

**CITY COUNCIL RESOLUTION NO. 2010- 55**

**RESOLUTION OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN SPECIFIC PLAN, AND ADOPTING ENVIRONMENTAL FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

APPLICANT: City of Vista  
PLANNING CASE NOS. 19-067, 12-046, 4-067, 5-759

WHEREAS, the proposed project consists of a request for a General Plan amendment, Zone Change, and new Specific Plan covering a land area of approximately 352 acres, known as the Downtown Specific Plan; a General Plan amendment and Zone Change to remove approximately 4 acres from Specific Plan No. 26; and repeal of Specific Plan No. 26; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code, Section 21000 et seq.), and the State CEQA Guidelines ("Guidelines") (14 CCR Section 15000 et seq.), the City of Vista ("City") is the lead agency for the Downtown Specific Plan project; and

WHEREAS, the City of Vista determined that a Program Environmental Impact Report (PEIR) should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts associated with the Downtown Specific Plan project; and

WHEREAS, a Notice of Preparation (NOP) of the Draft PEIR was published on June 3, 2009, inviting comments from responsible agencies, other regulatory agencies, organizations and individuals pursuant to State CEQA Guidelines Section 15082; and

WHEREAS, in order to define the scope of the investigation of the PEIR, the City consulted with responsible and trustee state agencies, local organizations, and interested individuals to identify concerns regarding potential impacts of the proposed project; and

WHEREAS, the Draft PEIR was completed and released for public review on December 15, 2009, and a Notice of Completion and Availability was filed with the State Office of Planning and Research; and

WHEREAS, pursuant to Public Resources Code Section 21092, the City also provided a Notice of Completion and Availability to all organizations and individuals who had previously requested such notice in writing, and published the Notice of Completion on December 15, 2009, in the North County Times, a newspaper of general circulation within the City of Vista; and

WHEREAS, copies of the Draft PEIR were provided to interested public agencies including the State Clearinghouse, as well as several organizations and individuals, and copies were made available for public review at the City of Vista City Hall; and

WHEREAS, during the 45-day comment period on the Draft PEIR, the City received six written comment letters on the Draft PEIR and those comments were all responded to; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City will provide copies of the Final PEIR to all public agencies that commented on the Draft PEIR and provide the Final PEIR to all other interested parties that commented on the Draft PEIR on or before March 13, 2010; and

WHEREAS, as contained herein, the Vista City Council has endeavored in good faith to set forth the basis for its recommendation on the project; and

WHEREAS, all of the requirements of CEQA and the State CEQA Guidelines have been satisfied and the PEIR is sufficiently detailed so that all of the potentially significant environmental effects of the project have been evaluated properly, focusing on a reasonable range of feasible project alternatives and area-wide mitigation measures; and

WHEREAS, the PEIR sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's potential environmental impacts and a reasonable range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the Guidelines; and

WHEREAS, all of the findings, conclusions, and recommendations made by the Vista City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the PEIR that the City finds are less than significant and do not require mitigation are described in Exhibit "B" to this Resolution; and

WHEREAS, environmental impacts identified in the PEIR as potentially significant but which the City finds can be mitigated to a level of less than significant through the imposition of feasible mitigation measures identified in the PEIR are described in Exhibit "B" to this Resolution; and

WHEREAS, environmental impacts identified in the PEIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the PEIR, are described in Exhibit "B" to this Resolution; and

WHEREAS, alternatives to the project that might eliminate or reduce significant environmental impacts are described in Exhibit "B" to this Resolution; and

WHEREAS, City Council considered the proposed project and all alternatives to the proposed project; and

WHEREAS, prior to making a decision, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Program EIR and response to comments, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the PEIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making a decision on the merits of the project.

NOW, THEREFORE, BE IT RESOLVED, as follows:

In accordance with Section 15090 of the Guidelines, the City Council certifies:

1. The Program EIR (Exhibit "A") has been completed in compliance with CEQA and the Guidelines.
2. The PEIR was presented to the City Council and the City Council reviewed and considered the information contained in the PEIR prior to making a decision on the proposed Downtown Specific Plan Project.
3. The PEIR reflects the independent judgment of the City Council and contains sufficient information and analysis to allow the City Council to make an informed decision, considering the environmental implications of the proposed project, mitigation measures, and alternatives.
4. The City Council hereby adopts the findings in Exhibit "B" pursuant to CEQA.
5. The City Council hereby declares that pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the project against any unavoidable environmental impacts in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable".
6. The City Council hereby declares that the PEIR has discussed significant effects that may occur as a result of the project. With the implementation of the mitigation measures discussed in the PEIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impacts as discussed in Exhibit "B", the environmental findings.

7. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.
8. The City Council hereby declares that to the extent any mitigation measures recommended in the PEIR and/or project could not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the project that would prohibit the realization of specific economic, social, and other benefits that the City Council finds outweigh the unmitigated impacts. All of the alternatives set forth in the PEIR are either environmentally inferior, fail to meet the project objectives, or are not economically viable to the proposed project.
9. The City Council hereby declares that, having reduced the adverse significant environmental effects of the project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the City Council has determined that the following social, economic, and environmental benefits of the project, as presented in Exhibit "C", outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable.
10. The City Council hereby declares that the foregoing benefits provided to the public through the approval and implementation of the project, as presented in Exhibit "C", outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The City Council recommends that the City Council find that the project benefits outweigh the unavoidable adverse environmental effects identified in the PEIR and therefore finds those impacts to be acceptable.
11. The City Council hereby adopts the mitigation measures included in the Final PEIR.

12. The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the City of Vista City Hall, 600 Eucalyptus Avenue, Vista, California. The custodian for these records is the City Clerk of the City of Vista. This information is provided in compliance with Public Resources Code Section 21081.6.

PASSED AND ADOPTED at a meeting of the City Council held on the 13<sup>th</sup> day of April, 2010, by the following vote:

AYES: MAYOR VANCE, RITTER, GRONKE

NOES: NONE

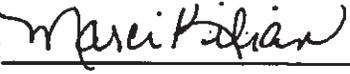
ABSTAIN: NONE

  
MORRIS B. VANCE, Mayor

APPROVED AS TO FORM:  
Darold Pieper, City Attorney

ATTEST:  
Marci Kilian, City Clerk

By: 

By: 

Exhibits:

- A. City of Vista, Downtown Specific Plan Final Program Environmental Impact Report (SCH 2009061018)
- B. Environmental Findings Pursuant to CEQA
- C. Statement of Overriding Considerations