

RESOLUTION NO. GPA 12-03, GDPA/PCM 12-15

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION HEREBY NOT RECOMMENDING THAT THE CITY COUNCIL: 1) CONSIDER THE ADDENDUM (IS-12-03) TO FEIR 02-04; 2) APPROVE AMENDMENTS TO THE GENERAL PLAN, OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP), AND 3) APPROVE AN ASSOCIATED DEVELOPMENT AGREEMENT, ALL FOR THE FREEWAY COMMERCIAL NORTH PORTION OF OTAY RANCH PLANNING AREA 12 LOCATED SOUTH OF OLYMPIC PARKWAY, EAST OF SR-125 AND WEST OF EASTLAKE PARKWAY

WHEREAS, on July 9, 2012, a duly verified application was filed with the City of Chula Vista Development Services Department by Baldwin and Sons, LLC (Applicant) requesting approval of amendments to the General Plan (GPA 12-03), Otay Ranch GDP (GDPA 12-15), and a new Development Agreement affecting nearly 35 acres of the Freeway Commercial North (FC-2) area located south of Olympic Parkway, east of SR-125 and west of EastLake Parkway (Project) and more specifically described below; and

WHEREAS, the Project proposes to develop two hotels, add 600 new high-density residential units and approximately 15,000 square feet of ancillary commercial in a mixed-use format, and a 2-acre highly amenitized urban park in FC-2; and

WHEREAS, City staff has negotiated a development agreement with the Applicant for certain mutual benefits of the Project and determined it to be consistent with the Otay Ranch General Development Plan and the City's General Plan; and

WHEREAS, a Fiscal Impact Analysis (FIA) and Commercial Land Analysis (CLA) were prepared to evaluate the fiscal implications of the proposed Project and any potential impacts of the proposed Project on the City's supply of commercial zoned lands; and

WHEREAS, the proposed GPA and GDPA, Development Agreement, FIA and CLA are contained in a document entitled "PA12 - Freeway Commercial North (FC2) Amendment"; and

WHEREAS, a subsequent Sectional Planning Area (SPA) Plan amendment and Tentative Subdivision Map are required to fully implement the Project; and

WHEREAS, the area of land that is the subject of this Resolution are existing parcels located in the northerly approximate 35-acre portion of Freeway Commercial (Project Site); and

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 was covered in the previously adopted *Final Environmental*

*Impact Report for the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan - Planning Area 12 (FEIR 02-04) (SCH#1989010154), and has determined 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 Development Services Director has prepared an addendum to FEIR 02-04; and*

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, namely 6:00 p.m., April 22, 2015, in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed; and

WHEREAS, the Planning Commission having received certain evidence on April 22, 2015, as set forth in the record of its proceedings and incorporated herein by this reference, voted 2-2-2-1 recommending that the City Council approve the Project; and

WHEREAS, the Planning Commissions 2-2-2-1 vote resulted in a failed motion because there was not a majority vote; and

WHEREAS, to forward the project to the City Council, after concurrence from the Applicant, the Planning Commission took another vote recommending that City Council deny the Project, acknowledging that two of the Planning Commissioners recommended approval of the Project; and

WHEREAS, the Planning Commission vote to recommend that the City Council deny the project carried 4-0-2-1.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA hereby recommends that the City Council not adopt the attached Draft City Council Resolution and Ordinance approving the Project.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA THAT a copy of this Resolution and the draft City Council Resolution and Ordinance be transmitted to the City Council.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 22<sup>nd</sup> day of April, 2015, by the following vote, to-wit:

AYES: Fragomeno, Anaya, Fuentes and Gutierrez

NOES:

ABSENT: Calvo and Nava

ABSTAIN: Liuag

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Yolanda Calvo, Chairperson

ATTEST:

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Pat Laughlin, Secretary

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