

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING THE SECTIONAL PLANNING
AREA (SPA) PLANNED COMMUNITY DISTRICT (FORM
BASED CODE) REGULATIONS FOR OTAY RANCH VILLAGE 9

WHEREAS, the property which is the subject matter of this Ordinance is identified as Exhibit "A" attached hereto and incorporated herein by this reference and commonly known as Otay Ranch Village 9, which consists of approximately 323.1 acres generally located south of the existing terminus of Eastlake Parkway and Hunte Parkway and east of SR-125 (Property); and

WHEREAS, an application (PCM-09-19) to consider a new Sectional Planning Area (SPA) Plan, including Planned Community District Regulations / Development Code (Form Based Code) for Village 9 (Project) was filed with the City of Chula Vista Development Services Department on July 30, 2009, by Otay Land Company, LLC ("Applicant" and "Owner"); and

WHEREAS, the Project is intended to ensure that the Otay Ranch Village 9 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 Village 9 to exist in harmony within the community; and

WHEREAS, the development of the Property has been the subject matter of a General Plan Amendment GPA-09-01, and Otay Ranch General Development Plan Amendment GDPA 09-11, previously approved by the City Council on February 26, 2013, by Resolution No. 2013-029 (GPA/GDPA Resolution); and

WHEREAS, the development of the Property relied on the Otay Ranch General Plan Amendment and General Development Plan Amendment Supplemental Environmental Impact Report No. 09-01, SCH #2004081066 (SEIR 09-01); and the Findings of Fact and Mitigation Monitoring and Reporting Program, previously adopted on February 26, 2013; and

WHEREAS, the Project is established pursuant to Title 19 of the Chula Vista Municipal Code, specifically Chapter 19.48 (PC) Planned Community Zone, which is applicable to the Otay Ranch Village 9 SPA Plan; and

WHEREAS, the Project establishes a Form Based Code applicable to the Open Space Preserve District, Open Space District, Neighborhood Edge District, Neighborhood General District, Neighborhood Center District, Urban Neighborhood District, Town Center District, Urban Center District, Park District, Community Purpose Facility District, and University/RTP District, located in the Otay Ranch Village 9 SPA Plan; and

WHEREAS, the City's Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project

would result in a significant impact to the environment, and therefore, the Village 9 Sectional Planning Area and Tentative Map (TM) Environmental Impact Report (EIR 10-04) was prepared; and

WHEREAS, the Planning Commission set the time and place for a hearing on said 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 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. May 14, 2014, in the City Council Chambers in Building A, 276 Fourth Avenue, and due to the Planning Commission's lack of a recommendation for certification of the Final Environmental Impact Report (FEIR), the Planning Commission voted 4-0-2-1 to recommend disapproval of the SPA Plan and TM consistent with the provisions of Chula Vista Municipal Code (CVMC) Section 19.48.110; 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 May 14, 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 CEQA claims.

II. COMPLIANCE WITH CEQA

Immediately prior to this action, the City Council reviewed and certified EIR-10-04 and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, pursuant to Resolution [REDACTED].

III. ACTION

The City Council hereby adopts an Ordinance approving the Otay Ranch Village 9 SPA Planned Community District Regulations (Form Based Code), finding that they are consistent with the City of Chula Vista General Plan, the Otay Ranch General Development Plan and all other applicable Plans, as set forth in Resolution [REDACTED] adopting the Village 9 SPA Plan, 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

Kelly Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Chula Vista, California, this 3rd day of June, 2014, by the following vote:

AYES: Councilmembers:

NAYS: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Cheryl Cox, Mayor

ATTEST:

Donna Norris, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. [REDACTED] was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 3ed day of June, 2014.

Executed this 3rd day of June, 2014.

Donna Norris, City Clerk

