

RESOLUTION \_\_\_\_\_

**RESOLUTION OF THE CITY OF CHULA VISTA CITY COUNCIL CONSIDERING THE ADDENDUM (IS-15-0003) TO EIR 07-01 AND APPROVING AMENDMENTS TO THE EASTERN URBAN CENTER SECTIONAL PLANNING AREA (SPA) PLAN AND ASSOCIATED REGULATORY DOCUMENTS RELATING TO THE RELOCATION OF MILLENIA ELEMENTARY SCHOOL SITE AND DELETION OF PORTION OF MONTAGE AVENUE.**

**I. RECITALS**

A. Project Site

**WHEREAS**, the area of land that is the subject of this Resolution is diagrammatically represented in Exhibit A attached hereto and incorporated into this Resolution, 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 June 29, 2015 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 relocate the Millenia primary school site from South Central Neighborhood District (District 9) to Civic Center (District 5), to delete a segment of Montage Avenue and to give the Director of Development Services authority to approve street deletions; and

C. Prior Discretionary Approvals

**WHEREAS**, development of the Project Site has been the subject matter of various entitlements and agreements, including: 1) a SPA Plan including Public Facilities Financing Plan, Affordable Housing Program and other regulatory documents approved by City Council Resolution No. 2009-224 on September 15, 2009; and 2) Planned Community District Regulations approved by City Council Ordinance No. 3142 on October 6, 2009; and 3) SPA Plan Amendment approved by City Council Ordinance No. 3257 and City Council Resolution No. 2013-038 in March 2013; and

D. 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 previously covered in adopted Second-Tier Final 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 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Development Services Director has prepared an addendum (IS 15-0003) to EIR 07-01; and

**WHEREAS**, the City Council finds that the Addendum (IS 15-003) 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

E. 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 July 13, 2016 on the Project and voted to adopt Resolution No. MPA15-0009 recommending that the City Council amend the EUC SPA Plan; 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

F. 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 purpose 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.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Chula Vista hereby finds, determines, and resolves as follows:

## **II. CERTIFICATION OF COMPLIANCE WITH CEQA**

The City Council finds that, in the exercise of their independent review and judgment, the addendum to EIR 07-01 in the form presented, has been prepared in accordance with requirements of the California Environmental Quality Act and the Environmental Review Procedures of the City of Chula Vista and adopts the Addendum to EIR-07-01.

## **III. SPA FINDINGS**

### **A. THE SPA PLAN, AS AMENDED, IS IN CONFORMITY WITH THE OTAY RANCH GENERAL DEVELOPMENT PLAN AND THE CHULA VISTA GENERAL PLAN AND ITS SEVERAL ELEMENTS.**

The proposed amendments are consistent with the previously approved plans and regulations applicable to surrounding sites and, therefore, the proposed amendments can be planned and zoned in coordination and substantial compatibility with said development

### **B. THE SPA PLAN, AS AMENDED, WILL PROMOTE THE ORDERLY SEQUENTIALIZED DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.**

The Eastern Urban Center SPA Plan as amended, will maintain existing provisions and requirements to ensure the orderly, phased development of the project prior to or current with the need for said public facilities.

### **C. THE SPA PLAN, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION, OR ENVIRONMENTAL QUALITY.**

The relocation of the primary school site will not have a negative impact on circulation or land use. The new school location will be bound on three sides by grade level streets. As a result, there is potential to provide for improved access and circulation patterns. A signalized intersection on Millenia Avenue is also being planned. While the new primary school site will no longer be located in a residential district, it will be both adjacent to other residential districts, as well as, being centrally located overall within Millenia. The new school location is adjacent to a future park with access to the Regional Trail and an extensive sidewalk and bicycle network. Allowing administrative approval of the deletion of street segments will not cause adverse impacts in that said requests would require adequate traffic analysis to be provided prior to approval by the Director of Development Services and the City Engineer.

The extension of Montage Avenue south of Millenia planned to connect to Main Street (previously known as Hunte Parkway) within the Otay Land Company property was previously eliminated in 2014, with City Council approval of the SPA and related entitlements to the Otay Land Company's Village Nine project. This action had the impact of rendering a segment of Montage Avenue (between Strata Street and Avant Street) on the Millenia site unnecessary. A technical study dated August 13, 2013 was prepared by Darnell and Associates, Inc. and accepted by the City showing that the deletion of the street segment would not adversely impact either the circulation or levels of service (LOS) in the project. In fact, the study concluded that several of the Millenia intersections operated better with this street segment removed. That study was reviewed and approved by the City.

The deletion of the segment of Montage Avenue south of Strata Street, which is now being requested for deletion, will not impact pedestrian or other alternative modes of circulation, as sufficient sidewalks and bike accessibility is provided to the lots adjacent to the deleted street segments via Millenia Avenue, Orion Avenue and Strata Street. The removal of this segment will also not impact any planned transit routes or facilities

#### **IV. APPROVAL OF SPA AMENDMENTS**

Based on the findings above, the City Council approves the EUC SPA Plan as amended and shown in Exhibit B, attached hereto and incorporated into this Resolution subject to the conditions set forth below:

1. Prior to the 30<sup>th</sup> day after the accompanying Ordinance becomes effective, the Applicant shall prepare a clean copy of the SPA Plan document by deleting all strike out/underlines and shading. Where the document contains an existing and proposed exhibit, the previous existing exhibit shall be removed and substituted. In addition, the revised text, document format, maps and statistical changes within the EUC SPA and Form Based Code shall be approved by the Director of Development Services for printing prior to incorporating said revisions into the final document.
2. Prior to the 30th day after the accompanying Ordinance becomes effective, the Applicant shall submit to the Development Services Department 10 copies and a CD of the approved amendment to the EUC SPA Plan and Planned Community (PC) District Regulations.
3. Applicant to comply with all the conditions of approval of the Otay Ranch EUC SPA Plan incorporated in Resolution 2009-224 and adopted SPA Plan.

**V. CONSEQUENCE OF FAILURE OF CONDITIONS**

If any of the forgoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and any of such conditions fail to be so implemented and maintained according to the their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of future building permits, deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted, instituted and prosecute, litigate or compel their compliance or seek damages for their violations. No vested rights are gained by Applicant or any successor in interest by the City approval of this Resolution.

**VI. INVALIDITY; AUTOMATIC REVOCATION**

It is the intention of the City Council that its adoption of this Resolution is dependent upon enforceability of each and every term provision and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, if the City so determines in its sole discretion, this Resolution shall be deemed to be revoked and of no further force or effect ab initio.

**BE IT FURTHER RESOLVED** that the City Council hereby adopts this Resolution approving the Project in accordance with the findings and subject to the conditions contained herein.

Presented by:

Approved as to form by:

\_\_\_\_\_  
Gary Halbert, P.E., AICP  
City Manager

\_\_\_\_\_  
Glen R. Googins  
City Attorney

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA**, this \_\_\_\_ day of \_\_\_\_\_, by the following vote, to-wit:

AYES: Council members:

NAYS: Council members:

ABSENT: Council members:

ABSTAIN: Council members:

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Mary Salas, Mayor

ATTEST:

\_\_\_\_\_  
Donna Norris, City Clerk