

REVISED

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION, MONITORING AND REPORTING PROGRAM (IS16-0004) AND APPROVING AMENDMENTS TO THE CITY OF CHULA VISTA GENERAL PLAN (MPA18-0003), THE EASTLAKE II GENERAL DEVELOPMENT PLAN (GDP) (MPA18-0004), EASTLAKE II SECTIONAL PLANNING AREA (SPA) PLAN (MPA16-0019) AND ASSOCIATED REGULATORY DOCUMENTS TO CHANGE THE LAND USE DESIGNATION FROM OS-3 (OPEN SPACE) TO BC-5 (BUSINESS CENTER) FOR A 9.35-ACRE SITE LOCATED ON THE SOUTH SIDE OF EASTLAKE DRIVE, IMMEDIATELY WEST OF SR-125.

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 herein, and commonly known as Eastlake Self-Storage, and for the purpose of general description consists of 9.35-acres located on the south side of Eastlake Drive, directly west of SR125 (Project Site); and

B. Project; Application for Discretionary Approvals

WHEREAS, duly verified applications were filed with the City of Chula Vista Development Services Department on December 8, 2016 with additional applications filed on April 19, 2018 by Mid-City, LLC (the “Applicant,” “Owner” and “Developer”), requesting approval of amendments to the Chula Vista General Plan, Eastlake II General Development Plan/Sectional Planning Area Plan, the Planned Community District Regulations and associated regulatory documents for the Project Site (Project); and

C. Prior Discretionary Approvals

WHEREAS, development of the Project Site has been the subject matter of various entitlements and agreements, including: 1) a General Plan, General Development Plan Amendment and Sectional Planning Area Plan approved by City Council Ordinance No. 2905 on April 15, 2003 and by Resolution Number 2003-140 on April 8, 2003; and 2) amendment to the Planned Community Land Use District Map approved by City Council Ordinance No. 2925 on July 15, 2003 and approved by City Council Resolution 2003-293 on July 8, 2003; 3) amendment to Planned Community District Regulations and Land Use District Map approved by City Council Ordinance Number 2999 on April 5, 2005 and approved by City Council Resolution 2005-102 on March 22, 2005 4) amendment to the General Development

Plan and Planned Community District Regulations approved by City Council Ordinance 3018 on September 2005 and by City Council Resolution 2005-288 on August 23, 2005) a General Plan, General Development Plan and Sectional Planning Area Plan approved by City Council Ordinance No. 3100 on January 8, 2008 and Resolution No. 2007-299 on December 18, 2007 and 5) amendment to the Sectional Planning Area Plan approved by City Council Ordinance No. 3203 on September 20, 2011; and

D. Environmental Determination

WHEREAS, the Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS16-0004 in accordance with the California Environmental Quality Act (CEQA). Based upon the results of the Initial Study, the Director of Development Services has determined that the implementation of the Project could result in significant effects on the environment. However, revisions to the Project made by or agreed to by the Applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Director of Development Services has caused the preparation of a Mitigated Negative Declaration (MND), IS16-0004 and associated Mitigation Monitoring and Reporting Program (MMRP); 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 voted 3-3-1 resulting in loss motion; 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 of the City of Chula Vista in the Council Chambers in the City Hall, Chula Vista

Civic Center, 276 Fourth Avenue, at 6:00 p.m. 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 and determines as follows:

II. CERTIFICATION OF COMPLIANCE WITH CEQA

That the City Council of the City of Chula Vista, in the exercise of its independent judgment, as set forth in the record of its proceedings, considered the Initial Study of the Project conducted by the Director of Development Services for compliance with the CEQA, and has determined that the Project could result in significant effects on the environment regarding Air Quality, Cultural Resources, Noise, and Biology. However, revisions to the Project made by or agreed to by the Applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Development Services Director has caused the preparation of a Mitigated Negative Declaration, IS16-0004, and Mitigation, Monitoring and Reporting Program.

That the City Council of the City of Chula Vista, in the exercise of their independent review and judgment as set forth in the record of its proceedings, considered Mitigated Negative Declaration, IS16-0004, and the Mitigation Monitoring and Reporting Program (MMRP), in the form presented, which has been prepared in accordance with requirements of the CEQA and the Environmental Review Procedures of the City of Chula Vista and does hereby adopt the same.

III. APPROVAL OF GENERAL PLAN AMENDMENT

The Chula Vista General Plan Land Use Diagram and tables are hereby amended as set forth and diagrammatically represented in Attachment 4, a copy of which is on file in the office of the City Clerk, known as Documents _____, to change the land use designation of 9.35-acres on the south side of Eastlake Drive, between SR125 and Ridgewater Drive from Open Space to Light Industrial.

IV. GENERAL PLAN CONSISTENCY

The City Council hereby finds and determines that the General Plan, as amended by this Resolution, is internally consistent and shall remain internally consistent.

V. GENERAL DEVELOPMENT PLAN FINDINGS

BE IT FURTHER RESOLVED that the City Council hereby finds and determines that:

THE PROPOSED DEVELOPMENT AS DESCRIBED BY THE GENERAL

DEVELOPMENT PLAN IS IN CONFORMITY WITH THE PROVISIONS OF THE CHULA VISTA GENERAL PLAN, AS AMENDED.

The proposed amendments to the Eastlake II General Development Plan reflect the land use, circulation system and public facilities that are consistent with the City's General Plan as amended.

PLANNED COMMUNITY CAN BE INITIATED BY ESTABLISHMENT OF SPECIFIC USES OR SECTIONAL PLANNING AREA PLANS WITHIN TWO YEARS OF THE ESTABLISHMENT OF THE PLANNED COMMUNITY ZONE.

The proposed amendment to the Eastlake II Sectional Planning area Plan only affects the 9.35-acre Project Site, which reflect a continuation of the Eastlake II General Development Plan/Sectional Planning Area Plan policies and development regulations, that were previously adopted by the City Council.

IN THE CASE OF PROPOSED RESIDENTIAL DEVELOPMENT, THAT SUCH DEVELOPMENT WILL CONSTITUTE A RESIDENTIAL ENVIRONMENT OF SUSTAINED DESIRABILITY AND STABILITY; AND THAT IT WILL BE IN HARMONY WITH OR PROVIDE COMPATIBLE VARIETY TO THE CHARACTER OF THE SURROUNDING AREA; AND THAT THE SITES PROPOSED FOR PUBLIC FACILITIES, SUCH AS SCHOOLS, PLAYGROUNDS AND PARKS ARE ADEQUATE TO THE SERVICE THE ANTICIPATED POPULATION AND APPEAR ACCEPTABLE TO THE PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

Not applicable

ANY PROPOSED COMMERCIAL DEVELOPMENT CAN BE JUSTIFIED ECONOMICALLY AT THE LOCATION PROPOSED AND WILL PROVIDE ADEQUATE COMMERCIAL FACILITIES OF THE TYPES NEEDED AT SUCH PROPOSED LOCATION.

A Market Analysis prepared for this Project, indicates that the market is favorable to the development of a modest amount of self-storage spaces and that the potential development is represented as a "B+" market and the Project Site as a "B+" site.

The Fiscal Impact Analysis Report (the "FIA") provides information as related to the project and the analysis of the anticipated fiscal impacts to the City's General Fund. Based on the FIA and the assumptions contained therein, annual fiscal impacts are positive starting in Year 1. In the first year there is a net fiscal surplus of approximately \$25,673, followed by surpluses of approximately \$25,793 in Year 2, \$26,451 in Year 3, \$26,817 in Year 4, and \$27,061 in Year 5.

THE AREA SURROUNDING SAID DEVELOPMENT CAN BE PLANNED AND ZONED IN COORDINATION AND SUBSTANTIAL COMPATIBILITY WITH SAID DEVELOPMENT.

The requested amendments to the Eastlake II Sectional Planning Area Plan include a Fiscal Analysis that outlines the financing mechanisms to promote the orderly sequentialized development of the Project. The Project is one of the last remaining areas of Eastlake II to be developed.

VI. ADOPTION OF AMENDED GENERAL DEVELOPMENT PLAN

BE IT FURTHER RESOLVED that in light of the findings above, the City Council hereby approves and adopts the amended Eastlake II General Development Plan as set forth and diagrammatically represented in Attachment 4 in the form presented to the City Council and on file in the office of the City Clerk.

VII. SPA FINDINGS

- A. THE SECTIONAL PLANNING AREA PLAN, AS AMENDED, IS IN CONFORMITY WITH THE EASTLAKE II GENERAL DEVELOPMENT PLAN AND THE CHULA VISTA GENERAL PLAN.

The proposed amendments to the Eastlake II Sectional Planning Area Plan reflect land uses that are consistent with the Eastlake II General Development Plan (as amended) and the City of Chula Vista General Plan (as amended). The light industrial nature of the proposed Project would be consistent with the adopted Business Center land uses of the Eastlake area.

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 requested amendments to the Eastlake II SPA Plan include a Fiscal Analysis that outlines the financing mechanisms to promote the orderly sequentialized development of the Project. The Project is the last area of Eastlake II to be developed.

According to the Commercial Lands Analysis prepared for this Project, the 163,386 square-feet of proposed self-storage facility will serve the surrounding residents and visitors to the area.

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

The proposed land use text and statistical amendments to the Sectional Planning Area Plan, and new development standards will not adversely affect the circulation system and overall land use pattern as previously envisioned in the Eastlake II General Development Plan. A Mitigated Negative Declaration has been prepared and any impacts associated with the proposed amendments have been addressed by IS16-0004. Thus, the requested amendments to the Sectional Planning Area Plan will not adversely affect the adjacent land uses, residential enjoyment, circulation or environmental quality of the surrounding uses.

VIII. APPROVAL OF SECTIONAL PLANNING AREA AMENDMENTS

BE IT FURTHER RESOLVED that in light of the findings above, the City Council hereby approves and adopts the Eastlake II Sectional Planning Area Plan, as amended, shown in the Figures that accompany the Staff Report as Attachment 4 subject to the conditions set forth below:

1. The Project shall comply with all mitigation measures specified in IS16-0004, to the satisfaction of the Development Services Director.
2. Prior to the 30th day after the Ordinance approving the PC District Regulations (Ordinance) becomes effective, the Applicant shall prepare a clean copy of the Sectional Planning Area (SPA) Plan document by deleting all strike out/ underlines and shading. Where the document contains both an existing and proposed exhibit, the previous existing exhibit shall be removed and substituted. In addition, the strike-out underlined text, document format, maps and statistical changes within the Eastlake II General Development Plan (GDP), SPA and Planned Community (PC) District Regulations, for the Project shall be incorporated into the final document and approved by the Director of Development Services for printing.
3. Prior to the 30th day after the Ordinance becomes effective, the Applicant shall submit to the Development Services Department 10 copies and a flash drive of the approved amendment to the Eastlake II GDP, SPA Plan and Eastlake II PC District Regulations.

XI. 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,

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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.

XII. 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 the 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 no further in force or in effect ab initio.

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

BE IT FURTHER RESOLVED, that pursuant to Chula Vista Municipal Code Section 19.09.080, the City Council hereby finds that the requirement for a Public Facilities Finance Plan is hereby waived because the Project is infill development located in a developed portion of the City where adequate public facilities exist, therefore there are no public service, facility or phasing needs for the preparation of a Public Facilities Financing Plan.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this ____ day of _____ 2020, by the following vote, to-wit:

Presented by:

Approved as to form by:

Kelly Broughton, FSALA
Director of Development Services

Glen R. Googins
City Attorney