

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING THE OTAY RANCH VILLAGE
EIGHT EAST SECTIONAL PLANNING AREA (SPA) PLAN
AMENDMENT TO REMOVE 284 RESIDENTIAL DWELLING
UNITS

I. RECITALS

A. Project Site

WHEREAS, the area of land that is the subject of this Resolution is represented in Exhibit 1 attached hereto and incorporated herein by this reference, and commonly known as Otay Ranch Village Eight East, and for the purpose of general description herein consists of approximately 575.3 acres generally located south of Main Street and west of SR-125 (Project Site); and

B. Project; Application for Discretionary Approvals

WHEREAS, in May 2019, a duly verified application requesting an amendment to the Village 8 East Sectional Plan Area (SPA) Plan (MPA19-0013) to remove 284 residential dwelling units (Project), was filed with the City of Chula Vista Development Services Department by HomeFed Village 8, LLC (the “Applicant” and “Owner”); and

C. Prior Discretionary Approvals

WHEREAS, the Village 8 East SPA Plan was adopted by the City Council on December 2, 2014, by Resolution No. 2014-235 (Exhibit 2), wherein the City Council, in the environmental evaluation of said SPA Plan, relied on the Otay Ranch University Villages Project Environmental Impact Report No. 13-01, SCH No. 2013071077 (EIR-13-01); and

D. Environmental Determination

WHEREAS, the City’s Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project was adequately covered in the previously certified Otay Ranch University Villages Final Environmental Impact Report 13-01, SCH#2013071077 (FEIR-13-01). Thus, no further environmental review or documentation is required; and

E. Planning Commission Record of Application

WHEREAS, the Development Services Director 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 the Project; 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 hearings, 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 called and noticed 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 hear public testimony with regard to the same. The proceedings and any documents submitted to the City Council as the decision-makers shall comprise the entire record of the proceedings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find and determine, as follows:

II. CERTIFICATION OF COMPLIANCE WITH CEQA

The City Council through its independent judgment hereby finds that the Project has no substantial changes which would require revisions to the Otay Ranch University Villages FEIR 13-01. Therefore, no new environmental effects or no new mitigation measures are required in addition to those already in existence and made a condition for the implementation of Village 8 East.

III. SPA FINDINGS

A. THE PROPOSED SECTIONAL PLANNING AREA PLAN AMENDMENT IS IN CONFORMITY WITH THE CHULA VISTA GENERAL PLAN AND THE OTAY RANCH GENERAL DEVELOPMENT PLAN AND ITS SEVERAL ELEMENTS.

The proposed Village Eight East SPA Plan amendment is consistent with land use designations, circulation, and public facilities in the City of Chula Vista General

Plan and the Otay Ranch General Development Plan. The proposed SPA Plan amendment is compatible with previously approved plans and regulations applicable to surrounding sites and, therefore, the proposed SPA Plan amendment can be planned and zoned in coordination and substantial compatibility with surrounding development.

- B. THE PROPOSED SPA PLAN AMENDMENT WILL PROMOTE THE ORDERLY SEQUENTIALIZED DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.

The proposed Village Eight East SPA Plan amendment will not impact the orderly sequentialized development of the SPA Plan area, and the Project will continue to be developed in a manner that is consistent with the Project's Planned Community District Regulations, Phasing Plan, and Public Facilities Financing Plan.

- C. THE PROPOSED SPA PLAN AMENDMENT WOULD NOT ADVERSELY AFFECT ADJACENT LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION OR ENVIRONMENTAL QUALITY.

The proposed SPA Plan amendment has been reviewed and has been determined to be consistent with the overall land use pattern and circulation system envisioned in the Chula Vista General Plan and the Otay Ranch General Development Plan. The removal of 284 residential dwelling units reduces the need for public facilities and services. Thus, the proposed SPA Plan will not adversely affect the adjacent land uses, residential enjoyment, circulation or environmental quality of the surrounding uses.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval for previously approved Village 8 East SPA Plan by City Council Resolution 2014-235 shall remain in full force and effect, and Resolution 2014-235 is attached as Exhibit 2 to this resolution with said Conditions of Approval incorporated herein.

V. GOVERNMENT CODE SECTION 66020 NOTICE

Pursuant to Government Code Section 66020(d) (1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, set aside, void or annual imposition. The right to protest the fees, dedications,

reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with the project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

VI. EXECUTION OF RESOLUTION OF APPROVAL

The Property Owner and the Developer shall execute this document by signing the lines provided below, said execution indicating that the Property Owner and Developer/Applicant have each read, understood and agreed to the conditions contained in this Resolution and will implement same to the satisfaction of the Development Services Director. Upon execution, this document shall be recorded with the County Clerk of the County of San Diego, at the sole expense of the Property Owner and/or Developer/Applicant, and a signed, stamped copy returned to the City Clerk. Failure to return a signed and stamped copy of this recorded document within thirty days of recordation to the City Clerk shall indicate the Property Owner and Developer/Applicant's desire that the Project, and the corresponding application for Building Permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Developer/Applicant

Date

VII. 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 successor in interest by the City approval of this Resolution.

VIII. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon

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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 the Court of competent jurisdiction to be invalid, illegal or unenforceable, if the City Council so determines in its sole discretion, this Resolution shall be deemed to be revoked and no further in force or in effect ab initio.

BE IT FURTHER RESOLVED, that based on the above-referenced findings and Conditions of Approval, the City Council does hereby approve the Village Eight East SPA Plan amendment.

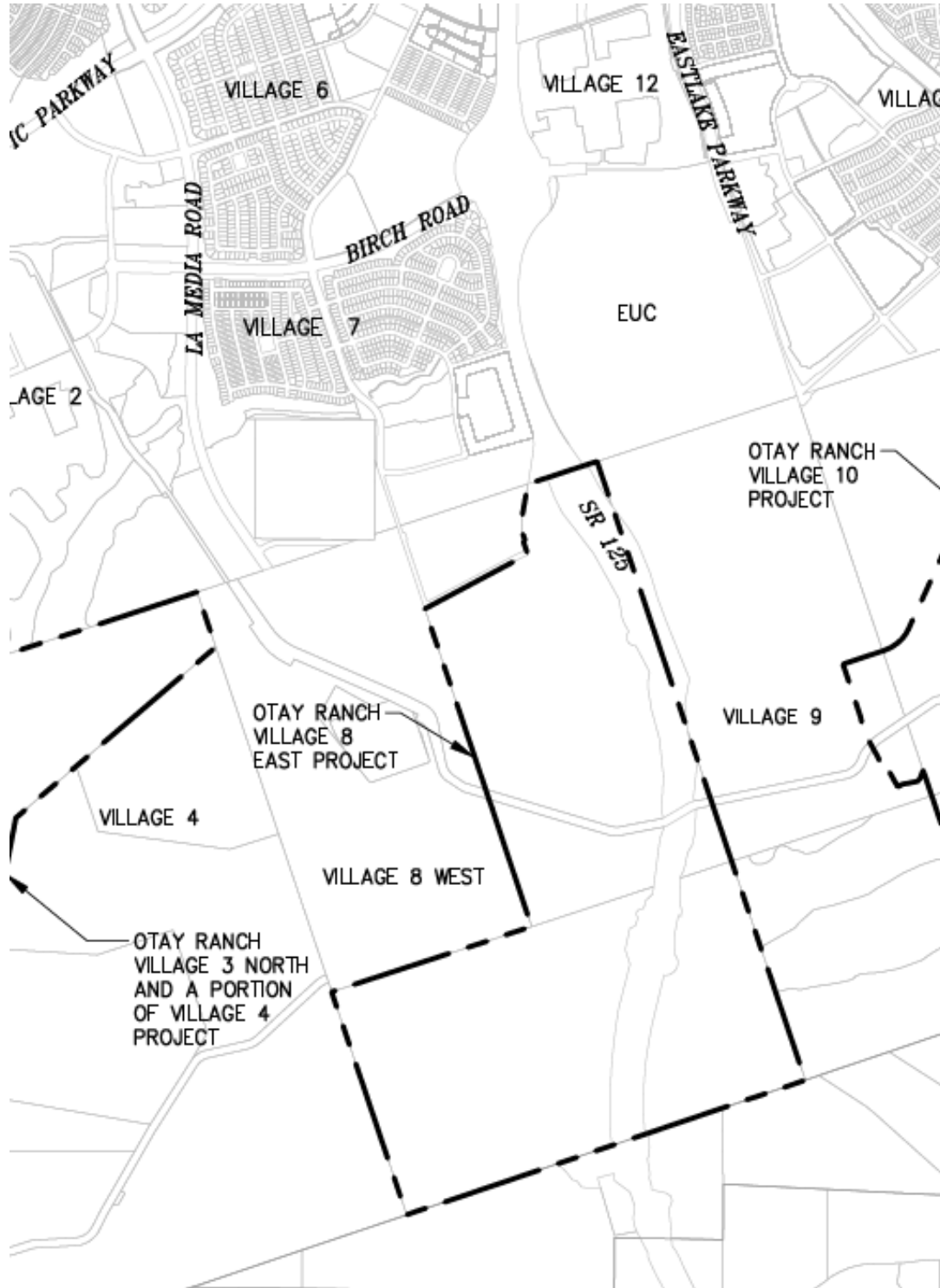
Presented by:

Approved as to form by:

Kelly Broughton
Director of Development Services

Glen R. Googins
City Attorney

EXHIBIT "1"



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EXHIBIT "2"

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