

ORDINANCE No. _____

ORDINANCE OF THE CITY OF CHULA VISTA
APPROVING THE SECTIONAL PLANNING AREA
(SPA) PLANNED COMMUNITY DISTRICT
REGULATIONS FOR OTAY RANCH VILLAGE TEN

WHEREAS, the property which is the subject matter of this Ordinance is identified as Exhibit "1" attached hereto and incorporated herein by this reference and commonly known as Otay Ranch Village Ten, which consists of approximately 363.4 acres located south of Hunte Parkway and the future university site (the "Property"); and

WHEREAS, an application (PCM-12-01) to consider a new Sectional Planning Area (SPA) Plan, including Planned Community District Regulations for Village Ten (the "Project") was filed with the City of Chula Vista Development Services Department on January 3, 2012, by SSBT LCRE V, LLC (the "Applicant" and "Owner"); and

WHEREAS, the Project is intended to ensure that the Otay Ranch Village Ten 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 Village Ten to exist in harmony within the community; and

WHEREAS, the development of the Property has been the subject matter of a General Plan Amendment GPA-10-02, and Otay Ranch General Development Plan Amendment GDPA 09-28, approved by the City Council on December 2, 2014, by Resolution No. 2014- _____; and

WHEREAS, the development of the Property relied on the Otay Ranch University Villages Project Environmental Impact Report No. 13-01, SCH # 2014071077 (EIR-13-01); and the Findings of Fact and Mitigation Monitoring and Reporting Program, Certified by the City Council on December 2, 2014; and

WHEREAS, the Project is established pursuant to Title 19 of the Chula Vista Municipal Code, specifically Chapter 19.48 Planned Community (PC) Zone, which is applicable to the Otay Ranch Village Ten SPA Land Use Plan; and

WHEREAS, the Project establishes a Planned Community District Regulation Code applicable to the Residential, Open Space and Parks, and Community Purpose Facility Districts, located in the Otay Ranch Village Ten SPA Land Use Plan; 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 could result in a significant impact to the environment, and therefore, the

University Villages Project Environmental Impact Report (EIR-13-01) has been prepared and addresses the Village Ten Sectional Planning Area Plan and Tentative Map; and

WHEREAS, the Planning Commission set the time and place for a hearing on said 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 mailings to property owners within 500 feet of the exterior boundaries of the Project site 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. November 19, 2014 in the City Council Chambers located at 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS; a duly noticed public hearing was scheduled before the City Council of the City of Chula Vista to approve the Project; and

WHEREAS, the proceedings and any documents submitted to the City Council as the decision makers shall comprise the entire record of the proceedings.

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 held on November 19, 2014 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 CEQA claims.

II. COMPLIANCE WITH CEQA

Immediately prior to this action, the City Council reviewed and certified EIR- 13-01 and adopted the Findings of Fact; Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, pursuant to Resolution_____.

III. ACTION

The City Council hereby adopts an Ordinance approving the Otay Ranch Village Ten SPA Planned Community District Regulations, finding that they are consistent with the City of Chula Vista General Plan, the Otay Ranch General Development Plan and all other applicable Plans; as set forth in Resolution_____ adopting the Village Ten SPA Plan, 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:

Kelly Broughton, FASLA
Development Services Director

Glen R. Googins.
City Attorney