

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING  
THE FIRST AMENDMENT TO THE DEVELOPER AGREEMENT  
BETWEEN THE CITY OF CHULA VISTA AND SLF IV –  
MILLENIA, LLC

**I. RECITALS**

A. Project Site

**WHEREAS**, the area of land that is the subject of this Ordinance is diagrammatically represented in Exhibit A attached hereto and incorporated into this Ordinance, and commonly known as the Eastern Urban Center (EUC), and for the purpose of general description herein consists of 207 acres located adjacent to and east of SR-125, adjacent to and west of Eastlake Parkway, south of Birch Road and the Otay Ranch Town Center, and north of the future extension of Main Street (“Project Site”); and

B. Project; Application for Discretionary Approvals

**WHEREAS**, a duly verified application was filed with the City of Chula Vista Development Services Department on May 24, 2017 by SLF IV-Millenia, LLC (the “Applicant,” “Owner” and “Developer”) requesting approval of an EUC Sectional Planning Area (SPA) Plan and Form Based Code (FBC) amendment to: 1) establish a maximum land use intensity of 2,983 residential units and 3.324 million square feet of commercial uses with a low build out of 1,236 units of residential and 1.568 million square feet of non-residential land uses; 2) modify design standards to: a. revise the Minimum Average Height on six lots from five stories to four stories and modify the minimum height in feet in the Regulating Plan, b. establish a “height blending” for Districts 6 and 9, and c. establish deviations for setbacks; and 3) revise the Main Street District (District 6) to reduce the amount of non-residential use to a low of 80,000 and high of 100,000 square feet, further modifying Section 02.04.003 of the District Regulations and Design Guidelines; and

**WHEREAS**, due to proposed amendments in overall commercial square footage there are potential impacts to public benefits including job generation and annual net revenue over the cost of providing municipal services, and therefore require modifications to the Developer Agreement between the City of Chula Vista and SLF IV-Millenia, LLC originally entered into September 15, 2009 and recorded on October 27, 2009 as Document No. 2009-0595116 of Official Records in the Office of the San Diego County Recorder; and

C. Environmental Determination

**WHEREAS**, The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was covered in previously adopted Final Second Tier Environmental Impact Report, EIR 07-01. The Director of Development Services has determined that only minor technical changes or additions to this document are necessary and that none of the conditions described in Section 15162 and 15164 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Director of Development Services has prepared an addendum to the Final Second Tier Environmental Impact Report, EIR 07-01; and

**WHEREAS**, the City Council finds that the Addendum to EIR 07-01 has been prepared in accordance with the requirements of CEQA, and the Environmental Procedures of the City of Chula Vista; and

D. Planning Commission Record of Application

**WHEREAS**, the Director of Development Services set the time and place for a hearing on the Project, and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners within 500 feet of the exterior boundary of the Project Site at least ten (10) days prior to the hearing; and

**WHEREAS**, the Planning Commission held an advertised public hearing on June 13, 2018 on the Project to adopt Resolution MPA17-0005 recommending that the City Council amend the EUC SPA Plan, FBC, PFFP, FIA and Developer Agreement; and

**WHEREAS**, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project and the minutes and Resolution resulting therefrom, are incorporated into the record of this proceeding; and

E. City Council Record of Application

**WHEREAS**, the City Clerk set the time and place for the hearing on the Project application and notices of said hearing, together with its purposes given by its publication in a newspaper of general circulation in the City, and its mailing to property owners within 500 feet of the exterior boundaries of the Project Site at least ten (10) days prior to the hearing; and

**WHEREAS**, the duly noticed and called public hearing on the Project was held before the City Council in the Council Chambers in the City Hall, Chula Vista Civic Center, 276 Fourth Avenue, to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same.

**II. NOW THEREFORE**, the City Council of the City of Chula Vista does hereby find,

determine and ordain as follows:

A.     **CONSISTENCY WITH GENERAL PLAN**

The City Council finds that the proposed amendment to the EUC Planned Community District Regulations and Form Based Code are consistent with the City of Chula Vista General Plan. The General Plan envisions the EUC as a vibrant transit-oriented high intensity urban center serving the City and Otay Ranch master plan community.

B.     **APPROVAL OF PROPOSED AMENDMENTS**

The City Council hereby approves the amendments to the Eastern Urban Center Planned Community District Regulations and Design Guidelines (Form Based Code) as represented in Exhibit B attached hereto and incorporated herein by this reference.

**III.   EFFECTIVE DATE**

This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by:

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Kelly Broughton  
Director of Development Services

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Glen R. Googins  
City Attorney