

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

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE EASTERN URBAN CENTER SECTIONAL PLANNING AREA (SPA) PLAN TO CHANGE THE BUILDING HEIGHT REQUIREMENTS WITHIN A PORTION OF DISTRICT 1 (MPA16-0003)

I. RECITALS

A. Project Site

WHEREAS, the area of land that is the subject of this Ordinance is diagrammatically represented in Exhibit A attached hereto and incorporated into this Ordinance, and commonly known as the Eastern Urban Center (EUC), and for the purpose of general description herein consists of 207 acres located adjacent to and east of SR-125, adjacent to and west of Eastlake Parkway, south of Birch Road and the Otay Ranch Town Center, and north of the future extension of Main Street (Project Site); and

B. Project; Application for Discretionary Approvals

WHEREAS, a duly verified application was filed with the City of Chula Vista Development Services Department on March 17, 2016 by SLF IV-Millenia, LLC (Applicant) requesting approval of an EUC Sectional Planning Area (SPA) Plan and Form Based Code (FBC) amendment to reduce the minimum average height from three stories to one story within a portion of District 1 to conform to the footprint of the Retail Center proposed by Sudberry Properties; and

C. Prior Discretionary Approvals

WHEREAS, the SPA plan approved by the City in September of 2009 includes boundaries of the building height districts; and

D. Environmental Determination

WHEREAS, The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed project was adequately covered in previously adopted Final Second Tier Environmental Impact Report (EIR-07-01); therefore, no further environmental review is required; and

E. Planning Commission Record of Application

WHEREAS, the Director of Development Services set the time and place for a hearing on the project, and notice of the 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 Site at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on November 9, 2016 on the project to adopt Resolution MPA16-0003 recommending that the City Council amend the EUC SPA Plan; 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

F. City Council Record of Application

WHEREAS, the City Clerk set the time and place for the hearing on the project application and notices of said hearing, together with its purposes 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 Project Site at least ten (10) days prior to the hearing; and

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

II. NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Chula Vista does hereby find and determine as follows:

A. THE SPA PLAN, AS AMENDED, IS IN CONFORMITY WITH THE EASTERN URBAN CENTER GENERAL DEVELOPMENT PLAN AND THE CHULA VISTA GENERAL PLAN AND ITS SEVERAL ELEMENTS.

The City Council finds that the proposed amendment to the EUC SPA Plan is consistent with the City of Chula Vista General Plan and previously approved EUC plans and regulations applicable to the Project Site.

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

The EUC SPA Plan as amended, will maintain existing provisions and requirements to ensure the orderly, phased development of the project prior to or concurrent with the need for required public facilities.

C. THE SPA PLAN, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT

LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION, OR ENVIRONMENTAL QUALITY.

The land uses within the EUC SPA Plan are designed to provide compatible development intensities adjacent to Birch Road and Eastlake Parkway and Village 11. A comprehensive transit planning program and street network serves the project and provides for access to off-site adjacent properties. The SPA Plan as amended follows all existing environmental protection guidelines and will continue to avoid off-site impacts through the provision of mitigation measures specified in the EUC Final Second-Tier Environmental Impact Report (EIR 07-01).

III. BE IT FURTHER ORDAINED, that the City Council of the City of Chula Vista, based upon the above findings, does hereby approve the EUC SPA Plan as amended and as shown in Exhibit B, attached hereto and incorporated herein by this reference, subject to the conditions set forth below:

A. CONDITIONS OF APPROVAL

1. Prior to the 30<sup>th</sup> day after the 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 EUC SPA and FBC shall be approved by the Director of Development Services for printing prior to incorporating said revisions into the final document.
2. Prior to the 30th day after the Ordinance becomes effective, the Applicant shall submit to the Development Services Department 10 copies and a CD of the approved amendment to the EUC SPA Plan and Planned Community (PC) District Regulations.
3. The Applicant shall continue to comply with all the conditions of approval of the Otay Ranch EUC SPA Plan incorporated in Resolution 2009-224 and the adopted SPA Plan.

III. EFFECTIVE DATE

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

Presented by:

Approved as to form by:

\_\_\_\_\_  
Kelly Broughton  
Director of Development Services

\_\_\_\_\_  
Glen R. Googins  
City Attorney