

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF
CHULA VISTA, BALDWIN AND SONS, LLC AND SUNRANCH
CAPITAL PARTNERS FOR PORTIONS OF OTAY RANCH
VILLAGE TWO

WHEREAS, the property which is the subject matter of this ordinance is identified in the Development Agreement attached hereto as Exhibit "A" attached hereto and commonly known as portions of Otay Ranch Village Two ("Property"); and

WHEREAS, the Project relied in part on the original Otay Ranch General Development Plan Program Environmental Impact Report 90-01, the Otay Ranch Villages Two, Three and a Portion of Four SPA Plan Final Second-Tier Environmental Impact Report ("EIR 02-02") (SCH#2003091012), and the Village Two Comprehensive SPA Plan Amendment Final Supplemental Environmental Impact Report ("EIR 12-01")(SCH No. 200.30.91.012) the candidate CEQA Findings and Mitigation Monitoring and Reporting Program; 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 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. October 8, 2014, in the Council Chambers, 276 Fourth Avenue, and the Planning Commission did not act on the ordinance since the Planning made a motion that the City Council reject the project by not making certain findings of fact; not adopt a Statement of Overriding Considerations; not adopt a Mitigation Monitoring and Reporting Program and not Certify the Final Supplemental Environmental Impact Report (FSEIR 12-01/SCH 2003091012) for amendments to the General Plan, Otay Ranch General Development Plan, Otay Ranch Villages Two, Three and a portion of Four Sectional Planning Area Plan, four associated Tentative Maps pursuant to the California Environmental Quality Act. This motion carried 5-1-0-1; and,

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on October 8, 2014 and the minutes and resolution resulting therefrom, are incorporated into the record of this proceedings; and,

WHEREAS, on November 4, 2014, 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 between the City of Chula Vista, Baldwin & Sons, LLC and Sunranch Capital Partners, LLC for portions of Otay Ranch Village Two (the "Development Agreement"); and

WHEREAS, THE City staff has reviewed the Development Agreement and determined it to be consistent with the Otay Ranch General Development Plan and the City's General Plan.

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 October 8, 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 California Environmental Quality Act (CEQA) claims.

II. COMPLIANCE WITH CEQA

The City Council hereby finds that the adoption of the ordinance approving the Development Agreement for the Project, as described and analyzed in the Final SEIR 12-01, would have no new effects that were not examined in said Final SEIR (Guideline 15168 (c)(2)).

III. CONSISTENCY WITH GENERAL PLAN AND OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP)

The City Council finds that the proposed Development Agreement is consistent with the City's General Plan and Otay Ranch General Development Plan. The Development Agreement implements the General Plan and GDP by providing a comprehensive program to implement the SPA Plan and Tentative Map. Those plans provide design incorporating a mixture of land uses connected by a walkable system of public streets and pedestrian paths, neighborhood parks and plazas, retail opportunities, and commercial activities designed to promote a safe pedestrian environment. The Village Two site utilization plan, including the density, number of residential units, industrial acreage, and mixed use area, is consistent with the General Plan and GDP, as amended.

IV. ACTION

The City Council hereby adopts an Ordinance approving the Development Agreement between the City of Chula Vista, Baldwin and Sons, LLC and SunRanch Capital Partners, LLC for portions of Otay Ranch Village Two (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.

IV. EFFECTIVE DATE

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

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Presented by

Approved as to form by

Gary Halbert, AICP, PE
City Manager

Glen R. Googins
City Attorney