RESOLUTION NO. EIR 05-01

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR 05-01) FOR THE GENERAL PLAN UPDATE AND RELATED ACTIONS; MAKING CERTAIN FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the General Plan Update process was initiated by the City of Chula Vista in April of 2000; and

WHEREAS, a Draft EIR 05-01 for the General Plan Update (also referred to herein as the "Project") was issued for public review on December 31, 2004, and was processed through the State Clearinghouse; and

WHEREAS, the Chula Vista Planning Commission held a duly noticed public hearing for Draft EIR 05-01 on February 14, 2005, to close the public review period; and

WHEREAS, a re-circulated Draft EIR 05-01 for the General Plan Update was issued for public review on September 19, 2005 and was processed through the State Clearinghouse; and

WHEREAS, the Chula Vista Planning Commission held a duly noticed public hearing for re-circulated Draft EIR 05-01 on November 2, 2005, to close the public review period, and following the close of the public hearing, the public review period ended on November 2, 2005; and

WHEREAS, a Final Environmental Impact Report (FEIR 05-01) was prepared on the General Plan Update; and

WHEREAS, on December 8, 2005 the Planning Commission Certified EIR-05-01, and recommended that the City Council certify EIR-05-01; and

WHEREAS, to the extent that the Findings of Fact and the Statement of Overriding Considerations for the Project, dated December 2005 (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Clerk), conclude that proposed mitigation measures outlined in Final EIR 05-01 are feasible and have not been modified, superseded or withdrawn, the City of Chula Vista hereby binds itself to implement those measures.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 General Plan Update.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL of the City of Chula Vista, having reviewed and considered the information in the Final EIR, does hereby certify Final EIR-05-01 and 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 Draft EIR 05-01 held on February 14, 2005, the proceedings and all evidence introduced before the Planning Commission at their public hearing on the re-circulated Draft EIR 05-01 held on November 2, 2005, the minutes and resolutions resulting from the Planning Commission meetings of February 14, 2005, November 2, 2005, and December 8, 2005, are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, including all documents specified in Public Resources Code Section 21167.6, subdivision(e(1)-(11)), shall comprise the entire record of proceedings for any claims under the California Environmental Quality Act ("CEQA") (Public Resources Code §21000 et seq.). Pursuant to CEQA Guidelines section 15091(e), the City of Chula Vista specifies the Environmental Review Coordinator of the City and the City Clerk as the custodians of the documents which constitute the records of proceedings.

II. FEIR 05-01 CONTENTS

That the FEIR 05-01 consists of the following:

1. Final EIR for the City of Chula Vista General Plan Update (including all technical appendices); and

2. Comments on the Draft EIR and the Lead Agency's Responses to Comments; and

3. Errata

(All hereafter collectively referred to as "FEIR 05-01")

III. ACCOMPANYING DOCUMENTS TO FEIR 05-01

1. Mitigation Monitoring and Reporting Program; and

2. Findings of Fact and Statement of Overriding Considerations

IV. CERTIFICATION OF COMPIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council does hereby find that FEIR 05-01, the Findings of Fact and the Statement of Overriding Considerations (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 requirement 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 CITY COUNCIL

The City Council finds that the FEIR 05-01 reflects the independent judgment and analysis of the City of Chula Vista.

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

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 05-01 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 and specifically identified 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 and Selected Mitigation Measures

As more fully identified and set forth in FEIR 05-01 and in the Findings of Fact, Section XIII, for the 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-05-01, and selected mitigation measures, are determined to be infeasible based on specific economic, legal, social, technological or other considerations. Section XIII identifies the factual basis for this conclusion, which includes but is not limited to the determination that project alternatives and selected mitigation measures do not reduce impacts to a less than significant level or meet several project objectives.

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. Therefore, the City Council of the City of Chula Vista hereby issues and approves, pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations in the form set forth in Exhibit "A," a copy of which is on file in the office of the City Clerk, identifying the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable.

E. 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 Program is designed to ensure that, during project implementation, the City 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.

VII. NOTICE OF DETERMINATION

The Environmental Review Coordinator 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(e)(1)-(11), shall comprise the entire record of proceedings for any claims under the California Environmental Quality Act ("CEQA") (Public Resources Code §21000 et seq.).

BE IT FURTHER RESOLVED THAT, having considered the information contained in the Final EIR, the City Council of the City of Chula Vista certifies EIR-05-01, and finds that the Findings of Fact and Statement of Overriding Considerations

(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 requirement of 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:	Approved as to form by:
_____	_____
James D. Sandoval	Ann Moore
Director of Planning and Building	City Attorney

CITY OF CHULA VISTA GENERAL PLAN UPDATE

ENVIRONMENTAL IMPACT REPORT

FINAL CEQA FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATIONS

DECEMBER 2005

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BEFORE THE CHULA VISTA CITY COUNCIL

RE: City of Chula Vista General Plan Update;
Environmental Impact Report EIR #05-01, SCH #2004081066

FINDINGS OF FACT

I.

INTRODUCTION

The Environmental Impact Report (EIR) prepared for this project addressed the potential environmental effects that could result from growth and development in accordance with the proposed City of Chula Vista General Plan Update. The EIR analysis focused on two primary components of the proposed General Plan Update: (1) physical development potential and (2) the goals/policies and subsequent action items/implementation measures. Three alternative land use scenarios were developed as part of the outreach program for the General Plan Update. Each scenario identified possible land use changes in the three of the four planning areas of the General Plan area. After review of these scenarios, a Preferred Plan was developed and reviewed. All four of these land use plans were evaluated at an equivalent level of detail throughout this EIR.

In addition, the EIR evaluated four CEQA alternatives to the proposed project: the No Project Alternative, the Reduced Project Alternative, the Community Character Alternative, and the Reduced Traffic Impact Alternative.

These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, 15000 et seq.).

II.

DEFINITIONS

“AAQS” means Ambient Air Quality Standards.
“AASHTO” means American Association of State Highway and Transportation Officials.
“AB” means Assembly Bill.
“ADT” means average daily traffic.
“AHP“ means Affordable Housing Program.

“ALUCP” means Airport Land Use Compatibility Plan.
“AQIP“ means Air Quality Improvement Plan.
“APCD” means San Diego Air Pollution Control District.
“AST” means aboveground storage tank.
“BACT” means Best Available Control Technology.
“BMPs” means best management practices.
“BRT” means Bus Rapid Transit.
“CalEPA” means California Environmental Protection Agency.
“Cal/OSHA” means California Occupational Safety and Health Administration.
“Caltrans” means California Department of Transportation.
“Calveno” means California Vehicle Noise Emission Levels.
“CARB” means California Air Resources Board.
“CDFG” means California Department of Fish and Game.
“CDMG” means California Divisions of Mines and Geology.
“CCAA” means California Clean Air Act.
“CCC” means California Coastal Commission.
“CEC” means California Energy Commission.
“CEQA” means California Environmental Quality Act.
“CERCLIS” means Comprehensive Environmental Response, Compensation, and Liability Information System.
“CESA” means California Endangered Species Act.
CGS” means California Geological Survey.
CIP” means Capital Improvement Program.
“City” means City of Chula Vista.
CIWMB” means California Integrated Waste Management Board.
CIWMP” means Countywide Integrated Waste Management Plan.
“CMP” means Congestion Management Program.
“CNEL” means community noise equivalent level.
“COG” means council-of-governments.
“COHWMP” means County Hazardous Waste Management Plan.
“CO_2” means Carbon Dioxide.
“CPUC” means California Public Utilities Commission.
“CRA” means Colorado River Aqueduct.
“CVESD” means Chula Vista Elementary School District.
“CVT” means Chula Vista Transit.
“CWA” means Clean Water Act.
“dB(A)” means A-weighted decibels.
“DEH” means Department of Environmental Health.
“DHS” means Department of Health Services.
“DIF” means Development Impact Fee.
“DMG” means California Division of Mines and Geology.
“DHS” means Department of Health Services.
“DOE” means Department of Energy.

“du/ac” means dwelling units per acre.
“DTSC” means Department of Toxic Substances Control.
“EDUs” means Equivalent Dwelling Units.
“EIR” means environmental impact report.
“EPA” means Environmental Protection Agency.
“ERNS” means Emergency Response Notification System.
“ESL” means English as a Second Language.
“FARs” means floor area ratios.
“Fed/OSHA” means Federal Occupational Safety and Health Administration.
“FEMA” means Federal Emergency Management Agency.
“FESA” means Federal Endangered Species Act.
“FHWA” means Federal Highway Administration.
“FIRM” means Flood Insurance Rate Maps.
“FMMP” means Farmland Mapping and Monitoring Program.
“GED” means General Education Development.
“GDP” means General Development Plan.
“GMOC” means Growth Management Oversight Committee.
“gpd” means gallons per day.
“GPS” means global positioning system.
“GSF” means gross square feet.
“HABS” means Historic American Building Survey.
“HCD” means Housing and Community Development.
“HCM” means Highway Capacity Manual.
“HLIT” means Habitat Loss and Incidental Take.
“HWCL” means Hazardous Waste Control Law.
“IA” means Implementing Agreement.
“ICLEI” means International Council of Local Environmental Initiatives.
“IID” means Imperial Irrigation District.
“IRP” means Integrated Water Resources Plan, 2003 Update.
“IWMA” means California Integrated Waste Management Act.
“JEPA” means Joint Exercise of Powers Authority.
“JURMP” means Jurisdictional Urban Runoff Management Program.
“LAC” means Local Assessment Committee.
“LCP” means Local Coastal Program.
“LEA” means Local Enforcement Agency.
“LEED” means Leadership in Energy and Environmental Design.
“L_{max}” means maximum noise level.
“LMV” means low-medium village.
“LOMA” means Letter of Map Amendment.
“LOMR-F” means Letter of Map Revision-Based on Fill.
“LOS” means level of service.
“LRT” means Light Rail Transit.
“LUST” means Leaking Underground Storage Tanks.

“LUSTIS” means Leaking Underground Storage Tanks Information System.
“LUT” means Land Use and Transportation Element.
“MEP” means maximum extent practicable.
“METRO” means Metropolitan Wastewater System.
“mgd” means million gallons per day.
“MHPA” means Multi-Habitat Planning Area.
“MITC” means Multi-Institutional Teaching Center.
“MSCP” means Multiple Species Conservation Program.
“MSL” means mean sea level.
“MW” means megawatt.
“MWD” means Metropolitan Water District of Southern California.
“NAAQS” means national ambient air quality standards.
“NCCP” means Natural Communities Conservation Planning Act.
“NDFE” means Non-Disposal Facility Element.
“NEIC” means National Earthquake Information Center.
“NFA” means No Further Action.
“NOP” means Notice of Preparation.
“NOx” means nitrogen oxides.
“NPDES” means National Pollutant Discharge Elimination System.
“NPL” means National Priorities List.
“NWR” means National Wildlife Refuge.
“OVRP” means Otay Valley Regional Park.
“OVT” means Otay Valley Trunk.
“OWD” means Otay Water District.
“PCC” means Portland cement concrete.
“PFDIF” means Public Facilities Development Impact Fee.
“PFFP” means Public Facilities Financing Plan.
“PLDO” means Park Land Dedication Ordinance.
“$PM_{2.5}$” means 2.5-micron particulate matter.
“PM_{10}” mans 10-micron particulate matter.
“ppm” means parts per million.
“QSA” means Quantification Settlement Agreement.
“RAP” means Remedial Action Plan.
“RAQS” means Regional Air Quality Standards.
“RCC” means Resource Conservation Commission.
“RCP” means Regional Comprehensive Plan.
“RCRA” means Resource Conservation and Recovery Act.
“RHB” means Radiological Health Branch.
“RMP” means Resource Management Plan.
“ROWs” means right-of-ways.
“RTP” means Regional Transportation Plan.
“RTIP” means Regional Transportation Improvement Program.
“RTV” means Regional Transit Vision.

“RWQCB” means Regional Water Quality Control Boards.
“SANTEC/ITE” means San Diego Traffic Engineering Council/Institute of Transportation Engineers.
“SBPP” means South Bay Power Plant.
“SBWRP” means South Bay Water Reclamation Plant.
“SCAQMD” means South Coast Air Quality Management District.
“SDAB” means San Diego Air Basin.
“SDCWA” means San Diego County Water Authority.
“SDG&E” means San Diego Gas & Electric Company.
“SDREO” means San Diego Regional Energy Office.
“SDWA” means Safe Drinking Water Act.
“SEIR” means Subsequent Environmental Impact Report.
“SEL” means sound exposure level.
“SFHA” means Special Flood Hazard Area.
“SIP” means State Implementation Plan.
“SLIC” means Spills, Leaks, Investigation and Cleanup.
“SMARA” means Surface Mining and Reclamation Act.
“SMGB” means State Mining and Geology Board.
“SoCalGas” means Southern California Gas Company.
“SOx” means sulfur oxides.
“SPA” means Sectional Planning Area.
“SPL” means sound pressure level.
“SRP” means Subregional Plan.
“SRRE” means Source Reduction and Recycling Element.
“SUHSD” means Sweetwater Union High School District.
“SUSMP” means Standard Urban Stormwater Mitigation Plan.
“SVOCs” means semi-volatile organic compounds.
“SWIS” means Solid Waste Information System.
“SWP” means State Water Project.
“SWPPP” means storm water pollution prevention plan.
“SWRCB” means State Water Resources Control Board.
“TACs” means Toxic Air Contaminants.
“TAZ” means traffic analysis zones.
“TC” means Town Center.
“TCM” means transportation control measures.
“TDIF” means Transportation Development Impact Fee.
“TDM” means Transportation Demand Management.
“THI” means Total Health Hazards Index.
“TRIS” means Toxic Release Inventory System.
“TSM” means Transportation Systems Management.
“URMPs” means Urban Runoff Management Plans.
“USACE” means U.S. Army Corps of Engineers.
“USGS” means United States Geological Survey.

"USFWS" means U.S. Fish and Wildlife Service.
"UST" means Underground Storage Tank.
"VMT" means vehicle miles of travel.
"VOCs" means volatile organic compounds.
"WCP" means Water Conservation Plan.
"WDR" means Waste Discharge Requirements.
"WTP" means Water Treatment Plant.
"WURMP" means Watershed Urban Runoff Management Program.

III.

PROJECT DESCRIPTION

The proposed project is the comprehensive update of the adopted Chula Vista General Plan which addresses the state-mandated General Plan elements as well as other issues that are important to the community. The proposed General Plan Update text contains the following elements, in addition to the current Housing Element: Land Use and Transportation Element; Economic Development Element; Public Facilities and Services Element; Growth Management Element; and Environmental Element. The text also contains additional chapters, including an implementation chapter. One element of the adopted General Plan, the Housing Element, is not a part of the current update. The Chula Vista Housing Element was last amended on May 28, 2002. The adopted Housing Element will be updated separately and restructured to include consistent formatting with the overall General Plan document. No amendments to the Housing Element are proposed as part of the proposed General Plan Update.

In addition to the formulation of the new General Plan elements, land use and circulation changes in three of the four planning areas of the city, the Northwest, Southwest, and East Planning Areas, are proposed. The Bayfront Planning Area is currently undergoing planning evaluation under a separate process with the Unified Port of San Diego. Therefore, the Bayfront Planning Area is not a part of the General Plan Update and no land use designation or Circulation Element roadway changes are proposed within this area. The Cumulative Impacts section of the EIR does address the potential effect of the Chula Vista Bayfront Master Plan, and uses the worst-case condition as part of the analysis for the project. Three scenarios were initially developed for each of the three planning areas. The effects of each of those scenarios were considered as were their effectiveness in achieving long-term objectives. As a result of that consideration, a preferred plan was developed.

For the majority of the city, the proposed General Plan Update would not result in changes to planned land uses. The Preferred Plan seeks to provide a framework that integrates the various neighborhoods of the city and preserves existing community

character and valued physical attributes, including the city's older residential neighborhoods, while providing for new development. In formulating the Preferred Plan, emphasis has been placed on land uses that would potentially stimulate revitalization in developed areas and physically enhance the existing and planned neighborhoods in which they occur. Facilitating connections between the various city neighborhoods is another important goal with the desired consequence being to attract residents from throughout the city to each area's unique attributes. Specific policies have been developed to address the needs of targeted areas within the update area boundary. These general policies are intended to protect or improve, through ultimate design and construction, those attributes that contribute to a positive city image and circulation improvements that facilitate mobility throughout the city and between the city and surrounding jurisdictions.

Discretionary Actions

The proposed discretionary actions to be considered by the Chula Vista City Council associated with the General Plan Update consist of the following:

City of Chula Vista General Plan Amendment

A General Plan Amendment is required for the comprehensive update to the City of Chula Vista General Plan. The proposed Chula Vista General Plan Amendment includes provisions to:

(1) Adopt a new General Plan text, comprised of five new elements consisting of revisions to the elements comprising the current General Plan, with the exception of the current Housing Element. The proposed new elements consist of the following: Land Use and Transportation Element; Economic Development Element; Public Facilities and Services Element; Growth Management Element; and Environmental Element. The proposed General Plan text also contains additional chapters, including an implementation chapter.

(2) Adopt a new General Plan Land Use Diagram and text to provide for land use changes within focused areas as described in the preceding pages and to establish the following new land use designations: Mixed Use Residential, Mixed Use Commercial, Mixed Use Transit Focus Area, and Urban Core Residential (28-60 dwelling units/acre). This component of the General Plan Amendment includes the redesignation of areas currently designated as Open Space throughout the General Plan Area to Open Space, Open Space Preserve, Open Space-Active Recreation in accordance with the definition of these proposed land use categories in the proposed Land Use and Transportation Element. For example, the land use designation of all areas within the Chula Vista Multiple Species Conservation Program (MSCP) Preserve are proposed to be changed to Open Space Preserve.

The plan amendment also adds a Town Center and University Study Area to the Special Plan Area category.

(3) Adopt a new Circulation Diagram and Transit System

City of Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan

The proposed General Plan amendment includes a modification of the General Plan Land Use Diagram to ensure that the land use diagram corresponds to the adopted Chula Vista MSCP Subarea Plan. The Chula Vista MSCP Subarea Plan is part of the General Plan.

Amend the City of Chula Vista MSCP Subarea Plan to implement a mapping correction to change approximately 45 acres of active recreation land uses within the Otay River Valley to Preserve.

Otay Ranch General Development Plan (GDP) Amendment/Otay Ranch Resource Management Plan Amendment

Amendments are proposed to the Otay Ranch General Development Plan (GDP), consisting of revisions to the GDP text and to the GDP land use maps and tables that are consistent with the proposed General Plan Amendment. These amendments correspond to the changes in the General Plan described above and are discussed in detail in Section 5.1.3.2 of the EIR.

The proposed Chula Vista General Plan Amendment includes provisions to:

(1) Amend the Otay Ranch General Development Plan (GDP) and Resource Management Plan (RMP) to redefine the eastern and southern boundaries of Villages 9, 10 and 11 consistent with the adopted City of Chula Vista MSCP Subarea Plan.

(2) Amend the Otay Ranch GDP and RMP to include approximately 52 acres of developable University land in the southeastern portion of Salt Creek consistent with the adopted City of Chula Vista MSCP Subarea Plan.

(3) Amend the General Plan and Otay Ranch GDP land use maps to clarify the development areas that have been acquired for open space purposes within Villages 14, 15 and Bella Lago.

Repeal f the Montgomery Specific Plan

The proposed General Plan Update Land Use and Transportation Element contains a Southwest Area Plan, which covers the Montgomery Specific Plan area. Relevant

policies and other provisions from the 1988 Montgomery Specific Plan are included within the Southwest Area Plan, along with current information and new policies and provisions. As a result, the Montgomery Specific Plan is proposed to be repealed with the adoption of the General Plan Update. The Southwest Area Plan calls for preparation of other, more focused specific plans for several districts including Palomar/Gateway, West Fairfield, Main Street, and South Third Avenue.

Project Goals and Objectives

The primary goals and objectives of the General Plan Update project are as follows:

- Continue to expand the local economy by providing a broad range of business, employment and housing opportunities that support an excellent standard of living, and improve the ability for residents to live and work locally.

- Maintain and enhance a high quality-of-life for the City's residents by developing and sustaining a healthy, strong and diverse economic base.

- Protect and increase the industrial land use base to provide for higher-value added jobs, and to support the retention and expansion of local businesses and industries.

- Provide for sufficient land use capacity and density to support revitalization and redevelopment of western Chula Vista.

- Provide a mix of land uses that meets community needs and generates sufficient revenue to sustain exemplary community services, facilities and amenities.

- Ensure that services and infrastructure expand to match needs created by growth and redevelopment, and to support economic prosperity.

- Foster a sustainable circulation/mobility system that provides mode of transportation choices, is well-integrated with the city's land uses, and connects the city both internally and to the region.

- Target higher density and higher intensity development into specific focus areas in order to protect stable residential neighborhoods and to create mixed-use urban environments that are oriented to, and adequately support, transit and pedestrian activity. This targeted development will be well-designed, compatible with adjacent areas, and contribute to the continued vitality of Chula Vista's economy.

- Continue to develop Chula Vista as a city with a distinct identity.

- Ensure sufficient housing capacity, density, and variety to meet existing and future needs, and to support the provision of affordable housing.

- Re-emphasize and revitalize the older, downtown Chula Vista core area as the heart of the city through a combination of public, civic, shopping, employment, entertainment, and residential uses.

- Provide and maintain sufficient land for siting a major, four-year college or university, and ensure surrounding land use types, mixes, and residential densities necessary to support its viability and realization.

- Support and encourage sustainable development patterns and practices, such as resource conservation, environmental management, transportation management, and compact development in both public and private projects.

- Provide ample access to, and connections between, Chula Vista's open space and trails network and the regional network, in accordance with the Chula Vista MSCP Subarea Plan, Chula Vista Greenbelt Master Plan, and Otay Valley Regional Park Concept Plan.

- Conserve Chula Vista's sensitive biological and other valuable natural resources.

- Protect Chula Vista's important historic resources.

IV.

BACKGROUND

State law (Government Code Section 65300) requires that each city and county adopt a comprehensive General Plan. The proposed project fulfilled this requirement by updating the City's adopted General Plan, which was last comprehensively updated on July 11, 1989 and subsequently amended in 1993 to include planning for the Otay Ranch project.

The General Plan team of staff and consultants prepared baseline and areawide studies for the City of Chula Vista. These baseline studies were prepared to present the most recent data available for the City of Chula Vista. The reports included a description of current regulatory requirements that would be relevant to planning and development of the city, as well as a description of current planning activities in the region. The baseline and areawide studies addressed aspects of the community that were considered in the planning process, such as circulation, public services and facilities, biological resources, geology, paleontology, cultural resources, noise, and air quality. These documents

provide much of the technical background data necessary to prepare the General Plan EIR.

The City has maintained a website (http://www.chulavistaca.gov/City_Services/Development_Services/Planning_Building/General_Plan/default.asp) to regularly disseminate General Plan Update information. Workshops, the Internet, and community meetings were part of an extensive outreach program to involve the public in the update of the General Plan. As part of the public outreach and participation program for the General Plan Update, the City Council authorized the formation of citizen committees. The committees helped guide the process and assisted in preparation of the Update by providing a means for ongoing involvement by key community stakeholder interests (e.g., education, business, environment, housing, community services, etc.), select City boards and commissions, and residents.

The committee structure consisted of a Steering Committee, and three Subcommittees related to major topic areas of the General Plan Update: Economic Development; Environment, Open Space & Sustainable Development; and Infrastructure & Services. Each Subcommittee consisted of 13 to 14 people and included representation from City boards and commissions, community organizations, and residents. The Steering Committee has 13 members, which includes one representative from each of the Subcommittees. The Steering Committee has provided oversight to the General Plan Update process, and facilitated communication among key stakeholders by providing a conduit for sharing information, issues, and the perspectives of diverse interests in the community. The three Subcommittees have served as a means to identify and discuss issues and concerns, key goals and objectives related to each of their particular subject areas. They have also reviewed information from related technical studies, and reviewed the draft General Plan elements within their subject areas.

The EIR assessed the environmental impacts of all the discretionary actions related to the adoption of the General Plan Update and related plan amendments. It proposed an update of the City's General Plan, which was last comprehensively updated in 1989. It constitutes a Program EIR under the provisions of Section 15168 of the State CEQA Guidelines. A Program EIR allows for review of a series of contemplated actions. The City of Chula Vista and other agencies will be able to use information presented in this Program EIR to determine if additional environmental review is required for subsequent actions linked to the project. The document was prepared in accordance with the California Environmental Quality Act of 1970 as amended and the guidelines of the City of Chula Vista.

V.

RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth below, the administrative record of the City Council decision on the environmental analysis of this project shall include but not be limited to the following:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the project;

- The Draft EIR for the project (EIR #05-01), including appendixes and technical reports, as circulated for Public Review on December 31, 2004;

- Comments received from members of the public and public agencies regarding the Draft EIR that was circulated for Public Review on December 31, 2004;

- The Recirculated Draft and Final EIR for the project (EIR #05-01), including appendixes and technical reports, and documents incorporated by reference as circulated for Public Review on September 19, 2005, and the Mitigation Monitoring and Reporting Program of the Project

- Mitigation Monitoring and Reporting Program.

- All documents and comments and correspondence submitted by members of the public and public agencies in connection with this project, in addition to comments on the Recirculated EIR for the project;

- All documents submitted to the City by other public agencies or members of the public in connection with this project, up through the close of the public hearing on November 2, 2005.

- Minutes and verbatim transcripts of all workshops, public meetings, and public hearings held by the City of Chula Vista, or videotapes where transcripts are not available or adequate, with respect to this project or the EIR for the project;

- Any documentary or other evidence submitted at workshops, public meetings, and public hearings for this project;

- All findings and resolutions adopted by City decisionmakers in connection with this project, including all resolutions by the Planning Commission and City Council, and all documents cited or referred to therein;

- Matters of common knowledge to the City of Chula Vista which the members of the City Council consider regarding this project, including federal, state, and local laws and regulations, and including but not limited to the following:

- City of Chula Vista General Plan EIR, 1989.
- City of Chula Vista General Plan Update, 1995.
- Notice of Preparation for the EIR for the Chula Vista General Plan Update.
- Final Program EIR for the Otay Ranch General Development Plan/Sub-Regional Plan EIR (90-01), 1992.
- Otay Ranch General Development and Sub-Regional Plan, 1992.
- San Diego County Water Authority Urban Water Management Plan, 2000.
- Otay Water District 2000 Urban Water Management Plan, 2000.
- Sweetwater Authority Urban Water Management Plan, 2000.
- Sweetwater Authority Water Distribution System Master Plan, 2002.
- Otay Water District Water Resources Master Plan, 2002.
- Metropolitan Water District of Southern California Water Supply Report, 2003.
- Metropolitan Water District of Southern California Integrated Water Resources Plan, 2003.
- San Diego County Water Authority Annual Supply Report, 2004.
- Baldwin Vista Agricultural Management Map for Otay River, Jamul-Proctor Valley, and San Ysidro Mountains, 1989.
- Bolt, Beranek, and Newman, Inc. *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*. Prepared for the U.S. Environmental Protection Agency, Office of Noise Abatement and Control. NTID300.1. December 31, 1971.
- California Department of Finance Current City of Chula Vista population. http://www.dof.ca.gov/HTML/DEMOGRAP/E-1text.htm, January 1, 2004.
- California Department of Transportation (Caltrans) California Vehicle Noise Emission Levels. Report No. FHWA/CA/Tl-84/13, August 1983.
- Caltrans Traffic and Vehicle Data Systems Unit website at http://www.dot.ca/gov/hq/ 2003 traffops/saferesr/trafdata. Accessed January 15.
- California Division of Mines and Geology Planning Scenario for a Major Earthquake, San Diego-Tijuana Metropolitan Area: Special Publication 100, 1998.
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- State of California Guidelines for Air Quality Impact Assessment for General Development and Transportation-Related Projects, June 1989.
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- State of California *$PM_{2.5}$ Monitoring Sites in California*. California Air Resources Board Internet Site. URL http://www.arb.ca.gov/aqd/pm25/pmfmon.htm. June 2001.

- State of California Special Plants List. Natural Diversity Data Base. Department of Fish and Game. January 2002.
- State of California *Particulate Matter*. California Air Resources Board Internet Site. URL http://http://www.arb.ca.gov/research/aaqs/caaqs/pm/pm.htm, 2003.
- State of California *California's Diesel Risk Reduction Program*. California Air Resources Board Internet Site. URL http://www.arb.ca.gov/diesel/dieselrrp.htm. February 2005.
- City of Chula Vista Growth Management Program. November 1991.
- City of Chula Vista Local Coastal Program-Land Use Plan (Ordinance No. 2532). Certified by the California Coastal Commission January 15, 1993. October 13.
- City of Chula Vista Otay Ranch GDP EIR, 1992.
- City of Chula Vista Chula Vista Landscape Manual, 1994.
- City of Chula Vista Otay Ranch General Development Plan, 1996.
- City of Chula Vista Otay Ranch Resource Management Plan, 1996.
- City of Chula Vista Addendum to the Final EIR/EIS for the Chula Vista MSCP Subarea Plan, 2000.

  City of Chula Vista Assessment of Chula Vista's Energy Management Options, February, 2001.
- City of Chula Vista Supplemental EIR/EA for the Revised Chula Vista MSCP Subarea Plan, 2002.
- City of Chula Vista Office of the City Manager, City of Chula Vista internet page: http://www.ci. chula-vista.ca.us, 2002.
- City of Chula Vista Draft Air Quality Improvement Plan Guidelines, December 2002.
- City of Chula Vista Index Pilot Test: SPA Air Quality Improvement Plans. June. 2002.
- City of Chula Vista City of Chula Vista MSCP Subarea Plan, February 2003.
- City of Chula Vista Department of Finance. Draft Study Comparison Tables, February 6, 2004.
- City of Chula Vista Chula Vista General Plan Update Water Technical Report, December 2004.
- City of Chula Vista Natural Systems and Biological Resources General Plan Baseline Study, March 29, 2004.
- Federal Highway Administration Noise Prediction Model, Report No. FHWA-RD-77-108, with California Vehicle Noise Emissions Levels. Federal Highway Administration, Washington, D.C.
- Federal Highway Administration Highway Capacity Manual, 2000.
- Transportation Project-Level Carbon Monoxide Protocol. Institute of Transportation Studies, University of California, Davis. Report Number UCD-ITS-RR-97-21. December, 1997.
- Natural Hazards/Geology Baseline Study, City of Chula Vista General Plan Update. January 6, 2003.
- PBS&J Wastewater Master Plan Technical Memorandum, December, 2004.
- Noise Technical Report for the Republic Imperial Landfill Expansion. RECON Number 2666N. March 26, 1996.
- Final Second Tier Environmental Impact Report for Otay Ranch Village Six Sectional Planning Area Plan. December 17, 2001.

- Final Baseline Study for the City of Chula Vista Agricultural Resources. October 14. 2003.
- Final Baseline Study for the City of Chula Vista Air Quality. September 11, 2003.
- Revised Draft Baseline Study for the City of Chula Vista Cultural Resources. February 18, 2003.
- Final Baseline Study for the City of Chula Vista Energy Resources. September 11, 2003.
- Final Baseline Study for the City of Chula Vista Solid and Hazardous Waste/Hazardous Materials. October 14, 2003.
- Final Baseline Study for the City of Chula Vista Mineral Resources/Surface Mining and Reclamation Act (SMARA). September 11, 2003.
- Final Baseline Study for the City of Chula Vista Noise Technical Report. September 22, 2003.
- Final Baseline Study for the City of Chula Vista Scenic Resources. October 14, 2003.
- Water Quality Control Plan for the San Diego Basin (9). Regional Water Quality Control Board [RWQCB], 1975.
- San Diego Association of Governments (SANDAG) Regional Transportation Plan. February 1994.
- SANDAG Data Warehouse, SANDAG internet page: http://www.sandag.org/. 2001.
- San Diego Association of Governments (SANDAG) *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region.* April 2002.
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- SANDAG Transportation Forecast Information Center website at http://pele.sandag.org/trfic.html. Accessed January 2003.
- SANDAG Energy 2030: The San Diego Regional Energy Strategy. May 2003.
- SANDAG http://www.sandag.org/resources/demographics_and_other_data/ demographics/fastfacts/esco.htm. March 23, 2004.
- SANDAG Regional Comprehensive Plan EIR, 2004.
- City of San Diego, City of Final EIR/EIS for the MSCP Subregional Plan, 1997.
- County of San Diego 1991/1992 Regional Air Quality Strategies. San Diego Air Pollution Control District. June, 1992.
- County of San Diego *Air Quality in San Diego County*. 1997 Annual Report. San Diego Air Pollution Control District.
- County of San Diego *Air Quality in San Diego County*. 1998 Annual Report. San Diego Air Pollution Control District.
- County of San Diego Technical Appendices for Final Environmental Impact Report – Otay Landfill Development and Expansion Plan. Prepared for Department of Planning and Land Use. February, 2000.
- County of San Diego *Air Quality in San Diego County*. 1999 Annual Report. San Diego Air Pollution Control District, 2000.
- County of San Diego Draft Air Quality Analysis Format Guidelines. August 18, 2000.

- County of San Diego Fact Sheets. San Diego APCD website: http://www.sdapcd.co.san-diego.ca.us/facts/info_facts.html. 2001.
- County of San Diego 2000 Air Toxics "Hot Spots" Program Report for San Diego County. California Air Toxics "Hot Spots" Information and Assessment Act (AB2588), October 2001.
- County of San Diego *Attainment Status – Fact Sheet.* San Diego Air Pollution Control District. January 2002.
- County of San Diego *Frequently Asked Questions*. San Diego Air Pollution Control District Internet Site. URL http://www.sdapcd.co.san-diego.ca.us/news/FAQS.htm. January 2002.
- County of San Diego Department of Planning and Land Use Community Planning and Subregional Areas website: http://www.sdcounty.ca.gov/cnty/cntydepts/ landuse/planning/ GP2020/comm/sweetwater.htm. 2004.
- San Diego County Water Authority Urban Water Management Plan, 2000.
- San Joaquin Valley Unified Air Pollution Control District *URBEMIS7G Computer Program User's Guide, Version 3.1.* Prepared by Jones & Stokes Associates. August 1998.
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- Environmental Impact Report, MCA Chula Vista Amphitheater, SCH# 95031073. City of Chula Vista. August 1995.
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- Guidelines for Ground-Water Classification Under the [1984] EPA Ground-Water Protection Strategy, Final Draft", Office of Ground-Water Protection U.S. Environmental Protection Agency, November 1986.
- U.S. Environmental Protection Agency Federal Clean Air Act, Section 109. 1990.
- U.S. Environmental Protection Agency *Implementation of Standards – Fact Sheet*. United States Office Environmental Protection Agency, Office of Air & Radiation, Office of Air Quality Planning & Standards Internet Site URL http://www.epa.gov/ttn.oarpg/naaqsfin/implem. html. June 1997.
- U.S. Environmental Protection Agency Plain English Guide to the Clean Air Act. U.S. EPA website: http://www.epa.gov/oar/oaqps/peg_caa/pegcaain.html. May 2002.
- U.S. Environmental Protection Agency Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates; Final Rule. *Federal* Register 69(84):23857-23951, April 30, 2004.
- U.S. Environmental Protection Agency Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard – Phase 1; Final Rule. *Federal Register* 69(84):23951-24000, April 30, 2004.
- U.S. Environmental Protection Agency Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards; Final Rule. *Federal* Register 70(3):944-1019, January 5, 2004.

- U.S. Geological Survey Probabilistic Seismic Hazard Assessment for the Western United States, 1999.
- Yolo-Solano Air Quality Management District *Software User's Guide: URBEMIS2002 for Windows with Enhanced Construction Module, Version 7.4.* Prepared by Jones & Stokes Associates. May 2003.
- City of Chula Vista General Plan Update, 2005.
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).
- All other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e)

The custodian of the documents comprising the record of proceedings is the Clerk to the City Council, whose office is located at 276 Fourth Avenue, Chula Vista, California, 91910.

The City Council has relied on all of the documents listed above in reaching its decision on the City of Chula Vista General Plan Update, even if not every document was formally presented to the City Council or City Staff as part of the City files generated in connection with the City of Chula Vista General Plan Update. Without exception, any documents set forth above not found in the project files fall into one of two categories. The first category are those documents that reflect prior planning or legislative decisions of which the City Council was aware in approving the City of Chula Vista General Plan Update. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392 [142 Cal.Rptr. 873]; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6 [252 Cal.Rptr. 620].) The second category are those documents that influenced the expert advice provided to City Staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to the adoption of City of Chula Vista General Plan Update. (See Pub. Resources Code, section 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866 [226 Cal.Rptr. 575]; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155 [39 Cal.Rptr.2d 54].)

VI.

FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides in relevant part, that "it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen*

the significant environmental effects of such projects[.]" (Emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." (Emphasis added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (*See* Pub. Resources Code, section 21081, subd. (a); CEQA Guidelines, section 15091, subd. (a).)

For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions, together with a brief of the rationale for each finding.

- The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, section 15091, subd. (a)(1).)

- The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, section 15091, subd. (a)(2).)

- The third potential finding is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, section 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410].) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [183 Cal.Rptr. 898].) "'[F]easibility' under CEQA encompasses 'desirability' to the extent

that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182].)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, section 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-527 [147 Cal.Rptr. 842], in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the "regional traffic problem") less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] *or* substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not explicitly require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however,

where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, section 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, sections 15093, 15043, subd. (b); see also Pub. Resources Code, section 21081, subd. (b).) The California Supreme Court has stated that "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d 553, 576.)

VII.

LEGAL EFFECT OF FINDINGS

To the extent that these findings conclude that proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City of Chula Vista ("City" or "decisionmakers") hereby binds itself and any other responsible parties, require implementation of those measures. These findings, in other words, constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) approving the project.

The adopted mitigation measures are express conditions of approval. Other requirements are referenced in the mitigation monitoring reporting program adopted concurrently with these findings, and will be effectuated through the process of implementing the project.

VIII.

MITIGATION MONITORING PROGRAM

As required by Public Resources Code section 21081.6, subd. (a)(1), the City of Chula Vista, in adopting these findings, also adopts a mitigation monitoring and reporting program (MMRP) as prepared by the environmental consultant under the direction of the City. The program is designed to ensure that during project implementation, the

applicant and any other responsible parties comply with the feasible mitigation measures identified below. The program is described in the document entitled City of Chula Vista General Plan Update Mitigation Monitoring Reporting Program. The MMRP will remain available for public review during the compliance period.

IX.

GROWTH INDUCEMENT

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of the ways in which the project could foster economic or population growth and remove obstacles to growth. The proposed Preferred Plan would accommodate an increase in population within the General Plan Area in comparison to the adopted General Plan (Table IX-1). New residents would locate in Chula Vista because of the diverse employment base and proposed new housing developments.

TABLE IX-1
INCREASE IN POPULATION AND HOUSING UNITS OVER ADOPTED PLAN

Scenario	Population Increase Over Adopted Plan	Increase in Housing Units Over Adopted Plan
Preferred	41,153	16,638
1	34,170	13,681
2	42,461	16,903
3	28,280	11,709

NOTE: Population and dwelling units are for incorporated area of the city.

The proposed General Plan Update would accommodate additional growth beyond existing conditions and beyond the level possible under the adopted General Plan. As such, people may choose to live in Chula Vista rather than elsewhere in the San Diego region.

SANDAG is the agency responsible for forecasting regional growth. They indicate that population grows in two ways: (1) natural increase, which results from the number of births over deaths; and (2) net migration, which is primarily based on the condition of the local economy (SANDAG 2003). The growth effects of the General Plan Update are manifest; therefore, in the issues associated with people electing to live and work in Chula Vista, rather than elsewhere in the region and beyond. The significance of those effects is contingent upon where they would have lived had this additional housing and employment capacity not been available.

Because the General Plan establishes land uses that can accommodate growth, thereby removing a barrier to growth in the city, it is growth inducing. Therefore, the Preferred Plan will have a significant not mitigated growth inducing impact.

Growth inducement is discussed in Chapter 7.0 of the EIR on Pages 600 and 601. The issues discussed in the Environmental Impact Analysis section of this EIR address the direct and indirect effects of this growth for each of the issues. The findings made below for those issues address the impacts resulting from growth and the required mitigation measures associated with the adoption of the Preferred Plan.

X.

CONSISTENCY WITH THE REGIONAL COMPREHENSIVE PLAN (RCP)

On July 23, 2004, the SANDAG Board of Directors adopted the Regional Comprehensive Plan (RCP) for the San Diego region. The RCP serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future—a future with more choices and opportunities for all residents of the region. The RCP integrates local land use and transportation decisions and focuses attention on future growth. The RCP contains an incentive-based approach to encourage and channel growth into existing and future urban areas and smart growth communities. Consistency with the RCP is presented in Chapter 6.0 of the EIR, pages 583-599.

The goal of the RCP is to ensure a high quality of life for current and future generations and to work toward a society that has resolved its housing shortage, transportation problems, and energy issues, and provides healthy, desirable environments for people and nature.

The Preferred Plan focus on smart growth and walkable communities minimizes much of the potential impacts associated with accommodation of growth. By promoting mobility through an increased jobs/housing balance, transit oriented development, increased densities and more extensive mixed-use developments, the Preferred Plan is consistent with the planning principles outlined in the RCP.

> The RCP defines a shared vision of the future and lays a foundation to achieve that future by improving connections between land use and transportation plans using smart growth principles, using land use and transportation plans to guide decisions regarding environmental and public facility investments; and focusing on collaboration and incentives to achieve regional goals and objectives (SANDAG 2004: 31).

As recognized in the RCP,

> Chula Vista's draft general plan update takes two approaches to accommodating future growth. In several older areas west of Interstate 805, the plan proposes infill development and redevelopment zones. In the newer, eastern portion of the city, it proposes focusing development in master planned communities designed to support regional transit service, such as bus rapid transit (SANDAG 2004:42).

The RCP identifies seven categories for smart growth in the San Diego area. These include: (1) Metropolitan Center, (2) Urban Center, (3) Town Center, (4) Community Center, (5) Transit Corridor, (6) Special Use Center, and (7) Rural Community. For each of these categories, SANDAG identifies the type and intensity of land use, and the transportation and transit issues associated with that land use. These categories are designed to promote mixed use, particularly associated with transit centers; human scale development with a strong pedestrian orientation, and nearby recreational facilities and public plazas.

The RCP sets the following goals for area planning efforts (SANDAG 2004:76):

1. Focus future population and job growth away from rural areas and closer to existing and planned job centers and public facilities to preserve open space and to make more efficient use of existing urban infrastructure.

2. Create safe, healthy, walkable, and vibrant communities that are designed and built accessible to people of all abilities.

3. Integrate the development of land use and transportation, recognizing their interdependence.

The Land Use and Transportation Element sets a series of goals and objectives that address these issues. Goal LUT 6.1 states "Safe, healthy, walkable, and vibrant communities with a balance of jobs and housing." To further this goal Policy LUT 4.2 encourages new development that is organized around compact, walkable, mixed-use neighborhoods and districts in order to conserve open space resources, minimize infrastructure costs, and reduce reliance on the automobile. Higher density residential and mixed-use development would be completed in accordance with Policy LUT 5.13 that provides the following guidelines:

- Create a pleasant walking environment to encourage pedestrian activity.

- Maximize transit usage.

- Provide opportunities for residents to conduct routine errands close to their residence.

- Integrate with surrounding uses to become a part of the neighborhood rather than an isolated project.

- Use architectural elements or themes from the surrounding neighborhood.

- Provide appropriate transition between land use designations to minimize neighbor compatibility conflicts.

XI.

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR identified a number of significant environmental effects (or "impacts") that the project will cause; some can be fully avoided through the adoption of feasible mitigation measures, while others cannot be avoided. The project as described in these findings is the Preferred Plan of the General Plan Update (herein referred to as the Preferred Plan.)_

The project will result in significant environmental changes to the following issues: land use, landform alteration/aesthetics, cultural resources, paleontological resources, energy, transportation, air quality, noise, public utilities (water supply) and housing and population. These significant environmental changes or impacts are discussed in EIR #05-01 in Table 1-3 and in Chapter 5. Some of the impacts can be reduced below a level of significance with the mitigation measures described in the EIR and below. Certain impacts cannot be substantially lessened or avoided with mitigation; but, as described in the Statement of Overriding Considerations, the City Council has determined that the impacts are acceptable because of specific overriding considerations.

Potential impacts were evaluated for the following issues and found not to be significant: biology, geology, agriculture, water quality, public utilities (except water supply), hazards, and mineral resources. The following subsections describe specific impacts, setting forth the reasons why they are significant and where applicable, unavoidable, the mitigation measures, and/or why the mitigation measures proved to be infeasible due to specific economic, social, or other considerations.

A. LAND USE

Land Use: The Final EIR examined the Project's potential impact on Land Use in Section 5.1

Thresholds of Significance: The proposed General Plan Update would result in a significant impact to land use if it would:

- Threshold 1: Physically divide or adversely affect the community character of an established community.

- Threshold 2: Conflict with any applicable land use plan, policy, or regulation or an agency with jurisdiction over the project (including but not limited to the General Plan, Specific Plan, Local Coastal Program, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

- Threshold 3: Conflict with any applicable habitat conservation plan or Natural Communities Conservation Plan.

Impact: The Preferred Plan will adversely affect the community character of an established community (Section 5.1.3.1 – Pages 106-160)

The General Plan Update was determined to have a significant impact on community character as evaluated in accordance with Threshold 1. It was determined to not have significant impacts related to applicable plans, policies, or regulations, or to conflict with an applicable habitat conservation plan in accordance with Thresholds 2 and 3.

Northwest Planning Area

The Preferred Plan modifies designated land uses to allow for an increase of mixed-use development and focus on redevelopment efforts in the Urban Core, along gateways and major transit corridors. Changes to increase density and allow for a greater mix of uses facilitates transit goals and would be consistent with smart growth objectives. Adding more density and increasing the number of multi-family units within the Urban Core has the potential to cause an adverse effect on the community character of the existing residential neighborhoods adjacent to the areas of change.

Implementation of the objectives and policies of the General Plan Update would lessen the impact that would result from the adoption of the plan. By requiring that the quality of existing, stable residential neighborhoods be maintained (Policy LUT 4.2), ensuring that development is sized and designed

to be compatible with surrounding neighborhoods (Policy LUT 4.4), and ensure good street design to minimize and control traffic in residential neighborhoods (Policy LUT 4.6) impacts of the Preferred Plan on community character would be limited. Additionally, Policy LUT 11.5 would require that development in accordance with the Preferred Plan would have a reduced impact on community character by requiring multi-family, commercial, and industrial development to go through a design review process. The design review process would promote quality architecture, landscape, and site design to enhance the character of the area.

LUT 2 and 3 further control impacts to community character of the Northwest Planning Area. LUT 2 requires the establishment a program for development to provide public amenities and/or community services necessary to support urban development and LUT 3 focuses on the urban design and form of new development and redevelopment in a manner that blends with and enhances Chula Vista's character and qualities, both physical and social.

While the adoption of the objectives and polices discussed above would limit the community character impacts associated with the adoption of the Preferred Plan, the impacts would be reduced but not eliminated. The objectives and policies do not completely mitigate the impact because development standards have not been developed. Specific development standards are developed through subsequent planning and zoning actions. The needed standards for development occur at the time Redevelopment Plans or Specific Plans are prepared and zoning is established and applied. Without those standards and these actions, impacts remain significant.

Specific objectives and policies are proposed to preserve the character and retain the quality of the adjacent existing, residential neighborhoods within each of the districts. The following policies would limit the community character impacts of the Preferred Plan within the five districts of the Urban Core Subarea.

- Downtown Third Avenue District – Policies LUT 50.12, 50.13, and 50.16
- H Street Corridor District – Policy LUT 2.4, 3.1, 52.7, and 53.4
- Interstate 5 Corridor District – Policies LUT 54.6, 55.11, 55.12, 56.7, 57.6, 58.8, 58.9, and 58.11
- Mid-Broadway District – Policies LUT 59.7 and 59.8
- Mid-Third District – Policies LUT 60.2 and 60.3

These policies would reduce impacts to community character within the five districts of the Urban Core Subarea from the implementation of the Preferred Plan, but not to below a level of significance. While the policies require

design standards and guidelines be prepared that incorporate and preserve the traditional character of the districts and ensure compatibility with the existing residential neighborhoods by including design and step back guidelines to visually blend with the adjacent existing residential neighborhood, the design standards and guidelines cannot be developed with available information. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans or implementing zoning is developed impacts remain significant.

The Preferred Plan proposes high-rise buildings in the Mixed-Use Transit Focus Areas in the area of H Street and Fourth Avenue and in the area near the E and H Street Trolley Station. The extent to which a high-rise building results in a significant community character impact depends upon its design and setting. Policies associated with Objective LUT 2 and Policies LUT 49.16 and LUT 53.4 listed above establish policies and development standards through the Urban Core Specific Plan that address the development of high-rise buildings. These policies reduce impacts to community character from the development of high-rise buildings resulting from development of the Preferred Plan, but not to below a level of significance. While the policies require the preparation of urban design standards for such issues as building heights and massing, public view corridors, circulation linkages, and the appearance of important gateways within the Mixed-Use Transit Focus Area, development of these standards will be done as part of the Urban Core Specific Plan and cannot be developed with current available information. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant. Future discretionary actions are not permitted by right and will require additional review.

Subsequent to the preparation of the dEIR, it has been proposed that a “mid-rise” height designation be established at the Transit Focus Area at Fourth Avenue and H Street. Such a designation would reduce the land use impacts of the Preferred Plan, but not to below a level of significance. The reason that a significant impact would remain stems from the fact that even with this modification, the project lacks specific design standards and zoning. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

Southwest Planning Area

Within the Montgomery Subarea, the objectives and policies, as well as changes to existing land use designations, are intended to focus

redevelopment efforts generally south of L Street along the South Broadway, South Third Avenue, and Main Street corridors, and on either side of I-5 in the vicinity of the Palomar Street Trolley and the West Fairfield area. Among the important goals for this area is facilitation of economic opportunities through appropriate designation of transit-oriented, industrial, commercial and higher density residential in mixed-use or other appropriate density to facilitate smart growth planning. As with the Northwest Planning Area, the General Plan Update would reduce impacts to adjacent parcels by requiring that the quality of existing, stable residential neighborhoods be maintained (Policies LUT 4.2, 4.3), ensuring that development adheres to quality design standards (Policy LUT 4.4), and ensure good street design to minimize and control traffic in residential neighborhoods (Policy LUT 4.6). Implementation of citywide and specific policies for the Montgomery Subarea is intended to facilitate revitalization while preserving community assets.

Specific objectives and policies are proposed to preserve the character and retain the quality of the adjacent existing, residential neighborhoods within each of the districts. The following policies would reduce impacts to adjacent land uses within the five districts of the Montgomery Subarea from the adoption of the Preferred Plan.

- South Third Avenue District–Policies LUT 41.13, 41.14, 41.15
- South Broadway District–Policies LUT 42.14, 42.15, 42.16
- Palomar Gateway District–Policies LUT 43.1, 43.10
- West Fairfield District–Policy LUT 44.1 and 44.11
- Main Street District–Policies LUT 45.5, 45.13, and 45.14

These policies would reduce community character impacts by requiring that design guidelines and zoning standards be prepared for future development, improving circulation between this and other areas of the city, upgrading commercial activity centers and providing for the protection and enhancement of existing residential neighborhoods by increasing residential, retail, commercial and professional services through mixed-use development. These policies as well as Policies LUT 3.1, 3.2, 4.2, 4.4, 4.6, and 11.1 through 11.5 would lessen the effect that the Preferred Plan have on community character.

The existing neighborhood community character within the Southwest Planning Area consists of several mature neighborhoods, including Harborside, Castle Park, Otay Town, Woodlawn Park, Broderick Acres, Whittington Subdivision, and West Fairfield. The planning area has a grid street pattern and a diversity of land uses, including a mix of residential, commercial, and industrial businesses that, in some cases, have evolved over time without adequate planning, and have resulted in land use conflicts.

Among the important goals for this area is facilitation of economic opportunities through appropriate designation of transit-oriented, industrial, commercial and higher-density residential in mixed-use or other appropriate density to facilitate smart growth planning.

While the adoption of the objectives and policies discussed above would limit the community character impacts in the Southwest Planning Area associated with the adoption of the Preferred Plan would be reduced but not eliminated. The objectives and policies do not completely mitigate the impact because development standards have not been developed. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

While the Preferred Plan would conform to the MSCP, significant community character impacts to nearby wildlife in the San Diego Wildlife Refuge would result from development within the West Fairfield District under the Preferred Plan. The designation of existing land uses for more intensive development adjacent to the Wildlife Refuge is a significant impact because more intensive land uses could affect sensitive species.

East Planning Area

Proposed revisions to the City's adopted land use plan in the East Planning Area would result in adjustments to the boundaries and overall densities for residential, commercial, industrial, and public/quasi-public uses. The amount and location of open space and parklands would also be adjusted. Currently, the land within the areas of change within the East Planning Area is vacant; therefore, any proposed changes would cause an increase over the existing condition. Surrounding development in this area has occurred over the last several years and is progressing pursuant to the adopted Otay Ranch GDP. The Preferred Plan has the potential to cause an adverse effect on the community character of the surrounding villages within the East Planning Area. Specific objectives and policies are proposed to facilitate compatible land uses within and between each of the districts as well as preserve the character and retain the quality of the surrounding areas. The following policies would reduce community character impacts from implementation of the Preferred Plan within the East Planning Area:

- Unincorporated Sweetwater Subarea – Policy LUT 66.1
- Western District – Policies LUT 77.2, 77.5 79.1, 79.4, 79.5
- Central District – Policy LUT 81.3
- Otay Valley District – Policies LUT 82.1, 82.2, 82.3, 83.1

- Eastern University District – Policies LUT 85.4, 85.6
- East Main Street Subarea – Policies LUT 70.1, 70.3, and 70.4

These policies reduce the impact to community character within and between the Districts in the East Planning Area but not to below a level of significance. The policies interconnect and unify the districts, including streets, transit, sidewalks, streetscapes, signage, lighting, building placement and form, and architectural character as well as intermixing uses that support and complement those contained in adjoining subareas. The objectives and policies do not completely mitigate the impact because development standards have not been developed. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

As detailed on Page 145 of the EIR, the Preferred Plan does not place residential uses in the buffer around the Otay Landfill. As such, it does not represent a significant land use impact relative to the buffer.

Finding: The only mitigation measure available to lessen community character impacts would be the adoption of all zoning, specific plans together with design standards with the Preferred Plan. The Community Character Alternative lessens but does not fully mitigate impacts to Community Character.

Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While the mitigation measures are feasible and will be completed, they do not substantially lessen the significant environmental effect as identified in the final EIR. Because the current project is a General Plan Update and the development of design standards is a zoning and specific plan effort which will occur later, until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

Explanation: While the adoption of the objectives and policies discussed above would limit the community character impacts associated with the adoption of the Preferred Plan they do not completely mitigate the impact because development standards have not been developed. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.1-1 To mitigate the impacts of establishing planned industrial uses along the Otay River Valley, future projects for this area shall be evaluated and required to incorporate sufficient buffers, source water protection devices, setbacks, and design features to avoid edge effects to sensitive biological resources to the satisfaction of the Environmental Review Coordinator.

5.1-2 At the time projects are proposed within the West Fairfield District, a detailed land use assessment shall be performed showing, to the satisfaction of the Environmental Review Coordinator, that the proposed project is compatible with adjacent land uses. Any development adjacent to the San Diego Wildlife Refuge shall adhere to the land use adjacency guidelines defined in the Chula Vista Subarea Plan, Section 7.5.2. These include, but are not limited to: sufficient buffers and design features, barriers (rocks/boulders, signage, and appropriate vegetation) where necessary, lighting directed away from the refuge, and berms or walls adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization.

Significance After Mitigation: Significant

B. LANDFORM ALTERATION/AESTHETICS

Landform Alternation/Aesthetics: The Final EIR examined the Project's potential impact on Landform Alteration/Aesthetics in Section 5.2.

Thresholds of Significance: The proposed project would result in a significant impact to landform alteration/aesthetics if it would:

Threshold 1: Have a substantial adverse effect on a scenic vista, or substantially damage scenic resources, including, but not limited to, trees, and rock outcroppings.

Threshold 2: Substantially degrade the existing visual character or quality of Chula Vista.

Impact: The Preferred Plan will substantially degrade the existing visual character or quality of Chula Vista. (Section 5.2.3.2 – Pages 199-211)

The General Plan Update was determined to have a significant impact resulting from the degradation of the visual character of Chula Vista as evaluated in accordance with Threshold 2. It was determined to not have significant impacts related to scenic vistas or resources in accordance with Threshold 1.

Future growth has the potential to impact the visual environment through fundamental changes in land use and/or impacts to components of the landscape that contribute to visual quality. Adoption of the Preferred Plan would result in substantial changes to landforms and visual quality throughout the General Plan area. Increased density within the Urban Core and Montgomery Subareas would result in increased building heights and mass. In the east, currently undeveloped areas characterized by mesas, canyons, and hills would be developed with urban uses. Objectives LUT 2, 3, 4, 6, 10, and 11 promote and place a high priority on quality architecture, landscape, and site design to enhance the image of Chula Vista. The design review process would occur for multi-family, commercial and industrial development, and redevelopment within redevelopment project area boundaries to determine their compliance with the objectives and specific requirements of the City's Design Manual, General Plan, and appropriate zone or Area Development Plans.

Impacts remain significant because of the lack of specific design standards at this time. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

> **Finding:** The only measure available to fully reduce community character impacts would be the adoption of all zoning, specific plans together with design standards with the Preferred Plan. Because the current project is a General Plan Update and the development of design standards is a zoning and specific plan effort mitigation is available. In the Northwest and Southwest Planning Areas, until future Specific Plans are developed and zoning specifications are implemented, impacts remain significant. In the East Planning Area development would change the existing character from an undeveloped to developed condition. This is a significant unmitgable impact.

Although landform alteration impacts remain unavoidable Mitigation Measure 5.2-1 will reduce those impacts. Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While the mitigation measure is feasible and will be completed, it does not substantially lessen the significant environmental effect as identified in the final EIR. **Explanation:** Development completed in conformance with the proposed General Plan will result in grading of mesatops and hillsides representing a visual change of the area. Views of mesas and hillsides would be replaced by an urban landscape. While the change in the west is materially different than the conversion of open land to developed uses on the east, both have the potential to result in significant aesthetic impacts.

While the adoption of the objectives and policies discussed above would limit the landform alteration/aesthetic impacts associated with the adoption of the Preferred Plan, they do not completely mitigate the impact because development standards have not been developed. The current project is a General Plan Update and the development of design standards is a zoning and specific plan effort. Until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.

Because of the potential increase in height, bulk, and mass and because development in the east will further modify the open character of the landscape, visual quality impacts would be significant. In addition, because development in the East Planning Area would change the existing character from an undeveloped to developed condition, this is a significant unmitigated impact.

Mitigation Measure: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.2-1 Within the East Planning Area, prior to approval of grading plans, the applicant shall prepare grading and building plans that conform to the landform grading guidelines contained in the grading ordinance, Otay Ranch GDP, and General Plan. The plans shall be prepared to the satisfaction of the Director of Planning and Building and the City Engineer. These plans and guidelines shall provide the following that serve to reduce the aesthetic impacts:

- A Landscape Design that addresses streetscapes, provides landscape intensity zones, greenbelt edge treatments, and slope treatment for erosion control.

- Grading Concepts that ensure manufactured slopes that are contoured and blend and mimic with adjacent natural slopes.

- Landscaping Concepts that provide for a transition from the manicured appearance of developed areas to the natural landscape in open space areas.

- Landscaping Concepts that include plantings selected to frame and maintain views. Landscaping should not block views created through grading and/or site design.

Significance After Mitigation: Significant.

C. CULTURAL RESOURCES

Cultural Resources: The Final EIR examined the Project's potential impact on Cultural Resources in Section 5.4.

Thresholds of Significance: The proposed General Plan Update would result in a significant impact to cultural resources if it would:

- Threshold 1: Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines §15064.5.

- Threshold 2: Disturb any human remains, including those interred outside of formal cemeteries.

Impact: The Preferred Plan will cause a substantial adverse change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines §15064.5. (Section 5.4.3.1 – Pages 249-252)

The General Plan Update was determined to have a significant impact resulting from a substantial adverse change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines §15064.5 as evaluated in accordance with Threshold 1. It was determined to not have a significant impact as a result of disturbing human remains in accordance with Threshold 2.

The Preferred Plan represents potential increased development densities in the Northwest and Southwest Update Areas and increased potential for conversion of open areas to developed land uses in the East Update Area. In areas of the built environment, significant direct impacts could occur if, as a result of plan implementation, buildings determined to be historic were demolished or significantly altered. In open areas, there is the potential that future development, as permitted by the plan, could significantly impact historic and prehistoric archaeological sites.

The Preferred Plan would not affect any formal cemeteries or known burials outside of formal cemeteries. When currently undeveloped areas are developed there is the potential that currently unknown human remains may exist that would be disturbed through development.

Finding: Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant environmental effect as identified in the EIR to below a level of significance.

Explanation: The Preferred Plan represents potential increased development densities in the Northwest and Southwest Update Areas and increased potential for conversion of open areas to developed land uses in the East Update Area. In areas of the built environment, significant direct impacts could occur if, as a result of plan implementation, buildings determined to be historic were demolished or significantly altered. In open areas, there is the potential that future development, as permitted by the plan, could significantly impact historic and prehistoric archaeological sites. Because there is the potential for future projects to impact resources that are, as yet unknown, a program is needed to identify those resources and avoid or lessen significant effects. Those measures include the process under which such effects can be identified and avoided.

Implementation of the following measures and the policies identified above would reduce significant impacts to cultural resources to below a level of significance. In addition, Section 15064.5 (b)(3) of the CEQA guidelines indicates that:

> Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving Rehabilitating Restoring and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995),

Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.4-1 Implementation of Policies LUT 12.7 and EE 9.1 shall include the following measures:

1. Any future development project that has not been previously examined shall be subject to a cultural resource survey or review, to identify any specific resources that could be potentially affected by the proposed project.

2. In western Chula Vista, an archaeological survey shall be completed for any development project that includes previously undisturbed acreage and has not been previously examined or for which there is reason to expect a potentially significant historic or prehistoric archaeological resources, to identify any specific resources that could be potentially affected by the proposed project.

3. The City will promote maintenance, repair, stabilization, rehabilitation, restoration, and preservation of historical resources. Where these will be undertaken, they will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

4. Prior to the approval of any projects that propose to demolish or significantly alter a potentially significant historic resource, as defined pursuant to applicable state and federal laws, an historic survey report shall be completed to determine potential historic significance. The determination of resource significance shall be made in accordance with CEQA Guidelines Section 15064.5 and the program established as a result of Policies LUT 12.3, 12.4, 12.7, and 12.11 and EE 9.1, and shall be completed to the satisfaction of the appropriate decision maker.

5. In the event that significant resources could be adversely affected by the proposed action, as established in Policy LUT 12.12, a conservation program shall be implemented in accordance with applicable state and federal laws, to the satisfaction of the appropriate decision maker. The conservation program shall be designed to reflect the reason that the identified resource is considered important. Where appropriate for a standing historic structure that will not be preserved in place, conservation can include documentation to Historic American Building Survey (HABS) standards and/or relocation. For archaeological remains, conservation of a resource for which preservation in place is not feasible would include the execution of a research design directed program of scientific data collection and analysis.

Significance After Mitigation: Less than significant.

D. PALEONTOLOGICAL RESOURCES

Paleontological Resources: The Final EIR examined the Project's potential impact on Paleontological Resources in Section 5.6.

Thresholds of Significance: The proposed project would have a significant impact on paleontological resources if it would:

- Threshold 1: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact: The Preferred Plan will directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Section 5.6.3 – Pages 272-273)

The Preferred Plan was determined to have a significant impact resulting from the potential to destroy a unique paleontological resource as evaluated in accordance with Threshold 1.

The City of Chula Vista is located in a highly sensitive area for paleontological resources. Development completed in conformance with the proposed plan has the potential to result in significant adverse impacts to paleontological resources. In areas of the built environment, significant direct impacts could occur if, as a result of plan implementation, sensitive geological formation were substantially disturbed during development. In open areas,

there is the potential that future development, as permitted by the plan, could impact paleontological resources.

Policies associated with Objectives EE 10 demonstrate Chula Vista's commitment to the protection of paleontological resources. Policy EE 10.1 requires that assessment and mitigation of impacts resulting from private development and public projects be completed in accordance with CEQA. This policy, however, would not preclude impacts to paleontological resources. Compliance with Objective EE 10 and policy EE 10.1 would reduce impacts to paleontological resources because Policy EE 10.1 would require that an assessment and mitigation of impacts resulting from private development and public projects be completed in accordance with CEQA. Application of Policy EE 10.1 would reduce potential impacts to paleontological resources, to below a level of significance. The mitigation measures outlined below are designed to further the application of this policy

Finding: Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant environmental effect as identified in the EIR to below a level of significance.

Explanation: The City of Chula Vista is located in a highly sensitive area for paleontological resources. Development completed in conformance with the proposed General Plan has the potential to result in significant adverse impacts to paleontological resources. Because there is the potential for future projects to impact resources that are, as yet unknown, a program is needed to identify those resources and avoid or lessen significant effects. Those measures include the process under which such effects can be identified and avoided.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.6-1 On a case-by-case basis, the following grading thresholds shall be used by the appropriate decision maker to determine whether or not a proposed project may potentially result in significant impacts to sensitive paleontological resources:

Sensitivity Rating	Excavation Volume and Depth Thresholds
High	>1000 cubic yards and >5 feet deep
Moderate	>2000 cubic yards and >5 feet deep
Zero-Low	Mitigation Not Required

5.6-2 It may be determined that a project may result in potentially significant impacts to sensitive paleontological resources if a known paleontological resource exists within the impact area of a project regardless of the volume and depth of excavation. If it is determined that potentially significant impacts to sensitive paleontological resources may result, then such impacts shall be mitigated by a pre-construction mitigation program or construction mitigation program, or both, to be determined prior to project approval by the appropriate decision maker. All mitigation programs shall be performed by a qualified professional paleontologist, defined here as an individual with a M.S. or Ph.D. in paleontology or geology who has proven experience in San Diego County paleontology and who is knowledgeable in professional paleontological procedures and techniques. Fieldwork may be conducted by a qualified paleontological monitor, defined here as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor shall always work under the direction of a qualified paleontologist.

Pre-construction mitigation. This method of mitigation is only applicable to instances where well-preserved and significant fossil remains, discovered in the assessment phase, would be destroyed during initial brush clearing and equipment move-on. The individual tasks of this program include:

1. Surface prospecting for exposed fossil remains, generally involving inspection of existing bedrock outcrops but possibly also excavation of test trenches;

2. Surface collection of discovered fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;

3. Recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting;

4. Laboratory preparation (cleaning and repair) of collected fossil remains, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens;

5. Cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database;

6. Transferal, for storage, of cataloged fossil remains to an accredited institution (museum or university) that maintains paleontological collections (including the fossil specimens, copies of all field notes, maps, stratigraphic sections, and photographs); and

7. Preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

Construction mitigation. Under this program, mitigation occurs while excavation operations are underway. The scope and pace of excavation generally dictate the scope and pace of mitigation. The individual tasks of a construction mitigation program typically include:

1. Monitoring of excavation operations to discover unearthed fossil remains, generally involving inspection of ongoing excavation exposures (e.g., sheet graded pads, cut slopes, roadcuts, basement excavations, and trench sidewalls);

2. Salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits;

3. Recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting;

4. Laboratory preparation (cleaning and repair) of collected fossil remains, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens;

5. Cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database;

6. Transferal, for storage, of cataloged fossil remains to an accredited institution (museum or university) that maintains paleontological collections, including the fossil specimens, copies of all field notes, maps, stratigraphic sections and photographs; and

7. Preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

Significance After Mitigation: Less than significant.

E. ENERGY

Energy: The Final EIR examined the Project's potential impact on Energy in Section 5.8.

Thresholds of Significance: The proposed General Plan Update would result in a significant impact to energy if it would:

- Threshold 1: Result in the available supply of energy to fall below a level considered sufficient to meet the City's needs or cause a need for new and expanded facilities.

Impact: The Preferred Plan will result in the available supply of energy to fall below a level considered sufficient to meet the City's needs or cause a need for new and expanded facilities. (Section 5.8.3 – Pages 292-298)

The General Plan Update was determined to have a significant impact on available energy as evaluated in accordance with Threshold 1. Policies associated with proposed Objectives EE 6, EE 7, and PFS 22 and PFS 23 would aid in reducing adverse energy impacts, but would not preclude projects that could result in significant energy consumption impacts. These

policies, and the programs currently implemented by the City, promote measures to reduce wasteful, inefficient, and unnecessary consumption of energy and help reduce demand for peak energy demand.

As discussed on pages 298 and 299 of the dEIR, impacts to energy are significant because there is no long-term assurance that energy supplies will be available in 2030, avoidance of energy impacts cannot be assured regardless of land use designation or population size. Although changes to planned land uses in the city would continue to implement the Energy Strategy Action Plan, San Diego Regional Energy Plan and Transit First Plan, implementation of the proposed land uses identified in the General Plan Update would result in impacts to energy resources as a result of anticipated growth.

Finding: Because there is no assurance that energy resources will be available to adequately serve the projected increase in population resulting from the proposed General Plan Update, the impact remains significant and unmitigated.

Although energy impacts remain unavoidable Mitigation Measure 5.8-1 will reduce those impacts. Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While mitigation measure 5.8-1 is feasible and will be completed, it does not substantially lessen the significant environmental effect as identified in the final EIR.

Explanation: While compliance with mitigation measure 5.8-1 and the policies associated with Objectives EE 6, EE 7, PFS 22, and PFS 23 would reduce energy related impacts, because there is no assurance that energy resources will be available to adequately serve the projected increase in population resulting from the Preferred Plan, the impact remains significant and unmitigated. The Reduced Project Alternative represents reduced development and as such would represent a reduced effect on energy. Because there is no guaranteed energy supply, however, there remains a significant, unmitigated impact.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.8-1 Continued focus on the Energy Strategy and Action Plan, that addresses demand side management, energy efficient and

renewable energy outreach programs for businesses and residents, energy acquisition, power generation, and distributed energy resources and legislative actions, and continuing implementation of the CO_2 Reduction Plan will lessen the impacts from energy. Because there is no assurance that energy resources will be available to adequately serve the projected increase resulting from the proposed General Plan Update, however, impacts remain significant.

Significance After Mitigation: Significant.

F. TRAFFIC, CIRCULATION, AND ACCESS

Traffic, Circulation, and Access: The Final EIR examined the Project's potential impact on Traffic, Circulation, and Access in Section 5.10, Transportation.

Thresholds of Significance:

- Threshold 1: The adoption of the Urban Core Roadway Classifications contained in the proposed General Plan Update would result in a significant impact if adoption of an urban street system would not provide an adequate urban amenities program, and would not facilitate multimodal transportation systems sufficient to allow the City's Urban Core to achieve the mobility required to serve proposed land use densities.

- Threshold 2: A significant impact to circulation would occur if changes to the land use and the circulation plans would result in the following:

  A. For non-Urban Core circulation element roadways (Expressway, Prime Arterial, Major Street, Town Center Arterial, Class I Collector):

  A.1. A roadway segment that currently operates at LOS C or better and with the proposed changes would operate at LOS D or worse at General Plan buildout is considered a significant impact.

  A.2. A roadway segment that currently operates at LOS D or E and with the proposed changes would operate at LOS E or F at General Plan buildout respectively, or which operates at LOS D, E, or F and would worsen by 5 percent or more at General Plan buildout is considered a significant impact.

  B. For Urban Core Circulation Element roadways (Gateway Street, Urban Arterial, Commercial Boulevard, Downtown Promenade):

B.1. A roadway segment that currently operates at LOS D or better and with the proposed changes would operate at LOS E or F at General Plan buildout is considered a significant impact.

B.2. A roadway segment that currently operates at LOS E would operate at LOS F at General Plan buildout, or which operates at LOS E or F and would worsen by 5 percent or more at General Plan buildout is considered a significant impact.

C. For freeways:

C.1 A freeway segment that currently operates at LOS C or better and with the proposed changes would operate at LOS D, E, or F at General Plan buildout is considered a significant impact.

C.2 A freeway way segment that currently operates at LOS D or E would operate at LOS E or F at General Plan buildout respectively, or which operates at LOS D, E, or F and would worsen by 5 percent or more at General Plan buildout is considered a significant impact.

Impact: The Preferred Plan will cause circulation impacts to Non-Urban Core Roadways and to Freeways (Section 5.10.3.2 – Pages 349-364)

The General Plan Update was determined to not have a significant impact resulting from the adoption of the Urban Core Roadway System as evaluated in accordance with Threshold 1. It was determined to have a significant impact as a result of direct impacts to roadway segments as evaluated in accordance with Threshold 2.

Non Urban Core Roadways

The Preferred Plan represents a significant impact to 15 non-Urban Core roadway segments with respect to Threshold 2a and 2c. No impacts will occur under Threshold 2b. .

Finding: Because the impacts to the roadway system are based on segment capacity, and the operational improvements outlined below do not increase that capacity, impacts to transportation remain significant. Mitigation Measures 5.10-1 and 5.10-2, however are feasible and will reduce circulation impacts. Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While the mitigation measures 5.10-1 and 5.10-2 are feasible and

will be completed, they do not substantially lessen the significant environmental effect as identified in the final EIR.

The Reduced Traffic Impact Alternative increases the roadway capacity for these impacted segments. As such, it would lessen this impact to below a level of significance. As discussed in Section XII of these findings, this alternative is infeasible. Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the Reduced Traffic Impact Alternative identified in the EIR..

Explanation: Operational improvements would reduce impacts but not necessarily to a level less than significant. The 15 roadway segments identified in the EIR as having a significant impact before mitigation will have a significant impact after mitigation because the identified mitigation measure will not increase the capacity of area roads.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.10-1 Prior to issuance of building permits, individual projects shall either contribute to the existing Traffic Signal Fee Program for applicable projects in Chula Vista or secure and construct the improvements specified in Table 5.10-5 of the EIR that are within the area of benefit to the satisfaction of the City Engineer.

For projects in eastern Chula Vista, the existing Transportation Development Impact Fee (TDIF) program and the Traffic Signal Fee Program collects fees from proposed developments on an Equivalent Dwelling Unit (EDU) basis and allocates the funds to construct needed transportation infrastructure in eastern Chula Vista. The Growth Management Program monitors traffic flow on key arterial streets, and provides a means to “meter” the rate of development in order to limit traffic congestion. All three of these existing programs are in place to ensure that the direct traffic impacts of individual projects or the cumulative impacts associated with planned growth are disclosed and mitigated or avoided in accordance with CEQA.

5.10.2 For impacts to the freeway segments listed in Table 5.10-4 of the EIR, in order to mitigate impacts of the General Plan Update, the freeways will need to be widened to provide between one and three

additional general purpose lanes (or the equivalent capacity in HOV and/or managed lanes), depending on the segment. Since the freeway system is developed and managed by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways and the impact remains significant.

Significance After Mitigation: Significant

Freeways

Under the Preferred Plan, significant impacts will occur to segments of Interstates 5 and 805 and State Routes 125 and 54. The following freeway segments that currently operate at LOS C or better are predicted to operate at LOS D or worse as a result of the adoption of the Preferred Plan and would, therefore, represent a significant impact:

- I-5 between SR-54 and E Street
- I-805 between H Street and Telegraph Canyon Road
- I-805 between Telegraph Canyon Road and Orange Avenue
- I-805 between Orange Avenue and Main Street
- SR-125 between SR-54 and Mount Miguel Road
- SR-125 between Mount Miguel Road and H Street
- SR-54 between I-5 and National City Boulevard

Finding: Pursuant to section 15091(a)(2) of the State CEQA Guidelines, any changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency. Since the freeway system is developed and managed by the California Department of Transportation, the City has only limited ability to affect the level of congestion on these roadways. Accordingly, mitigation is not sufficient to avoid the cumulative contribution to traffic on these roadways and the impact remains significant.

Explanation: Since the freeway system is development and managed by the California Department of Transportation, completion of improvements needed to lessen the adverse effects can and should be adopted by Caltrans.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.10-3 For impacts to the freeway segments listed in Table 5.10-2 of the EIR, mitigation consists of participating in area planning for freeway improvements. As part of this process, the City shall work with SANDAG to attempt to obtain TransNet, and other sources of funding, to improve the capacity of these freeway segments. Since the freeway system is developed and managed by the California Department of Transportation, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not sufficient to avoid the cumulative contribution to traffic on these roadways and the impact remains significant.

Significance After Mitigation: Significant.

G. AIR QUALITY

Air Quality: The Final EIR examined the Project's potential impact on Air Quality in Section 5.11.

Thresholds of Significance: The proposed General Plan Update would result in a significant impact to air quality if it would:

Threshold 1: Conflict with or obstruct implementation of the applicable air quality plan.

Threshold 2: Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Threshold 3: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Threshold 4: Expose sensitive receptors to substantial pollutant concentrations.

Threshold 5: Create objectionable odors affecting a substantial number of people.

The Preferred Plan was determined to have a significant impact as a result of the plan being out of conformance with the projections used for the Regional Air Quality

Strategies (RAQS) as evaluated in accordance with Threshold 1. It was determined that the Preferred Plan would not result in the violating of an air quality standard or contribute to an existing or projected violation as specified in Threshold 2, but that it would result in a significant impact as a result of a cumulatively considerable net increase in a criteria pollutant, as assessed based on Threshold 3. The Preferred Plan will not expose a substantial number of people to substantial pollutant concentrations or objectionable odors as evaluated in accordance with Thresholds 4 and 5.

Impact: The Preferred Plan will conflict with the implementation of the applicable air quality plan. (Section 5.11.3.1 – Pages 398-399)

The Preferred Plan is not consistent with the growth projections of the local regional air quality plan as evaluated in accordance with Threshold 1. The current RAQS are based on the adopted General Plan. The basis for these plans is the distribution of population in the region as projected by SANDAG. Growth forecasting is based in part on the land uses established by the General Plan. Amending the General Plan to increase development potential would, necessarily, result in an inconsistency between the air quality strategy (that is based on the existing plan) and the amended plan. Because the proposed land use changes would be inconsistent with the adopted General Plan upon which the RAQS was based, the General Plan Update would not conform to the current RAQS. If a project is inconsistent with the City's General Plan, it cannot be considered consistent with the growth assumptions in the RAQS. Consequently, the proposed Preferred Plan is not considered consistent with the growth assumptions in the RAQS. This represents a significant impact.

Because ozone impacts are a regional issue, they are not specifically associated with the land use changes associated with the proposed General Plan Update. Development under the proposed General Plan will result in the emission of ozone precursors. Because the region is considered non-attainment for ozone, development in accordance with the proposed General Plan will result in a cumulatively considerable net increase for a non-attainment pollutant, a significant adverse impact.

Finding: Pursuant to section 15091(a)(2) of the State CEQA Guidelines, specific changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

Explanation: Because the significant air impact stems from an inconsistency between the proposed plan and the plan upon which the RAQS were based, the only measure that can lessen this effect is the

review and revision of the RAQS based on the new General Plan. This effort is the responsibility of SANDAG and San Diego APCD and is outside the jurisdiction of the City. Revisions to SANDAG's RTP are anticipated in 2007.

The current RAQS are based on the adopted General Plan. The No Project Alternative would implement the adopted General Plan therefore, implementation of the No Project alternative, as discussed in Chapter 10 of the EIR, would reduce this impact below a level of significance. The infeasibility of the No Project Alternative is described in Section XII of these findings.

Mitigation Measures: Because the significant air impact stems from an inconsistency between the proposed General Plan Update and the adopted General Plan upon which the RAQS were based, the only measure that can lessen the Threshold 1 effect is the revision of the RAQS based on the updated General Plan. This effort is the responsibility of SANDAG and San Diego APCD and is outside the jurisdiction of the City. As such, no mitigation is available to the City.

Significance After Mitigation: Significant.

Impact: The Preferred Plan will result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (Section 5.11.3.3 – Pages 400-403)

The Preferred Plan will result in a cumulatively considerable net increase of $PM_{10.}$ Since the region is not in compliance with the PM_{10} standard and because the average daily emission is anticipated to increase, impacts are significant. PM_{10} emissions result from construction of projects and from daily operations in the City. The mitigation measure detailed below will reduce PM_{10} from construction activities. Until the region is in compliance with the PM_{10} and Ozone standards, impacts from operations remain significant.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While mitigation measure 5.11-1 is feasible and will be completed, it does not substantially lessen the significant environmental effect as identified in the final EIR. **Explanation:** The following mitigation measures are feasible and are required as a condition of approval and are made binding through

these findings. Because the region is not in compliance with the state PM_{10} standard, the operational impacts of the development of the land uses associated with the Preferred Plan represent a significant cumulative air impact. Until the region is in compliance with the regional PM_{10} standard the cumulative impact will remain. Since it is a regional issue mitigation for the cumulative effect is unavailable at the Preferred Plan level.

Mitigation Measure

5.11-1 Mitigation of PM_{10} impacts requires active dust control during construction. As a matter of standard practice, the City shall require the following standard construction measures during construction to the extent applicable:

1. All unpaved construction areas shall be sprinkled with water or other acceptable San Diego APCD dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents shall be applied during dry weather or windy days until dust emissions are not visible.

2. Trucks hauling dirt and debris shall be properly covered to reduce windblown dust and spills.

3. A 20-mile-per-hour speed limit on unpaved surfaces shall be enforced.

4. On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.

5. On-site stockpiles of excavated material shall be covered or watered.

6. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the City and/or APCD to reduce dust generation.

7. To the maximum extent feasible:

   Heavy-duty construction equipment with modified combustion/fuel injection systems for emissions control shall be utilized during grading and construction activities.

   Catalytic reduction for gasoline-powered equipment shall be used.

8. Equip construction equipment with prechamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of nitrogen oxide, to the extent available and feasible.

9. Electrical construction equipment shall be used to the extent feasible.

10. The simultaneous operations of multiple construction equipment units shall be minimized (i.e., phase construction to minimize impacts).

Significance after Mitigation: With the application of these measures, significant impacts resulting from projected PM_{10} impacts from construction would be mitigated. Until the region is in compliance with the PM_{10} and Ozone standards, impacts from operations remain significant.

H. NOISE

Noise: The Final EIR examined the Project's potential impact on Noise in Section 5.12.

Thresholds of Significance: The proposed General Plan Update would result in significant noise impacts if it would:

- Threshold 1: Result in exposure of people to excessive noise.
- Threshold 2: Result in the generation of excessive noise.
- Threshold 3: Expose people residing or working within an established Airport Influence Area to excessive noise levels.

Impact: The Preferred Plan will expose people to excessive noise. (Section 5.12.3.1 – Pages 438-454)

The Preferred Plan would result in a significant impact by potentially exposing people to excessive noise as evaluated in accordance with Threshold 1. A significant impact would not result from either the generation of excessive noise nor the exposure of people residing or working within an established Airport Influence Area to excessive noise as detailed in Thresholds 2 and 3.

Increases in traffic on existing roadways, however, will result in noise increases of between 3 and 9 decibels for receivers adjacent to these roadways. This increase is a significant adverse impact.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While the mitigation measure is feasible and will be completed, it does not substantially lessen the significant environmental effect as identified in the final EIR. **Explanation:** Lessening the noise levels to existing homes adjacent to circulation element roadways would require a lot-by-lot review of potential exterior use areas and an evaluation of the acoustical performance of each building exposed to the increase. The exterior analysis would assess the feasibility of reducing noise levels to outdoor use areas through the construction of barriers or other measures, and the interior review would require consideration of the effectiveness of existing windows and doors, the adequacy of existing construction, and the need for retrofit. Since this level of analysis is infeasible at the General Plan stage impacts remain significant and not mitigated. None of the alternatives discussed in the EIR reduce traffic on area roadways sufficiently to avoid a cumulative noise impact to existing homes along circulation element roadways.

Mitigation Measure: Lessening the noise levels in these areas would require a lot-by-lot review of potential exterior use areas and an evaluation of the acoustical performance of each building exposed to the increase. The exterior analysis would assess the feasibility of reducing noise levels to outdoor use areas through the construction of barriers or other measures, and the interior review would require consideration of the effectiveness of existing windows and doors, the adequacy of existing construction, and the need for retrofit. Since this level of analysis is infeasible at the General Plan stage impacts remain significant and not mitigated.

Significance after Mitigation: Significant.

I. PUBLIC UTILITIES

Public Utilities: The Final EIR examined the Project's potential impact on Public Utilities in Section 5.14.

POTABLE WATER

Thresholds of Significance: The proposed General Plan Update would result in a significant impact to water supply and distribution if it would:

- Threshold 1: Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

- Threshold 2: Require new or expanded supplies or facilities to meet projected needs.

- Threshold 3: Result in the proposed General Plan Update being inconsistent with the UWMP prepared by the San Diego County Water Authority.

Impact: The Preferred Plan will result in the need for construction or expansion of water treatment facilities that could cause significant environmental effects. (Section 5.14.1.3 – Pages 514-515)

The Preferred Plan increases development potential in each update area of the city with a corresponding increased demand for water would require corresponding improvements to treatment and distribution facilities. Significant impacts could occur as a result of the construction of these projects relative to Threshold 1.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Explanation: At this level of planning, the extent of the effects of the provision of system improvements is speculative because the nature and location of those improvements have not been determined. Without detail regarding the nature of the improvements needed, impacts and mitigation measures of those improvements can not be identified This increased demand for water would require corresponding improvements to treatment and distribution facilities. Significant impacts could occur as a result of the construction of these projects. At this level of planning, the extent of

those effects is speculative because the nature and location of those improvements have not been determined. This is a significant unmitigable adverse impact.

Significance after Mitigation: Significant.

Impact: The Preferred Plan will result in demands for new or expanded supplies to meet projected needs. (Section 5.14.3.1 – Pages 515-517)

The Preferred Plan increases development potential in each update area of the city with a corresponding increased demand for water. At this time it is not possible to state conclusively that sufficient water supplies would available for individual projects facilitated by adoption of the Preferred Plan. Because contracts for water do not currently exist for the buildout condition of the City, the potential lack of an adequate water supply is a significant adverse impact.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. While mitigation measures 5-14.1 and 5.14-2 are feasible and will be completed, they do not substantially lessen the significant environmental effect as identified in the final EIR. **Explanation:** While **c**ompliance with the policies associated with Objectives PFS 2 and 3 and implementation of the mitigation measures identified above would reduce the impact to water supply; however, because there is no assurance that water supply will be available to adequately serve the projected increase in population resulting from the proposed General Plan Update, the impact remains significant and unmitigated The SDCWA has developed the UWMP and updates it every five years using SANDAG's regional growth forecasts. The UWMP is considered an adequate plan; however, it does not ensure adequate supply

Mitigation Measures:

5.14-1 For any residential subdivision with 500 or more units or any commercial project of over 500,000 square feet, any CEQA compliance review shall include demonstration of compliance with the requirements of SB 610.

5.14-2 For any residential subdivision with 500 or more units, any CEQA compliance review shall include demonstration of compliance with the requirements of SB 221.

Significance after Mitigation: Significant.

Impact: The Preferred Plan will result in the proposed General Plan Update being inconsistent with the UWMP prepared by the San Diego County Water Authority. (Section 5.14.1.3 Page 517)

Finding: Pursuant to section 15091(a)(2) of the State CEQA Guidelines, any changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency. Since the UWMP is the responsibility of the SDCWA the City does not have the ability to ensure that the UWMP includes the land use assumptions resulting from the adoption of the Preferred Plan.

Explanation: The UWMP is based on SANDAG's regional growth forecasts, which are in large part based on adopted General Plans. As discussed below, the proposed General Plan Update would increase development potential within the update areas of the city of Chula Vista. Since SANDAG's present 2030 Regional Growth Forecast is based on currently adopted General Plans within the region, Chula Vista's proposed General Plan capacities are not included in the current UWMP. These plan modifications would result in an inconsistency between UWMP forecasts and Chula Vista's General Plan. Because there will be an inconsistency, this is a significant short-term impact to the provision of water in the city until the SDCWA is able to amend its UWMP based upon the updated General Plan.

Mitigation: As previously discussed, the SDCWA has developed the UWMP and updates it every five years using SANDAG's regional growth forecasts. Eliminating this effect requires that the UWMP be brought up to date with the Preferred Plan. This action is within the jurisdiction of the SDCWA, and is outside the jurisdiction of the City of Chula Vista

Significance after Mitigation: Significant.

J. HOUSING AND POPULATION

Thresholds of Significance: Impacts to housing and population would be significant if the proposed project:

- Threshold 1: Induces substantial population growth in an area, either directly or indirectly;

- Threshold 2: Displaces substantial numbers of existing housing, necessitating the construction or replacement of housing elsewhere;

- Threshold 3: Displaces substantial numbers of people, necessitating the construction or replacement of housing elsewhere.

Impact: The Preferred Plan will induce substantial population growth in an area, either directly or indirectly (Section 5.17.3.1 Pages 576-579)

Preferred Plan would accommodate a substantial increase in the population that can be compared to the existing condition as evaluated in relation to Threshold 1. It would not displace a substantial number of people or houses necessitating the construction of housing elsewhere as evaluated under Thresholds 2 and 3.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Explanation: The Preferred Plan and all three Scenarios would result in a substantial increase in the population of Chula Vista because it would accommodate growth that may occur locally. It is, therefore, considered growth inducing. Growth inducing effects are described and evaluated in Chapter 7 of the EIR. The Preferred Plan will result in land use designations that permit an increase in housing units of 40,862 that would accommodate a population of 104,600 people.

West of I-805, the proposed General Plan Update would direct that growth to developed areas of the City. East of I-805 the potential increase in population would occur in areas not currently developed. The environmental impacts associated with this increased population are discussed in the individual topical sections of this report. Impact to issues, such as traffic, air quality, noise, community character, land use, utilities and services, cultural and biological resources, geology, soils, and energy due to population and housing increases from the adoption of the Preferred Plan and all three Scenarios are discussed in the Sections 5.1 through 5.16 and Chapter 7 of the EIR. Because the Preferred Plan would induce growth it is a significant impact in accordance with Threshold 1.

Mitigation Measure:. Impacts resulting from the projected population growth and the development permitted by the Preferred Plan or any of the Scenarios and associated mitigation measures are described in the individual sections of this report. Impacts in accordance with Threshold 1

are significant because the plan accommodates an increase in population. No mitigation is available to avoid this effect, because adoption of the Preferred Plan or any of the Scenarios will result in that potential increase.

Significance after Mitigation: Significant.

XII.

CUMULATIVE SIGNIFICANT EFFECTS AND MITIGATION MEASURES

Cumulative impacts are those which "are considered when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (Pub. Resources Code section 21082.2, subd. (b)). The analysis in the EIR for the General Plan Update relies on regional planning documents, in accordance with Section 15130(b)(1)(B), to serve as a basis for the majority of analysis of the cumulative effects of the proposed General Plan Update. The following regional plans are the foundation for a majority of the cumulative analysis in this section: SANDAG Regional Comprehensive Plan; MSCP; Water Quality Control Plan for the San Diego Basin; Urban Water Management Plan (UWMP); and the Regional Water Facilities Master Plan. These plans are discussed in Section 5.0 and 6.0 of the EIR. They are on file at the City of Chula Vista and are available for review.

In formulating mitigation measures for the project, regional issues and cumulative impacts have been taken into consideration. Many of the mitigation measures adopted for the cumulative impacts are similar to the project level mitigation measures. This reflects the inability of the lead agency to impose mitigation measures on surrounding jurisdictions (i.e., City of San Diego, City of National City, Caltrans, and Mexico) and the contribution of these jurisdictions to cumulative impacts. The Preferred Plan will result in the following irreversible cumulative environmental changes.

Cumulative Impacts are discussed in Chapter 6.0 of the Final EIR.

A. LANDFORM ALTERATION/AESTHETICS

Impact: Development of the project could result in significant cumulative impacts to landforms and visual quality.

Cumulative impacts to landform alteration and aesthetics are discussed in Section 6.2 of the EIR.

> **Finding:** The only mitigation measure available to lessen community character impacts would be the adoption of all zoning, specific plans together with design standards with the Preferred Plan. The Community Character Alternative lessens but does not fully mitigate impacts to Community Character.
>
> Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect as identified in the final EIR. Because the current project is a General Plan Update and the development of design standards is a zoning and specific plan effort which will occur later, until future Specific Plans are developed and zoning specifications are implemented impacts remain significant.
>
> **Explanation:** Development in the East Planning Area would result in a significantly changed landform condition. Much of this area has not been previously developed and would be significantly changed when development occurs. As discussed in Section 5.2 of the EIR, landform alteration is a significant effect, both directly, through its development, and cumulatively as it adds to the general trend in the region of converting undeveloped land to developed land in response to population growth.

The RCP concluded that the loss of views of significant landscape features and landforms would incrementally increase with implementation of the RCP and general plans within the region. Overall, future development within the proposed General Plan Update area would continue to gradually impact visual resources, and are cumulatively significant.

For additional discussion regarding the Project's significant and unavoidable cumulative impacts to landforms and visual quality, see EIR, Section 6.2.

> **Mitigation Measure:** Mitigation Measure 5.2-1 (Section 5.2.5.2, Page 214) described above would be required.
>
> **Significance After Mitigation:** Significant

B. CULTURAL RESOURCES

Impact: Loss of cultural resources in the General Plan Update area would represent a cumulative impact.

Cumulative impacts to cultural resources are discussed in Section 6.4 of the EIR.

Finding: Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant direct environmental effect as identified in the EIR to below a level of significance. Cumulative impacts to cultural resources, however, remain significant.

Explanation: The continued pressure to develop or redevelop areas would result in incremental impacts to the historic record in the San Diego region. Regardless of the efforts to avoid impacts to cultural resources, the more that land is converted to developed uses the greater the potential for impacts to cultural resources. While any individual project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively. The RCP concluded that the loss of historic or prehistoric resources from the past, present, and probable future projects in the Southern California/Northern Baja areas would contribute to cumulatively significant impacts to cultural resources. Implementation of the proposed General Plan Update, in conjunction with other future projects will result in a significant cumulative impact to cultural resources.

For additional discussion regarding the Project's significant and unavoidable cumulative impacts to cultural resources see EIR, Section 6.4

Mitigation Measures: Mitigation Measure 5.4-1 described above would be required.

Significance After Mitigation: Cumulative impacts to cultural resources are significant.

C. PALEONTOLOGICAL RESOURCES

Impact: Development of the proposed project could cumulatively affect paleontological resources.

Cumulative impacts to paleontology are discussed in Section 6.5 of the EIR.

Finding: Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will

substantially lessen or avoid the significant direct environmental effect as identified in the EIR to below a level of significance. Cumulative impacts to paleontological resources remain significant.

Explanation: The City of Chula Vista is located in a highly sensitive area for paleontological resources. Development completed in conformance with the proposed General Plan has the potential to result in significant adverse impacts to paleontological resources. As with cultural resources, the continued pressure to develop undeveloped areas would result in incremental impacts to the paleontological record in the San Diego region. Regardless of the efforts to avoid impacts to these resources, the more that land is converted to developed uses the greater the potential for adverse impacts. While any individual project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively. The RCP concluded that the loss of historic or prehistoric resources from the past, present, and probable future projects in the Southern California/Northern Baja areas would contribute to cumulatively significant impacts to paleontological resources. Implementation of the proposed General Plan Update, in conjunction with other future projects in the cumulative analysis areas will result in a significant cumulative impact to paleontological resources. For additional discussion regarding the Project's significant and unavoidable cumulative impacts to paleontological resources, see EIR, Section 6.5

Mitigation Measures: Mitigation Measures 5.6-1 and 5.6-2 described above would be required.

Significance After Mitigation: Implementation of the proposed General Plan Update, in conjunction with other future projects in the cumulative analysis areas will result in a significant cumulative impact to paleontological resources.

D. ENERGY

Impact: Implementation of the proposed land uses identified in the General Plan Update has the potential to result in cumulative impacts to energy resources.

Cumulative impacts to energy are discussed in Section 6.11 of the EIR.

Finding: The potential increase in development represented by the proposed Preferred Plan has the potential to add incrementally to this demand and represents an unavoidable significant cumulative impact.

Although energy impacts remain unavoidable Mitigation Measure 5.8-1 will reduce those impacts. Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the

project that will substantially lessen the significant environmental effect as identified in the final EIR.

Explanation: As population increases, demand for energy also increases. Because the development and management of energy resources are not presently within the control of the City, there is no assurance that an adequate supply of energy would be available. While it is not anticipated that an adequate supply of energy would not be available, experience has shown that shortages in energy supply can occur. Although the City has taken steps to limit the expanding need for energy, the potential increase in development represented by the proposed Preferred Plan has the potential to add incrementally to this demand and represents an unavoidable significant cumulative impact. The Preferred Plan projects an electrical demand of 438 million Kilowatts above existing demand, and 23.7 million therms above existing demand for natural gas (See Table 5.8-2 of the fEIR). Because these demands exceed the existing demand and there source of the energy to meet that demand is unknown, mitigation of the impact is infeasible.

For additional discussion regarding the Project's significant and unavoidable cumulative impacts to energy, see EIR, Section 6.11.

Mitigation Measures: Mitigation Measure 5.8-1 described above would be required.

Significance After Mitigation: The potential increase in development represented by the proposed Preferred Plan has the potential to add incrementally to this demand and represents an unavoidable significant cumulative impact.

E. TRAFFIC, CIRCULATION, AND ACCESS

Impact: Cumulative impacts to roadway segments would occur with the adoption of the Preferred Plan.

Cumulative impacts to traffic circulation and access are discussed in Section 6.8 of the EIR.

Finding: Because the impacts to the roadway system are based on segment capacity, and the operational improvements outlined below do not increase that capacity, impacts to transportation remain significant. Mitigation Measures 5.10-1 and 5.10-2, however are feasible and will reduce circulation impacts. Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that will substantially lessen the significant environmental effect as identified in the final EIR.

The Reduced Traffic Impact Alternative increases the roadway capacity for these impacted segments. As such, it would lessen this impact to below a level of significance. As discussed in Section XII of these findings, this alternative is infeasible. Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the Reduced Traffic Impact Alternative identified in the EIR.. The alternative is not considered environmentally preferable to the Preferred Plan. Furthermore, and would not accomplish some of the goals and objectives associated with the proposed General Plan Update. The goals and objectives that the Reduced Traffic Impact Alternative would not meet are detailed in Section XII of these findings.

Explanation: The traffic analysis conducted for this project employed the regional traffic database and modeling employed by SANDAG. As such, it included the projected growth for the region, including both growth in regional trips and anticipated expansion of the circulation system. Traffic effects identified in Chapter 5.10 of this EIR are significant. The traffic analyses included mitigation measures to reduce significant traffic impacts. However, not all impacts would be mitigated to below a level of significance. Therefore, significant and unmitigated cumulative traffic impacts are noted for the street network. The mitigation measure presented in Section 5.10.5 of this EIR would reduce some of the incremental cumulative impacts associated with the proposed General Plan Update, however, these measures would not reduce the cumulative traffic impacts to below a level of significance. For additional discussion regarding the Project's significant and unavoidable cumulative impacts to roadway segments, see EIR, Section 6.8

Mitigation Measures: Mitigation Measures 5.10-1 through 5.10-3 described above would be required.

Significance After Mitigation: The mitigation measure presented in Section 5.10.5 of the EIR would reduce some of the incremental cumulative impacts associated with the proposed General Plan Update, however, these measures would not reduce the cumulative traffic impacts to below a level of significance.

F. AIR QUALITY

Impact: Implementation of the General Plan Update could contribute to a significant cumulative impact on regional air quality.

Cumulative impacts to air quality are discussed in Section 6.7 of the EIR.

Finding: Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant direct environmental effect as identified in the EIR below a level of significance. Because the air basin is in non-

compliance for Ozone and PM_{10}, the potential increase in residential units and the activities associated with population growth, even as mitigated in the Preferred Plan and as otherwise mitigated by the City in its CO_2 Reduction Plan and Growth Management Program represents a cumulatively considerable and significant air quality impact.

Explanation: Future development projects within the cumulative study area are anticipated to significantly impact the local street network, resulting in the potential for an increase in carbon monoxide (CO) hot spots. Because air quality, particularly ozone, is a regional issue not all measures needed to comply with state and federal standards are within the ability of Chula Vista to control. Mitigation of these regional issues requires coordination of the planning process with the regional air quality management program.

The San Diego Air Basin is in non-attainment for state ozone and PM_{10} standards. An increase in air emissions will be roughly proportional to an increase in population. While commercial and industrial sources will contribute to these emissions, proportional increase in residential units can serve as a general indicator of the potential for population growth and related air quality effects. Because the air basin is in non-compliance for Ozone and PM_{10}, the potential increase in residential units and the activities associated with population growth, even as mitigated in the Preferred Plan and as otherwise mitigated by the City in its CO_2 Reduction Plan and Growth Management Program represents a cumulatively considerable and significant air quality impact. For additional discussion regarding the Project's significant and unavoidable cumulative impacts to regional air quality, see EIR, Section 6.7

Mitigation Measures: Mitigation Measures 5.11-1 through 5.11-3 described above would be required.

Significance After Mitigation: Because the air basin is in non-compliance for Ozone and PM_{10}, the potential increase in residential units and the activities associated with population growth, even as mitigated in the Preferred Plan and as otherwise mitigated by the City in its CO_2 Reduction Plan and Growth Management Program represents a cumulatively considerable and significant air quality impact.

G. PUBLIC UTILITIES

POTABLE WATER

Impact: The proposed project could result in cumulative impacts to potable water supply and storage.

Cumulative impacts to potable water are discussed in Section 6.10 of the EIR.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. Because there is no assurance that water supply will be available to adequately serve the projected increase in population resulting from the proposed General Plan Update, the impact remains significant and unmitigated.

Explanation: Because water supply forecasts are based on the regional growth forecasts conducted by SANDAG and because the regional growth forecasts rely on adopted general plans, amending the general plan to increase development potential would, necessarily, result in an inconsistency between the water supply forecast and Chula Vista's General Plan Update.

The extent to which this is a cumulative impact issue relates, in part, to the possibility that projects developed outside of the city of Chula Vista would limit water availability within the General Plan area. Senate Bills SB 610 and SB 221 of 2001 place requirements on individual projects, and require consideration of the provision of water. Both apply, in certain situations, to projects that are developed in conformance to the General Plan Update.

The Preferred Plan increases development potential in each update area of the city. This relative demand assumes that future per capita water demand remains the same. As such, increases in demand would be proportional to population growth. Because a long-term water supply is not assured, the increases in water demand are significant. Long-term water supply is not assured and contracts do not currently exist to serve Chula Vista through buildout of the proposed General Plan Update. The SDCWA has developed the Urban Water Management Plan (UWMP) and updates it every five years using SANDAG's regional growth forecasts. The UWMP does not guarantee an adequate water supply. Water demands as a result of the Preferred Plan in the year 2030 will exceed current demand in the General Plan area. Because these demands exceed the existing demand and there source of the water to meet that demand is not firmly established, mitigation of the impact is infeasible.

For additional discussion regarding the Project's significant and unavoidable cumulative impacts to potable water supply and storage, see EIR, Section 6.10.

Mitigation Measure: Mitigation Measures 5.14-1 and 5.14-2 described above would be required.

Significance After Mitigation: While compliance with the policies associated with Objectives PFS 2 and 3 of the Preferred Plan and implementation of the

mitigation measures identified above would reduce the impact to water supply, because there is no assurance that water supply will be available to adequately serve the projected increase in population resulting from the proposed General Plan Update, the impact remains significant and unmitigated.

H. NOISE

Impact: Implementation of the General Plan Update could contribute to a significant cumulative impact on noise.

Cumulative impacts to noise are discussed in Section 6.9 of the EIR.

Finding: Pursuant to section 15091(a)(3) of the State CEQA Guidelines, specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Explanation: Future traffic volumes are the basis for the predominance of future noise effects. The traffic volumes used in the noise report are based on the cumulative effects of traffic. As such, the noise analysis is a cumulative analysis. A significant impact will occur to existing receivers adjacent to circulation element roadways where traffic volumes are projected to result in noise level increases of more than 3 decibels. Lessening the noise levels in these areas would require a lot-by-lot review of potential exterior use areas and an evaluation of the acoustical performance of each building exposed to the increase. The exterior analysis would assess the feasibility of reducing noise levels to outdoor use areas and the interior review would require consideration of the effectiveness of existing windows and doors, the adequacy of existing construction, and the need for retrofit. Since this level of analysis is infeasible at the General Plan stage, direct and cumulative impacts remain significant and not mitigated. The adoption of the Preferred Plan or any of the Scenarios have the same effects since they are the same at the general plan level of analysis. For additional discussion regarding the Project's significant and unavoidable cumulative impacts to noise, see EIR, Section 6.9.

Mitigation Measures: The mitigation presented in Section 5.12.5 of the EIR would be required for noise impacts.

Significance After Mitigation: Significant

XIII.

FEASIBILITY OF POTENTIAL PROJECT ALTERNATIVES

Because the project will cause some unavoidable significant environmental effects, as outlined above, the City must consider the feasibility of any environmentally superior alternative to the project, as finally approved. The City must evaluate whether one or more of these alternatives could avoid or substantially lessen the unavoidable significant environmental effects. Where, as in this project, significant environmental effects remain even after application of all feasible mitigation measures identified in the EIR, the decisionmakers must evaluate the project alternatives identified in the EIR. Under these circumstances, CEQA requires findings on the feasibility of project alternatives.

In general, in preparing and adopting findings, a lead agency need not necessarily address feasibility when contemplating the approval of a project with significant impacts. Where the significant impacts can be mitigated to an acceptable (insignificant) level solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376 [253 Cal.Rptr. 426]; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515 [147 Cal.Rptr. 842]; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650]. Accordingly, for this project, in adopting the findings concerning project alternatives, the City Council considers only those environmental impacts that, for the finally approved project, are significant and cannot be avoided or substantially lessened through mitigation.

The City has properly considered and reasonably rejected a reasonable range of project alternatives as "infeasible" pursuant to CEQA. CEQA provides the following definition of the term "feasible" as it applies to the findings requirement: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Pub. Resources Code section 21061.1] The CEQA Guidelines provide a broader definition of "feasibility" that also encompasses "legal" factors. CEQA Guidelines section 15364 states, "The lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor." (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410].)

Accordingly, "feasibility" is a term of art under CEQA and thus may not be afforded a different meaning as it may be provided by Webster's dictionary or any other sources. Moreover, Public Resources Code section 21081 governs the "findings" requirement under CEQA with regard to the feasibility of alternatives. Specifically, no public agency

shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings:

(1) "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." [CEQA Guidelines section 15091, subd. (a)(1)]

(2) "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [CEQA Guidelines section 15091, subd. (a)(2)]

(3) "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." [CEQA Guidelines section 15091, subd. (a)(3)]

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [183 Cal.Rptr. 898]) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182])

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the finally approved project, while still resulting in significant environmental impacts, has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the decisionmakers have examined the finally approved project objectives and weighed the ability of the various alternatives to meet the objectives. The decisionmakers believe that the project best meets the finally approved project objectives with the least environmental impact.

The detailed discussion in Sections VIII and IX demonstrate that significant environmental effects will occur as a result of the Preferred Plan for 10 issues. They include:

- Land use
- Landform alteration/aesthetics

- Cultural resources
- Paleontological resources
- Energy
- Transportation
- Air quality
- Noise
- Public Utilities (Water Supply)
- Housing and Population

The City fully satisfies its CEQA obligations by determining whether any alternatives identified in the EIR are both feasible and environmentally superior with respect to the impacts listed above. (*Laurel Hills, supra,* 83 Cal.App.3d at 519-527; [147 Cal.Rptr. 842]; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403 [253 Cal.Rptr. 426].) As the succeeding discussion will show, no identified alternative qualifies as both feasible and environmentally superior with respect to the unmitigated impact.

To fully account for these unavoidable significant effects, and the extent to which particular alternatives might or might not be environmentally superior with respect to them, these findings will not focus solely on the impacts listed above, but may also address the environmental merits of the alternatives with respect to all broad categories of impacts—even though such a far-ranging discussion is not required by CEQA. The findings will also assess whether each alternative is feasible in light of the City's objectives for the General Plan Update.

The City's review of project alternatives is guided primarily by the need to reduce potential impacts associated with the General Plan Update, while still achieving the basic objectives of the project. The City's primary objectives are included in Section II above.

A. NO PROJECT ALTERNATIVE

Section 15126, subdivision (d)(4), of the CEQA Guidelines require the evaluation of the "No Project" Alternative. Such an alternative "shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." In the event that the Preferred Plan is not approved, the currently adopted General Plan would remain in effect. This condition is the No Project Alternative. The No Project Alternative would allow for a total of 23,601 residential units and 2,626 acres of commercial, industrial, and public uses which reduces

the intensity of housing, commercial, and industrial uses as well as increases open space and park uses over that of the Preferred Plan. Under the No Project alternative, the impacts associated with project implementation and the potentially significant cumulative impacts of proposed and approved developments in the area would be reduced compared to the Preferred Plan. The No Project Alternative would thus reduce impacts to land use, landform alteration/aesthetics, air quality, and public services and utilities. Because the No Project Alternative still entails growth in the City impacts to these issues, although reduced, remain significant and unavoidable.

Although the No Project Alternative is considered environmentally preferable to the proposed project, it would not accomplish several of the goals and objectives of the proposed project. The No Project Alternative would not meet the following goals and objectives:

- *Continue to expand the local economy by providing a broad range of business, employment and housing opportunities that support an excellent standard of living, and improve the ability for residents to live and work locally, and maintain and enhance a high quality-of-life for the City's residents by developing and sustaining a healthy, strong and diverse economic base.*

  The No Project Alternative represents less mixed use, less housing capacity, lower residential densities, and less employment capacity than the Preferred Plan. As such, it fails to provide the necessary mix of land uses sufficient to support exemplary community services, facilities, and amenities. The Preferred Plan represents an increase of 198 acres of industrial land and 16,576 additional housing units over the No Project Alternative. Therefore, the No Project Alternative provides less of an opportunity for the expansion of the local economy and makes it more difficult to sustain a strong economic base.

- *Provide for sufficient land use capacity and density to support revitalization and redevelopment of western Chula Vista.*

  The No Project Alternative would retain the existing land use designations in the Urban Core of the City. It would result in land use designations that would support 6,275 fewer residential units, as well as less retail and office uses in the Urban Core relative to the Preferred Plan, and make it less likely that redevelopment and revitalization would occur.

- *Provide a mix of land uses that meets community needs and generates sufficient revenue to sustain exemplary community services, facilities and amenities.*

Recognizing that revenue is proportional to intensity of use, reduced intensity, as represented by the No Project Alternative, would result in reduced revenues and make it more difficult for the City to sustain services, facilities, and amenities.

- *Target higher density and higher intensity development into specific focus areas in order to protect stable residential neighborhoods and to create mixed-use urban environments that are oriented to, and adequately support, transit and pedestrian activity. This targeted development will be well-designed, compatible with adjacent areas, and contribute to the continued vitality of Chula Vista's economy.*

  While the Preferred Plan establishes focus areas and increases densities in those specific areas, the No Project Alternative does not specify those locations and target higher intensity development into them. Rather it continues to direct growth in patterns already established. While some of this growth occurs in developed areas, it does not identify or promote mixed-use.

- *Ensure sufficient housing capacity, density, and variety to meet existing and future needs, and to support the provision of affordable housing.*

  By establishing land use designations that allow for increased density, the City creates the opportunity to expand the supply of housing and thereby increase the opportunity for the provision of affordable housing. SANDAG's regional projections clearly demonstrate a lack of sufficient capacity among local jurisdictions' current General Plans to accommodate regional needs. With lower densities, the No Project Alternative perpetuates the shortage and does not meet this objective.

- *Foster a sustainable circulation/mobility system that provides mode of transportation choices, is well-integrated with the city's land uses, and connects the city both internally and to the region.*

  The Preferred Plan envisions higher residential densities than proposed by the No Project Alternative, and integrates a new bus rapid transit system throughout the City The purpose of the higher densities is to promote pedestrian, bicycle, and transit-oriented development, and to wisely manage limited natural resources through the concentration of development in the least environmentally sensitive areas while preserving large tracts of open space. The BRT system is part of a larger system consistent with the adopted Regional Transit Vision, and connects not only major destination areas/activity centers within the City, but also with regional centers and employment areas outside the City. Reduction in density and the lack of the BRT system, as would occur under the No Project Alternative, would provide insufficient density in the Urban Core to support transit facilities and to promote pedestrian-oriented land use design, and would not integrate the needed BRT system

- *Re-emphasize and revitalize the older, downtown Chula Vista core area as the heart of the city through a combination of public, civic, shopping, employment, entertainment, and residential uses.*

  The No Project Alternative does not include the objectives and policies directed at conserving the historic value of the City, as established by Objectives LUT 9 and LUT 12. It also does not include the land use mixes or intensities necessary to revitalize the Urban Core.

- *Protect Chula Vista's important historic resources.*

  The No Project Alternative does not include the objectives LUT 9 and LUT 12 directed at conserving the historic value of the City.

For these reasons, the City Council concludes that the No Project Alternative is not feasible. (*See City of Del Mar, supra,* 133 Cal.App.3d at 417; *Sequoyah Hills, supra,* 23 Cal.App.4th at 715.)

For additional discussion regarding the No Project Alternative, see Chapter 10.0 of the EIR.

B. REDUCED PROJECT ALTERNATIVE

The purpose of the Reduced Project Alternative was to evaluate the potential for reducing traffic and traffic-related impacts, such as noise and air quality, and evaluating the potential for reducing the effects on land use and community character. This alternative would reduce development throughout the General Plan area compared to the Preferred Plan. It was developed by combining the least developed, highest park and open space components from the Preferred Plan. Where there was no difference between scenarios or where the Preferred Plan scenario represented the least developed condition, the Preferred Plan component was included in this alternative. The Reduced Project Alternative would allow for a total of 32,199 residential units and 2,262.6 acres of commercial, industrial, and public uses which reduces the intensity of housing, commercial, and industrial uses as well as increases open space and park uses over that of the Preferred Plan.

The project footprint for this alternative would be essentially the same as for the Preferred Plan. This would result in the same direct impacts to ground resources, such as biology, geology, archaeology, and agriculture as for the Preferred Plan. Because it would reduce developed land and increase open space and park land, it has the potential to lessen impacts that result from ground disturbing activities. Depending upon the nature of the active uses in the park and open space areas, it is possible that impacts for a

number of issues, including traffic, noise, air quality, hydrology, landform alteration, and public services would also be reduced.

The Reduced Project Alternative is considered environmentally preferable to the proposed project because it would provide greater amounts of open space and park land. However, it would not accomplish several of the goals and objectives of the proposed project. The Reduced Project Alternative would not meet the following goals and objectives:

- *Maintain and enhance a high quality-of-life for the City's residents by developing and sustaining a healthy, strong and diverse economic base.*

  The Reduced Project Alternative limits commercial and residential opportunities relative to that of the Preferred Plan. It, therefore, provides less of an opportunity for the continued expansion of the local economy and makes it more difficult for the City to meet this objective.

- *Target higher density and higher intensity development into specific focus areas in order to protect stable residential neighborhoods and to create mixed-use urban environments that are oriented to, and adequately support, transit and pedestrian activity. This targeted development will be well-designed, compatible with adjacent areas, and contribute to the continued vitality of Chula Vista's economy.*

  The Reduced Project Alternative would not target higher intensities into focus areas, but would limit the intensity of development. While the alternative would permit mixed use that could be designed to protect stable residential neighborhoods, it would limit the ability of the City to support transit and pedestrian activity because of the reduced population density. Higher densities help promote pedestrian, bicycle, and transit-oriented development.

- *Protect and increase the industrial land use base to provide for higher-value added jobs, and to support the retention and expansion of local businesses and industries.*

  This alternative reduces industrially designated land relative to the Preferred Plan, and, as such makes it more difficult for the City to achieve the goal of providing higher-value added jobs, and to support the retention and expansion of local businesses and industries. The Reduced Project Alternative would result in 215 fewer acres of industrial and commercial land use than does the Preferred Plan.

- *Ensure sufficient housing capacity, density, and variety to meet existing and future needs, and to support the provision of affordable housing.*

By establishing land use designations that allow for increased density, the City creates the opportunity to expand the supply of housing and thereby increase the opportunity for the provision of affordable housing. With lower densities, the No Project Alternative fails to meet this objective. The Preferred Plan proposes land use designations that would allow 39,322 residential units in the update areas, where the Reduced Project Alternative would allow 32,623, 6,699 fewer units in the update areas. The remainder of the City remains unchanged.

- *Foster a sustainable circulation/mobility system that provides mode of transportation choices, is well-integrated with the city's land uses, and connects the city both internally and to the region.*

  The Preferred Plan envisions higher residential densities than proposed by the Reduced Project Alternative. The purpose of the higher densities is to promote pedestrian, bicycle, and transit-oriented development and to wisely manage limited natural resources. By reducing density and overall development potential in the areas of change, the Reduced Project Alternative would make if more difficult to provide transportation improvements needed to meet this objective. .

For these reasons, the City Council concludes that the Development Consistent with the Alternative is not feasible. (*See City of Del Mar, supra,* 133 Cal.App.3d at 417; *Sequoyah Hills, supra,* 23 Cal.App.4th at 715.)

For additional discussion of the Reduced Project Alternative see Section 11.2 of the EIR.

C. COMMUNITY CHARACTER ALTERNATIVE

The EIR identified potential adverse impacts to community character that could result from the adoption of the Preferred Plan. This impact would result from heights and mass of buildings throughout the General Plan area. This potential effect could also impact the historic character of Downtown on Third Avenue. The Community Character Alternative is analyzed within the EIR as a means of reducing impacts associated with land use, specifically community character, visual resources, cultural resources, transportation, air quality, and services and utilities. To reduce these impacts, this alternative would reduce the height of development throughout the General Plan area compared to the Preferred Plan. Because the Community Character still entails growth in the City, impacts to these issues, although reduced, remain significant and unavoidable.

This alternative reduces the designated building heights by one category level to achieve a reduction in building heights throughout the General Plan area. For instance, every area designated for high-rise would be reduced to mid-rise, likewise the areas designated for mid-rise would be reduced to low-rise. Areas affected with the reduction from high-rise to mid-rise include the H Street Focus Area, the E Street Visitor Focus Area, and the H

Street Gateway Focus Area. The reduction from mid-rise to low-rise affects areas throughout the General Plan area.

The project footprint for this alternative would be essentially the same as for the Preferred Plan. This would result in the same direct impacts to ground resources, such as biology, geology, and archaeology, as for the Preferred Plan.

Although the Community Character Alternative is considered environmentally preferable to the proposed project, it would not accomplish several of the goals and objectives of the proposed project. The Community Character Alternative would not meet the following goals and objectives:

- *Continue to expand the local economy by providing a broad range of business, employment and housing opportunities that support an excellent standard of living, and improve the ability for residents to live and work locally.*

- *Maintain and enhance a high quality-of-life for the City's residents by developing and sustaining a healthy, strong and diverse economic base.*

  The Community Character Alternative represents less mixed use, less housing capacity, lower residential densities, and less employment capacity than the Preferred Plan. As such, it provides less of an opportunity for the expansion of the local economy and makes it difficult to sustain a strong economic base.

  The Community Character Alternative would also limit commercial and residential opportunities relative to that of the Preferred Plan. It, therefore, provides less of an opportunity for the continued expansion of the local economy and makes it more difficult for the City to meet this objective.

- *Provide for sufficient land use capacity and density to support revitalization and redevelopment of western Chula Vista.*

  The Community Character Alternative limits commercial and residential opportunities relative to that of the Preferred Plan. It, therefore, provides less of an opportunity for the continued expansion of the local economy and makes it more difficult for the City to meet this objective of revitalization and redevelopment.

- *Provide a mix of land uses that meets community needs and generates sufficient revenue to sustain exemplary community services, facilities and amenities.*

This alternative would limit the ability of the City to support transit and pedestrian activity because of the reduced population density, and result in insufficient densities and intensities (relative to land and development costs) to supply sufficient revenue streams. Higher densities help promote pedestrian, bicycle, and transit-oriented development.

- *Ensure that services and infrastructure expand to match needs created by growth and redevelopment, and to support economic prosperity.*

  The Community Character Alternative limits commercial and residential opportunities relative to that of the Preferred Plan, and, therefore, provides less of an opportunity for the continued expansion of the local economy and makes it more difficult for the City to meet its obligation for provision of services and infrastructure.

- *Foster a sustainable circulation/mobility system that provides mode of transportation choices, is well-integrated with the city's land uses, and connects the city both internally and to the region.*

  The Preferred Plan envisions higher residential densities than proposed by the Community Character Alternative. The purpose of the higher densities is to promote pedestrian, bicycle, and transit-oriented development and to wisely manage limited natural resources through the concentration of development in the least environmentally sensitive areas while preserving large tracts of open space. Reduction in density, as proposed under the Community Character Alternative, would provide insufficient density in the Urban Core to support transit facilities and to promote pedestrian-oriented land use design.

- *Target higher density and higher intensity development into specific focus areas in order to protect stable residential neighborhoods and to create mixed-use urban environments that are oriented to, and adequately support, transit and pedestrian activity. This targeted development will be well-designed, compatible with adjacent areas, and contribute to the continued vitality of Chula Vista's economy.*

  The Community Character Alternative would not target higher intensities into focus areas, but would limit the intensity of development. While the alternative would permit mixed use that could be designed to protect stable residential neighborhoods, it would limit the ability of the City to support transit and pedestrian activity because of the reduced population density. Higher densities help promote pedestrian, bicycle, and transit-oriented development.

- *Ensure sufficient housing capacity, density, and variety to meet existing and future needs, and to support the provision of affordable housing.*

By establishing land use designations that allow for increased density, the City creates the opportunity to expand the supply of housing and help support the provision of affordable housing. The Community Character fails to meet this objective.

For these reasons, the City Council concludes that the Community Character Alternative is not feasible. (*See City of Del Mar, supra,* 133 Cal.App.3d at 417; *Sequoyah Hills, supra,* 23 Cal.App.4th at 715.)

For additional discussion of the Community Character Alternative see Section 11.3 of the EIR.

D. REDUCED TRAFFIC IMPACT ALTERNATIVE

As a result of the traffic analysis in the EIR, 15 roadway segments were determined to have a significant impact after mitigation with the adoption of the Preferred Plan. The Reduced Traffic Impact Alternative was developed to reduce these impacts. This alternative would upsize the classification of all roadways segments identified as being significantly impacted under the Preferred Plan to reduce these impacts. Upsizing the roadway segments would improve traffic flow and alleviate peak hour congestion. Increasing a four-lane major to a six-lane major results in an increase capacity of 10,000 ADT. It is anticipated that those roadways operating at LOS D under the Preferred Plan would operate at C or better under this alternative.

The Reduced Traffic Impact Alternative would reduce the impacts to traffic and air quality compared to the Preferred Plan; however, impacts to land use/community character, cultural and paleontological resources, geological and soil resources, water quality, and noise would be increased under this alternative compared to the Preferred Plan. The widening of the roads could affect community character, particularly in the developed areas in western Chula Vista. The eastern roadways, including Otay Lakes Road, Olympic Parkway, and Eastlake Parkway, are large roadways and their widening, if feasible, would have less an effect on community character as homes and businesses are at a greater distance from these streets than roads in older neighborhoods. The impacts to water facilities and supply, sewer, wastewater, school service, police and fire protection, and park and recreation impacts identified for the Preferred Plan would remain the same under this alternative.

Many of the potential impacts associated with this alternative would be increased from those of the Preferred Plan due to the increased grading footprint required to widen the roadways. As a result, the alternative is not considered environmentally preferable to the Preferred Plan. Furthermore, this alternative would not accomplish some of the goals and objectives associated with the proposed General Plan Update. The Reduced Traffic Impact Alternative would not meet the following goals and objectives:

- *Conserve Chula Vista's sensitive biological and other valuable natural resources.*

  The Reduced Traffic Impact Alternative's constrains the City's ability to meet this objective because the increase widths to roadway segments in the undeveloped portions in the East Planning area, particularly along Main Street and Olympic Parkway could increase the potential for an impact to biological resources. Additional lanes on roadways have increases in width. An average lane width is 12 feet, with corresponding additional improvements. By increasing a roadway by 12 to 24 feet, the potential for impacts to resources is increased, and this goal is can not be met. .

- *Protect Chula Vista's important historic resources.*

  The Reduced Traffic Impact Alternative's constrains the City's ability to meet this objective because the increase widths to roadway segments in the undeveloped portions in the East Planning area, particularly along Main Street and Olympic Parkway could increase the potential for an impact to cultural resources. Additional lanes on roadways have increases in width. An average lane width is 12 feet, with corresponding additional improvements. By increasing a roadway by 12 to 24 feet, the potential for impacts to resources is increased, and this goal is can not be met. .

- *Target higher density and higher intensity development into specific focus areas in order to protect stable residential neighborhoods and to create mixed-use urban environments that are oriented to, and adequately support, transit and pedestrian activity. This targeted development will be well-designed, compatible with adjacent areas, and contribute to the continued vitality of Chula Vista's economy.*

  The Reduced Traffic Impact Alternative is not consistent with the City's objective to create mixed-use urban environments that are oriented to transit and pedestrian activity. Widening the roadways could potentially cause a decrease in the use of buses, Bus Rapid Transit (BRT) the Trolley, rail lines, bicycle travel, and pedestrian traffic.

For these reasons, the City Council concludes that the Development Consistent with the Alternative is not feasible. (*See City of Del Mar, supra,* 133 Cal.App.3d at 417; *Sequoyah Hills, supra,* 23 Cal.App.4th at 715.)

For additional discussion of the Reduced Traffic Impact Alternative see Section 11.4 of the EIR.

XIV.

EFFECTS FOUND NOT TO BE SIGNIFICANT

Impacts related to the following thresholds were found not to be significant, as a result of the analysis conducted for the EIR. The basis for the conclusion as to the effect relative to those thresholds is provided on the referenced pages of the EIR.

	Discussion Location Pages
Land Use	
Threshold 2: Conflict with any applicable land use plan, policy, or regulation or an agency with jurisdiction over the project (including but not limited to the General Plan, Specific Plan, Local Coastal Program, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	160-176
Threshold 3: Conflict with any applicable habitat conservation plan or Natural Communities Conservation Plan.	177-178
Landform Alternation/Aesthetics	
Threshold 1: Have a substantial adverse effect on a scenic vista, or substantially damage scenic resources, including, but not limited to, trees, and rock outcroppings	197-199
Biology	
Threshold 1: Have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	227-228
Threshold 2: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	228-229
Threshold 3: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	229-230
Threshold 4: Conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	230-236

Cultural Resources	
Threshold 2: Disturb any human remains, including those interred outside of formal cemeteries	252
	Discussion Location Pages
Geology and Soils	
Threshold 1: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning or based on other substantial evidence of a known fault; or Place sensitive uses in situations that have the potential to be adversely affected by soil conditions	265-267
Agriculture	
Threshold 1: Convert prime farmland or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use and/or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use	283-284
Water Resources and Water Quality	
Threshold 1: Violate any water quality standards or waste discharge requirements.	314-317
Threshold 2: Substantially deplete groundwater resources or aquifer recharge areas or divert existing groundwater flows.	317-318
Threshold 3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation or flooding.	318-325
Threshold 4: Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam or place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	325-327
Transportation	
Threshold 1: The adoption of the Urban Core Roadway Classifications contained in the proposed General Plan Update would result in a significant impact if adoption of an urban street system would not provide an adequate urban amenities program, and would not facilitate multimodal transportation systems sufficient to allow the City's Urban Core to achieve the mobility required to serve proposed land use densities.	339-348

	Discussion Location Pages
Air Quality	
Threshold 2: Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	399-400
Threshold 4: Expose sensitive receptors to substantial pollutant concentrations.	403-415
Threshold 5: Create objectionable odors affecting a substantial number of people.	415
Noise	
Threshold 2: Result in the generation of excessive noise.	454
Threshold 3: Expose people residing or working within an established Airport Influence Area to excessive noise levels.	454-455
Public Services	
Fire Protection: Result in the inability of the City to provide an adequate level of service in accordance with the adopted standards and thresholds.	459-465
Law Enforcement: Result in the inability of the City to provide an adequate level of service in accordance with the adopted standards and thresholds.	469-471
Schools: Result in the inability for the public school system to provide adequate schools.	476-480
Library Service: Result in the inability for the city to provide an adequate level of service in accordance with the adopted standards and thresholds, which currently requires the provision of 500 square feet of library facilities per 1,000 population for new development.	484-487
Parks and Recreation: : Result in the inability for the City to provide an adequate level of service in accordance with the adopted standards and thresholds, which currently requires the provision of 3 acres of dedicated parkland per 1,000 population for new development.	494-496
Public Utilities	
Wastewater: Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate planned capacity to serve projected demand in addition to the provider's existing commitments	523-529
Integrated Waste Management: Be served by landfills with insufficient permitted capacity to accommodate the project's solid waste disposal needs.	531-533
Hazards/Risk of Upset	
Threshold 1: Create a significant hazard to the public or the environment through the routine transport, use, disposal or accidental release of hazardous materials.	558-559

	Discussion Location Pages
Threshold 2: Place potential emitters of hazardous or acutely hazardous materials or substances in close proximity to sensitive receivers.	559-561
Threshold 3: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	561
Threshold 4: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	562
Mineral Resources	
Threshold 1: Result in the loss of availability of a valuable mineral resource that would be of value to the region and the residents of the state.	570-571
Housing and Population	
Threshold 2: Displaces substantial numbers of existing housing, necessitating the construction or replacement of housing elsewhere;	579-580
Threshold 3: Displaces substantial numbers of people, necessitating the construction or replacement of housing elsewhere.	580

XV.

RECIRCULATION OF THE DRAFT EIR

In accordance with Section 15088.5 of the CEQA Guidelines, the draft EIR for the General Plan Update for the City of Chula Vista is being recirculated. The purpose of this recirculation is to include additional updated information regarding the proposed plan update and include expanded analyses. A summary of the revisions made to the previously circulated draft EIR in accordance with Section 15088.5(g) was provided in the Summary of Revisions section of the EIR, pages ix through xxix.

In accordance with Section 15088.5(f)(1) when an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and are not required to respond to those comments received during the earlier circulation period. In conformance with this Section, the City is not responding to those comments received in response to the previous document. New comments are required by the end of the public review period for the recirculated General Plan Update EIR. The City of Chula Vista will respond to these comments submitted for the revised EIR. While

the City of Chula Vista will not respond to the earlier comments, those comments will be part of the administrative record.

XVI

OPTIONAL MODIFICATIONS TO THE PREFERRED PLAN

In consideration of potential modifications to the Preferred Plan, four options have been identified. These options are elements of the three additional scenarios addressed in the EIR, and include:

1. Designation of 15 acres of the Active Recreation area for Visitor Commercial use
2. Retention of the adopted General Plan land use for the Freeway Commercial area in the East Planning Area
3. Designation of an area at South Broadway at Palomar Street for residential use rather than commercial use.
4. Shifting the "Town Focus Area" in the South Third Avenue District further south near Orange Avenue and Third Avenue.

Option: Designation of 15 acres of the Active Recreation area for Visitor Commercial use

Impact: Scenario 2 includes an analysis of the impact of establishing a visitor commercial land use on a portion of the Active Recreation area in the Otay River Valley. The analysis in the EIR regarding this issue under Scenario 2 considered establishing 29 acres of the area as mixed use commercial in support of entertainment related land uses. This scenario also specified 23 acres of medium high and high density residential in this location.

The impact analysis for Scenario 2 represents a worst case assessment of the effects of identifying a 15 acre visitor commercial use in this location. This option does not include any residential uses in this area.

The significant effects identified in the EIR for Scenario 2 as they pertain to this area and would differ from the land uses in the Preferred Plan are related to traffic. The EIR also indicates that impacts would occur to Biology because of the designation of residential uses adjacent to the MSCP preserve. Since no residential use is proposed, this would not be an adverse affect of this option.

Impacts to traffic circulation from Scenario 2 include impacts to 18 non-Urban Core roadway segments, as opposed to 15 impacted segments for the Preferred Plan. These impacts are detailed on Table 5.10-3 of the EIR. Scenario 2 also impacts one Urban Core Roadway segment. Because this option is located within

the East Planning Area, the proposed change in the designated land use is not anticipated to affect the traffic in the Urban Core area of the city. The significance of impacts and mitigation for the remaining issues identified for the Preferred Plan are the same for this option.

Finding: Impacts to traffic and circulation are the only effects that differ from the Preferred Plan as a result of the adoption of this option. Therefore, the findings made for the issues described above, apply to this option. These findings are provided in Section XI above. Because the impacts to the roadway system are based on segment capacity, and the operational improvements outlined below do not increase that capacity, impacts to transportation remain significant. Mitigation Measures 5.10-1 and 5.10-2, however are feasible and will reduce circulation impacts. Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that will substantially lessen the significant environmental effect as identified in the final EIR.

Explanation: Operational improvements would reduce impacts but not necessarily to a level less than significant. The 18 non-Urban Core roadway segments identified in the EIR as having a significant impact before mitigation will have a significant impact after mitigation because the identified mitigation measure will not increase the capacity of area roads.

Mitigation Measures: The following mitigation measures are feasible and are required as a condition of approval and are made binding through these findings.

5.10-1 Prior to issuance of building permits, individual projects shall either contribute to the existing Traffic Signal Fee Program for applicable projects in Chula Vista or secure and construct the improvements specified in Table XI.F-1 (Table 5.10-5 of the EIR) that are within the area of benefit to the satisfaction of the City Engineer.

For projects in eastern Chula Vista, the existing Transportation Development Impact Fee (TDIF) program and the Traffic Signal Fee Program collects fees from proposed developments on an Equivalent Dwelling Unit (EDU) basis and allocates the funds to construct needed transportation infrastructure in eastern Chula Vista. The Growth Management Program monitors traffic flow on key arterial streets, and provides a means to “meter” the rate of development in order to limit traffic congestion. All three of these existing programs are in place to ensure that the direct traffic impacts of individual projects or the cumulative impacts associated with planned growth are disclosed and mitigated or avoided in accordance with CEQA.

5.10-2 For impacts to the freeway segments listed in Table XI.F-2 (Table 5.10-4 of the EIR), in order to mitigate impacts of the General Plan Update, the freeways will need to be widened to provide between one and three additional general purpose lanes (or the equivalent capacity in HOV and/or managed lanes), depending on the segment. Since the freeway system is developed and managed by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways and the impact remains significant.

Significance After Mitigation: Significant

Option: Retention of the adopted General Plan land use for the Freeway Commercial area in the East Planning Area

Impact: Scenarios 1 and 3 included the retention of the land use designations from the Adopted General Plan for the Freeway Commercial site. The Preferred Plan identifies mixed use residential development on the northerly 35 acres of the Freeway Commercial Focus Area in the Otay Ranch Subarea. This option would specify Retail Commercial for this area, as currently designated in the Adopted General Plan.

The impact analysis for Scenario 3 represents a worst case assessment of the effects of identifying and retaining the Retail Commercial use in this location. The significant effects identified in the EIR for Scenario 3 as they pertain to this area and would differ from the land uses in the Preferred Plan are related to traffic. Impacts to traffic circulation from Scenario 3 include impacts to 19 non-Urban Core roadway segments, as opposed to 15 impacted segments for the Preferred Plan. These are detailed on Table 5.10-3 of the EIR. The significance of impacts and mitigation for the remaining issues identified for the Preferred Plan are the same for this option.

Finding: Impacts to traffic and circulation are the only effects that differ from the Preferred Plan as a result of the adoption of this option. Therefore, the findings made for the issues described above, apply to this option. These findings are provided in Section XI above. Because the impacts to the roadway system are based on segment capacity, and the operational improvements outlined below do not increase that capacity, impacts to transportation remain significant. Mitigation Measures 5.10-1 and 5.10-2 as described above, however, are feasible and will reduce circulation impacts. Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated

into, the project that will substantially lessen the significant environmental effect as identified in the final EIR

Explanation: Operational improvements would reduce impacts but not necessarily to a level less than significant. The 19 non-Urban Core roadway segments identified in the EIR as having a significant impact before mitigation will have a significant impact after mitigation because the identified mitigation measure will not increase the capacity of area roads.

Mitigation: Mitigation measures 5.10-1 and 5.10-2 are feasible and are required as a condition of approval and are made binding through these findings.

Significance After Mitigation: Significant.

Option: Designation of an area at South Broadway District south of Naples for mixed use residential rather than mixed use commercial.

Impact: This option would designate portions of the South Broadway District south of Naples Street as Mixed Use Residential on properties south of Palomar Street. The Preferred Plan proposes a Mixed Use Commercial designation in this area. Other stable commercial and some residential uses are not proposed for change.

Mixed Use Residential to Mixed Use Commercial land uses were considered for the entire length of the South Broadway District. The Preferred Plan indicated that from Naples Street to Main Street there should be space reserved for automotive service uses, which was not compatible with residential uses.

The Mixed Use Commercial designation allows for a mix of retail, business services, and office uses, but excludes residential. Ground floor uses are predominantly retail in order to promote pedestrian activity. The Mixed Use Residential designation allows a mix of multi-family residential, retail shops, financial, business and personal services, restaurants, entertainment, and office opportunities in a pedestrian-friendly environment. For the Mixed Use Residential designation, ground floor uses are predominantly non-residential in order to promote pedestrian activity.

The Mixed Use Residential option was considered in the EIR as part of Scenario 2 (EIR page 70). No significant impacts aside from transportation were associated with this specific option as part of consideration of Scenario 2. Scenario 2 does result in a predicted impact on Palomar Street between I-5 and Broadway that does not occur under the Preferred Plan. While the impacts to this segment can not be isolated to this option, adoption of the option could result in this effect.

Finding: Impacts to traffic and circulation are the only effects that differ from the Preferred Plan as a result of the adoption of this option. Therefore, the findings made for the issues described above, apply to this option. These findings are provided in Section XI above. Because the impacts to the roadway system are based on segment capacity, and the operational improvements outlined below do not increase that capacity, impacts to transportation remain significant. Mitigation Measures 5.10-1 and 5.10-2 as described above, however, are feasible and will reduce circulation impacts. Pursuant to section 15091(a)(1) of the State CEQA Guidelines, changes or alterations have been required in, or incorporated into, the project that will substantially lessen the significant environmental effect as identified in the final EIR.

Explanation: Impacts to traffic circulation from Scenario 2 include impacts to 18 non-Urban Core roadway segments, as opposed to 15 impacted segments for the Preferred Plan. Operational improvements would reduce impacts but not necessarily to a level less than significant. The 18 non-Urban Core roadway segments identified in the EIR as having a significant impact before mitigation will have a significant impact after mitigation because the identified mitigation measure will not increase the capacity of area roads.

Mitigation: Mitigation measures 5.10-1 and 5.10-2 are feasible and are required as a condition of approval and are made binding through these findings.

Significance After Mitigation: Significant.

Option: Shifting the "Town Focus Area" in the South Third Avenue District further south near Orange Avenue and Third Avenue.

This option would expand the Town Focus Area to include the area between Palomar Street and Orange Avenue. Aside from expanding the focus area, the option does not change any land use designations relative to the Preferred Plan, and will, therefore, not result in any changes to impacts or required mitigation. The land use designations for the area to be included under this option remains the same as in the adopted General Plan.

Finding: Impacts resulting from the expansion of the Town Focus Area do not differ from the Preferred Plan. Therefore, the findings made for the issues described above as they apply to the Preferred Plan also apply to this option. These findings are provided in Section XI above

Explanation: See the explanation of each significant impact identified above for the Preferred Plan. Because there were no impacts identified specifically associated with the establishment of the boundaries of the Town Focus Area

modification of those boundaries will, similarly, have no adverse effect. The fact that no changes in land use designations are proposed relative to the Preferred Plan further supports the determination that there will be no additional impacts resulting from the adoption of this option.

Mitigation: See the mitigation identified for each of the significant impacts identified above for the Preferred Plan.

Significance After Mitigation: The significance of impacts after mitigation for the Preferred Plan as modified by this option is presented for each significant issue identified above.

XVII.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROPOSED CITY OF CHULA VISTA GENERAL PLAN UPDATE EIR

The project would have significant, unavoidable impacts on the following areas, described in detail in these Findings of Fact:

- Land use
- Aesthetics
- Air quality,
- Transportation/traffic circulation,
- Noise
- Housing and Population
- Water supply, and
- Energy

The City has adopted all feasible mitigation measures with respect to these impacts. Although these mitigation measures may substantially lessen these significant impacts, adoption of the measures will not, in some cases, fully avoid the impacts. Cumulative impacts to transportation/traffic circulation, air quality, cultural and paleontological

resources, water supply, energy supply, and landform alteration remain significant after mitigation.

The City has also examined a reasonable range of alternatives to the project. Based on this examination, the City has determined that none of these alternatives meet project objectives.

Despite the occurrence of significant adverse environmental impacts, the City Council chooses to approve the Project because, in its view, the economic, social, and other benefits that the project will provide will render the significant effects acceptable.

The City has adopted this "statement of overriding considerations" pursuant to CEQA Guidelines sections 15043 and 15093. This statement allows a lead agency to cite a project's economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided.

The following statement explains why, in the agency's judgment, the project's benefits outweigh the unavoidable significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, or the California or Federal Endangered Species Acts) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions. Rather, the decisionmaker has recommended mitigation measures based on the analysis contained in the final EIR, recognizing that other resource agencies have the ability to impose more stringent standards or measures.

Although CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR, the City Council recognizes that decisionmakers benefit from information about project benefits and has cited these benefits here, pursuant to CEQA Guidelines 15093.

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the preceding Findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section III.

The City finds that the project would have the following substantial social, environmental, and economic benefits:

1. The project will offer opportunities to live in safe and attractive neighborhoods; share in vibrant urban activities; work in healthy business and industrial environments; and enjoy bountiful natural resources and recreational facilities.

2. The project will provide vibrant urban areas providing a mixture of commercial, residential, civic and cultural amenities which will add to Chula Vista's character and secure its standing as the primary hub of the South Bay area.

3. The project will help meet a projected long-term regional need for housing by providing a wide variety of housing types and prices. SANDAG housing capacity studies indicate a shortage of housing will occur in the project area within the next 20 years. In recent years, the cost of housing has risen disproportionately to the cost of other uses in the project area (e.g., commercial, industrial), reflecting a shortfall in residentially zoned land. The project will help reduce the cost of housing by designating an adequate supply of suitable land for residential development. The General Plan Update will result in housing types and prices that will promote socioeconomic diversity, which the City finds both important and desirable.

4. The project will connect regional and local activity centers and neighborhoods through a network of major east/west and north/south corridors. This network will also link to local transportation services such as the trolley, intra-city express and shuttle loops, and expanded bus routes. The City will also have a system of bicycle and pedestrian paths that connect neighborhoods, activity centers, and recreation facilities throughout the city.

5. The project will provide for an important component of the East Planning Area to function as an attractor for residents of the area and the surrounding region, drawing residents, visitors, and businesses. These areas consists of:

   - The Otay Ranch Eastern Urban Center which will serve as a regional retail and business center;

   - The future development of a substantial technology park to serve the needs of the region; and

   - The potential establishment of a four-year college or university or other institution of higher education.

6. The project area currently exceeds federal and state air quality standards for a number of emissions factors, including ozone and carbon monoxide. A substantial majority of these emissions are attributable to motor vehicles. In order to comply with the federal and California Clean Air Acts, the San Diego region must reduce these sources. The project is designed to reduce the adverse impact to air quality and automobile congestion by encouraging use of alternative modes of transportation such as biking and walking and the use of transit.

7. Implementation of the project will promote the use of conservation technologies and sustainability practices that reduce or eliminate the use of non-renewable resources. The project also promotes local non-polluting and renewable energy, water, and material resources in a way that allows the City to meet their present needs while ensuring future generations the ability to meet their needs.

8. The project will provide for significant community-wide public facilities. As the plan is implemented, it will be responsible for constructing public facilities and infrastructure to serve the GPU area. These facilities include:

    a. Improvements to the regional backbone circulation system;

    b. Schools serving the subregion;

    c. Public parks, open space, and greenbelt and community trails; and

    d. Water line, drainage, and sewer infrastructure improvements.

For these reasons, the City Council finds there are economic, social, and other considerations resulting from the project that serve to override and outweigh the project's unavoidable significant environmental effects and, thus, considers the adverse unavoidable effects acceptable.