

ORDINANCE NO. ____

ORDINANCE OF THE CITY OF CHULA VISTA
CONSIDERING PREVIOUSLY APPROVED
MITIGATED NEGATIVE DECLARATION IS15-
0005/MPA15-0022 AND MITIGATION MONITORING
AND REPORTING PROGRAM PURSUANT TO CEQA;
AND APPROVING THE SPECIFIC PLAN AND
RELATED REZONINGS FOR THE OTAY RIVER
BUSINESS PARK FOR THE PURPOSE OF ALLOWING
SUBDIVISION AND REDEVELOPMENT OF THE
PROPERTY WITH AN INDUSTRIAL/COMMERCIAL
BUSINESS PARK

I. Recitals.

A. Specific Plan Boundaries

WHEREAS, the area of land which is the subject of this Ordinance is shown on Exhibit “A,” attached hereto and incorporated into this Ordinance by this reference and includes approximately 53 gross acres of land located in the Southwest part of the City at the southwest corner of Main Street and Fourth Avenue, extending south to the City Limits and the Otay River and to Broadway on the west (Site); and

WHEREAS, the Site is located within the Main Street District which is part of the Southwest area of the City and the Site was formerly known as the Nelson Sloan Property and it is now known as the Otay River Business Park (ORBP); and

WHEREAS, on December 8, 2015 the development firm of Sudberry Development, Inc. (Applicant) submitted an application for Specific Plan MPA15-0022 that would allow the development of the proposed Otay River Business Park (ORBP SP), which includes limited industrial uses, as well as certain commercial uses that are not allowed by the current zoning designation; and

WHEREAS, on August 9, 2016 the Applicant submitted an application for Tentative Map (TM) PCS16-0007 to subdivide the 53-acre Site into 14 individual lots for the subsequent development of an industrial park, a community park, and open space areas (the “Project”); and

B. Preparation of the Specific Plan

WHEREAS, on December 13, 2005 an update to the City’s General Plan was approved which provides a contemporary vision for the Main Street District as one of five “Areas of Change” within Southwest Chula Vista. The General Plan Vision for the Main Street District states that the Main Street District is the focus of limited industrial

uses within western Chula Vista, that it has improved over the years with attractive buildings and street frontages, that it provides for the protection of adjacent residential areas and previously disturbed development areas south of Main Street to the edge of the Otay River Valley open space, and that it allows for the restoration and protection of habitat for sensitive biological species, and provides new employment, and recreational uses; and

WHEREAS, the Land Use and Transportation Element of the General Plan calls for the adoption of a specific plan or other zoning regulations to implement the land uses to provide for and enhance a strong business district along Main Street that can be balanced between meeting the community's economic needs and establishing a strong open space connection with the nearby neighborhoods; and

WHEREAS, City staff and the Applicant determined that, given the characteristics and conditions of the Site, its current zoning limitations and the characteristics and requirements of the proposed Project, the best tool to implement the General Plan vision and goals would be the preparation and adoption of a specific plan for the Site; and

WHEREAS, the ORBP SP will serve as the tool to direct and guide the development of the Main Street District toward the General Plan visions and goals by directly regulating land uses and establishing a focused development scheme and process for the area; and

WHEREAS, Chula Vista Municipal Code Section 19.07.010 adopts by reference Sections 65450 through 65457 of the California Government Code that authorizes the local legislative body to initiate the preparation of a specific plan to implement the policies of a general plan; and

WHEREAS, the requirement to have zoning consistent with the City's General Plan is established in Chula Vista Municipal Code (CVMC) Chapter 19.06 and California Government Code 65860; and

WHEREAS, the ORBP SP has been prepared pursuant to the authority granted in CVMC Chapter 19.07, Specific Plans, and the California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 and contains all the mandatory elements identified in Government Code Section 65451; and

WHEREAS, Chapters 4, 5 and 6 of the ORBP SP contain the Land Use and Development Regulations, Design Guidelines, and Infrastructure and Public Facilities, respectively, and provide the plan and mechanisms to ensure public facilities and services occur commensurate with subsequent development; and

C. Preparation of Environmental Document

WHEREAS, the Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has

conducted Initial Study IS15-0005 in accordance with CEQA. Based upon the results of the Initial Study, the Development Services Director has determined that the implementation of the Project could result in significant impacts on the environment. However, revisions to the Project made by or agreed to by the Applicant would avoid the impacts or mitigate the impacts to a point where clearly no significant environmental impacts would occur; therefore, the Development Services Director has caused the preparation of a Mitigated Negative Declaration (MND) IS15-0005/MPA15-0022 and Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, a Notice of Preparation for the Initial Study was circulated on February 28, 2017 pursuant to CEQA Guidelines Section 15072; and

WHEREAS, a Draft MND and MMRP, together with the technical reports for the Project, were issued for a 30-day public review period on November 3, 2017, and was processed through the State Clearinghouse; and

WHEREAS, the public review period closed on December 4, 2017; and

WHEREAS, during the public comment period, the City received comments on the Draft MND and consulted with all responsible and trustee agencies, other regulatory agencies and others pursuant to CEQA Guideline Sections 15086 and 15088, all comments received were responded to in writing; and

D. Planning Commission Record

WHEREAS, the Development Services Director set the time and place for a hearing of the Planning Commission on the proposed ORBP SP and Draft MND and TM and notice of said hearing, together with its purpose, was given pursuant to California Government Code 65091 and 65092 at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, before the Planning Commission and said hearing was thereafter closed; and

WHEREAS, the Planning Commission considered all reports, evidence, and testimony presented at the public hearing with respect to the ORBP SP, TM, MND and MMRP; and

WHEREAS, at said public hearing the Planning Commission recommended through a vote of 6-0-0 that the City Council approve the MND and adopt the associated MMRP, and adopt ORBP SP; and

E. City Council Record

WHEREAS, the Development Services Director set the time and place for a hearing of the City Council of the City of Chula Vista on the proposed ORBP SP and

Draft MND and associated MMRP and notice of said hearing, together with its purpose, was given pursuant to California Government Code 65091 and 65092 at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, before the City Council and said hearing was thereafter closed; and

WHEREAS, the City Council considered all reports, evidence, and testimony presented at the public hearing with respect to the Draft ORBP SP and MND and associated MMRP.

NOW, THEREFORE BE IT ORDAINED that the City Council of the City of Chula Vista does hereby find and determine as follows:

F. Environmental Determination

That the City Council of the City of Chula Vista, having independently reviewed and considered the information in the Public Hearing, and all reports, evidence and testimony presented therein, which has been prepared in accordance with the requirements of CEQA and the Environmental Review Procedures of the City of Chula Vista, as set forth in the record of its proceedings, hereby considered previously approved Final MND (15-0005) and the accompanying MMRP.

BE IT FURTHER ORDAINED that the City Council of the City of Chula Vista does hereby find and determine as follows:

1. That the ORBP SP is in conformance with the City's 2005 General Plan based on the following:

The proposed ORBP SP is in conformance with and implements the 2005 General Plan. The ORBP SP is based on the vision and objectives of the General Plan for the Main Street Corridor. The General Plan largely focused on the revitalization and redevelopment of the western portion of Chula Vista. Section 8.0 of the Land Use and Transportation Element of the General Plan outlines the vision for the Main Street Corridor and objectives and policies to implement the vision. The Main Street Corridor is identified as one of five "Areas of Change," which are areas where more intensive development, revitalization and/or redevelopment is proposed to occur. The General Plan Vision for the Main Street District states that the Main Street District is the focus of limited industrial uses within western Chula Vista, that it has improved over the years with attractive buildings and street frontages, that it provides for the protection of adjacent residential areas and previously disturbed development areas south of Main Street to the edge of the Otay River Valley open space, and that it allows for the restoration and protection of habitat for sensitive biological species, and provides new employment, and recreational uses. The ORBP SP has been prepared pursuant to the General Plan as an implementing regulatory document and thus serves as the primary

source for policies, guidelines, and regulations that implement the community's vision for the Otay River Business Park.

Based on the above the City Council does hereby find that the proposed ORBP SP is consistent with the 2005 General Plan and that the public necessity conveniences general welfare and good planning and zoning practice support its approval and implementation.

2. That the ORBP SP has been prepared in accordance with the CVMC and the California Government Code provision governing specific plans based on the following findings of fact.

Chula Vista Municipal Code Chapter 19.07 (Specific Plans) and the California Government Code Title 7 Division 1 Chapter 3 Article 8 Sections 65450 through 65457 establish the statutory authority for specific plans. As provided in CVMC Chapter 19.07, specific plans may be implemented through the adoption of standard zoning ordinances and the planned community zone as provided in this title or by plan effectuation standards incorporated within the text of an individual specific plan. The method of implementing an individual specific plan shall be established and expressed by its adopting resolution or ordinance.

The ORBP SP is being adopted by this Ordinance. All zoning related portions of the ORBP SP (i.e. land use matrix, permitted uses and development regulations) are prepared to serve as regulatory provisions and supersede other regulations and ordinances of the City for the control of land use and development within the ORBP SP boundaries. Other portions, such as the development design guidelines provide direction for future planning and public improvement efforts. Future development projects, subdivisions, public improvement projects and other implementing programs shall be consistent with the adopted ORBP SP. The ORBP SP has been prepared as an implementing document for future land uses, public improvements and programs as provided for in the 2005 General Plan. The new zoning regulations proposed in the ORBP SP (see Exhibit "B" of this Ordinance) would replace existing CVMC zoning classifications for the Site and introduce a variety of commercial uses which would be permitted along Main Street consistent with the 2005 General Plan.

The City Council does hereby find that the ORBP SP has been prepared pursuant to the authority granted in CVMC Chapter 19.07 Specific Plans and the California Government Code Title 7 Division 1 Chapter 3 Article 8 Sections 65450 through 65457 and contains all the mandatory elements identified in Government Code Section 65451.

3. That the associated demands on public facilities and services due to development allowed by the ORBP SP are identified prior to development and will be mitigated prior to or concurrent with the development and in conformance with the City's Growth Management Ordinance CVMC 19.09, as applicable.

4. That a financing program has been prepared which identifies the methods for funding for those facilities and services and insures that the funds are spent on said facilities pursuant to the phasing schedule based on the following findings of fact:

The General Plan was updated in December 2005 and created a new vision for the City. A large part of that vision focused on the revitalization and redevelopment of western Chula Vista. New growth is planned around smart growth principles such as industrial/commercial business parks that concentrate infill and redevelopment to select focus areas and corridors to protect stable single family neighborhoods, better utilize land resources, reduce environmental impacts and make more efficient use of existing infrastructure. The General Plan calls for the preparation and adoption of specific plans to carry out the vision of the General Plan in an organized and orderly fashion. The ORBP SP implements the policies and objectives of the General Plan to direct a portion of the industrial growth expected to occur in the City over the next few years to the Main Street Corridor by providing zone changes, development regulations and design guidelines to accommodate future growth. The ORBP SP includes an assessment of the proposed distribution location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities that would be located within the area covered by the plan and needed to support the land uses described in the plan. In addition, the ORBP SP and the TM for the Site includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the plan.

Specifically, Chapters 4, 5, and 6 of the ORBP SP and the MND, including the MMRP, provide the plan and mechanisms to ensure public facilities and services occur commensurate with subsequent development. As described in the ORBP SP, TM and MND, subsequent new development would be required to provide adequate public services and facilities commensurate with their impact

The City Council having reviewed and considered the information in the Public Hearing Draft ORBP SP, TM PCS16-0007, MND IS15-0005/MPA15-0022 and associated MMRP, and all reports evidence and testimony presented at the Public Hearing hereby finds and determines that ORBP SP Chapters 4, 5, and 6, TM PCS15-0007, MND IS15-0005/MPA15-0022, including the MMRP, provide the plan and mechanisms to ensure public facilities and services occur commensurate with subsequent development and is in conformance with the City's Growth Management Ordinance (CVMC 19.09).

BE IT FURTHER ORDAINED that the City Council of the City of Chula Vista does hereby order as follows:

The City Council does hereby approve the ORBP SP and amend the City of Chula Vista Zoning Map established by Section 19.18.010 of the CVMC to rezone properties within the ORBP SP as depicted in Exhibit "B." (Areas outside of the boundaries of Exhibit "B" would not be rezoned as part of this action.)

II. Severability

The City Council declares that should any provision section paragraph sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation the remaining provisions sections paragraphs sentences or words of this Ordinance shall remain in full force and effect.

III. Effective Date

This ordinance shall take effect and be in full force on the thirtieth day from and after its second reading.

Presented by:

Approved as to form by:

Kelly Broughton
Director of Development Services

Glen R. Googins
City Attorney

Exhibits to this Resolution:

Exhibit "A" – Location Map
Exhibit "B" – Planning Area Map