

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
THE SECTIONAL PLANNING AREA (SPA) PLANNED
COMMUNITY DISTRICT (FORM BASED CODE)
REGULATIONS FOR OTAY RANCH VILLAGE THREE AND
A PORTION OF VILLAGE FOUR

WHEREAS, the area of land that is the subject of this Resolution is depicted in Exhibit A attached hereto and incorporated herein by this reference, and commonly known as Village 3 and a Portion of Village 4 and for the purpose of general description consists of 484.6 acres within the Otay Ranch Planned Community (the “Project Site”); and

WHEREAS, on May 29, 2020, a duly verified application requesting approval of Sectional Plan Area (SPA) Plan Amendments (MPA20-0017) was filed with the City of Chula Vista Development Services Department by HomeFed Village III Master, LLC/FlatRock Land Company, LLC (the “Applicant” or “Owner”); and

WHEREAS, the Applicant requests approval of an amendment to the Village Three and a Portion of Village Four Sectional Planning Area (the “SPA”) Plan, currently approved with the land uses as depicted in Exhibit B, to expand the SPA boundary to include the FlatRock parcel, approximately 48.6-acre area, south of Main Street (Village 3 South) which results in a 484.6-acre SPA Plan area, and further change the land use designations on three parcels: 1) Parcel R-19 from Professional & Office to 224 units High Residential (APN # 644-061-10-00 and 644-061-11-00); 2) Parcel R-6 from Medium Residential to 78 units Medium-High Residential (APN # 644-062-01-00 through 644-062-47-00); and 3) Parcel R-20 from Limited Industrial to 116 units Medium-High Residential (APN # 644-060-13-00) as depicted in Exhibit C (the “Project”); and

WHEREAS, the Project ensures that the Otay Ranch Village Three and a Portion of Village Four 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 Three and a Portion of Village Four to exist in harmony within the community; and

WHEREAS, the development of the Property has been the subject matter of a General Plan Amendment MPA20-0018, and an Otay Ranch General Development Plan Amendment 20-0019, approved by the City Council immediately prior to this action, by Resolution No. 2021-____ (GPA/GDPA Resolution) and amendments to the Village Three and a Portion of Village Four SPA, by Resolution No. 2021-____ ; 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 Three and a Portion of Village Four SPA Land Use Plan; and

WHEREAS, the City's Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project is substantially covered in the previously certified Final Environmental Impact Report for the University Villages EIR (FEIR 13-01) (SCH #2013071077) and that the FlatRock parcel is substantially covered in the Otay Ranch Village 2, 3 and a Portion of 4 EIR (FEIR02-02) (SCH #2003091012), that only minor technical changes or additions to FEIR 13-01 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 Director of Development Services has caused the preparation of an Addendum to FEIR 13-01 (IS20-0003) for consideration; and

WHEREAS, the Director of Development Services set the time and place for a Planning Commission public 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, before the Planning Commission and the hearing was thereafter closed; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the hearing on the Project, and the Minutes and Resolution resulting therefrom, are incorporated into the record of this proceeding; and

WHEREAS, the Planning Commission voted to recommend that the City Council approve the Project; and

WHEREAS, a hearing time and place was set by the City Clerk of the City of Chula Vista for consideration of 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 and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, the City Council of the City of Chula Vista held a duly noticed public hearing to consider said Project at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, said hearing was thereafter closed.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain as follows:

Section I. Action

The City Council hereby adopts an Ordinance approving the Otay Ranch Village Three and a Portion of Village Four 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 2021-_____**, adopting the Village Three and a Portion of Village Four SPA Plan, and that the public necessity, convenience, general welfare and good planning and zoning practice support their approval and implementation.

Section II. 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.

Section III. 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.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. 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

Tiffany Allen
Director of Development Services

Glen R. Googins
City Attorney

Exhibits A, B & C to be inserted later