

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

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING  
THE SECOND AMENDMENTS TO THE DEVELOPMENT  
AGREEMENTS BETWEEN THE CITY OF CHULA VISTA AND  
HOMEFED VILLAGE III MASTER, LLC AND HOMEFED  
OTAY LAND II, LLC AND OTAY LAND COMPANY, LLC  
AND HOMEFED VILLAGE 8, LLC

I. RECITALS

A. Project Site

WHEREAS, the area of land that is the subject of this Ordinance is diagrammatically represented in Exhibit A attached hereto and incorporated into this Ordinance, and commonly known as Village 3 (Escaya), and for the purpose of general description herein consists of 484.6 acres within the Otay Ranch Planned Community (Project Site); and

B. Project; Application for Discretionary Approvals

WHEREAS, a duly verified application was filed with the City of Chula Vista Development Services Department on May 29, 2020 by HomeFed Village III Master, LLC/FlatRock Land Company, LLC (the “Applicant” or “Owner”) requesting approval of the Village 3 and a Portion of Village 4 Sectional Planning Area (SPA) Plan amendment to expand the boundary of the SPA to include parcel R-20 (a.k.a. the “FlatRock” parcel) and rezone three parcels from professional & office, medium residential and light industrial to “High Residential,” “Medium-High Residential,” and “Medium-High Residential,” respectively, redistribute residential unallocated, unused and transfer units (418 units) among Village 3 parcels; and

WHEREAS, due to proposed amendments in the expanded boundary, proposed modifications in zoning and resulting increase in Village 3 units, therefore require modifications to the Development Agreement between the City of Chula Vista and HomeFed Village III Master, LLC and HomeFed Otay Land II, LLC approved by Ordinance No. 2700 (City Clerk Document No. C097-014) and first amendment on January 14, 2015, recorded as Document No. 2015-0015682 with the San Diego County Recorder’s Office; and

WHEREAS, this action further requires modifications to the Development Agreement between the City of Chula Vista and Otay Land Company, LLC and HomeFed Village 8, LLC recorded on May 12, 1997, as Document No. 1997-0219970 with the San Diego County Recorder's Office and first amendment on October 15, 2014, recorded as Document No. 2014-0446474 with the San Diego County Recorder’s Office; and

C. Environmental Determination

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 Village 3 and a Portion of Village 4 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 City Council has considered the Addendum and hereby finds that the Addendum to the FEIR has been prepared in accordance with the requirements of CEQA, and the Environmental Procedures of the City of Chula Vista; and

D. Planning Commission Record of Application

WHEREAS, the Director of Development Services set the time and place for a public hearing on the project, and notice of the public 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 boundary of the Project Site at least ten (10) days prior to the public hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on April 28, 2021 on the project to adopt Resolution MPA20-00017 recommending that the City Council amend the Village 3 and a Portion of Village 4 SPA Plan, Tentative Maps (TMs\_, Public Facilities Financing Plan (PFFP), Fiscal Impact Analysis (FIA) and Development Agreements (DAs); and

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

E. City Council Record of Application

WHEREAS, the City Clerk set the time and place for a public hearing on the project and notices of said hearing, together with its purposes 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 (10) days prior to the public hearing; and

WHEREAS, the duly noticed and called public hearing on the Project was held before the City Council in the Council Chambers in the City Hall, Chula Vista Civic Center, 276 Fourth Avenue, to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same.

II. NOW THEREFORE, the City Council of the City of Chula Vista does hereby find, determine and ordain as follows:

A. CONSISTENCY WITH GENERAL PLAN

The City Council finds that the proposed amendment to the Village 3 and a Portion of Village 4 project (Village 3) SPA Plan and related documents are consistent with the City of Chula Vista General Plan. The General Plan envisions Village 3 as a vibrant transit-oriented mixed-use Village center serving the City and Otay Ranch master plan community.

B. APPROVAL OF PROPOSED AMENDMENTS

The City Council hereby approves the Second Amendment to the Development Agreement between the City of Chula Vista and HomeFed Village III Master, LLC and HomeFed Otay Land II, LLC as represented in Exhibit B attached hereto and incorporated herein by this reference and the Second Amendment to the Development Agreement between the City of Chula Vista and Otay Land Company, LLC and HomeFed Village 8, LLC as represented in Exhibit C attached hereto and incorporated herein by this reference.

III. EFFECTIVE DATE

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

Presented by

Approved as to form by:

\_\_\_\_\_  
Tiffany Allen  
Director of Development Services

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

Exhibit A, B and C to be inserted later.