

ORDINANCE NO.

ORDINANCE OF THE CITY OF CHULA VISTA ADOPTING MITIGATED NEGATIVE DECLARATION IS-13-006 AND AMENDING THE ZONING MAP ESTABLISHED BY CHULA VISTA MUNICIPAL CODE SECTION 19.18.010 TO REZONE A 4.68 ACRE PARCEL LOCATED AT 3875 MAIN STREET FROM LIMITED INDUSTRIAL (ILP) ZONE TO APARTMENT RESIDENTIAL (R3) ZONE

I. RECITALS

A. Project Site

WHEREAS, the subject matter of this Ordinance is the Zoning Map established by Chapter 19.18.010 of the Chula Vista Municipal Code, and the area of the Zoning Map to be used as the project area is identified as Exhibit “A,” attached hereto and incorporated herein by this reference; and

B. Project; Application for Discretionary Approval

WHEREAS, an application was made by Stone Creek Casitas, LLC (Applicant) to amend the Zoning Map to rezone a parcel consisting of 4.68 acres located at 3875 Main Street from Limited Industrial (ILP) to Apartment Residential (R3) (the “Project”) and was filed with the City of Chula Vista Development Services Department on December 12, 2013; and

C. Environmental Review

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS-13-006. Based upon the results of the Initial Study, the Development Services Director has determined that the project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Development Services Director has prepared a Mitigated Negative Declaration, IS-13-006 and associated Mitigation Monitoring and Reporting Program; and

D. Planning Commission Record on Applications

WHEREAS, the Planning Commission held an advertised public hearing on the Project on October 8, 2014, and voted 7-0-0-0 to recommend that the City Council approve the rezone in accordance with the Findings listed below; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at their public hearing on this Project held on October 8, 2014, and the minutes and resolutions resulting therefrom, are hereby incorporated into the record of this proceeding; and

E. City Council Record on Applications

WHEREAS, a duly called and noticed public hearing was held before the City Council of the City of Chula Vista on October 28, 2014 on the Project to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same.

II. NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Chula Vista does hereby find and determine as follows:

A. CERTIFICATION OF COMPLIANCE WITH CEQA

The City Council does hereby find that in the exercise of its independent review and judgment and in consideration of any comments received during the public review process, and finding on the basis of the whole record before it that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS-13-006) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Environmental Review Procedures of the City of Chula Vista, and that all documents are on file in the Chula Vista Planning Department and with the Secretary therefore, said documents constituting the record of these proceedings, the City Council hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (IS-13-006) in the form presented.

B. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on said ordinance was held on October 8, 2014 and the minutes and resolution there from, 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 for any CEQA claims.

C. APPROVAL OF ZONING REGULATIONS

That the City Council does hereby approve the proposed rezone from Limited Industrial (ILP) to Residential (R3) for a 4.68 acre parcel located at 3875 Main Street.

III. 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.

#### IV. 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.

#### V. EFFECTIVE DATE

This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

#### VI. 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

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Kelly Broughton  
Development Services Director

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Glen R. Googins  
City Attorney