

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF
CHULA VISTA AND ACI SUNBOW, LLC (MPA21-0014) FOR
THE SUNBOW II, PHASE 3 PROJECT

I. RECITALS

A. Project Site

WHEREAS, the area of land which is the subject of this Resolution is represented in Exhibit A, attached hereto and incorporated herein by this reference, and is commonly known as Sunbow II, Phase 3, and for the purpose of general description consists of 135.7-acres within the Sunbow II Planned Community generally located at the southeast corner of Brandywine Avenue and Olympic Parkway (Project Site); and

B. Project; Application for Discretionary Approvals

WHEREAS, on February 20, 1990, the City Council of the City of Chula Vista approved the Sunbow II Sectional Planning Area (SPA) Plan (Resolution No. 15524), inclusive of a 46.0-acre parcel designated for an Industrial Park, known as Planning Area 23 (PA23); and

WHEREAS, since approval all other parcels covered by the Sunbow II SPA have been built out and the PA23 site has remained vacant; and

WHEREAS, on January 7, 2020, the City Council of the City of Chula Vista approved a Community Benefits Agreement (Resolution No. 2020-003) with ACI Sunbow, LLC (Applicant/Owner), to allow the Owner to process entitlements to consider the conversion of the PA23 land from industrial to residential uses and in exchange would provide funding that can be used by the City to direct the construction of a job enhancing use in Eastern Chula Vista or other signature project; and

WHEREAS, applications to consider such amendments to the City of Chula Vista General Plan (MPA20-0012), Sunbow II General Development Plan (MPA20-0013), Sunbow II, Phase 3 SPA Plan (MPA20-0006) and approval of an associated Tentative Map (PCS20-0002) and Development Agreement (MPA21-0014) were filed with the City of Chula Vista Development Services Department on February 26, 2020 by the Applicant; and

WHEREAS, the Applicant proposes to rezone 67.5-acres of developable land on the Project Site from light industrial to residential uses resulting in up to 534 multi-family medium-high-density and 184 multi-family high-density residential dwelling units (718 total units) on six parcels and designate the remaining 68.2-acres as Multiple

Species Conservation Program (MSCP) land, Poggi Creek Conservation Easement areas and a conserved wetland resource area on sixteen parcels (Project); and

WHEREAS, immediately prior to this action, the City Council certified the EIR (FEIR20-0002), pursuant to **Resolution No. 2021- A**; and

WHEREAS, immediately prior to this action, the City Council approved a General Plan Amendment (MPA20-0012) and a Sunbow II General Development Plan Amendment (MPA20-0013), pursuant to **Resolution No. 2021- B**; and

WHEREAS, immediately prior to this action, the City Council approved the Sunbow II, Phase 3 SPA Plan Amendment (MPA20-0006), pursuant to **Resolution No. 2021- C** and rezone pursuant to **Ordinance No. 2021- D**; and

WHEREAS, immediately prior to this action, the City Council approved the Tentative Map (PCS20-0002), pursuant to **Resolution No. 2021- E**; and

WHEREAS, due to waivers in Development Standards or fees related to, but not limited to, a Jobs Enhancement Fund, Park Benefit Fee, Community Purpose Facilities Benefit Fund, Affordable Housing obligations and purchase of City owned land, a Development Agreement between the City and Applicant was necessary; and

WHEREAS, approval of the Development Agreement serves as the final step in Project approval; and

C. Environmental Determination

WHEREAS, the Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that there is substantial evidence, in light of the whole record, that the project may have a significant effect on the environment; therefore, the Director of Development Services has caused the preparation of an Environmental Impact Report (EIR20-0002); and

WHEREAS, the City Council has certified and hereby finds that 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 and voted 0-6 recommending the City Council deny the approval of the Project, citing that further analysis related to the Jobs Enhancement Fund and a mix of land uses on the site be considered; 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 Sunbow II, Phase 3 SPA Plan and related documents are consistent with the City of Chula Vista General Plan. The General Plan envisioned Sunbow II as an efficient self-contained village.

B. APPROVAL OF PROPOSED AGREEMENT

The City Council hereby approves the Development Agreement between the City of Chula Vista and ACI Sunbow, LLC as represented in Exhibit B 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 and B to be inserted later.