

ORDINANCE NO. 2024-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A ZONING CHANGE (ZC22-0003) FOR THE OTAY RANCH VILLAGE EIGHT EAST SECTIONAL PLANNING AREA

WHEREAS the area of land that is the subject of this Resolution is, for the purpose of general description, located south of the eastern extension of Main Street, east of Otay Ranch Village Eight West, west of State Route 125 (“SR-125”), and north of the Otay River Valley known as Otay Ranch Village Eight East (“Project Site”); and

WHEREAS, on June 17, 2022, a duly verified application was filed with the City of Chula Vista Development Services Department by HomeFed Otay Land II, LLC (“Applicant” or “Developer”) requesting approval of amendments to the City of Chula Vista General Plan (GPA22-0002), the Otay Ranch General Development Plan (GDP22-0002), and the Otay Ranch Village Eight East Sectional Planning Area (“SPA”) Plan (SPA22-0006), including the Planned Community District Regulations, and approval of a Zoning Change (ZC22-0003) and a Tentative Map (TM22-0005), all to reflect a change in zoning from single-family residential to multifamily residential, allow for a redistribution of density throughout the Project Site and realignment of internal streets, and accommodate the SR-125 interchange design (“Project”); 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 (“FEIR”) for the Otay Ranch University Villages (FEIR 13-01; SCH #2013071077; and adopted by City Council Resolution No. 2014-232 on December 2, 2014, with an Addendum adopted by City Council Resolution No. 2016-254 on December 6, 2016; and a Second Addendum adopted by City Council Resolution No. 2021-120 on June 15, 2021), that only minor technical changes or additions to the document are necessary to account for the expected Project impacts, and that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent document exist; therefore, a Third Addendum to FEIR 13-01 was prepared for the proposed Project; and

WHEREAS City Staff recommended that the City Planning Commission recommend that the City Council approve and adopt the Zoning Change from single-family residential to multifamily residential, allowing for a redistribution of density throughout the Project Site; and

WHEREAS the Director of Development Services set the time and place for a hearing before the Planning Commission of the City of Chula Vista on the Project, including as to a Zoning Change from single-family residential to multifamily residential, allowing for a redistribution of density throughout the Project Site, on March 27, 2024, 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, after review and consideration of the Staff Report and related materials for the Project, the hearing on the Project was held at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, and the Planning Commission voted _____ to recommend to the City Council _____ of the subject zoning change; and

WHEREAS City Staff and the City Planning Commission recommend that the City Council approve and adopt the Zoning Change from single-family residential to multifamily residential, allowing for a redistribution of density throughout the Project Site; and

WHEREAS the City Clerk set the time and place for a hearing on the Project, including a Zoning Change from single-family residential to multifamily residential, allowing for a redistribution of density throughout the Project Site, 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, after review and consideration of the Staff Report and related materials for the Project, a duly noticed public hearing was held before the City Council of the City of Chula Vista to consider the Project, including a Zoning Change from single-family residential to multifamily residential, allowing for a redistribution of density throughout the Project Site.

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 April _____, 2024, public hearing on the Project, 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.

II. COMPLIANCE WITH CEQA

Immediately prior to this action, the City Council reviewed, considered, approved and certified the Third Addendum to FEIR 13-01 regarding the Project.

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

The City Council hereby finds that the proposed zoning changes are consistent with the City's General Plan and Otay Ranch General Development Plan ("GDP"), both as amended. The zoning changes, in conjunction with the approved amendments to the Otay Ranch Village Eight East SPA Plan and Planned Community District Regulations, implement the General Plan and the Otay Ranch GDP by providing a comprehensive program to implement the Sectional Planning Area Plan Amendment and Tentative Map. The plans provide design incorporating a mixture of land uses connected by a walkable system of public streets and pedestrian paths, parks and plazas, retail

opportunities, and commercial activities designed to promote a safe pedestrian environment. The Village Eight East SPA Plan, including the number of residential units, park and plaza acreages, and commercial mixed-use area, is consistent with the General Plan and the Otay Ranch GDP, as amended.

IV. ACTION

The City Council hereby adopts an Ordinance approving the Zoning Change for the Otay Ranch Village Eight East SPA as reflected in the General Plan, Otay Ranch GDP, and Otay Ranch Village Eight East SPA Plan and Planned Community District Regulations, as amended to allow change from single-family residential to multifamily residential uses, allowing for a redistribution of density throughout the Project Site (copies of which are on file in the City Clerk's office). The City Council also finds the zoning change consistent with the California Government Code, adopted City policies, the General Plan, and the Otay Ranch GDP, as amended.

V. 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.

VI. 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.

VII. EFFECTIVE DATE

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

VIII. 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

Jill D.S. Maland
Lounsbury Ferguson Altona & Peak
Acting City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA,
CALIFORNIA, this ____ day of April, 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John McCann, Mayor

ATTEST:

Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF CHULA VISTA

I, Kerry Bigelow, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. [redacted] was duly passed, approved, and adopted by the City Council of the City of Chula Vista at a regular meeting of the City held on the ____ day of April 2024.

Executed this ____ day of April 2024.