

**SECOND READING AND ADOPTION**

ORDINANCE NO. \_\_\_\_\_

A. ORDINANCE OF THE CITY OF CHULA VISTA ADOPTING AMENDMENTS TO THE URBAN CORE SPECIFIC PLAN TO: 1) REZONE CERTAIN APARTMENT RESIDENTIAL (R-3) ZONED PARCELS AND CERTAIN COMMERCIAL ZONED PARCELS FOR CONSISTENCY WITHIN THEIR UCSP SUBDISTRICT AREA EXCLUDING THE FOLLOWING SUBDISTRICTS: V-1; V-2; V-3; UC-12; AND UC-14; 2) REMOVE THE MINIMUM FLOOR AREA RATIO IN CERTAIN SUBDISTRICTS; 3) REMOVE LOT COVERAGE AS A MANDATORY DEVELOPMENT STANDARD; AND 4) MAKE MINOR MODIFICATIONS TO ENSURE CONSISTENCY WITH CITY POLICIES, PROCEDURES, AND PROCESSES

WHEREAS, the Urban Core Specific Plan (UCSP), which is the subject of this Ordinance, and for the purpose of description is generally located east of I-5, west of Second Avenue, north of L Street, and south of C Street as shown on Exhibit “1”; and

WHEREAS, the General Plan Update was approved by City Council on December 13, 2005; and

WHEREAS, the 2005 General Plan Vision for the Urban Core of the City states that the Urban Core will contain the greatest diversity of public, commercial, civic, financial, cultural, and residential uses emphasizing its role as the hub of the City; and

WHEREAS, the 2005 General Plan Vision for traditional residential neighborhoods that surround the Urban Core states that the attractiveness of living in these areas will be enhanced by the Urban Core’s diversity in character, architectural style, pedestrian-friendly environment and enhanced access to facilities and services; and

WHEREAS, the General Plan’s Land Use and Transportation Element calls for the Urban Core, and other zoning regulations to implement the new land uses and vision of the Urban Core Sub Area identified in the 2005 General Plan; and

WHEREAS, the UCSP was adopted by the City Council on April 26, 2007 (Ordinance No. 3070); and

WHEREAS, the UCSP was amended by the City Council on February 23, 2011 (Ordinance No. 3184) that included minor amendments reclassifying Third Avenue as a two-lane downtown promenade, modifying residential parking standards for the Corridor District, and added outdoor dining design guidelines; and

WHEREAS, in June 2013, the City Council requested staff to conduct the 5-year review of the UCSP and make recommendations if any, which is consistent with the administration of

the UCSP which anticipates periodic reassessment of the Plan's implementation as it is intended to be a document which responds to changing development trends in the urban core area; and

WHEREAS, staff identified modifications to the UCSP including rezoning parcels that were deferred in 2007 and amendments to development standards and uses to facilitate new development. Apartment Residential (R-3) zoned parcels and certain commercial zoned parcels developed with trailer parks would be rezoned for consistency with other land use districts in the UCSP area, making all parcels in the UCSP area uniformly and properly zoned (Exhibit "1"); and

WHEREAS, on February 5, 2014, the amendments were presented to the Third Avenue Village Association (TAVA) Executive Board and Design Committee, which unanimously recommended the amendments and changes to the Village District Land Use Matrix including adding and removing certain uses and applicable limitations, and the permit requirements for certain uses be approved by the City Council; and

WHEREAS, on February 26, 2014, the amendments were presented to the Chamber of Commerce Executive Board, which unanimously recommended the amendments be approved by the City Council; and

WHEREAS, on May 7, 2014 the amendments were presented to the Development Services Oversight Committee which recommended approval of the proposed amendments; and

WHEREAS, on May 8, 2014 staff held a public information meeting to inform the public about the proposed amendments; and

WHEREAS, on July 17, 2014 staff held an information meeting for the Mobile Home Rent Review Commission to inform the Commission about the proposed amendments; and

WHEREAS, the Development Services Department Director reviewed the proposed action for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed amendments to the UCSP are minor and would not result in new, significant, adverse environmental impacts not previously considered in the Final Environmental Impact Report (FEIR-06-01) prepared for the UCSP; and

WHEREAS, FEIR-06-01 was certified for the UCSP on April 26, 2007; and

WHEREAS, the Development Services Director set the time and place for a hearing on said amendments and rezoning actions (PCM-14-04) for the Planning Commission for consideration of the amendments and rezone, and a notice of said hearing, together with its purpose, was given a 1/8 display advertisement by its publication in a newspaper of general circulation in the City, at least ten days prior to the hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing on said UCSP rezone and amendments of certain parcels at a time and place as advertised, namely August 27,

2014 at 6:00 p.m. in the Council Chambers located at 276 Fourth Avenue and said hearing was therefore closed; and

WHEREAS, the Planning Commission recommended approval with a 5-0-1-1 vote for the UCSP rezoning and amendments at a public hearing held at a time and place advertised, namely 6:00 pm on August 27, 2014, in the Council Chambers, 276 Fourth Avenue; and

WHEREAS, the proceedings and all the evidence presented before the Planning Commission at their public hearing held on August 27, 2014 and the Minutes and Resolution resulting there from, are hereby incorporated into the record of this proceeding; and

WHEREAS, the City Clerk set the time and place for a hearing on said amendments and rezoning actions (PCM-14-04) and notice of said hearing together with its purpose was given by its publication of a 1/8 display advertisement in a newspaper of general circulation in the City and the notice was mailed to affected property owners at least ten days prior to the hearing; and

WHEREAS, a duly called and noticed public hearing was held before the City Council at the time and place as advertised, namely 6:00 p.m. on April 14, 2015, in the Council Chambers located at 276 Fourth Avenue, on the rezone and amendments to the UCSP and receive recommendation from the Planning Commission, and hear public testimony with regard to the same. and said hearing was thereafter closed.

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

### **Section I. Environmental Determination**

That the City Council has reviewed the proposed action for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed amendments to the UCSP are minor and would not result in new, significant, adverse environmental impacts not previously considered in FEIR-06-01 previously prepared and certified for the UCSP on April 26, 2007.

### **Section II. Findings**

Finding 1: Changes have occurred in the community since the approval of the original UCSP, which warrant approving the proposed amendments.

The current UCSP land use subdistricts include the Village, Urban Core, and Corridor. Each subdistrict allows a variety of uses including residential, commercial/office, institutional, public quasi-public, retail, and a combination of some of these uses called mixed-use. These areas were rezoned in 2007. The Village subdistricts allow residential, mixed use, institutional, office, and commercial uses; the Urban Core subdistricts allow a variety of uses including multi-family residential, mixed use, office and commercial; and the Corridor subdistricts allow a variety of multi-family residential, mixed use, commercial, retail, and auto-related uses.

Several commercially zoned areas with trailer parks and numerous parcels zoned R-3 were deferred for rezoning by the City Council with the adoption of the UCSP in 2007 to allow further analysis for consistency with Chula Vista Municipal Code (CVMC) Chapter 19.80. The areas where rezoning was deferred include commercial retail sites with some parcels developed as trailer parks, and multi-family (R-3) zoned sites which currently allow duplexes, multi-family development, professional offices, noncommercial recreational facilities, and commercial parking lots. Staff has conducted an analysis for consistency with CVMC Chapter 19.80, as further described below, and has determined that the rezoning is consistent with CVMC Chapter 19.80. These areas are now proposed to be rezoned to the appropriate UCSP subdistrict, making the zones consistent with residential and/or mixed use land use districts described above. The rezoned parcels will have expanded development opportunities if the property owner chooses to develop them with other allowed uses, or the existing uses may remain. The trailer parks currently operating within the Urban Core area include Broadway, Caravan, Flamingo, Fogerty Brothers, Mohawk, Rose Arbor, and Trailer Villa. These trailer parks were established many years ago under commercial or higher residential density zones prior to the adoption of the UCSP and are considered previously conforming uses. Although the trailer parks on commercially zoned or R-3 zoned properties will be rezoned, they may continue operating, and the proposed rezone action would not require any change to the current use of the trailer parks. In addition, the existing Single-Family (R-1) and Two-Family (R-2) zones within the UCSP will not be rezoned, and mobile home parks, currently zoned Mobile Home Park (MHP), are not proposed to be rezoned.

Finding 2: The amendments are consistent with the General Plan for the City of Chula Vista.

The General Plan vision for the Urban Core is an area containing the greatest diversity of public, commercial, civic, financial, cultural, and residential uses emphasizing its role as the hub of the City. The diverse character, architectural style, pedestrian-friendly environment and access to facilities and services will enhance the traditional residential neighborhoods that surround the Urban Core and is consistent with the vision of the City's General Plan for the Urban Core area.

Finding 3: The amendments will result in a benefit to the Urban Core Specific Plan.

The rezoned parcels will have expanded development opportunities if the property owner chooses to develop them with other allowed uses, or the existing uses may remain. Although the existing trailer parks on commercially zoned properties will be rezoned, they may continue operating as trailer parks. The proposed rezone action would not require any change to the current use of the trailer parks.

In addition, with the removal of the "minimum floor area ratio" development requirement for all subdistricts where it applies, it is anticipated that this will encourage less intense property development during a transition period to more urban development. Maintaining the minimum Floor Area Ratio (FAR) for the Transit Focus Areas will help meet the goal of high density development surrounding transit facilities. The maximum FAR would remain in all subdistricts.

Site development relies on development standards, such as FAR, street wall frontage, setbacks, building height, open space, and parking requirements to shape new development. Removing lot coverage as a mandatory development standard would facilitate infill development, including mixed uses, emphasize pedestrian scale, provide for urban amenities, encourage creative and flexible site design, and help revitalize the area.

Finding 4: The amendments will not result in significant unmitigated impacts.

The amendments to the UCSP do not introduce a new land use designation not previously contemplated in the UCSP; would not result in changes to the circulation system or other community facilities, which would materially affect a planning concept detailed in the UCSP; would not result in changes or additions to the design guidelines which materially alter the stated intent of the UCSP; nor result in new, significant, direct adverse environmental impacts not previously considered in FEIR-06-01. FEIR 06-01 was previously reviewed and certified on April 26, 2007.

Finding 5: The proposed rezoning is in compliance with the General Plan's Mixed-Use Residential, Urban Core Residential, Transit Focus Areas and Commercial designations and would result in areas converting to a residential intensity that is the next level of density in compliance with CVMC Chapter 19.80, as follows:

*19.80.070 Chula Vista Zoning Code Modification:*

- A. *Rezoning of property designated for residential development under the City's zoning code shall be permitted only to the next highest residential density category in any two year period according to the following schedule:*

<i>A</i>	<i>Agricultural Zone</i>
<i>RE</i>	<i>Residential Estates Zones</i>
<i>R-1</i>	<i>Single Family Residential</i>
<i>R-2</i>	<i>One and Two-Family Residential Zone</i>
<i>R-3</i>	<i>Apartment Residential Zone</i>

This proposal would rezone the properties to the next highest residential density level, as detailed below:

1. A number of subject properties are currently zoned R-3. Pursuant to the General Plan designation, a high density R-3 zoning has a density range of 18 to 27 dwelling units per gross acre.
2. The General Plan Update (GPU) designates all Transit Focus Areas (TFA) within the Urban Core subdistricts, for transit-focused mixed use development, including residential, office and commercial. According to GPU policies (LUT 53.2; 53.3; 55.6; 55.7; 57.3; 57.4), the residential component of the Mixed Use Transit Focus Area designation is intended to have a TFA wide gross density of 60 dwelling units (du) per acre (72 du/net acre) in addition to a commercial FAR of 1.5 - 2.0. This density is the next highest residential density category as identified and approved in General Plan Land Use Designation and Zoning Table 5-4 and is consistent with adjacent properties that have already been rezoned.

3. The General Plan Density for Urban Core Residential is 28-60 dwelling units per gross acre (or 72 du/net acre). The proposed change in zoning from R-3 to various subdistricts is consistent with the above provision of the Cummings Initiative, since the change would be to the next highest residential density category as identified and approved in General Plan Land Use Designation and Zoning Table 5-4.
4. High (and very high) density multi-family residential already exists within the Urban Core including Congregational Towers, an affordable senior housing facility, which is located at 288 F Street and is zoned R-3H with a density of 248 units per acre, and Parkwoods (market-rate condominiums) located at 376 Center Street, which is zoned R-3HP with a density of 31 units per acre.

*B. Any annexation of lands within the City's sphere of influence shall conform to the purposes, intent and requirements of this ordinance.*

This proposal does not involve the annexation of any lands.

*C. After property is annexed by the City, the pre-zoning approved for the subject property cannot be amended or changed in any way for a two-year period. The provision shall apply only to pre-zones approved after the effective date of this ordinance.*

This proposal does not involve the annexation of any lands.

*D. Rezoning commercial or industrial property to a residential zone shall be permitted only to the maximum residential density corresponding to the potential traffic generation that was applicable prior to the rezoning to residential. In addition, property which is rezoned from residential to commercial or industrial may not be rezoned to a residential category of higher density than that which was applicable prior to the rezoning to commercial or industrial.*

Several parcels currently zoned Commercial Thoroughfare (CT) and developed with trailer parks are proposed to be rezoned to the UC-13 (mixed use, residential, office, and retail) and UC-14 (residential) subdistricts. This would be a rezone from commercial to mixed uses, including residential and is consistent with CVMC 19.80.070(D). The rezone to mixed use would result in less traffic compared to currently permitted commercial development. For the proposed rezone, the comparison would be between the potential traffic generation associated with future development under the existing CT zone and the corresponding maximum residential density that could be permitted under the rezone. Based on standard traffic generation rates (SANDAG 2002), commercial and office uses generate greater traffic than residential uses. For example, a one acre parcel zoned CT would have the potential to develop up to a 65,340 square foot commercial building. This is based on the CT development standards which allow up to 50% lot coverage and up to three stories. Based on the trip generation rates for commercial uses (e. g. 40 trips/1000 square feet), a total of 2,614 trips would be generated.

Based on CVMC 19.80.070(D) criteria, the maximum residential density could not be more than the potential traffic generated by the commercial use. By comparison, SANDAG's standard traffic generation rates for multi-family development (six trips/du), this degree of trip generation would equate to about 435 dwelling units on the one acre parcel used in this example.

The UC-13 district has a maximum floor are ratio (FAR) of 2.0 which could allow up to 48 du/acre and the UC-14 district has a maximum FAR of 3.0 which could allow up to 72 du/net acre resulting is significantly less traffic than a commercial use. Because commercial and office uses generate greater traffic volume, the rezone from commercial to a mixed use or multi-family residential category could never result in residential traffic volumes greater than the corresponding potential traffic generation from a commercial development. Therefore, the rezone from commercial to residential and/or mixed use that allows residential development would not conflict with CVMC 19.80.070(D).

BE IT FURTHER ORDAINED that the City Council amend Chula Vista Zoning Map established by 19.18.010 and as depicted in Exhibit "1."

BE IT FURTHER ORDAINED that the City Council amend the Urban Core Specific Plan (UCSP) to: 1) rezone certain apartment residential (R-3) zoned parcels and certain commercial zoned parcels for consistency within their UCSP subdistrict area excluding the following subdistricts: V-1; V-2; V-3; UC-12; and UC-14; 2) remove the minimum floor area ratio in certain subdistricts; 3) remove lot coverage as a mandatory development standard; and 4) make minor modifications to ensure consistency with city policies, procedures, and processes as depicted in Exhibit "2."

### **Section 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.

### **Section 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.

### **Section V. Effective Date**

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

### **Section 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 G. Broughton, FASLA  
Development Services Director

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Glen R. Googins  
City Attorney