

**SECOND READING AND ADOPTION**

ORDINANCE NO. 2023-

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING  
AN AMENDMENT TO THE DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF CHULA VISTA, BALDWIN AND  
SONS, LLC AND ITS SUBSIDIARIES FOR PORTIONS OF  
OTAY RANCH VILLAGE TWO

WHEREAS, the property which is the subject matter of this ordinance is identified in the Development Agreement attached hereto as Exhibit “A” and commonly known as portions of Otay Ranch Village Two (“Property”); and

WHEREAS, the Project relied in part on the original Otay Ranch General Development Plan (“GDP”) Program Environmental Impact Report 90-01, the Otay Ranch Villages Two, Three and a Portion of Four Section Planning Area (“SPA”) 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 Planning Commission set the time and place for a hearing on said 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 and its mailing to property owners within 500 feet of the exterior boundaries of the Project site at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely 6:00 p.m. February 8, 2023, in the Council Chambers, 276 Fourth Avenue, and the Planning Commission approved the proposed amendments to the Development Agreement Between the City of Chula Vista and Baldwin and Sons, LLC and its Subsidiaries for Portions of Otay Ranch Village Two (“Development Agreement”), and voted 5-0 to adopt Resolution No. 2023-05 and thereby recommended that the City Council adopt an Ordinance amending the Development Agreement; and,

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on February 8, 2023, and the minutes and resolution resulting therefrom, are incorporated into the record of this proceedings; and,

WHEREAS, on March 7, 2023, a duly noticed public hearing was scheduled before the City Council of the City of Chula Vista to consider adopting the ordinance to approve the Development Agreement; and

WHEREAS, City staff has reviewed the Amendment to the Development Agreement and determined it to be consistent with the Otay Ranch GDP and the City’s General Plan.

## SECOND READING AND ADOPTION

NOW, THEREFORE, THE CITY COUNCIL of the City of Chula Vista does hereby order and ordain as follows:

### I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing held on February 8, 2023, and the minutes and resolutions resulting therefrom, are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision makers, shall comprise the entire record of the proceedings for any California Environmental Quality Act (CEQA) claims.

### II. COMPLIANCE WITH CEQA

The City Council hereby finds that the adoption of the ordinance approving the Development Agreement for the Project, as described and analyzed in the Final SEIR 12-01, would have no new effects that were not examined in said Final SEIR (CEQA Guideline 15168 (c)(2)).

### III. CONSISTENCY WITH GENERAL PLAN AND OTAY RANCH GENERAL DEVELOPMENT PLAN

The City Council finds that the proposed Amendment to the Development Agreement is consistent with the City's General Plan and Otay Ranch GDP. The amended Development Agreement implements the General Plan and GDP by providing a comprehensive program to implement the SPA Plan and Tentative Map. Those plans provide design incorporating a mixture of land uses connected by a walkable system of public streets and pedestrian paths, neighborhood parks and plazas, retail opportunities, and commercial activities designed to promote a safe pedestrian environment. The Village Two site utilization plan, including the density, number of residential units, industrial acreage, and mixed-use area, is consistent with the General Plan and GDP, as amended.

### IV. ACTION

The City Council hereby adopts an Ordinance approving the Amendment to the Development Agreement between the City of Chula Vista, Baldwin and Sons, LLC and its Subsidiaries for portions of Otay Ranch Village Two (a copy of which is on file in the City Clerk's office), finding it consistent with the California Government Code, adopted City policies, the General Plan, and the Otay Ranch GDP.

### IV. EFFECTIVE DATE

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

**SECOND READING AND ADOPTION**

Presented by

Approved as to form

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Laura C. Black  
Director of Development Services

By: \_\_\_\_\_  
Jill D.S. Maland  
Lounsbery Ferguson Altona & Peak  
Acting City Attorney