

Exhibit 1
Planning Commission Alternative Ordinance

19.14.800 Initiation of Amendments to the General Plan, Sectional Planning Area Plans, General Development Plans, Specific Plans, and Precise Plans and Rezonings

19.14.810 Purpose of Initiation Procedures

The purpose of these procedures is to establish a process for the initiation of General Plan, Sectional Planning Area Plans, General Development Plans, Specific Plans, and Precise Plans (Land Use Plan Amendments) or rezoning of any property within the City of Chula Vista. The initiation process is intended to seek Planning Commission or City Council direction on whether to commit City resources to potentially make changes to a Land Use Plan or to rezone property within the City of Chula Vista. The initiation process is not intended for every proposed Land Use Plan Amendment or rezoning of property and City staff are hereby exempted from it. It is only intended for Land Use Plan Amendments proposed by a private person that from the outset may or may not have the support of staff, and as such are being referred to the Planning Commission or City Council for review.

19.14.815 Initiation Approval Does Not Constitute Project Approval

The City Council hereby finds that these procedures do not commit the City to any definite course of action, including, but not limited to, approval or denial of any proposed Land Use Plan Amendments or rezoning prior to California Environmental Quality Act (CEQA) review being conducted. Rather, these procedures set forth the City's intent to give staff direction to further explore the merits of any proposed Land Use Plan Amendment or rezone commensurate with the submittal of a future project. Notwithstanding the foregoing, nothing in these procedures will be construed as circumscribing or limiting the City's exercise of discretion with respect to any future Land Use Plan Amendment or rezone in connection with a project. Any and all future discretionary actions may be exercised in the sole and absolute discretion of the City. The party requesting a potential Land Use Plan Amendment or rezone assumes the risk, and in accordance with the application for initiation, shall waive, release, defend, protect and indemnify the City from and against any claims alleging City approval of the initiation approval request constituted an approval of the proposed Land Use Plan Amendment or rezoning.

19.14.820 When an Initiation Application Is Required

Subject to applicable laws, the City is under no obligation to process a private request for a Land Use Plan Amendment or rezoning. A private proposal to amend a Land Use Plan or to rezone any property in the City may be requested for City approval by filing an application for initiation.

19.14.830 Initiation Application Process

An initiation application for a Land Use Plan Amendment or rezone shall be filed with the City Manager, or designee, in accordance with the following requirements:

- (a) Authority to File an Application. The following persons are deemed to have the authority to file an application:
 - (1) The record owner of the real property that is the subject of the Land Use Plan Amendment or rezone;
 - (2) The property owner's authorized agent; or
 - (3) Subject to the City Manager's approval, any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application.
- (b) Submittal Requirements. The application shall be made on a form provided by the City Manager and shall be accompanied by the materials, information, fees, and deposits that are required on the date the application is filed. The application shall be deemed complete when the department processing the application has determined that the application includes all of the information, materials, fees, and deposits required by this section. The City may, in the course of processing the application, request that the applicant clarify, simplify, or provide in alternate format or medium, the information required for the application.
- (c) Materials and Information. The City Manager shall maintain a list specifying the materials and information to be submitted with each initiation application for a Land Use Plan Amendment or a rezone. The list may be revised on a quarterly basis or as needed to comply with revisions to local, state, or federal law, regulation, or policy. The subject list shall be available at the Development Services Division of the Planning Department and shall apply to all applications submitted.

19.14.840 Criteria for Approval of an Initiation of Amendments to Land Use Plans or rezone

- (a) An application of initiation of an amendment to a Land Use Plan or zone may be approved by the Planning Commission or City Council if all of the following criteria are met:
 - (1) The proposed Land Use Plan Amendment or rezone is consistent with the goals and policies of the General Plan;
 - (2) The proposed Land Use Plan Amendment or rezone provides equal or greater public benefit to the community as compared to the existing land use designation, density/intensity range, or plan policy; and
 - (3) Public facilities are available to serve the proposed change in land use designation or density/intensity, or their provision will be addressed as a component of the Land Use Plan Amendment or rezoning process.

19.14.850 Process for Approval of an Initiation of Land Use Plan Amendment or Rezone

Land Use Plan Amendment or rezoning initiation requests shall be decided by Planning Commission or City Council at a public hearing noticed in accordance with CVMC 19.12.070. The decision shall be limited to whether staff should be directed to accept a formal application for a Land Use Plan Amendment or rezone and to bring the action and appropriate environmental review through the Planning Commission for recommendation and to City Council for final consideration at a future date. Initiation actions shall not commit staff nor future decision makers to a specific recommendation on the proposal or to any specific future action. The Planning Commission and City Council reserve the right to exercise their police power and land use authority with respect to any future Land Use Plan Amendment or rezone in their sole and absolute discretion as required by and in accordance with applicable laws. Initiation requests shall be heard by City Council within 40 business days from the date the initiation application is deemed complete.

A staff review of the application of this ordinance to specific initiation requests should be conducted within a year of the effective date of the ordinance. The results of this review shall be provided to Planning Commission and City Council upon request.