

RESOLUTION NO. 2020-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA  
VISTA APPROVING THE OTAY RANCH VILLAGE EIGHT WEST  
MASTER PRECISE PLAN

I. RECITALS

A. Project Site

WHEREAS, the area of land that is the subject of this Resolution is depicted in Exhibit A attached hereto and incorporated herein by this reference, and commonly known as Otay Ranch Village 8 West, and for the purpose of general description consists of approximately 300.7 acres generally located south of the existing terminus of La Media Road, and southwest of the intersection of Magdalena Avenue and Main Street (Project Site); and

B. Project; Applications for Discretionary Approval

WHEREAS, in May 2019, a duly verified application requesting a Sectional Planning Area (SPA) Plan Amendment (MPA19-0011) to the Village 8 West SPA Plan and a Master Precise Plan (MPA19-0012) for the Town Center, was filed with the City of Chula Vista Development Services Department by HomeFed Village 8, LLC (“Applicant” and “Owner”); and

WHEREAS, pursuant to Chapter 9 of the Village 8 West SPA Plan, a Master Precise Plan (MPP) is required for the Town Center to coordinate the spatial relationship between buildings, structures, landscaping, and public spaces as well as ensure a unified design theme for signage, lighting and street furniture in order to implement the SPA’s vision of creating a pedestrian friendly Town Center; and

C. Planning Commission Record on Application

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 in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed; 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

WHEREAS, the Planning Commission voted to recommend that the City Council approve the project; and

#### D. City Council Record on Application

WHEREAS, a hearing time and place was set by the City Clerk of the City of Chula Vista for consideration of 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 and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, the City Council of the City of Chula Vista held a duly noticed public hearing to consider said project at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find and determine as follows:

#### II. CERTIFICATION OF COMPLIANCE WITH CEQA

The City's Development Services Director has reviewed the project for compliance with the California Environmental Quality Act (CEQA) and determined that the project is substantially covered in the previously certified Final Environmental Impact Report for Village 8 West (FEIR 10-03/SCH #2010062093), 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 Director of Development Services has caused the preparation of an Addendum to FEIR 10-03 (IS19-0002) for consideration.

#### III. MASTER PRECISE PLAN AMENDMENT FINDINGS

- i. THAT SUCH PLAN WILL NOT UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE BE DETRIMENTAL TO THE HEALTH SAFETY OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE VICINITY OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY

The City Council finds that the proposed MPP and development standards contained in attached Exhibit B on file in the office of the City Clerk are consistent with the Otay Ranch General Development Plan (GDP) and Village 8 West SPA Plan. The MPP allows the Applicant to design a project that is compatible with the type and intensity of existing development in the area. The proposed project's design guidelines establish a framework for creating a vibrant Town Center that provides for healthy and active lifestyles, diverse housing choices, and opportunities for a high-quality of living while providing the tools to enable flexibility for future growth. The MPP links approved policies and land use designations of the SPA Plan with subsequent project-level approvals within the Village 8 West Town Center Planning Area. The MPP coordinates the interaction and spatial relationships between buildings, structures, landscaping, and public spaces

and activities while providing a unified design theme for signage, lighting and street furniture to implement the SPA's vision of a pedestrian friendly destination.

- ii. THAT SUCH PLAN SATISFIES THE PRINCIPLE FOR THE APPLICATION OF THE P MODIFYING DISTRICT AS SET FORTH IN CHULA VISTA MUNICIPAL CODE 19.56.041:

The City Council finds that application of the P modifying district is appropriate because the underlying zoning is Planned Community District. The MPP is required by the Village 8 West SPA Plan (PC District Regulations) and provides the entitlement bridge linking the approved policies and land use designations of the Village 8 West SPA/Design Plan with subsequent project-level approvals within the project area. It serves as a framework document by which future Town Center projects will be evaluated for compliance with the approved concepts encompassing streetscape and landscape design, signs, and architectural and lighting guidelines.

- iii. THAT ANY EXCEPTIONS GRANTED WHICH DEVIATE FROM THE UNDERLYING ZONING REQUIREMENTS SHALL BE WARRANTED ONLY WHEN NECESSARY TO MEET THE PURPOSE AND APPLICATION OF THE P PRECISE PLAN MODIFYING DISTRICT:

The underlying zone for Village 8 West is Planned Community District, while the transect specific to the Village 8 West Town Center is TC-4, allowing for a dense mix of commercial, office and residential uses. The MPP provides development standards for circulation, building locations, preliminary grading, areas devoted to landscaping, density, and parking that will ensure future development is compatible with adjacent land uses.

- iv. THAT APPROVAL OF THIS MASTER PRECISE PLAN WILL CONFORM TO THE GENERAL PLAN AND THE ADOPTED POLICIES OF THE CITY. (ORD. 3153 § 2 (EXH. A), 2010; ORD. 1632 § 2, 1975):

The project has been designed and evaluated in accordance with the goals and objectives of the General Plan. The MPP as described above will allow the project to be consistent with the goals and objectives of the General Plan and the Chula Vista Municipal Code ("CVMC" or "Municipal Code").

#### IV. APPROVAL OF MASTER PRECISE PLAN

Unless otherwise specified, the Conditions of Approval and Municipal Code requirements set forth below shall be completed prior to the issuance of Building Permits as determined by the Development Services Director and the City Engineer, or designees, unless otherwise specified.

1. Prior to approval of any land development permits, the Applicant shall demonstrate that the applicable Air Quality Improvement Plan (AQIP) project design features and measures outlined in the Air Quality Improvement Plan pertaining to the design, construction and operational phases of the project have been incorporated in the project design.

2. Prior to issuance of Building Permits or approval of Landscape Plans, the Applicant shall implement the applicable mandatory water quality conservation measures of the Water Conservation Plan of the SPA Plan.
3. All of the terms, covenants and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Applicant as to any or all of the property.
4. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted including issuance of Building Permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions and/or seek damages for their violation.
5. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, Planning Commission members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from City's actions on (a) the Addendum to FEIR 10-03, (b) the Mitigation Monitoring and Reporting Program for the project, (c) the Otay Ranch Village 8 West SPA Plan (MPA19-0011), (d) any and all entitlements issued by the City in connection with the project, and/or (e) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Resolution where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

## VI. GOVERNMENT CODE SECTION 66020 NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with the project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

VII. EXECUTION AND RECORDATION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, this document shall be recorded with the County Recorder of the County of San Diego, at the sole expense of the Property Owner and/or Applicant, and a signed, stamped copy returned to the City's Development Services Department. Failure to return the signed and stamped copy of this recorded document within 10 days of recordation shall indicate the Property Owner/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

|                             |       |
|-----------------------------|-------|
| _____                       | _____ |
| Signature of Property Owner | Date  |
| _____                       | _____ |
| Signature of Applicant      | Date  |

VIII. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the forgoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of future building permits, deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted, instituted and prosecute litigate or compel their compliance or seek damages for their violations. No vested rights are gained by Applicant or successor in interest by the City approval of this Resolution.

IX. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon enforceability of each and every term provision and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by the Court of competent jurisdiction to be invalid, illegal or unenforceable, if the city so determines in its sole discretion, the resolution shall be deemed to be revoked and no further in force or in effect ab initio.

BE IT FURTHER RESOLVED, that based on the above-referenced findings and Conditions of Approval, the City Council does hereby approve the Otay Ranch Village 8 West Master Precise Plan as shown in Exhibit B on file in the office of the City Clerk.

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