

RESOLUTION 2018-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ADOPTING A NEW PORTION OF VILLAGE
FOUR SECTIONAL PLANNING AREA (SPA) PLAN, AND
ASSOCIATED REGULATORY DOCUMENTS

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 by this reference, and commonly known as the Portion of Village Four Sectional Planning Area (SPA) Plan, and for the purpose of general description consists of approximately 166 acres located on the east side of Wolf Canyon, straddling the future extension of Main Street from La Media Road to the north and to Heritage Road to the southwest (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 March 12, 2015 by Otay Valley Quarry, LLC (the “Applicant, Owner, and Developer”) requesting adoption of a new Portion of Village Four SPA Plan and Portion of Village Four Planned Community District Regulations and associated regulatory documents (Project); and

C. Planning Commission Record of Application

WHEREAS, the Development Services Director set the time and place for a Planning Commission 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 **xxxx** to forward a recommendation to the City Council 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 these proceedings; and

D. 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 boundary 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 located at Chula Vista Civic Center, 276 Fourth Avenue, at 91910 to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same.

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

II. CERTIFICATION OF COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

That the Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that, in light of the whole record, the Project may have a significant effect on the environment; therefore, the Development Services Director has caused the preparation of an Environmental Impact Report, EIR 17-0001.

That the City Council of the City of Chula Vista reviewed, analyzed, considered, approved and certified the Final EIR 17-0001, made certain Findings of Fact, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Project pursuant to CEQA.

III. SPA FINDINGS/ APPROVAL

A. THE SECTIONAL PLANNING AREA PLAN IS IN CONFORMITY WITH THE OTAY RANCH GENERAL DEVELOPMENT PLAN, AS AMENDED, AND THE CHULA VISTA GENERAL PLAN.

That the SPA Plan for the Portion of Village Four proposes three residential zoning designations whose density ranges are consistent with the allowable density of the Otay Ranch GPD (ORGDP), as amended, and the existing General Plan. The current ORGDP consists of one residential designation for Village Four which is Low Medium Density Residential (LM); the proposed amendment would add two additional residential categories: Medium-High (MH) and High-Density (H). All three densities are consistent with the Chula Vista General Plan designation of Residential Low Medium (RLM), allowing for a maximum of 453 units within the overall Village Four, of which this SPA would contain a total of 350 units.

That the proposed density increase would not result in any significant land use, planning, or zoning impacts. Such an increase furthers the GDP policy objective for “Urban Villages” to have “*higher densities and mixed uses in the village cores*” and to “*provide a wide range of residential housing opportunities...which promotes a blend of multi-family and single-family housing styles and densities, integrated and compatible with other land uses in the area.*” The proposed density increase would also support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, and would further minimize urban sprawl development patterns. The proposed changes would also provide more land use diversity, increase pedestrian orientation and make commercial uses in the immediately adjacent Village 8 West more viable.

That all off-site public streets required to serve the subdivision already exist or will be constructed or funded by the Applicant in accordance with the Public Facilities Finance Plan (PFFP) and Conditions of Approval. The on-site public streets are designed in accordance with the City design standards and/or requirements and provides for vehicular and pedestrian connections.

B. THE SPA PLAN WILL PROMOTE THE ORDERLY SEQUENTIAL DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.

That the requested adoption of the Portion of Village Four SPA Plan relies on a combination of the proposed Portion of Village Four PFFP to outline infrastructure required to serve the entire Project, along with the timing of installation and the financing mechanisms to promote the sequential development of the Project. Development of the 350 units will occur in an orderly, sequential manner as part of the overall development of the Portion of Village Four.

C. THE OTAY RANCH PORTION OF VILLAGE FOUR SPA WILL NOT ADVERSELY AFFECT ADJACENT LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION OR ENVIRONMENTAL QUALITY.

That the proposed land use and development standard provisions within the Project Site have been fully analyzed and will not adversely affect the circulation system and overall land use as previously envisioned in the ORGDP and in the Portion of Village Four SPA Plan. The existing infrastructure (sewer, water, public services and facilities) has been determined to be adequate to serve the proposed Project, as described in the PFFP. Additionally, a Water Quality Technical Report, Traffic Impact Study, Noise Impact Study, Air Quality and Global Climate Change Report, Water Service Technical Memorandum and Sewer Service Technical Memorandum have been prepared, reviewed and approved. An Environmental Impact Report has been prepared and certified and the City Council has determined that any impacts associated with the proposed Project have been addressed and that the SPA will not adversely affect the adjacent land uses,

residential enjoyment, circulation or environmental quality of the surrounding uses.

IV. APPROVAL OF SPA PLAN

BE IT FURTHER RESOLVED, that based on the findings above, the City Council hereby adopts the new Portion of Village Four SPA Plan shown in Attachment 4 (SPA Document) on file in the office of the City Clerk, subject to the conditions set forth below:

1. The Project shall comply with all mitigation measures specified in the Final EIR (FEIR 17-0001), to the satisfaction of the Development Services Director, or designee.
2. All the terms, covenants and conditions contained herein shall continue to be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Developer as to any or all of the Project Site.
3. Prior to approval of Building Permits for each phase of the Project, the Applicant shall demonstrate that the air quality control measures outlined in the Otay Ranch, Portion of Village 4 SPA Plan Air Quality Technical Report pertaining to the design, construction and operational phases of the Project have been incorporated into the Project design.
4. Prior to issuance of the 151st Building Permit, the Applicant shall construct the CPF-2 site consistent with Figure 4.2 of the Planned Community District Regulations.
5. Prior to issuance of each Building Permit, in order to address projected Project revenue shortfalls (per Chula Vista Municipal Code Section 19.09.060(J)) as identified in the Financial Impact Analysis portion of the PFFP, the Applicant shall pay a fee in the amount of \$85.00 per dwelling unit.
6. Prior to approval of the first Final Map for the Project, the Applicant shall enter into a Balanced Communities Affordable Housing Agreement, in compliance with applicable City and State of California regulations. Such agreement shall identify methods of compliance as set forth in Appendix H, "Affordable Housing Program," including either providing affordable housing at an "On-Site" location, "Off-Site" location or payment of an in-lieu housing fee to be paid upon issuance of Building Permits.
7. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, Planning Commission members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval of the Project; (b) City's approval or issuance of any other permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated on the Project Site; and (c) approval of any CEQA action, including, certification of Final EIR 17-0001. The Property

Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Resolution where indicated. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

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 Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, set aside, void or annul 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 AND RECORDATION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, this document shall be recorded with the County Recorder of the County of San Diego, at the sole expense of the Property Owner and/or Applicant, and a signed, stamped copy returned to the City's Development Services Department. Failure to return the signed and stamped copy of this recorded document within 10 days of recordation shall indicate the Property Owner/Applicant's desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance.

Signature of Property Owner

Date

Printed Name of Property Owner

Signature of Applicant

Date

Printed Name of Applicant

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 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 no further in force or in effect ab initio.

Presented by:

Approved as to form by:

Kelly Broughton, FSALA
Development Services Director

Glen R. Googins
City Attorney

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EXHIBIT A – SITE LOCATION MAP

