

RESOLUTION NO. 2021-54**A RESOLUTION OF THE CITY OF COSTA MESA CITY COUNCIL ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2019050014), AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ONE METRO WEST PROJECT LOCATED AT 1683 SUNFLOWER AVENUE**

WHEREAS, pursuant to Public Resources Code, section 21067 and State California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15051 and 15367, the City is the lead agency for the proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines, section 15063, the City prepared an Initial Study to determine whether an Environmental Impact Report (EIR) was required for the Project; and

WHEREAS, pursuant to CEQA (Pub. Res. Code, § 21000 et seq.: "CEQA") and the State CEQA Guidelines, the City has determined that an Environmental Impact Report should be prepared pursuant to CEQA to analyze all potential adverse environmental impacts of the proposed Project; and

WHEREAS, the City sent a Notice of Preparation ("NOP") of a Draft EIR to the Office of Planning and Research, responsible and trustee agencies, and other interested parties and published the NOP in the Daily Pilot, a newspaper of general circulation, on or about May 23, 2019; and,

WHEREAS, the NOP was circulated for 30 days pursuant to State CEQA Guidelines, sections 15082(a) and 15375 to invite comments from responsible and trustee agencies and other interested parties regarding the scope of the environmental impact report; and

WHEREAS, the City held a public scoping meeting on June 5, 2019 to receive public comments on the proposed Project and its potential impacts on the physical environment; and

WHEREAS, the City received written comments in response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

WHEREAS, on or about February 7, 2020, the City initiated a 45-day public review period on the Draft EIR by filing a Notice of Availability with the State Office of Planning and Research, publishing the notice in the Daily Pilot, a newspaper of general circulation, and releasing the Draft EIR (SCH No. 2019050014) for public review and comment; and

WHEREAS, pursuant to State CEQA Guidelines, section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and other interested parties during the 45-day comment period, which was anticipated to end on March 23, 2020; due to Covid-19 crisis and limited access to hard copies of the document, the City extended the review period through March 30, 2020; and

WHEREAS, during this public review period, copies of the Draft EIR (referenced hereto as Exhibit A) were provided to approximately 60 public agencies and organizations, and were available for review at City Hall, the City website, the Mesa Verde Library, and the Costa Mesa Library (Donald Dungan Library); and

WHEREAS, the City received written comments during the public review period for the Draft EIR; and

WHEREAS, the City has prepared a Final EIR, consisting of comments received during the extended 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR. For the purposes of this Resolution, the "EIR" shall refer to the Draft EIR, including all of the technical studies and appendices to the Draft EIR, together with the other sections of the Final EIR, including all of the technical studies and appendices to the Final EIR; and

WHEREAS, the Draft EIR analyzed construction of the project to occur in one phase. The revised construction phasing schedule shows construction is planned to occur in three phases. A technical memo was drafted to evaluate the construction phasing change in terms of impacts to air quality, greenhouse gases, noise, and transportation associated with the revised phasing schedule. The proposed change in the phasing resulted in no significant environmental effects not previously considered in the Draft EIR and do not substantially alter the conclusions or findings of the Draft EIR related to the project's potential environmental effects or proposed mitigation measures. The change in construction phasing does not constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5; as a result, a recirculation of the EIR is not required;

WHEREAS, the Final EIR was made available to the public 10 days prior to the City Council public hearing date on the City's website as well as an email notification to previous commenters of the Draft EIR;

WHEREAS, environmental impacts identified in the Final EIR that the City finds are less than significant and do not require mitigation are described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant, but which the City finds can be mitigated to a less than significant level through the imposition of all feasible mitigation measures identified in the Final EIR, are described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant, but which the City finds cannot be fully mitigated to a level less than significant despite the imposition of all feasible mitigation measures identified in the Final EIR, are described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, the existence of any cumulative environmental impacts resulting from the Project identified in the Final EIR are described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, the significant and irreversible environmental changes that would result from the Project, but which would be mitigated, and which are identified in the Final EIR, are described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, the existence of any growth-inducing impacts resulting from the Project identified in the Final EIR are described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Exhibit C, Findings of Fact and Statement of

Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, an analysis of the Project's benefits and a Statement of Overriding Considerations is described in Exhibit C, Findings of Fact and Statement of Overriding Considerations pursuant to CEQA, attached hereto and incorporated herein by this reference; and

WHEREAS, the Mitigation Monitoring and Reporting Program sets forth the mitigation measures to which the City shall bind itself in connection with this Project and is attached hereto as Exhibit B; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the proposed Project sufficiently analyzes both the feasible Mitigation Measures necessary to avoid or substantially lessen the proposed Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by the 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, the City's Planning Commission held two duly noticed public hearings on April 13, and May 11, 2020, during which the Planning Commission considered the Draft EIR, the Project and associated actions, and during these public hearings all persons wishing to testify in connection with the Draft EIR and the Project were heard, and the Planning Commission fully studied the Draft EIR and the Project; and

WHEREAS, on May 11, 2020, the Planning Commission recommended that the City Council certify the EIR and approve the Project; and

WHEREAS, on June 15, 2021, the City Council held a public hearing to consider the project; and

WHEREAS, the City has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines, section 15088.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTS AS FOLLOWS:

SECTION 1: FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS. In accordance with State CEQA Guidelines, sections 15091 and 15093, the City Council hereby adopts the CEQA Findings of Fact and the Statement of Overriding Considerations pursuant to CEQA, attached hereto as Exhibit C and incorporated herein by this reference as if fully set forth herein.

SECTION 2: MITIGATION MONITORING AND REPORTING PROGRAM. Pursuant to Public Resources Code, section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B and incorporated herein by this reference. The City finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program. To the extent there is any conflict between the Mitigation Monitoring and Reporting Program, and the Final EIR, the terms and provisions of the Mitigation Monitoring and Reporting Program shall control.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 15th day of June 2021.



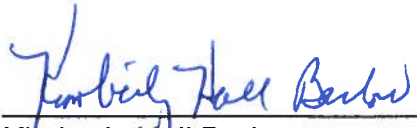
John Stephens
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:



Brenda Green, City Clerk



Kimberly Hall Barlow
City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF COSTA MESA)

I, Brenda Green, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2021-54 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of June, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS: CHAVEZ, GAMEROS, REYNOLDS, MARR, AND STEPHENS.

NOES: COUNCILMEMBERS: HARPER

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: HARLAN

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 16th day of June, 2021.



Brenda Green, City Clerk