

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 19.14 OF THE CHULA VISTA MUNICIPAL CODE (CVMC) BY ADDING A NEW SECTION CREATING AN INITIATION PROCESS FOR AMENDMENTS TO THE GENERAL PLAN, SECTIONAL PLANNING AREA PLANS, GENERAL DEVELOPMENT PLANS, SPECIFIC PLANS, PRECISE PLANS (LAND USE PLANS) AND FOR REZONING

WHEREAS, Chula Vista's Municipal Code provides for City Council adoption of the General Plan, Sectional Planning Area Plans, General Development Plans, Specific Plans, Precise Plans (Land Use Plans) and rezoning; and

WHEREAS, in cases where development project applicants seek to amend land use plans or propose rezoning actions, there is no simplified process for them to determine whether City Council feels there is merit enough in the applicant's proposal to authorize staff to accept their application, conduct appropriate environmental impact analysis, and to process it through Planning Commission and on to final decision by the City Council; and

WHEREAS, creating a new process allowing for the initiation of review by the City Council of certain proposed land use plan amendments and rezoning actions will also allow for earlier public notification and input on significant potential land use revisions; and

WHEREAS, a City Council decision to allow certain proposed land use plan amendments and rezoning actions to move forward is not an approval of said proposed potential land use plan amendments and rezoning actions nor is it any predetermination by the City Council of said proposed potential land use plan amendments and rezoning actions as City Council will conduct a complete review of said proposed land use plan amendments and rezoning actions, including any required environmental analysis, along with the merits of an accompanying proposed project; and

WHEREAS, because this activity will not result in any approval or denial of said proposed potential land use plan amendments and rezoning actions and because City Council will conduct a complete review of said proposed potential land use plan amendments and rezoning actions, including any required environmental analysis, along with the merits of an accompanying proposed project, the Director of Development Services has determined that the activity is not a "Project" as defined under Section 15378 of the State California Quality Act (CEQA) Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the CEQA State Guidelines, the activity is not subject to CEQA. In addition, notwithstanding the foregoing, the Director of Development Services has also determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the CEQA State Guidelines. Thus, no environmental review is required.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain as follows:

Section I.

Chapter 19.14 of the Chula Vista Municipal Code is hereby amended by adding Sections 19.14.800 thru 19.14.860 (attached hereto as Exhibit 1) to add an initiation process to allow development project applicants to seek City Council direction to authorize staff to work on proposed land use plan amendments or rezoning actions.

Section II. 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.

Section III. 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.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. 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:

Kelly Broughton
Director of Development Services

Glen R. Googins
City Attorney