

ORDINANCE NO. 2019-

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING  
AMENDMENTS TO THE OTAY RANCH FREEWAY  
COMMERCIAL PLANNED COMMUNITY DISTRICT  
REGULATIONS FOR THE NORTHERLY FC-2 PORTION

WHEREAS, the parcel, that is the subject matter of this Ordinance, 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 November 16, 2017, a duly verified application was filed with the City of Chula Vista Development Services Department by Baldwin & Sons (Applicant) requesting approval of amendments to the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan (MPA 17-0011), including the Planned Community District Regulations; and

WHEREAS, the project is intended to ensure that the Otay Ranch Freeway Commercial SPA Plan is prepared in accordance with the Otay Ranch General Development Plan (GDP) to implement the City of Chula Vista General Plan for Eastern Chula Vista to promote the orderly planning and long term phased development of the Otay Ranch GDP and to establish conditions, which will enable Otay Ranch Freeway Commercial to exist in harmony within the community; 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 caused the preparation of a Third Addendum to FEIR 02-04; and

WHEREAS, the Planning Commission set the time and place for a hearing on said amendments 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 ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, and the Planning Commission voted 6-1-0-0 to recommend to the City Council approval of the subject amendments; and

WHEREAS, the City Clerk 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

**SECOND READING AND ADOPTION**

WHEREAS, a duly noticed public hearing was held before the City Council of the City of Chula Vista to approve the project.

NOW, THEREFORE, THE CITY COUNCIL of the City of Chula Vista does hereby order and ordain as follows:

**I. PLANNING COMMISSION RECORD**

The proceedings and all evidence introduced before the Planning Commission at their public hearing and the Minutes and Resolutions resulting therefrom are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, shall comprise the entire record of the proceedings.

**II. COMPLIANCE WITH CEQA**

Immediately prior to this action, the City Council reviewed and considered the Third Addendum to FEIR 02-04;

**III. ACTION**

The City Council hereby adopts an Ordinance approving the Otay Ranch Freeway Commercial SPA Planned Community District Regulations on file at the office of the City Clerk, finding that they are consistent with the City of Chula Vista General Plan, the Otay Ranch GDP and all other applicable plans; as set forth in Resolution MPA 17-0011 adopting the Freeway Commercial SPA Plan Amendment, and that the public necessity; convenience, general welfare and good planning and zoning practice support their approval and implementation.

**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