

ORDINANCE NO. 2024-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA
VISTA APPROVING A ZONE CHANGE (ZC22-0001) FOR 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.) 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, a Zone Change (ZC22-0001), a Tentative Map (TM22-0002), and a Development Agreement, to reflect the change in zoning from commercial to mixed-use to allow up to 840 residential units on the subject property (“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 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 City Staff recommended that the City Planning Commission consider the adoption of the Zone Change from commercial to mixed-use to allow up to 840 multifamily dwellings on the Project Site; 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, 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 7-0-0 to recommend to the City Council approval of the subject Zone Change; 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 an Ordinance approving the Zone Change from commercial to mixed-use to allow up to 840 multifamily dwellings on the Project Site; 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 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 and considered the Fourth Addendum to FEIR 02-04 (IS22-0002).

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

The City Council hereby finds that the proposed zone changes are consistent with the City's General Plan and Otay Ranch General Development Plan ("GDP"), both as amended. The zone changes, in conjunction with the approved amendments to the Otay Ranch Freeway Commercial 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 Freeway Commercial 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 Zone Change for the Otay Ranch Freeway Commercial SPA as reflected in the General Plan, Otay Ranch GDP, and Otay Ranch Freeway Commercial SPA Plan and Planned Community District Regulations, as amended to allow change from commercial to mixed-use to allow up to 840 multifamily dwellings on the Project Site (copies of which are on file in the City Clerk's office). The City Council also finds the

zone 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

Marco A. Verdugo
City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this 12th day of November 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. _____ 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 12th day of November 2024.

Executed this _____ day of _____ 2024.