

RESOLUTION NUMBER R- 313525

DATE OF FINAL PASSAGE MAY 19 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO STATING FOR THE RECORD THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CHULA VISTA BAYFRONT MASTER PLAN AND PORT MASTER PLAN (PROJECT), AND HAS ADOPTED FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BEFORE CONSIDERING THE DISCRETIONARY APPROVAL OF ACTIONS RELATED TO IMPLEMENTATION OF THE PROJECT.

WHEREAS, pursuant to an existing easement, the City of San Diego (City) owns, maintains, and operates, a 78-inch San Diego South Metro Interceptor Sewer Pipeline (Sewer Pipeline) within the City of Chula Vista (Chula Vista); and

WHEREAS, Chula Vista, as part of a new development known as the Bayfront RV Park, desires to construct, operate and maintain a new segment of E Street, extending between Interstate 5 and Bay Boulevard, over the City's easement for the existing Sewer Pipeline; and

WHEREAS, the City and Chula Vista have negotiated a Joint Use Agreement affecting E Street and Bay Boulevard (Joint Use Agreement) to set out their respective rights and obligations for future use of the joint use area; and

WHEREAS, the easement for the City's existing Sewer Pipeline and the extension of E Street are within the land use jurisdiction of, the San Diego Unified Port District (District); and

WHEREAS, in accordance with the California Environmental Quality Act of 1970, Public Resources Code sections 21000 *et seq.* (CEQA), and the related State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 *et seq.*, the District, as the

lead agency for the Chula Vista Bayfront Master Plan and Port Master Plan (Project), prepared a Final Environmental Impact Report (SCH No. 2005081077; UPD #83356-EIR-658), dated April 2010, (FEIR), one Errata dated May 2010, and Attachment 1 - Addendum to the FEIR dated July 2013, which documents, describe, disclose, and analyze the environmental impacts of the Project, including all components pertaining to the extension of E Street necessitating the City and Chula Vista entering into the Joint Use Agreement; and

WHEREAS, on May 18, 2010, pursuant to CEQA, and the CEQA Guidelines, the District certified the FEIR, a copy of which is accessible through a website link provided in the staff report accompanying this Resolution (Staff Report); and

WHEREAS, also on May 18, 2010, the District adopted the Findings of Fact and Statement of Overriding Considerations, as well as the Mitigation Monitoring and Reporting Program (collectively, Additional FEIR Documents), in connection with the FEIR, and a copy of the Additional FEIR Documents is accessible through a website link provided in the Staff Report; and

WHEREAS, Attachment 1 – Addendum to the FEIR which specifically addresses "Revisions to H Street Extension Project," (a project unrelated to the current action being taken by the City) was adopted by the District on October 10, 2013; and

WHEREAS, the District approved the Chula Vista Bayfront Master Plan and Port Master Plan concurrently with its certification of the FEIR and adoption of the Additional FEIR Documents; and

WHEREAS, the City, acting through the Council, is a responsible agency for the Project, as provided in CEQA Guidelines section 15381, because the Council is considering the discretionary approval of the Joint Use Agreement and related implementing actions, and when

effectuated in accordance with its terms and conditions, the Joint Use Agreement will help facilitate Chula Vista's development of the Project; and

WHEREAS, before considering the discretionary approval of the Joint Use Agreement and related implementing actions, the Council desires to: (a) certify that it has reviewed and considered the FEIR, Errata, and Attachment 1 – Addendum to FEIR; and (b) adopt the Additional FEIR Documents pursuant to CEQA Guidelines sections 15050, 15091, and 15096; and

WHEREAS, the Council has held a public hearing, and has reviewed and considered the written and verbal testimony and evidence presented at or before the public hearing, regarding the subject matter of this Resolution; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council, acting in its independent judgment, has reviewed and considered the information contained in the FEIR, Errata, Attachment 1 – Addendum to FEIR and the Additional FEIR Documents (collectively, CEQA Documents) relevant to the City's approval of discretionary actions within the City's jurisdiction necessary for the future implementation of the Project.

2. Based upon its review and consideration of the CEQA Documents, the Council, acting in its independent judgment, determines and concludes as follows:

- a. In certifying the FEIR, the District has already identified, analyzed, disclosed, and adopted the mitigation measures for the Project;
- b. The information and analyses contained in the CEQA Documents, including the Findings of Fact, are adequate for the City's use as a

responsible agency and for the City's consideration of discretionary actions to implement the Project;

- c. The City-approved discretionary actions to implement the Project are within the scope of the activities described and evaluated in the CEQA Documents;
- d. The City has not identified a feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment; and
- e. Since the District certified the Final EIR, there have been no substantial changes to the Project and no substantial changes in Project circumstances that would require major revisions to the CEQA Documents due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance regarding the Project that would change the conclusions set forth in the CEQA Documents.

3. The City, as a responsible agency under CEQA, adopts the District's Findings of Fact related to the Final EIR for the Project as its own findings under CEQA to the fullest possible extent that those Findings of Fact are relevant to the City's decision to approve discretionary actions to implement the Project.

4. The City, as a responsible agency under CEQA, concurs with the Statement of Overriding Considerations adopted by the District on May 18, 2010, and adopts the Statement of

Overriding Considerations and the related finding that the benefits of the Project outweigh the adverse environmental impacts not reduced to below a level of significance.

5. Pursuant to California Public Resources Code section 21081.6, the Council concurs with the Mitigation Monitoring and Reporting Program adopted by the District on May 18, 2010, and adopts the Mitigation Monitoring and Reporting Program to implement the changes to the Project as required by the Council in order to mitigate or avoid significant effects on the environment.

6. The City Clerk is directed to file a subsequent action Notice of Determination with the Clerk of the San Diego County Board of Supervisors following the City's approval of any discretionary action related to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa Ables
Melissa Ables
Deputy City Attorney

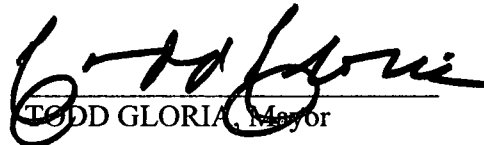
MDA:nja
04/26/21
Or. Dept: READ
Doc. No. 2645182
Comp. R-2021-430

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 05/18/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 5/19/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 18 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 19 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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