

SECOND READING AND ADOPTION

ORDINANCE NO.

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
AMENDMENTS TO THE OTAY RANCH FREEWAY
COMMERCIAL PLANNED COMMUNITY DISTRICT
REGULATIONS

WHEREAS, the area of land that is the subject of this Ordinance is represented in Exhibit 1, attached hereto and incorporated herein by this reference, and for the purpose of general description is bounded on the north of Birch Road, east of State Route 125 (“SR-125”), south of Olympic Parkway, and west of Eastlake Parkway (“Project Site”); and

WHEREAS, on September 18, 2023, a duly verified application was filed with the City of Chula Vista by PA-12A, LLC (“Applicant”) requesting approval of amendments to the land use regulations for the Otay Ranch Freeway Commercial Sectional Planning Area (“SPA”) Plan to add medical offices as a permitted use within the C/MU (Commercial Mixed-Use) zone and authorize the Zoning Administrator to approve certain modifications to previously approved Design Review permits (“Project”) (Exhibit 2); and

WHEREAS, the Project is intended to ensure that the Otay Ranch Freeway Commercial 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 that will enable the Otay Ranch Freeway Commercial SPA to exist in harmony within the community; and

WHEREAS, the Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act (“CEQA”) and determined that the Project is adequately covered in the previously adopted Final Environmental Impact Report for the Otay Ranch Freeway Commercial SPA Plan (FEIR 02-04; SCH #1989010154; adopted by City Council Resolution No. 2003-131 on April 1, 2003). Therefore, no further environmental review is required; and

WHEREAS, the Director of Development Services set the time and place for a hearing before the Planning Commission, 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 ten (10) days prior to the hearing; and

WHEREAS, the hearing was held at 6pm on February 28, 2024, as advertised in the Council Chambers, 276 Fourth Avenue, and the Planning Commission voted 7-0-0 to recommend to the City Council approval of the Project; and

WHEREAS, the City Clerk set the time and place for a hearing before the City Council 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 ten (10) days prior to the hearing; and

WHEREAS, a duly noticed public hearing was held before the City Council of the City of Chula Vista to approve the Project.

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 its February 28, 2024, public hearing and the Minutes and Resolution 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.

II. COMPLIANCE WITH CEQA

The City Council hereby finds, based upon their independent review and judgement, that the adoption of the Ordinance approving amendments to the Planned Community District Regulations for the Project, are consistent with those land uses analyzed and described in FEIR 02-04 and would have no new effects that were not examined in said FEIR.

III. ACTION

The City Council hereby adopts an Ordinance approving the Otay Ranch Freeway Commercial Planned Community District Regulations on file at the office of the City Clerk, finding that they are consistent with the City of Chula Vista General Plan, the Otay Ranch GDP, and all other applicable plans and that the public necessity, convenience, general welfare, and good planning and zoning practice support their approval and implementation.

IV. 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.

V. 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.

VI. EFFECTIVE DATE

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

VII. 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

Laura C. Black, AICP
Director of Development Services

Marco A. Verdugo
City Attorney

Exhibits:

1. Otay Ranch Freeway Commercial Location Map
2. Otay Ranch Freeway Commercial Planned Community District Regulations