

ORDINANCE NO. \_\_\_\_\_

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

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 Eight West, which consists of approximately 300.3 acres generally located south of the existing terminus of La Media Road, and southwest of the intersection of Magdalena Avenue and Main Street (Property); and

WHEREAS, an application (PCM-09-18) to consider a new Sectional Planning Area (SPA) Plan, including Planned Community District Regulations / Development Code (Form Based Code) for Village Eight West (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 Eight West 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 Eight West 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 Eight West SPA Land Use 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, Town Center District, Park District, Community Purpose Facility District, and Basin District, located in the Otay Ranch Village Eight West SPA Land Use 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 8 West Sectional Planning Area and Tentative Map Environmental Impact Report (EIR 10-03) 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. November 20, 2013 in the Human Resources Training Room located in Building C, Rooms B-111 & B-112, 276 Fourth Avenue, and the Planning Commission voted 0-0-0-0 to approve Planning Commission Resolution PCM-09-18 recommending to the City Council approval of the Project; 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 November 20, 2013 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-10-03 and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, pursuant to Resolution \_\_\_\_\_.

III. ACTION

The City Council hereby adopts an Ordinance approving the Otay Ranch Village Eight West 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 \_\_\_\_\_ adopting the Village Eight West 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

\_\_\_\_\_  
Kelly Broughton  
Development Services Director

Approved as to form by

  
\_\_\_\_\_  
Glen R. Googins  
City Attorney