Reporting Program

As required by Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Planning Commission hereby recommends that the City Council adopt 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-17-0001. The Planning Commission hereby further recommends that the City Council find 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.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Chula Vista on the basis of its findings as set forth above, recommends that the City Council certify Final EIR-17-0001 upon making the required findings pursuant to CEQA Guidelines Section 15090 and adopting the Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program in accordance with CEQA Guidelines Section 15091.

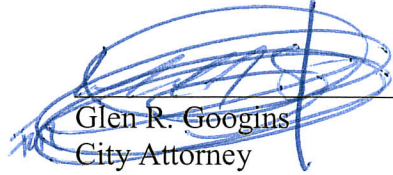
BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

Presented by:



Kelly Broughton, FASLA
Development Services Director

Approved as to form by:



Glen R. Googins
City Attorney

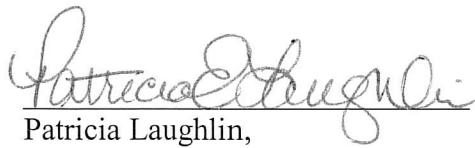
PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 28th day of March 2018, by the following vote, to-wit:

AYES: Anaya, Burroughs, Milburn, Zaker and Chair Gutierrez


NOES: n/a

ABSENT: Calvo; Nava

ABSTENTIONS: n/a



Patricia Laughlin,
Secretary to Planning Commission



Gabe Gutierrez
Chair



Planning Commission

Minutes

REGULAR MEETING OF THE CITY OF CHULA VISTA PLANNING COMMISSION

March 28, 2018
6:00 p.m.

Council Chambers
Public Services Bldg A
276 Fourth Avenue

CALL TO ORDER

COMMISSIONERS PRESENT: Anaya, Burroughs, Gutierrez, Milburn, Zaker

COMMISSIONERS ABSENT: Nava and Calvo

MOTIONS TO EXCUSE: Nava and Calvo
MSC: Anaya/
Motion Passed: 5-0-0

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

OPENING STATEMENT:

- 1. APPROVAL OF MINUTES:**
Date: March 14, 2018
MSC: Zaker/Burroughs
Motion Passed: 5-0-0

PUBLIC COMMENTS:

An opportunity for members of the public to speak to the Planning Commission on any subject matter within the Commission's jurisdiction, but not an item on today's agenda. Each speaker's presentation may not exceed three minutes.

Joseph Raso, businessman and Chula Vista resident made a formal request to have the Commission request that staff look in to his previous recommendation to eliminate the parking requirements in the core area of downtown Chula Vista. He submitted a document to the Commissioners with a brief history of his attempt to open a small café on Broadway.

PUBLIC HEARINGS

The following item(s) have been advertised as public hearing(s) as required by law. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the Board Secretary prior to the meeting.

PUBLIC HEARING FEIR 17-0001; MPA17-0006; PCM 15-07, PCS 15-03, Consideration of Final Environmental Impact Report 17-0001, amendments to the Otay Ranch General Development Plan, a new Portion of the Village 4 Sectional Planning Area Plan, a new Tentative Map for Chula Vista Tract 15-03, and the Planned Community District Regulations for a portion of Otay Ranch Village 4.

Resolution No. FEIR 17-0001: Recommending that the City Council make Certain Findings of Fact; Adopt a Statement of Overriding Considerations; Adopt a Mitigation Monitoring and Reporting Program and Certify the Final Environmental Impact Report (FEIR17-0001/SCH 2016041080) for amendments to the Otay Ranch General Development Plan, adopt a new Portion of Village Four Sectional Planning Area Plan, and associated Tentative Map pursuant to the California Environmental Quality Act.

Resolution No MPA17-0006; PCM 15-07, PCS 15-03; Recommending that the City Council 1) Approve amendments to the Otay Ranch General Development Plan; 2) Approve a new Portion of the Village Four Sectional Planning Area Plan and Tentative Map; and 4) approve an Ordinance associated with the Planned Community District Regulations.

QUESTIONS FROM STAFF – Questions from Commissioners included these items:

- Will there be any retail or commercial?
- What is the elevation?
- The difference between open space and open space reserve.

Commissioner Zaker stopped by his house on the way to the meeting and found an anonymous letter directed to his home address. It was regarding a number of concerns regarding the project. He brought it so that it could be added to the record and stated it would, by no means, influence his thoughts or vote regarding the project.

PUBLIC HEARING OPENED

Marcela Escobar Eck (Atlantis Group/Land Use) gave a brief presentation on the project. She stressed that they are preserving about 70% of the open space on the site. This, in turn, is what accounts for the higher density in the north of the project. Also, they worked closely with the resource agency regarding the sensitive wild-life habitat.

Mark Liuag, resident, also received the anonymous letter. The additional 150 units will be added to the Quarry area at some point. Is there no way to put those 150 units back into the same area as in the original SPA plan? His second concern was in regards to the Fiscal Impact. Spoke about single family vs multi-family and how it affects the Fiscal Impact. Doesn't understand how you can take single family clustering fees and turn them into apartments. He addressed the issue of single-family clustering vs apartment units. When you get in to the apartment model, you change the traffic patterns and the whole impact of everything. He asked the Commission to consider these concerns, and if need be, ask more questions.

PUBLIC HEARING CLOSED

COMMISSIONER DELIBERATIONS – included questions on:

- Questioned financial analysis in that it says it would be positive revenue to the City within one year – thought it usually take 5-7 years
- Public safety availability – what happens if ½ cent sales tax does not pass?
- Density
- Fees in-lieu of parks
- Closeness to the nearest retail center – concerns on Economic Development
- Was the Fiscal Analysis compared to the original SPA plan configuration
- Roads that lead into and out of the project.
- Fiscal model based on old numbers?
- Is the .87-acre site for private recreational use – if so, what kind?
- Financing of fire stations, sewer system and utilities
- The impact of increased density?
- Will the City continue to fall behind on the public safety standards?

Concerns regarding the fiscal impact, balance of business land vs residential and the park land were addressed by Director of Development Services Kelly Broughton. Marcella Escobar Eck addressed the distance to existing shopping – Otay Ranch Towne Center is about 1.5 miles. It is too early to tell about the retail adjacent to this project.

Kent Arden, Home Fed, spoke about his project which is adjacent to this project. Ground breaking to take place this year and that will take care of road problems.

Stan Donn, Sr. Planner and Marcella Escobar Eck spoke on the small, non-city park and the community amenities. Donn also spoke about zoning and regulations of site.

Director Broughton answered many of the questions regarding fiscal, impacts, roads and density.

Commissioner Zaker had a question regarding Page 77, #14 which addressed funding of a 4th Fire Fighter after the issuance of the 121st Building Permit.

Commissioner Milburn asked if a cross-analysis for Police and Fire in a new construction site on a per-unit basis.

Director Broughton assured Zaker that at the issuance of the 121st Building Permit, the applicant would be held to the funding agreement and he stated that a per-unit cost had not been done, but that staff was currently working on a study that would also include information on east-side vs west-side calls for service. That concern is definitely addressed in the new study.

MSC: Gutierrez/Anaya

Vote: 5-0-0 (Nava and Calvo absent)

OTHER BUSINESS

2. DIRECTOR'S REPORT:

The City has completed the draft of the University SPA Plan which is now out for Public Review. This is an important next step to be able to entice a University to locate here.

3. COMMISSION COMMENTS:

Anaya – would like an update on the K & Third project

Broughton advised the applicant had begun the project and as they got further along, realized that the cost of construction had gone up so much that they could not continue at this time. Are still processing some small amendments to the project, so they appear to be serious about moving forward.

Anaya - driving here on Broadway he realized the former Village Card room is now gone. The Pho Restaurant is now vacant (corner of F & Broadway) – is there anything in the cue for that area (between F and Moss)?

Broughton – nothing currently, but hoping that the combination of the Broadway & Moss project being complete will spark some interest.

Zaker: As the City moves forward with an RFP and hiring a consultant, could Mr. Rasso be involved in that as he has shown a definite interest.

Broughton – We are actively participating with the Third Avenue Village Association – he believes Mr. Rasso is part of that group and will be actively involved.

Also, is there anything at Third & E Streets?

Sr. Planner Donn – is working on that project with a developer who is planning a Senior Housing Development – (55+) - single unit apartments.

Broughton – on the corner – a developer is interested in a nice restaurant.

Kitty-corner to that location – we have an application for a mixed-use project.

ADJOURNMENT at 7:14 p.m. to the next Regular Planning Commission Meeting on April 11, 2018 at 6:00 p.m., in the Council Chambers.

DRAFT