

ORDINANCE NO. 2016-

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING  
AMENDMENTS TO OTAY RANCH FREEWAY COMMERCIAL  
SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY  
DISTRICT REGULATIONS

WHEREAS, the parcel, that is the subject matter of this Ordinance, is represented in Exhibit A, attached hereto and incorporated herein by this reference, and for the purpose of general description is located in the northern portion of Planning Area 12 of Otay Ranch; and

WHEREAS, on September 24, 2015, a duly verified application was filed with the City of Chula Vista Development Services Department by Baldwin & Sons (Applicant) requesting approval of amendments to the Otay Ranch Freeway Commercial Sectional Planning Area Plan (PCM 12-16), including Planned Community District Regulations; and

WHEREAS, the project is intended to ensure that the Otay Ranch Freeway Commercial 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 Freeway Commercial to exist in harmony within the community; and

WHEREAS, the property has been the subject matter of an amendment to the City's General Plan and the Otay Ranch GDP approved on May 26, 2015 and adopted by City Council by Resolution No.2015-114; and

WHEREAS, the Development Services Director 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 Environmental Impact Report for the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan - Planning Area 12* (FEIR 02 - 04) (SCH #1989010154), and 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 Services Director has prepared the Second Addendum to FEIR 02-04; and

WHEREAS, the Development Services Director set the time and place for a hearing on 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 boundaries of the property, at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely 6:00 p.m, August 10, 2016 in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the 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 August 10, 2016 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 considered the Second Addendum to FEIR 02-04;

#### III. ACTION

The City Council hereby adopts an Ordinance approving the Otay Ranch Freeway Commercial SPA Planned Community District Regulations on file at the office of the City Clerk, finding that they are consistent with the City of Chula Vista General Plan, the Otay Ranch GDP and all other applicable plans; as set forth in Resolution PCM-12-16 adopting the Freeway Commercial SPA Plan Amendment, 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:

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Kelly Broughton, FSALA  
Development Services Director

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Glen R. Googins  
City Attorney