

RESOLUTION 2014-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE CHULA VISTA GENERAL PLAN; OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP), OTAY RANCH VILLAGES TWO, THREE AND A PORTION OF VILLAGE FOUR SECTIONAL PLANNING AREA (SPA) PLAN, AND ASSOCIATED REGULATORY DOCUMENTS INCLUDING A DEVELOPMENT AGREEMENT IN ORDER TO ADD 1,562 UNITS AMONG THIRTY SIX NEIGHBORHOODS AND PLANNING AREAS WITHIN VILLAGE 2 LOCATED SOUTH OF OLYMPIC PARKWAY AND WEST OF LA MEDIA ROAD

I. RECITALS

A. Project Site

WHEREAS, the area of land that is the subject of this Resolution is diagrammatically represented in Exhibit A attached to and incorporated into this Resolution, and commonly known as Village 2 SPA Amendment ("Project"), and for the purpose of general description herein consists of nearly 326 acres of the approximate 766 acres located south of Olympic Parkway and west of La Media Road ("Project Site"); and

B. Project; Application for Discretionary Approvals

WHEREAS, a duly verified application was filed with the City of Chula Vista Development Services Department on July 9, 2012 by Baldwin and Sons, LLC ("Applicant, Owner, and Developer") requesting approval of amendments to the General Plan, Otay Ranch General Development Plan (GDP), Otay Ranch Village Two, Three and a Portion of Village Four SPA Plan ("Village 2 SPA Plan") and Otay Ranch Village Two Planned Community District Regulations and associated regulatory documents including a Development Agreement affecting nearly 280 acres ("Project"); and

C. Prior Discretionary Approvals

WHEREAS, development of the Project Site has been the subject matter of various entitlements and agreements, including: 1) a General Development Plan, SPA Plan and associated Design Guidelines, PFFP, WCP, AQIP and Comprehensive Affordable Housing Plan previously approved by City Council Resolution No. 2006-156 on May 23, 2006, amended City Council Resolution No. 2012-009 on January 24, 2012, and City Council Resolution No. 2012-056 on April 3, 2012; 2) Planned Community District Regulations and Land Use Districts Map approved by City Council Ordinance No. 3036 on June 6, 2006, amended by City Council Ordinance No. 3225 on February 14, 2012, and amended by City Council Ordinance No. 3228 on April 17, 2012; 3) Tentative Subdivision Map (CVT 06-

05) approved by City Council Resolution 2006-157 on May 23, 2006; Tentative Subdivision Map (CVT 11-02) approved by City Council Resolution 2012-10; Tentative Subdivision Map (CVT 11-03) approved by City Council Resolution 2012-11; Tentative Subdivision Map (CVT 11-04) approved by City Council Resolution 2012-12; and Tentative Subdivision Map (CVT 11-05) approved by City Council Resolution 2012-13 on January 24, 2012; and Tentative Subdivision Map (CVT 11-01) approved by City Council Resolution 2012-057 on April 3, 2012; and

D. Environmental Determination

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 may have a significant effect on the environment as identified in previous FEIR 02-02; therefore, the City of Chula Vista has prepared a Supplemental Environmental Impact Report, SEIR-12-01/SCH 2003091012 pursuant to CEQA 15163; and

The City Council of the City of Chula Vista, having reviewed, analyzed, considered the previously certified Final Environmental Impact Report (FEIR) as revised by the Final Supplemental Environmental Impact Report (FSEIR 12-01/SCH2003091012) pursuant to the California Environmental Quality Act, approved and certified a Final SEIR, made certain Findings of Fact, and adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the GPA GDPA, SPA Plan amendment, and Tentative Maps pursuant to CEQA, by Resolution No. 2014 - ____.

E. Planning Commission Record of Application

WHEREAS, the Planning Commission set the time and place for a hearing on the Project, and notice of the 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 boundary of the Project Site at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on the Project on October 8, 2014 and the Planning Commission did not act on the resolution 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,

F. City Council Record of Application

WHEREAS, the City Clerk set the time and place for the hearing on the Project application and notices of said hearings, together with its purposes 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 (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on November 4, 2014, in the Council Chambers located in the Chula Vista Civic Center, 276 Fourth Avenue, at 2:00 p.m. to receive the recommendations of the Planning Commission and to hear public testimony with regard to the same.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Chula Vista that it finds, determines, and resolves as follows:

II. CERTIFICATION OF COMPLIANCE WITH CEQA

The City Council, in the exercise of their independent review and judgment, immediately prior to this action, having reviewed and considered the previously certified Final Environmental Impact Report (FEIR) as revised by the Final Supplemental Environmental Impact Report (FSEIR 12-01/SCH2003091012) pursuant to the California Environmental Quality Act, adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, as presented to as Exhibit "A" attached hereto and on file in the City Clerk's Office.

III. GENERAL PLAN INTERNAL CONSISTENCY

The City Council hereby finds and determines that the General Plan, as amended, is internally consistent and shall remain internally consistent following amendments thereof by this Resolution.

IV. GENERAL DEVELOPMENT PLAN CONSISTENCY

The City Council hereby finds and determines that the General Development Plan, as amended, is internally consistent and shall remain internally consistent following amendments thereof by this Resolution.

V. ADOPTION OF GENERAL PLAN AND GENERAL DEVELOPMENT PLAN

AMENDMENTS

In light of the findings above, the General Plan and General Development Plan Amendment provisions are hereby approved and adopted in the form as presented in Exhibits B and C attached hereto and on file in the City Clerk's Office.

VI. GDP/SPA FINDINGS/ APPROVAL

A. THE SECTIONAL PLANNING AREA (SPA) PLAN, AS AMENDED, IS IN CONFORMITY WITH THE OTAY RANCH GENERAL DEVELOPMENT PLAN, AS AMENDED, AND THE CHULA VISTA GENERAL PLAN, AS AMENDED.

The current General Plan land use designation for Neighborhoods R-15b, R-20, R-21b and R-23 is Residential Low Medium; for Neighborhoods R-4b(a), R-5b, R-8c, and R-9b is Residential Medium; for Neighborhoods R-17b(a), R-17b(b), and R-19b is Residential Medium High; for Neighborhoods R-4b(b), R-24 and R-25a is Residential High; and for Neighborhoods R-10a, R-10b, R-11, R-12a, R-12b, R-16b, R-27, R-31, MU-1, MU-2, MU-3 and C-1 is Mixed Use Residential. The proposed project is consistent with these land use designation as all densities fall within the prescribed GP ranges for each of these categories.

The current Otay Ranch GDP land use designation for Neighborhoods R-15b, R-20, R-21b and R-23 is Low Medium Village Density Residential (LMV); for Neighborhoods R-4b(a), R-5b, R-8c, R-9b, R-17b(a) and R-19b is Medium Density Residential (M); for Neighborhoods R-4b(b), R-10a, R-10b, R-11, R-12a, R-12b, R-16b, R-17b(b), R-24, R-25a, R-27 and R-31 is High Density Residential (H); and for Neighborhoods MU-1, MU-2, MU-3 and C-1 is Mixed Use (MU). The proposed project is consistent with these land use designation as all densities fall within the prescribed GDP ranges for each of these categories.

The existing implementing zone in the Village 2 Planned Community District Regulations is Single Family 3 (SF3) for Neighborhoods R-20 and R-21b; Single Family 4 (SF4) for Neighborhoods R-8c, R-15b and R-23; Residential Multi Family 1 (RM1) for Neighborhoods R-4b(a), R-5b, R-9b, R-17b(a) and R-19b; Residential Multi Family 2 (RM2) for Neighborhoods R-4b(b), R-10a, R-10b, R-11, R-12a, R-12b, R-16b, R-17b(b), R-24, R-25a, R-27 and R-31; and Mixed Use (MU) for MU-1, MU-2, MU-3 and C-1. All neighborhoods are consistent with these designations.

The proposed unit increase would not result in any significant land use, planning, or zoning impacts. Though the addition of 1,562 units would increase the density of the village, such an increase furthers the GDP policy objective for "Urban Villages" to have *"higher densities and mixed uses in the village cores"* and to *"provide a wide range of residential housing opportunities...which promotes a blend of multi-family and single-*

family housing styles and densities, integrated and compatible with other land uses in the area.” Of the 1,562 total new units, 1,132 (72%) are located within the village core. The proposed unit increase would also support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, and would further minimize urban sprawl development patterns. The proposed changes would also provide more land use diversity, increase pedestrian orientation and make commercial uses in Village 2 more viable.

All off-site public streets required to serve the subdivision already exist or will be constructed or funded by the Applicant in accordance with the Supplemental PFFP and Conditions of Approval. The on-site public streets are designed in accordance with the City design standards and/or requirements and provides for vehicular and pedestrian connections.

B. THE SPA PLAN, AS AMENDED, WILL PROMOTE THE ORDERLY SEQUENTIALIZED DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.

The requested amendments to the Village 2 SPA Plan rely on a combination of the approved Village Two, Three and Portion of Village Four Public Facilities Finance Plan (Village 2 PFFP) and the newly prepared Village 2 SPA Amendment Supplemental PFFP (Supplemental PFFP) to outline infrastructure required to serve the entire, previously approved 2,983 unit project and the 1,562 additional units proposed as part of the Village 2 SPA Amendment, along with the timing of installation and the financing mechanisms to promote the sequential development of the project. The requested increase of 1,562 units will not affect the timeframes outlined in the Supplemental PFFP. Development of the 1,562 units will occur in an orderly, sequential manner as part of the overall development of Village 2.

C. THE OTAY RANCH VILLAGE 2 SPA PLAN, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT LAND USE, RESIDENTIAL ENJOYMENT, CIRCULATION OR ENVIRONMENTAL QUALITY.

The proposed modifications to land use and development standard provisions within the Project Site have been fully analyzed and will not adversely affect the circulation system and overall land use as previously envisioned in the Otay Ranch General Development Plan and Village 2 SPA Plan. The increase of 1,562 units involving 280 acres would occur internally within the boundaries of the approximate 766 acre Village 2 site. The existing infrastructure (sewer, water, public services and facilities) has been determined to be adequate to serve the proposed 1,562 additional units transfer, as described in the Supplemental PFFP. Additionally, a Water Quality Technical Report, Traffic Impact Study, Noise Impact Study, Air Quality and Global Climate Change Report, Water

Service Technical Memo and Sewer Service Technical Memo have been prepared, reviewed and approved. A Supplemental Environmental Impact Report has been prepared and the Development Services Director has determined that any impacts associated with the proposed amendments have been addressed and the requested amendments to the SPA will not adversely affect the adjacent land uses, residential enjoyment, circulation or environmental quality of the surrounding uses.

VII. APPROVAL OF GDP/SPA AMENDMENTS

Based on the findings above, the City Council approves the amendments to the Otay Ranch GDP and Village 2 SPA Plan shown in Exhibits B and C, and Attachment 6 on file in the office of the City Clerk, subject to the conditions set forth below:

1. The Project shall comply with all mitigation measures specified in Final Supplemental EIR (FSEIR 12-01), to the satisfaction of the Development Services Director.
2. All the terms, covenants and conditions contained within the “Exhibit B” of the Otay Ranch Village Two, Three and a portion of Four SPA Plan Resolution 2006-156 shall continue to be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Developer as to any or all of the Property.
3. Applicant shall provide the required affordable housing to the satisfaction of the Development Services Director.
4. Prior to approval of building permits for each phase of the Project, the Applicant shall demonstrate that the air quality control measures outlined in the Otay Ranch Village 2 SPA Plan Air Quality Technical Report pertaining to the design, construction and operational phases of the project have been incorporated in the project design.
5. Prior to the 60th day after the Ordinance becomes effective, the Applicant shall prepare a clean copy of the SPA Plan document by deleting all strike out/ underlines and shading. Where the document contains both, an existing and proposed exhibit, the previous existing exhibit shall be removed and substituted. In addition, the strike-out underlined text, document format, maps and statistical changes within the Otay Ranch Village 2 SPA, PC District Regulations, and Village Design Guidelines, for the Village 2 SPA Amendment project shall be incorporated into the final document and approved by the Development Services Director for printing.
6. Prior to the 60th day after the Ordinance becomes effective, the Applicant shall submit to the Development Services Department 10 copies and a CD of the approved amendment to the Otay Ranch Village 2 SPA Plan, and PC District Regulations.

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, institute and prosecute litigation 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, this resolution shall be deemed to be revoked and no further in force or in effect ab initio.

Presented by:

Approved as to form by:

Kelly Broughton, FSALA
Development Services Director

Glen R. Googins
City Attorney