

RESOLUTION NO. 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A FIRST AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF COMMUNITY PURPOSE FACILITY ACREAGE FOR OTAY RANCH VILLAGE TWO BETWEEN THE CITY OF CHULA VISTA AND OTAY PROJECT, L.P

I. RECITALS

WHEREAS, an Agreement titled “AGREEMENT FOR THE PROVISION OF COMMUNITY PURPOSE FACILITY ACREAGE FOR OTAY RANCH VILLAGE TWO” between the City of Chula Vista and Otay Project L.P., a California limited partnership (“OPLP”) was executed on August 22, 2012 pursuant to County Recorder’s Office Document # 2012-0722469 dated November 19, 2012; and

WHEREAS, the property which is the subject matter of this Resolution is identified in the Community Purpose Facility (CPF) agreement (CPF Agreement) attached hereto as Exhibit “A” and is commonly known as Village Two of Otay Ranch and for the purpose of general description herein consists of 775 acres located south of Olympic Parkway, west of La Media Road and to the east and west of Heritage Road (Project Site); and

WHEREAS, the City of Chula Vista and Otay Project, L.P. would like to change the provision of the Agreement regarding the trigger for the delivery of the CPF Acreage from a fixed number of units to 75 percent of the total number of units to be constructed in Village 2; 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 the previously adopted *Final Supplemental Environmental Impact Report* (“FSEIR 12-01”) (SCH#2003091012). The Development Services Director 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 Service Director has caused the preparation of a Third Addendum to FSEIR 12-01; and

WHEREAS, the Planning Commission set the time and place for a hearing on said Amendment to the CPF 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 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 First Amendment to the CPF Agreement for Village Two; and

WHEREAS, a duly noticed public hearing was scheduled before the City Council of the City of Chula Vista to consider adopting the Resolution to approve the First Amendment to the CPF Agreement for Village Two.

NOW, THEREFORE BE IT RESOLVED, the City Council hereby finds and determines as follows:

II. COMPLIANCE WITH CEQA

The City Council hereby finds, based upon their independent review and judgement, that the adoption of the Resolution approving the First Amendment to the CPF Agreement for Village Two, as described and analyzed in the Third Addendum to FSEIR 12-01, would have no new effects that were not examined in said Final Supplemental EIR.

III. CONSISTENCY WITH GENERAL PLAN AND OTAY RANCH GENERAL DEVELOPMENT PLAN

The City Council finds that the proposed First Amendment to the CPF Agreement is consistent with the City’s General Plan and Otay Ranch General Development Plan, both as amended.

IV. ACTION

The City Council hereby adopts a Resolution approving the Amendment to the CPF Agreement (a copy of which is on file in the City Clerk’s office), finding it consistent with the California Government Code, adopted City policies, the General Plan, and the Otay Ranch General Development Plan.

Presented by:

Approved as to form by:

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Kelly Broughton, FASLA  
Development Services Director

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Glen R. Googins  
City Attorney