

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A REVISED TENTATIVE MAP
FOR OTAY RANCH VILLAGE EIGHT EAST TO REMOVE
284 RESIDENTIAL DWELLING UNITS (CHULA VISTA
TRACT 13-03)

I. RECITALS

WHEREAS, the parcel of land which is the subject matter of this Resolution is depicted in Exhibit A, attached hereto and incorporated herein and is described as Chula Vista Tract 13-03, commonly known as Village 8 East (Project Site); and

WHEREAS, in May 2019, a duly verified application for a revised Tentative Subdivision Map (Chula Vista Tract No. 13-03) (Project) was filed with the City of Chula Vista Development Services Department by HomeFed Village 8, LLC (the “Applicant” and “Owner”); and

WHEREAS, the Applicant requested removal of 284 residential dwelling units from the approved Village 8 East Tentative Map (TM) and Sectional Planning Area (SPA) Plan; and

WHEREAS, TM CVT 13-03 was previously approved with conditions by City Council on December 2, 2014, by Resolution 2014-238, establishing the pattern of land uses and circulation for the Project Site; 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 was adequately covered in the previously certified Otay Ranch University Villages Final Environmental Impact Report 13-01, SCH#2013071077 (FEIR-13-01). Thus, no further environmental review or documentation is required; and

WHEREAS, a hearing time and place was set by the Planning Commission for consideration of 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 and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on the Project; the Planning Commission took public testimony; heard the staff presentation, and said hearing was thereafter closed; and

WHEREAS, following the Planning Commission’s public hearing on the Project, a hearing time and place was set by the City Council for consideration of 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 boundary of the Project, at least 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, 276 Fourth Avenue, 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 does hereby find and determine, as follows:

II. PLANNING COMMISSION RECORD

That the record of the proceedings of the Planning Commission at the public hearing, including the vote, along with any relevant comments, have been provided to the City Council and are hereby incorporated into the record of this proceeding.

III. CERTIFICATION OF COMPLIANCE WITH CEQA

That the City Council hereby finds through its independent judgment that the Project will have no substantial changes which would require revisions to the Otay Ranch University Villages FEIR 13-01. Therefore, no new environmental effects or no new mitigation measures will be required in addition to those already in existence and made a condition for the implementation of Village 8 East.

IV. TENTATIVE SUBDIVISION MAP FINDINGS

A. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the City Council finds that the Village 8 East Tentative Subdivision Map, as conditioned herein for the Project, is in conformance with the elements of the City's General Plan, the Otay Ranch General Development Plan and the amended Village 8 East Sectional Planning Area (SPA) Plan, based on the following:

1. Land Use and Circulation

The Project is in a community that provides a variety of housing, commercial, parks, open space and school uses, as well as public and private improvements to serve the community. The Project is consistent with the Chula Vista General Plan, the Otay Ranch General Development Plan, and the Otay Ranch Village Eight East SPA Plan policies related to land uses and circulation.

2. Economic Development

Village 8 East is designed to 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. The Project is consistent with those objectives.

3. Public Facilities and Services

An elementary school site of approximately 10.8 acres (2014 Public Facilities Financing Plan (PFFP)) for acquisition by the Chula Vista Elementary School District is required in the previously approved and still applicable Tentative Map conditions.

Sewer

Sewer capacity needs are conditioned under previously approved and still applicable Tentative Map conditions.

Parks

Parks, recreation and open space obligations are conditioned under previously approved and still applicable Tentative Map conditions. Construction of Park and programmable recreation facilities are the responsibility of the Applicant.

4. Housing

Village 8 East remains consistent with the Housing Element of the City's General Plan by providing opportunities for high-quality, market-rate single-family residential home ownership in the southeastern portion of the City.

5. Growth Management

Public facilities and services are conditioned by the approved and still applicable 2014 PFFP prepared in accordance with the Growth Management Ordinance.

6. Environmental

Village 8 East's 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 those goals and policies. The Project is a minor amendment to the TM and does not propose changes to conveyance requirements in the approved Village 8 East SPA Plan (2014).

- B. Pursuant to Government Code Section 66473.1 of the Subdivision Map Act, the configuration, orientation, and topography of the site allows for the optimum siting of lots for natural and passive heating and cooling opportunities and that the development of the site will be subject to site plan and architectural review to ensure the maximum utilization of natural and passive heating and cooling opportunities.
- C. Pursuant to Government Code Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of this approval on the housing needs of the region and has balanced those needs against the public service needs of the residents of the City and the available fiscal and environmental resources.
- D. Pursuant to Government Code Section 66474 (a-g) of the Subdivision Map Act, the proposed Project meets the following requirements:
 - a. The Project is consistent with applicable general and specific plans as specified in Section 65451 because the Village 8 East SPA Plan is consistent with the General Plan's land use designations for Otay Ranch.
 - b. Project design or improvement is consistent with applicable general and specific plans. The Project's design is consistent with the Village 8 East SPA Plan which are consistent with the General Plan's land use designations for Otay Ranch.
 - c. Project Site is suitable for the proposed density of development. The Project development, with the reduction of 284 residential dwelling units, is still within the allowed density range of the Village 8 East SPA Plan.
 - d. Project Site is physically suitable for the type of development. The Project is surrounded by existing and entitled (future) planned community developments with available access and infrastructure to serve the Project.
 - e. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish

or wildlife or their habitat. The Project has been designed to minimize landform disturbance with cut and fill slopes balance, and on a disturbed site that avoids permanent disturbance or injury to wildlife or their habitat.

- f. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the project has been designed to have suitable separation between homes, is able to be served by fire and emergency services and is located over 500 feet from a major highway.
 - g. The subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The project's roadways and utilities are within and are not in conflict with existing easements.
- E. The site is physically suited for development and will be developed in conformance with the Otay Ranch Village Eight East SPA Plan and FEIR-13-01, which ensure that the site is developed in a manner consistent with the standards established by the City for a master-planned community.
- F. The conditions herein imposed on the Project, are approximately proportional both in nature and extent to the impact created by the Project, based upon the City's police powers and evidence provided by the record of the proceedings of FEIR-13-01.

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 Government Code 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 the Applicant shall execute this document by signing the lines provided below, said execution indicating that the property owner and Applicant have each read, understood, and agreed to the conditions contained herein. 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 the Applicant, and a signed, stamped copy of this recorded document shall be returned within ten days of recordation to the City Clerk. Failure

to record this document shall indicate the property owner and Applicant’s desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval. Said document will also be on file in the City Clerk’s Office.

Signature of Applicant

Date

Signature of Property Owner

Date

VII. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The Applicant shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City within a reasonable and diligent time frame.

VIII. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision and condition herein stated; and that in the event that any one or more terms, provision, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, this resolution shall be deemed to be automatically revoked and of no further force and effect ab initio.

BE IT FURTHER RESOLVED that all conditions approved for Tentative Map (CVT 13-03) by City Council Resolution 2014-238 shall remain applicable.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Project subject to the findings contained herein and subject to the Conditions of Approval for Resolution 2014-238 set forth in Exhibit “2” attached hereto and incorporated herein by this reference.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney

Exhibit "1"

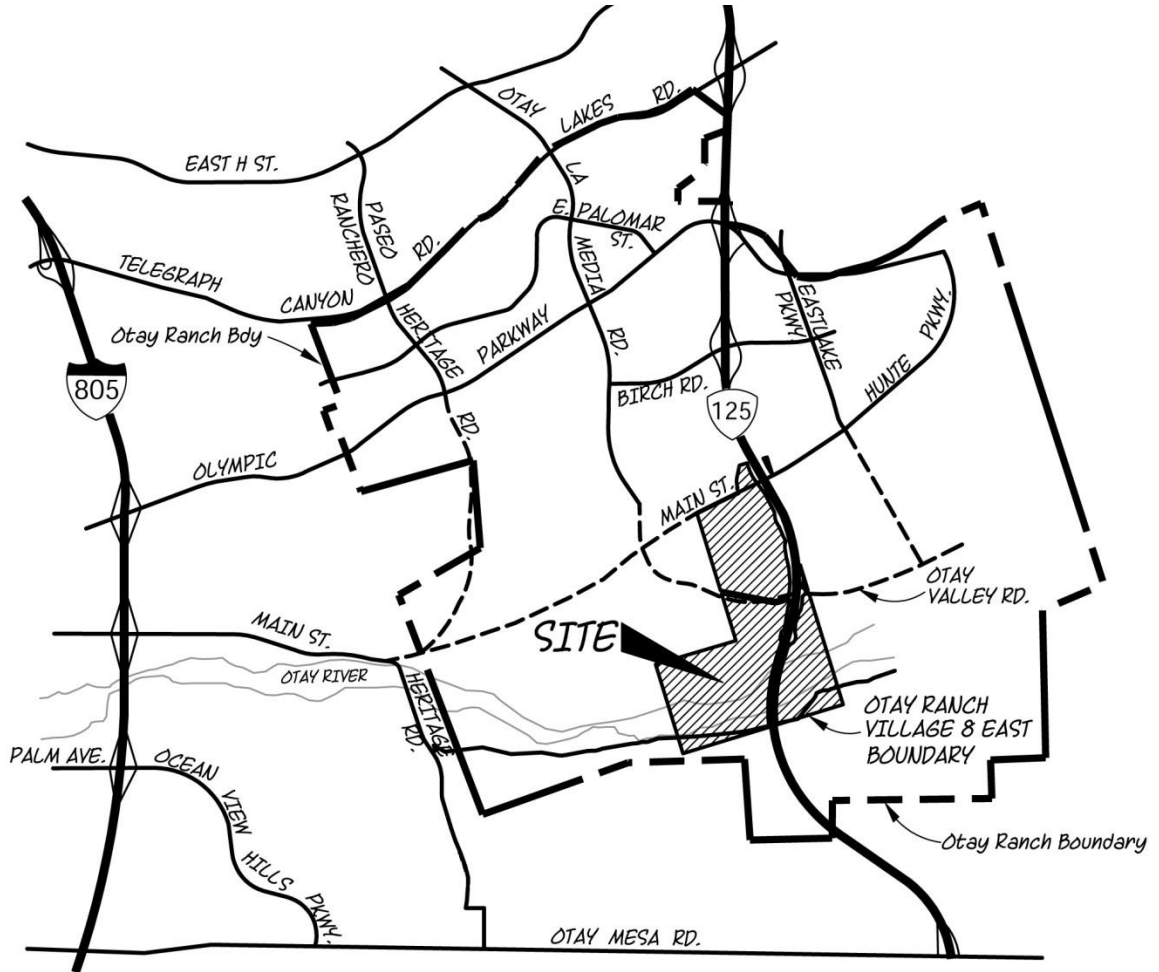


Exhibit "2"

Resolution 2014-238