

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
AMENDMENTS TO CHULA VISTA MUNICIPAL CODE
CHAPTER 19.09 (GROWTH MANAGEMENT) (FIRST
READING)

WHEREAS, in response to growth and in anticipation of additional growth in Chula Vista, the City Council adopted the *Threshold Standards and Growth Management Oversight Committee Policy* in 1987 and the *Growth Management Program* and “Growth Management” ordinance in 1991; and

WHEREAS, in 2003 the City Council, in response to a growth boom that began in 1999, requested that a comprehensive review of the “Growth Management” ordinance and threshold standards be conducted to make certain that they worked “in today’s world”; and

WHEREAS, in 2004 a white paper with observations and suggestions to explore updates to the “Growth Management” ordinance and threshold standards, was presented to Council, and Council accepted the white paper, authorizing a work program for undertaking a “top-to-bottom” review and the preparation of resultant revisions to the City’s Growth Management Program provisions; and

WHEREAS, subsequent to Council authorization, a consultant and City staff prepared a draft “Growth Management” ordinance update; and

WHEREAS, the *Growth Management Oversight Commission* (GMOC) participated in discussions with the consultant and City staff in revising the “Growth Management” ordinance; and

WHEREAS, various GMOC annual reports since 2005 have recommended changes to the “Growth Management” ordinance and threshold standards; and

WHEREAS, on October 22, 2014, the GMOC reviewed and accepted the final proposed revisions to the “Growth Management” ordinance; and

WHEREAS, the Director of Development Services set a hearing before the Planning Commission for the consideration of and recommendation on changes to the “Growth Management” ordinance. Notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City at least ten 10 days prior to the hearing; and

WHEREAS, a hearing was held at the time and place as advertised on November 12, 2014 at 6:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the Planning Commission of the City of Chula Vista to receive the recommendation of City staff and to hear public testimony with regards to the proposal, and the hearing was thereafter closed; and

WHEREAS, the Planning Commission considered all reports, evidence, and testimony presented at the public hearing with respect to the “Growth Management” ordinance; and

WHEREAS, the Planning Commission did find and determine that the proposed ordinance is consistent with the City of Chula Vista *General Plan* and local, state, and federal law, and that the public necessity, convenience, general welfare and good zoning practice support the requests; and

WHEREAS, the Planning Commission, after considering all evidence and testimony presented, recommended by a vote of 5-0-0-2 that the City of Chula Vista City Council approve the revisions to the “Growth Management” ordinance; and

WHEREAS, a hearing time and place was set by the City Council of the City of Chula Vista for consideration of the proposal and notice of said hearing, together with its purpose, was given by publication in a newspaper of general circulation in the City at least ten 10 days prior to the hearing; and

WHEREAS, a duly called and noticed public hearing was held at the time and place as advertised on January 13, 2015 at 2:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the City Council to receive the recommendation of City staff and to hear public testimony with regards to the proposal, and the hearing was thereafter closed.

NOW, THEREFORE, BE IT ORDAINED that the City Council does hereby find and determine as follows:

Section I: Environmental

That the City Council has reviewed the proposed activity for compliance with the California Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

Section II: General Plan

That the proposed changes to the “Growth Management” ordinance (Chapter 19.09 of the *Chula Vista Municipal Code*) are consistent with the elements of the City’s *General Plan*.

Section III. Adoption

The City Council does hereby approve the Ordinance that would amend the “Growth Management” ordinance (Chapter 19.09 of the *Chula Vista Municipal Code*).

Section IV. 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 V. 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 VI. Effective Date

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

Section VII. 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
Development Services Director

Glen R. Googins
City Attorney

PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of January, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Casillas Salas, Mayor

ATTEST:

Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. _____ had its first reading at a regular meeting held on the 13th day of January, 2015 and its second reading and adoption at a regular meeting of said City Council held on the _____ day of _____ 2015; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this _____ day of _____ 2015.

Donna R. Norris, CMC, City Clerk