

RESOLUTION NO. 2023-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA
RECOMMENDING THE CITY COUNCIL AMEND A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF CHULA VISTA BALDWIN AND SONS, LLC AND ITS
SUBSIDIARIES FOR PORTIONS OF OTAY RANCH VILLAGE TWO

WHEREAS, on November 18, 2014, the City Council approved a Development Agreement between the City of Chula Vista, Baldwin and Sons, LLC and its subsidiaries for Village Two as part of the Village Two Sectional Planning Area (SPA) Plan Comprehensive Amendment (“Development Agreement”); and

WHEREAS, Baldwin and Sons, LLC agreed to pay Fiscal Impact Fees and an Extraordinary Public Benefit Contributions on certain, specified parcels within Village Two; and

WHEREAS, in 2016 Baldwin and Sons, LLC and its subsidiary, Cornerstone Communities, each exchanged 30 parcels with the other in order to allow for the different landowners to bring their respective housing product types to market in an orderly manner; and

WHEREAS, the Fiscal Impact Fees and Extraordinary Public Benefit Fees did not transfer to Baldwin and Sons, LLC when the land swap occurred; and

WHEREAS, Baldwin and Sons, LLC, submitted an application requesting an amendment to the Development Agreement to attach the Fiscal Impact Fees and Extraordinary Public Benefit Contributions to the properties acquired in 2016; and

WHEREAS, the Development Agreement relied in part on the original Otay Ranch General Development Plan Program Environmental Impact Report 90-01, the Otay Ranch Villages Two, Three and a Portion of Four Section Planning Area Plan Final Second-Tier Environmental Impact Report (“EIR 02-02”; SCH No. 200.30.91.012), and the Village Two Comprehensive SPA Plan Amendment Final Supplemental Environmental Impact Report (“EIR 12-01”; SCH No. 200.30.91.012) the California Environmental Qualities Act (“CEQA”) Findings and Mitigation Monitoring and Reporting Program; and

WHEREAS, the Director of Development Services has reviewed the project for compliance with CEQA and has determined that the Development Agreement was covered by a previously adopted Final Supplemental Environmental Impact Report (FSEIR 12-01); thus, no further environmental review is required; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the subject amendment to the Development Agreement, and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City at least ten days prior to the hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider said amendment to the Development at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the City of Chula Vista Planning Commission does hereby recommend that the City Council of the City of Chula Vista adopt an ordinance amending the

Development Agreement between the City of Chula Vista and Baldwin and Sons, LLC and its subsidiaries to properly reflect the land exchange engaged in by Baldwin and Sons, LLC and Cornerstone Communities and the attendant fees associated with the parcels received by Baldwin and Sons, LLC.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

Presented by:

DocuSigned by:
Laura C. Black
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Laura C. Black, AICP
Director of Development Services

Approved as to form by:

DocuSigned by:
Glen R. Googins
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Glen R. Googins
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 8th day of February, 2023, by the following vote, to-wit:

AYES: Burroughs, Combs, De La Rosa, Felber, Torres

NOES:

ABSENT: Milburn, Zaker

ABSTAIN:

DocuSigned by:
Max Zaker
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Max Zaker, Chair

ATTEST:

DocuSigned by:
Patricia Salvacion
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Patricia Salvacion, Secretary