

ORDINANCE NO. 2024-

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE OTAY RANCH FREEWAY COMMERCIAL PLANNED COMMUNITY DISTRICT REGULATIONS FOR THE SOUTHERLY (FC-1) PORTION OF THE OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA

WHEREAS the areas of land, that is the subject matter of this Ordinance and for the purpose of general description is located east of State Route 125 (“SR-125”), south of Olympic Parkway, west of Eastlake Parkway, and north of Birch Road (“Project Site”); and

WHEREAS on March 24, 2022, a duly verified application was filed with the City of Chula Vista Development Services Department by General Growth Properties (GGP)-Otay Ranch L.P. (a wholly-owned subsidiary of Brookfield Property Partners, L.P.) (“Applicant” or “Developer”) requesting approval of amendments to the City of Chula Vista General Plan (GPA22-0001), the Otay Ranch General Development Plan (GDPA22-0001), and the Otay Ranch Freeway Commercial Sectional Planning Area (“SPA”) Plan (SPA22-0001), including the Planned Community District Regulations, to reflect the change in zoning from commercial to mixed-use to allow up to 840 residential units on the subject property (“Project”); and

Commented [DTP1]: We should double check this name. It is unlikely they are both a limited partnership and a limited liability company. I also assume GGP-Otay Ranch L.P. is a subsidiary of Brookfield? Is Brookfield the LLC? I am assuming so. We need to double check and clean this up.

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, which will enable Otay Ranch Freeway Commercial 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 was substantially covered in the previously adopted Final Environmental Impact Report (“FEIR”) 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). Minor technical changes or additions to this document are necessary to account for the expected Project impacts; however, none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent document exist. A Fourth Addendum to FEIR 02-04 (IS22-0002) was prepared for the Project; 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 City Staff recommended that the City Planning Commission take action on the adoption of the amendments to the Planned Community District Regulations for the Otay Ranch Freeway Commercial SPA; and

WHEREAS after review and consideration of the Staff Report and related materials for the Project, the hearing was held at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, and the Planning Commission voted _____ to recommend to the City Council _____ of the subject amendments; and

WHEREAS the City Clerk set the time and place for a hearing 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 consider adopting the Ordinance to approve the amendments to the Planned Community District Regulations for the Otay Ranch Freeway Commercial SPA; and

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 September 25, 2024, public hearing 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 and considered the Fourth Addendum to FEIR 02-04 (IS22-0002);

III. ACTION

The City Council hereby adopts an Ordinance approving the Otay Ranch Freeway Commercial SPA 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; as set forth in Resolution 2024-_____ adopting the Freeway Commercial SPA Plan Amendment, and that the public necessity, convenience, general welfare and good planning and zoning practice support their approval and implementation.

IV. SERVERABILITY

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:

for Laura C. Black, AICP
Director of Development Services

for Mark A. Verdugo
City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this ____ day of ____ 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 Resolution No. _____ 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 _____ 2024.

Executed this _____ day of _____ 2024.