

ORDINANCE NO. 2016-

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE OTAY RANCH VILLAGE 3 NORTH AND A PORTION OF VILLAGE 4 SECTIONAL PLANNING AREA (VILLAGE 3 SPA) PLAN'S PLANNED COMMUNITY DISTRICT REGULATIONS TO MODIFY ZONING, CLARIFY DEVELOPMENT STANDARDS, REVISE REQUIREMENTS, AND ADD PERFORMANCE STANDARDS IN COMPLIANCE WITH THE AMENDED SPA PLAN FOR VILLAGE 3

**I. RECITALS**

WHEREAS, the parcels that are the subject matter of this Ordinance are represented in Exhibit A, attached hereto and incorporated herein by this reference, and for the purpose of general description are located in the northern portion of Otay Ranch Village 3 (Project Site); and

WHEREAS, on December 2, 2014, the Otay Ranch Village 3 North and a Portion of Village 4 Sectional Planning Area (Village 3 SPA) Plan, including Planned Community District Regulations, was approved (Resolution 2014-234), establishing policies to guide the development of the Project Site, a pattern of land uses and circulation, and zoning for the property. Additionally, City Council, in the environmental evaluation of the Village 3 SPA, reviewed, considered and certified the Final EIR (FEIR 13-01) and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation, Monitoring and Reporting Program for the Village 3 project; and

WHEREAS, in early 2016, duly verified concurrent applications were filed with the City of Chula Vista by HomeFed Village III Master, LLC (Applicant) requesting amendments to the Chula Vista General Plan (CVGP), the Otay Ranch General Development Plan (GDP), the Otay Ranch Village 3 North and a Portion of Village 4 Sectional Planning Area (Village 3 SPA) Plan; a new Tentative Map, and an Addendum to FEIR 13-01 for the Village 3 project; and

WHEREAS, on June 23, 2016, a duly verified application was filed with the City of Chula Vista Development Services Department by Applicant requesting approval of amendments to the Village 3 SPA Plan's Planned Community District Regulations to modify zoning, clarify development standards, revise requirements, and add performance standards in compliance with the amended SPA Plan for Village 3 (the Project); and

WHEREAS, the Project is intended to ensure that Otay Ranch Village 3 is prepared in accordance with the CVGP for Eastern Chula Vista, to promote the orderly planning and long term phased development of the GDP, and to establish conditions which will enable Otay Ranch Village 3 to exist in harmony within the community; and

WHEREAS, the Applicant held a duly noticed Community Meeting at 6 PM on October 5, 2016, in the Public Works Lunch Room at 1600 Maxwell Road, Chula Vista; and

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 is substantially covered in the previously adopted FEIR 13-01 (SCH #2013071077), 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 caused the preparation of an Addendum to FEIR 13-01 (PER16-0001) for consideration; and

WHEREAS, the Development Services Director set the time and place for a Planning Commission hearing on the project, and notice of said 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 boundaries of the property, at least 10 days prior to the hearing; and

WHEREAS, the Planning Commission held the advertised hearing at 6:00 PM on November 9, 2016, in the Council Chambers, 276 Fourth Avenue, adopting Resolution MPA16-0008, MPA16-0015, MPA16-0016, PCS16-0002, PER16-0001, recommending that the City Council consider the Addendum to FEIR 13-01; amend the GP, GDP and Village 3 SPA, including the Planned Community District Regulations; and approve the Tentative Map; 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

WHEREAS, the City Clerk set the time and place for the hearing on the Project application and notice of said 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, at least ten (10) days prior to the hearing; and

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

**NOW, THEREFORE,** the City Council of the City of Chula Vista does hereby find, determine and ordain as follows:

**II. FINDINGS**

- A. THE SPA PLAN'S PLANNED COMMUNITY DISTRICT REGULATIONS, AS AMENDED, ARE IN CONFORMITY WITH THE OTAY RANCH GENERAL DEVELOPMENT PLAN AND THE CHULA VISTA GENERAL PLAN AND ITS SEVERAL ELEMENTS.

The City Council finds that the proposed amendments to the Village 3 SPA Plan’s Planned Community District Regulations are in conformance with the elements of the City of Chula Vista General Plan and associated regulatory documents and with the Otay Ranch General Development Plan.

1. Land Use and Transportation

<b>General Plan</b>	<b>General Dev Plan</b>	<b>SPA Plan</b>
Residential Medium	Medium Density Residential	Single Family 4 (SF-4) – permits densities < 11 units/acre; Residential Multi-Family One (RM-1) – permits densities of 11-18 units/acre including small lot SF, alley homes, duplexes, townhouses, rowhouses, courtyard/clusters, and stacked flats
Residential Medium High	Medium High Density Residential	Residential Multi-Family Two (RM-2) – permits densities >18 units/acre
Mixed Use Residential	Mixed Use	Mixed Use/Residential (MU-1) – neighborhood commercial with residential above
Professional & Office Commercial	Office	Office (O) – office and flexible use buildings
Industrial	Research & Limited Industrial	Industrial (I) – industrial, light manufacturing, warehousing, flexible use buildings, public utilities, limited restaurant/retail/office oriented use
Open Space	Open Space	Open Space 1 (OS-1) permits developed or usable open space and park uses, may include naturalized open space; Open Space 2 (OS-2) permits natural, undisturbed and/or restored open space which is part of the Otay Ranch Preserve
Parks & Recreation	Parks & Recreation	Parks (P) permits allowable open space and park uses including community parks, neighborhood parks, pedestrian parks, town squares and private parks
Public & Quasi Public	Public & Quasi Public	Community Purpose Facility (CPF)

The proposed project is consistent with the GP and GDP land use designations. It contains all the requisite land uses in accordance with the Otay Ranch Village 3 General Plan Land Use Diagram.

The zones in the Project’s Planned Community District Regulations are consistent with the GDP land use designations, as shown in the Otay Ranch GDP/SRP Land Use Plan.

The Project is consistent with and implements the CVGP and GDP by establishing developable parcels, public improvements and public facilities that will create a mixed-use urban pedestrian village with a village core that

contains complementary land uses, including community purpose facilities, a public school and parks, and residential neighborhoods that offer a variety of housing types and densities. The Mixed-Use Village Core is comprised of integrated commercial, residential and office uses, encouraging residents to utilize alternative modes of transportation such as pedestrian sidewalks and trails, and bicycle lanes.

The Project has been designed to include a transportation system that complies with the requirements of the City of Chula Vista's General Plan, Otay Ranch General Development Plan and Otay Ranch Village 3 North and a Portion of Village 4 SPA Plan. The transportation system includes a hierarchy of streets, each providing accommodations for pedestrian walkways and bicycle ways. Reduced lane widths will enhance pedestrian comfort and safety in the Village Core, and Mixed-Use Residential districts. The construction of the transportation system will be phased in accordance with the Village 3 SPA's Public Facilities Financing Plan (PFFP), such that the development of the circulation system will precede planned growth and maintain acceptable levels of service, as required by the City's Growth Management Program.

1. Economic Development

The Project will contribute to the economic base of the City by providing a mixed use Village Core that will provide for a range of Single and Multi-family residential product types that will enhance the image and appearance of the Otay Ranch community and will benefit the local economy. The development of a business park and office components provide a strong employment base along with a mixed-use commercial/residential area. Approval of the Project will help achieve the General Plan objectives that seek to promote a variety of job and housing opportunities to improve the City's jobs/housing balance, provide a diverse economic base, and encourage the growth of small businesses.

2. Housing

The Project will provide a variety of housing types, including single-and multi-family residential home ownership opportunities, as well as affordable housing opportunities, as required by the Affordable Housing Plan prepared for the Project. The Project has been conditioned to require that the Applicant enter into an agreement to provide affordable housing prior to the approval of the first Final Map. Thus the Project is consistent with the Housing Element of the City's General Plan by providing additional opportunities for high-quality, market-rate single-family residential home ownership in the southeastern portion of the City.

3. Public Facilities and Services

The project has been conditioned to ensure that all necessary public facilities and services will be available to serve the project concurrent with the demand for those services. A Supplemental PFFP has been prepared to analyze the demand generated by the Project, and the phasing needs created by the Project.

**Schools** - To fulfill educational needs of students residing in Village 3, an elementary school site of approximately 8.3 gross acres has been reserved as described in the PFFP for acquisition by the Chula Vista Elementary School District. The 2016 Project maintains the same mix of single family, multi-family and mixed use dwelling units as authorized in the 2014 SPA and therefore the Chula Vista Elementary School District would be able to accommodate the number of students generated by the Project - the existing schools would not be adversely impacted by the approval of the Project.

**Sewer** - The Project Site is within the boundaries of the City of Chula Vista wastewater services area. Sewer capacity needs for the Project, in conjunction with long-term growth in the area, were analyzed in the 2014 PFFP, and a supplement to the prior evaluation was prepared based on the 2016 SPA Plan. Overall, the 2016 Project would result in a 2.8% decrease of wastewater generated. Sewer capacity will be available to serve the Project subject to the PFFP requirements, which are included as Conditions of Approval for the Project. Based on these requirements, no adverse impacts to the City's sewer system or City's sewer threshold standards will occur as a result of the Project.

**Parks** - The Project has been conditioned to dedicate parkland for a 7.5 net-acre Neighborhood Park and approximately 4.7 net-acres of Community Park, pursuant to the PFFP. The Project maintains the same mix of single family detached and multi-family attached dwelling units as authorized in the 2014 SPA Plan and therefore generates the same demand for public parks. However, because the Project may ultimately construct fewer units than authorized (1,597 units are authorized, but only 1,270 of those units have been allocated. The remaining 327 unallocated units may be developed at a later date or transferred to another village), the demand for public park land based on the decreased build-out of Village 3 has been prepared. Should the unallocated units be built in Village 3, a new map would be required, and parkland obligations and other impacts would be fulfilled at such time. The Project must comply with the requirements and FEIR Mitigation Measures identified in the 2014 PFFP.

**Services** - The Project has been conditioned to ensure that all necessary public facilities and services will be available to serve the Project concurrent with the demand for those services. The City Engineer, Fire and Police Departments have reviewed the proposed revisions to the Village 3 SPA Plan for conformance with City safety policies and have determined that the proposal generates the same demand and therefore continues to meet those standards. Project construction will be required to comply with the

applicable California Green Building Standards, the City's Green Building Standards and the City's Energy Efficiency Ordinance in affect at the time of building permit issuance, ensuring energy-efficient homes will be developed.

6. Environmental

The Project FEIR-13-01 addressed the goals and policies of the Environmental Element of the General Plan and found development of this site to be consistent with these goals and policies. Only minor technical changes or additions to the FEIR are necessary as a result of the SPA amendment, and 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 caused the preparation of an Addendum to FEIR 13-01 for consideration.

7. Growth Management

The Project is in compliance with applicable Growth Management Element requirements according to the Supplemental PFFP that has been prepared as required by the Growth Management Ordinance. The PFFP requirements have been included in the Project's Conditions of Approval.

B. THE SPA PLAN'S PLANNED COMMUNITY DISTRICT REGULATIONS, AS AMENDED, WILL PROMOTE THE ORDERLY SEQUENTIALIZED DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.

The Village 3 SPA Plan's Planned Community District Regulations, as amended, will maintain existing provisions and requirements to implement the CVGP for the East Area Plan, promote the orderly planning of the Otay Ranch GDP area, and provide the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.

C. THE SPA PLAN'S PLANNED COMMUNITY DISTRICT REGULATIONS, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION, OR ENVIRONMENTAL QUALITY.

The Planned Community District Regulations for Village 3 are designed to provide compatible development with surrounding communities, establishing conditions which will enable the SPA to exist in harmony within the larger Otay Ranch community.

BE IT FURTHER ORDAINED, based on the findings above, the City Council hereby approves the Village 3 SPA Plan's Planned Community District Regulations as amended, on file in the Office of the City Clerk, and incorporated herein by this reference, subject to the conditions set forth below:

III. APPROVAL OF PROPOSED AMENDMENTS

- A. Prior to the 30th day after this 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 Village 3 SPA Plan's Planned Community District Regulations shall be approved by the Director of Development Services for printing prior to incorporating said revisions into the final document.
- B. Prior to the 30th day after this Ordinance becomes effective, the Applicant shall submit to the Development Services Department 10 copies and a CD of the approved amendment to the Village 3 SPA Plan's Planned Community District Regulations.
- C. The Applicant shall comply with all the Conditions of Approval of the amended Village 3 SPA Plan and the adopted SPA Plan.

**IV. SEVERABILITY**

If any portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

**V. CONSTRUCTION**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable State and Federal law, and this Ordinance shall be construed in light of that intent.

**VI. EFFECTIVE DATE**

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

**VII. PUBLICATION**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by:

Approved as to form by:

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 Kelly Broughton, FSALA  
 Development Services Director

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 Glen R. Googins  
 City Attorney

EXHIBIT A – SITE LOCATION MAP

