

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING  
A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF  
CHULA VISTA AND NORTH C.V. WATERFRONT L.P. FOR  
THE DEVELOPMENT OF APPROXIMATELY 33 ACRES OF  
LAND LOCATED IN THE HARBOR DISTRICT OF THE  
CHULA VISTA BAYFRONT MASTER PLAN AREA

WHEREAS, the property which is the subject matter of this ordinance is identified in the Development Agreement as “Exhibit A” on file in the office of the City Clerk, consisting of approximately 33 acres of land located in the Harbor District of the Chula Vista Bayfront Master Plan (“Property”); and

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was covered in previously certified Environmental Impact Report UPD#83356-EIR-658/SCH#2005081077. Thus, no additional environmental review is required; and

WHEREAS, the Planning Commission set the time and place for a hearing on said Development Agreement 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, namely 6:00 p.m. July 11, 2018, in the Council Chambers, 276 Fourth Avenue, and the Planning Commission voted 0-0-0-0 to approve Planning Commission Resolution PCM18-01 recommending to the City Council approval of the Development Agreement between the City of Chula Vista and North C.V. Waterfront L.P. for the development of approximately 33 acres of land located in the Harbor District of the Chula Vista Bayfront Master Plan Area (“Development Agreement”); and

WHEREAS, on July 17, 2018, a duly noticed public hearing was scheduled before the City Council of the City of Chula Vista to consider adopting the ordinance to approve the Development Agreement; and

WHEREAS, staff has reviewed the Development Agreement and determined it to be consistent with the City’s General Plan and Local Coastal Program, both as amended; and

WHEREAS, North C.V. Waterfront L.P. (“Developer”) requested a variance from the City’s Balanced Communities Policy (“BCP”), as amended, on the basis that special circumstances exist that are unique to the development including significant unique public benefits that will be provided to the community;

WHEREAS, the Director of Development Services obtained further information regarding the Developer's request and performed an independent evaluation of such request; and

WHEREAS, the City Manager recommends that the City Council approve the Developer's request for a variance after his consideration of: (i) the independent evaluation of the Director of Development Services, (ii) the unique public benefits of the development as described in Recitals J, K, and L of the proposed Development Agreement, and (iii) the specific factors to be considered as provided in the BCP.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

**Section I. Planning Commission Record**

The proceedings and all evidence introduced before the Planning Commission at their public hearing held on July 11, 2018 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 for any California Environmental Quality Act (CEQA) claims.

**Section II. Compliance with CEQA**

The City Council hereby finds, based upon their independent review and judgement, that the adoption of the ordinance approving the Development Agreement for the project, as described and analyzed in the certified Environmental Impact Report UPD#83356-EIR-658/SCH#2005081077, would have no new effects that were not examined in said certified EIR (CEQA Guideline 15168 (c)(2)).

**Section III. Consistency with General Plan and Local Coastal Program**

The City Council finds that the proposed Development Agreement is consistent with the City's General Plan and the City's Local Coastal Program, both as amended. The Development Agreement implement the General Plan and the Local Coastal Program by providing a comprehensive program to implement the Project, as approved.

**Section IV. Variance from Balanced Communities Policy**

The City Council finds that the proposed development provides unique public benefits to the community, including those described in Recitals J, K, and L of the proposed Development Agreement, which constitute special circumstances justifying the approval of Developer's request for a variance from the City's Balanced Communities Policy.

**Section V. Action**

The City Council hereby adopts an Ordinance approving the Development Agreement between the City of Chula Vista and North C.V. Waterfront L.P. for the development of approximately 33 acres of land located in the Harbor District of the Chula Vista Bayfront Master Plan Area (a copy of which is on file with the City Clerk's Office), finding it consistent with the California Government Code, adopted City policies, the General Plan, and the City's certified

Local Coastal Program, and approving North C.V. Waterfront L.P.'s request for a variance from the City's Balanced Communities Policy based on the findings herein.

**Section VI. 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.

**Section VII. 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.

**Section VIII. Effective Date**

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

**Section IX. 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 G. Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney