

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL: 1) CONSIDER SECOND ADDENDUM TO FEIR 02-04; 2) APPROVE AMENDMENTS TO THE OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA (SPA) PLAN, COMMUNITY DISTRICT REGULATIONS, DESIGN PLAN, LAND USE DISTRICTS MAP AND ASSOCIATED REGULATORY DOCUMENTS; 3) APPROVE OTAY RANCH FREEWAY COMMERCIAL NORTH MASTER PRECISE PLAN; AND 4) APPROVE TENTATIVE SUBDIVISION MAP CVT 15-0007 FOR OTAY RANCH PLANNING AREA 12 FREEWAY COMMERCIAL NORTH

WHEREAS, the parcel, that is the subject matter of this resolution, is represented in Exhibit A, attached hereto and incorporated herein by this reference, and for the purpose of general description is located in the northern portion of Planning Area 12 of Otay Ranch; and

WHEREAS, on September 24, 2015, a duly verified application was filed with the City of Chula Vista Development Services Department by Baldwin & Sons (Applicant) requesting approval of amendments to Otay Ranch Freeway Commercial Sectional Planning Area Plan (PCM 12-16), including the Planned Community District Regulations, and Design Plan; a new Master Precise Plan (MPA 15-0018) for the Freeway Commercial North portion of Otay Ranch PA-12; and a Tentative Subdivision Map (PCS-15-0007) for the subdivision of approximately 36.2 acres into 13 lots (3 multi-family, 2 open space, 2 hotel lots, 3 mixed use, 1 park, 1 private street, 1 remainder parcel) (the "Project"); and

WHEREAS, the property has been the subject matter of an amendment to the City's General Plan (GP) and the Otay Ranch General Development Plan (GDP) approved on May 26, 2015 and adopted by City Council by Resolution No. 2015-114; and

WHEREAS, the Development Services Director reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was covered in the previously adopted *Final Environmental Impact Report for the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan - Planning Area 12 (FEIR 02-04) (SCH #1989010154)*, and 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 the Second Addendum to FEIR 02-04; and

WHEREAS, the Development Services Director set the time and place for a 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 hearing was held at the time and place as advertised, namely 6:00 p.m, August 10, 2016 in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW THEREFORE BE IT RESOLVED, that the Chula Vista Planning Commission hereby makes the following findings:

I. SPA FINDINGS

THE SECTIONAL PLANNING AREA (SPA) PLAN, AS AMENDED, IS IN CONFORMITY WITH THE OTAY RANCH GENERAL DEVELOPMENT PLAN, AS AMENDED, AND THE CHULA VISTA GENERAL PLAN, AS AMENDED, AND ITS SEVERAL ELEMENTS.

The proposed Project implements the GP and 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 for-sale and for-rent housing products and a range of densities integrated and compatible with other land uses in the area. The proposed project would support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, and would further minimize urban sprawl development patterns.

The GP land use designation is Retail Commercial and Mixed Use Residential. The proposed Project is consistent with these land use designations. It contains all the requisite land uses comprising Retail Commercial and Mixed Use Residential: commercial hotels, mixed-use development, multi-family residential housing, a public park and open space.

The current Otay Ranch GDP designation is Freeway Commercial and Mixed Use. The proposed project is consistent with these land use designation.

The existing implementing zone in Freeway Commercial Planned Community District Regulations is FC-2, which is divided into three subcategories: H (Commercial Hotel) for lots H-1 and H-2; RM (Multi-Family Residential) for lots MF-1, MF-2, and MF-3; MU (Mixed Use Commercial/Multi-Family) for lots MU-1, MU-2, and MU-3; and P (Park) for lot P-1. All neighborhoods, as shown on the Tentative Map (TM), are consistent with these designations. In total, this TM depicts 600 residential units.

All off-site public streets required to serve the subdivision already exist. The on-site public streets are designed in accordance with the City design standards and/or requirements and provide for vehicular and pedestrian connections.

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

The subdivision design consists of three (3) multi-family residential lots, three (3) mixed-use commercial – multi-family residential lots, two (2) hotel lots, two (2) open space lots, one (1) public park, one (1) private street, and one (1) remainder parcel. The condominium subdivision is planned to allow a maximum of 600 residential units.

The Freeway Commercial SPA Public Facilities Financing Plan (PFFP) permits non-sequential phasing by imposing specific facilities requirements for each phase to ensure that the new Freeway Commercial SPA development is adequately served and City threshold standards are met. Anticipated Freeway Commercial North phasing is as follows. Hotel 1 is currently under construction, projected to be completed by April, 2017. Residential West will be developed next. Per the executed Otay Ranch Freeway Commercial SPA Development Agreement recorded on June 17, 2016, construction of Hotel 2 will commence prior to issuance of the 451st residential building permit for the Project. Construction of the commercial component of the mixed use development will commence prior to or concurrently with obtaining building permits and commencing construction of the residential development located east of Town Center Drive. The Developer shall commence construction of the public park prior to the issuance of the 300th residential building permit and substantially complete the park within 15 months of start of construction.

THE OTAY RANCH FREEWAY COMMERCIAL SPA PLAN, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT LAND USES, RESIDENTIAL ENJOYMENT, CIRCULATION OR ENVIRONMENTAL QUALITY.

The proposed modifications to 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 uses as previously envisioned in the Otay Ranch GDP and Otay Ranch Freeway Commercial 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 Supplemental PFFP. Additionally, a Water Quality Technical Report, Traffic Impact Study, Noise Impact Report, Air Quality, Sewer Service Technical Report and Water Service Technical Report have been prepared, reviewed and approved by the City. A Second Addendum to FEIR 02-02 has been prepared to analyze the Project's impacts.

II. TENTATIVE MAP FINDINGS

THE TENTATIVE SUBDIVISION MAP, AS CONDITIONED HEREIN, IS IN CONFORMANCE WITH THE ELEMENTS OF THE CITY'S GENERAL PLAN, AS REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTION 66473.5, BASED ON THE FOLLOWING:

1. Land Use

The GP land use designation is Retail Commercial and Mixed Use Residential. The proposed Project is consistent with these land use designations.

The current Otay Ranch GDP designation is Freeway Commercial and Mixed Use. The proposed Project is consistent with these land use designations.

The existing implementing zone in the Freeway Commercial Planned Community District Regulations is FC-2, which is divided into three subcategories: H (Commercial Hotel) for lots H-1 and H-2; RM (Multi-Family Residential) for lots MF-1, MF-2, and MF-3; MU (Mixed Use Commercial/Multi-Family) for lots MU-1, MU-2, and MU-3; and P (Park) for lot P-1. All neighborhoods, as shown on the TM, are consistent with these designations. In total, this TM depicts 600 residential units.

The subdivision design consists of three (3) multi-family residential lots, three (3) mixed-use commercial – multi-family residential lots, two (2) hotel lots, two (2) open space lots, one (1) public park, one (1) private street, and one (1) remainder parcel. The condominium subdivision is planned to allow a maximum of 600 residential units.

The proposed Project furthers the 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 for-sale and for-rent housing products and a range of densities integrated and compatible with other land uses in the area. The proposed project would support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, and would further minimize urban sprawl development patterns.

1. Circulation

All off-site public streets required to serve the subdivision already exist. The on-site public streets are designed in accordance with the City design standards and/or requirements and provide for vehicular and pedestrian connections.

2. Economic Development

The proposed Project results in an increase of 600 residential units. There is a provision of a wider range of housing options and pricing for potential home-buyers and renters in the current housing market. By adding these units, increased patronage to the nearby commercial and public/quasi-public uses

can be anticipated to contribute to greater economic development within Planning Area 12 and the City.

The Project allows for development of multi-family housing. The Project provides homebuyers the opportunity to purchase homes with greater affordability, reduced maintenance/utility costs, and less dependency on the automobile, a guiding principal of the Otay Ranch GDP. The proposed homes also provide further variation in housing opportunities available to Chula Vista residents, consistent with GP Objective ED 2. The proposed Project also fosters economic development benefits at the community level by providing for increased housing densities within the same development footprint. These increased densities allow for infrastructure and municipal services to be provided at reduced cost per capita (more people served by the same municipal services). Additionally, with increased housing (and population) within the same development footprint, increased densities improve the viability of community serving commercial and public/quasi-public uses as well as alternative transportation modes. As a result, the proposed Project may serve as a catalyst for small and midsized industries and businesses and community serving and neighborhood uses, consistent with GP Objectives ED 3 and ED 9.

3. Public Facilities

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 600 new residential units for public services and facilities, and the phasing needs created by the Project.

Storm Water: A Storm Water Quality Study was prepared for the project by Rick Engineering Company, dated May 28, 2002 and revised August 12, 2002 and October 4, 2002. An update letter was issued by Rick Engineering on March 3, 2004, which indicated that the Project as adopted in April 1, 2003 and as currently configured, are substantially the same. An updated grading study was prepared by Hunsaker & Associates, dated October 7, 2014, which concluded that the proposed Project will not present any hydrologic concerns.

The current Project storm water quality conditions and proposed water quality improvements are identified in three Hunsaker & Associates reports. Each report focuses on a specific area within FC-2 and includes:

- The Hotel Site: *Water Quality Technical Report (Major WQTR) for Otay Ranch Village 12, PA-12 West Residential October 20, 2014*
- The Eastern Residential area: *Water Quality Technical Report (Major WQTR) for Otay Ranch Planning Area 12 East, November 9, 2015*
- The Western Residential area: *Water Quality Technical Report (Major WQTR) for Otay Ranch Village 12, PA-12 West Residential December 31, 2015*

Hunsaker designed the storm drain system and layout to address peak flows, as well as to integrate water quality features needed to comply with the City of

Chula Vista Standard Urban Stormwater Mitigation Plan (SUSMP) requirements for water quality.

During the construction phase, the Project is subject to the requirements of the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS00002 (General Construction Permit) and the modifications to the General Construction Permit Order No. 2001-046, adopted by the SWRCB. For coverage by the General Construction Permit, the Project owner is required to submit to the SWRCB a Notice of Intent (NOI) to comply with the General Construction Permit, and develop a Storm Water Pollution Prevention Plan (SWPPP) describing Best Management Practices (BMPs) to be used during and after construction to prevent the discharge of sediment and other pollutants in storm water runoff from the Project.

Wastewater: The project is consistent with FEIR Mitigation Measures 5.12 - 11 through 5.12 -13, which require the Applicant to demonstrate adequate capacity in the Poggi Canyon sewer line. The sewer technical study (Dexter 2014) demonstrates that there is adequate sewer capacity in the existing 8 inch line that serves the site. The existing 8 -inch gravity sewer line is adequate to convey this projected total flow. Moreover, the proposed Project does not require additional reaches of the Poggi Interceptor to be upgraded in the future.

Potable Water Demand: As the subject matter of a GP and GPD amendment (Resolution No.2015-114), the property was included in a water supply assessment, which was approved for the Project on April 1, 2015. It documented that there is an assured long term supply of water for the Project. The approved water supply assessment indicated the Project as proposed would result in an incremental increase of water demand of 173 acre feet beyond what was estimated in the 2010 Otay Water District Water Resources Master Plan.

4. Environmental Element

The proposed Project has been reviewed in accordance with the requirements of the CEQA and it was determined that the Project was covered in the previously adopted Final Environmental Impact Report for the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan - Planning Area 12 ("FEIR 02-04") (SCH#1989010154). A Water Quality Technical Report, Traffic Impact Study, Noise Impact Report, Air Quality Sewer Service Technical Memo and Water Service Technical Memo have been prepared, reviewed and approved by the City. The Development Services Director 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 Service Director has prepared a Second Addendum to FEIR 02-04

5. Growth Management

The proposed Project would result in 600 new dwelling units in Freeway Commercial North. A Supplemental PFFP has been prepared that analyzes any potential impacts on public facilities and services, and identifies the facilities, phasing and timing triggers for the provision of facilities and services to serve the Project, consistent with the City's Quality of Life Threshold Standards.

In response to a change in the FC-2 District portion of the Project, an analysis was prepared entitled Otay Ranch PA 12 – Trip Generation Review – Revised by Chen-Ryan Associates, dated 2015. This report was the basis of the First Addendum to the EIR (FEIR). The FEIR concluded that “the FC-2 site would generate approximately 7,506 daily trips, which is lower than the entitled land use trip generation of approximately 12,145 daily trips for the FC-2 site. Since the proposed modified land uses would generate less traffic than the entitled land uses, there would be no additional traffic impacts associated with the proposed modifications.”

In conformance with City requirements, an analysis of the traffic operations on Town Center Drive was completed for this Project (Otay Ranch PA 12 Freeway Commercial North- Traffic Operations along Town Center Drive, by Chen-Ryan Associates, dated March 28, 2016), and satisfactorily reviewed by the City's traffic engineer. The Analysis indicates the trip generation for the Project as shown in Table 1. With a 15% transit and mixed-use reduction, the Project would generate approximately 6,164 daily trips including 423 and 555 trips during the AM and PM peak hours, respectively.

The Project access is via two driveways along Town Center Drive (one signalized with full access at the main entrance and one signalized without northbound left-turn in at the hotel entrance) and one driveway along Olympic Parkway, between Town Center Drive and Eastlake Parkway (right-in/right-out). The analysis indicates that both intersections of Town Center Drive / Olympic Parkway and Town Center Drive / Town Center Loop would continue to operate at acceptable LOS D or better with addition of the Project traffic. All three proposed Project driveways would operate at acceptable LOS D or better under Existing plus Project conditions. The addition of Project traffic would not result in any traffic impact within the project study area. The analysis also indicates that the Year 2030 geometrics of the Project are adequate to accommodate the projected Average Daily Traffic (ADT).

The Project site is within the boundaries of the Chula Vista Elementary School District (CVESD) and within the Sweetwater Union High School District (SUHSD). At completion, the proposed Project could generate approximately 353 students. The Developer will mitigate impacts on secondary and elementary school facilities through participation in CVESD and SUHSD CFDs.

6. Open Space and Conservation

The proposed Project meets the minimum open space requirement per the Freeway Commercial SPA Plan and Planned Community District Regulations. The Project generates a demand for an additional 4.69 acres of park land. Pursuant to the executed Development Agreement between the Developer and the City of Chula Vista, this obligation will be met through the construction, programming and maintenance of a 2-acre enhanced urban park that is valued at or greater than 4.69 of park.

As required by Otay Ranch Resource Management Plan, the project will also convey 43.471 acres of land to the Preserve Owner Manager (POM) upon approval of the first final map.

The proposed land form grading conforms to the City's Grading Ordinance and retains regional and natural open space features. The development of the site is consistent with the goals and policies of the Conservation Element.

7. Safety

The City Engineer, Fire and Police Departments have reviewed the proposed subdivision for conformance with City safety policies and have determined that the proposal meets those standards.

8. Noise

The Project has been reviewed for compliance with the Noise Element and will comply with applicable noise measures at the time of issuance of the building permit.

III. MASTER PRECISE PLAN FINDINGS

1. THAT SUCH PLAN WILL NOT UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE BE DETRIMENTAL TO THE HEALTH SAFETY OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE VICINITY OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY

The Planning Commission finds that the proposed precise plan and development standards contained in attached Exhibit C on file in the City Clerk's office will not have a negative impact on the surrounding neighborhood because the proposed standards are consistent with the Otay Ranch GDP and Freeway Commercial SPA Plan. It allows the Applicant to design a project that is compatible with the type and intensity of existing development in the area. The proposed Project establishes a unified, walkable, mixed-use plan for Otay Ranch Freeway Commercial North. It is intended to enhance living, working, shopping, and transit options in the area. Residential uses are located on the southwest and

eastern portions of the site. This provides direct adjacency to the Otay Ranch Town Center Mall. The location is also proximate to Otay Ranch Village 6, which includes neighborhood serving uses such as parks and schools. Additionally, with the construction of the BRT bridge, a pedestrian connection will exist shortening the walk to these uses to less than a 1/4 mile. The proximity to these neighboring uses, as well as to commercial uses within the Project, encourages residents to walk to these uses, rather than drive. The proposed residential uses are also within a short walk, less than half of a mile, of the future BRT transit stop along Eastlake Parkway at the Otay Ranch Town Center Mall directly south of the Project site. This further encourages residents to reduce automobile use in favor of walking and transit. Although residential uses are adjacent to SR-125, buildings will be set back from the western property line to minimize the effects of the freeway. Additionally, the freeway is located approximately 25-30 feet below the level of the residential pad. To create a pedestrian friendly environment and encourage residents to walk, pedestrian sidewalks and pathways will connect residential, hotel, and commercial uses to each other and the Town Center Park. Architecture will be complementary across all uses to further establish a cohesive site design.

2. THAT SUCH PLAN SATISFIES THE PRINCIPLE FOR THE APPLICATION OF THE P MODIFYING DISTRICT AS SET FORTH IN CVMC 19.56.041:

The Planning Commission finds that application of the P modifying district is appropriate because the underlying zoning is Planned Community district. This Master Precise Plan is required by the Freeway Commercial SPA Plan (PC District Regulations), and provides the comprehensive regulatory design plan linking the approved policies and land use designations of the Freeway Commercial SPA/Design Plan with subsequent project-level approvals within the Project area. It serves as a framework document by which future "Individual Design Applications" will be evaluated for compliance with the approved Master Precise Plan requirements that encompass streetscape and landscape design, signs, and architectural and lighting concepts/examples.

3. THAT ANY EXCEPTIONS GRANTED WHICH DEVIATE FROM THE UNDERLYING ZONING REQUIREMENTS SHALL BE WARRANTED ONLY WHEN NECESSARY TO MEET THE PURPOSE AND APPLICATION OF THE PRECISE PLAN MODIFYING DISTRICT:

As the underlying zoning is Planned Community District, the Master Precise Plan will require higher design and development standards that

ensure high quality development will be provided for within the FC-2 site, including compatibility with adjacent commercial uses.

4. THAT APPROVAL OF THIS PLAN WILL CONFORM TO THE GENERAL PLAN AND THE ADOPTED POLICIES OF THE CITY. (ORD. 3153 § 2 (EXH. A), 2010; ORD. 1632 § 2, 1975)

The Project has been designed and evaluated in accordance with the goals and objectives of the GP for the FC-2 location. The Master Precise Plan as described above will ensure the Project to be consistent with the goals and objectives of the GP and the Chula Vista Municipal Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Chula Vista hereby recommends that the City Council adopt the attached Draft City Council Resolutions and Ordinance approving the Project in accordance with the findings and subject to the conditions contained therein.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Chula Vista that a copy of this Resolution and the draft City Council Resolutions and Ordinance be transmitted to the City Council.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 10th day of August, 2016, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Yolanda Calvo, Chairperson

ATTEST:

Pat Laughlin, Secretary

Presented by:

Approved as to form by:

Kelly Broughton, FSALA
Development Services Director

Glen R. Googins
City Attorney