

ORDINANCE NO. 2024-

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND GENERAL GROWTH PROPERTIES-OTAY RANCH L.P. FOR THE FREEWAY COMMERCIAL SOUTH PORTION (FC-1) 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.) 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 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 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 Development Agreement; and

WHEREAS 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

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

The City Council hereby finds, based upon their independent review and judgement, that the adoption of the Ordinance approving the Development Agreement for the Project, as described and analyzed in the Fourth Addendum to FEIR 02-04, would have no new effects that were not examined in said FEIR.

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

The City Council hereby finds that the proposed Development Agreement is consistent with the City's General Plan and Otay Ranch General Development Plan ("GDP"), both as amended. The Development Agreement and Development Agreement implement the General Plan and the Otay Ranch GDP by providing a comprehensive program to implement the Sectional Planning Area ("SPA") 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 South (FC-1) 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 Development Agreement between the City of Chula Vista and GGP-Otay Ranch L.P. for the Freeway Commercial South portion (FC-1) of the Otay Ranch Freeway Commercial SPA (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.

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 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 12th day of November 2024.

Executed this _____ day of _____ 2024.