

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
THE AMENDED SPECIFIC PLAN OF THE CHULA VISTA
LOCAL COASTAL PROGRAM, AMENDING CHULA VISTA
MUNICIPAL CODE CHAPTERS 19.81 THROUGH 19.87, AND
MAKING CERTAIN FINDINGS WITH REGARD THERTO

WHEREAS, during the past twelve years the City of Chula Vista (City) and the San Diego Unified Port District (Port District), in a collaborative effort with the community worked on the preparation of a comprehensive Chula Vista Bayfront Master Plan and Local Coastal Program; and

WHEREAS, on September 25, 2012, the City Council approved and adopted the California Coastal Commission-certified Local Coastal Program (LCP); and

WHEREAS, the area of land covered by the LCP and which is the subject of this Ordinance, is diagrammatically represented in Exhibit A attached hereto and incorporated herein by this reference, and for the purpose of general description is the Chula Vista Bayfront generally located west of Interstate 5, south of the Sweetwater Marsh, east of the San Diego Bay, and north of Palomar Street, including two territory islands one generally located south of State Route 54 between Broadway and Fifth Avenue, and the other generally located on the west end of Faivre Street; and

WHEREAS, California State law requires that coastal cities adopt a LCP and said LCP must be certified by the California Coastal Commission before the LCP can become effective and implemented by the local jurisdiction; and

WHEREAS, the LCP is composed of a Land Use Plan (LUP) and a Specific Plan (SP); and

WHEREAS, the LCP was certified by the California Coastal Commission on August 9, 2012; and

WHEREAS, subsequent to the adoption and certification of the LCP it was determined that the documents needed clean-up changes related to certain corrections, clarification of language and processes to render them consistent with current conditions and practices; and

WHEREAS, the proposed changes do not cause substantial changes to the objectives, policies, and regulations contained in the documents nor the Coastal Act policies; and

WHEREAS, the proposed changes to the SP component of the LCP documents are shown in ~~strikeout~~ and underline format and said documents are attached to this City

Ordinance as Exhibit B; and

WHEREAS, the Proposed LCP Amendment is contained in a document known as Local Coastal Program Amendment on file in the Office of the City Clerk; and

WHEREAS, the Planning Commission set the time and place for a hearing on the LCP Amendment and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within the boundary of the LCP, at least ten (10) days prior to the hearing; and

WHEREAS, a hearing at the time and place as advertised, namely June 11, 2014, at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, was held before the Planning Commission and said hearing was thereafter closed; and

WHEREAS, the Planning Commission reviewed and considered the Proposed LCP Amendment; and

WHEREAS, the Planning Commission after considering all evidence and testimony presented recommended with a vote of 5-0-2-0 that the City Council approve the LCP Amendment, including the Specific Plan; and

WHEREAS, the City Clerk set the time and place for the hearing on the LCP Amendment, including the Specific Plan, and notices of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within exterior boundary of the LCP at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the LCP Amendment, including the SP, was held before the City Council on July 22, 2014, in the Council Chambers in the City Hall, City of Chula Vista Civic Center, 276 Fourth Avenue, at 2:00 p.m. to receive the recommendations of the Planning Commission and to hear public testimony with regard to the same.

SECTION I.

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

A. ENVIRONMENTAL DETERMINATION

That the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and City Council has determined that the project was covered in previously adopted Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077. The City Council has further determined that only minor technical changes or additions to this document are necessary and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the

preparation of a subsequent document have occurred; therefore, the City Council has considered an Addendum to Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077 in accordance with Section 15164 of the State CEQA Guidelines.

B. CONSISTENCY WITH GENERAL PLAN AND CALIFORNIA COASTAL ACT

That the proposed amendment to the Local Coastal Program, consisting of the Land Use Plan (LUP) and Specific Plan (SP), is consistent with the City of Chula Vista General Plan and the policies of the Coastal Act. The proposed changes to the LUP and SP are minor and unsubstantial and leave all of the provisions of the LUP and SP intact. With the changes in place the provisions of the documents are still based on sound planning principles and practices that will provide for the protection and conservation of sensitive natural resources. The provisions of the documents continue to allow the transfer of development from the Sweetwater District to the Harbor District, which is a previously developed and less sensitive area of the Bayfront, leading to the development of a project that will minimize potential negative impacts. The provisions of the documents will also contribute to provide more direct access to the Bayfront and create better connection to the rest of the city and the region. This will open up the Bayfront for the enjoyment of residents and visitors. The provision of the LUP and SP will be conducive to the development of the Bayfront and the creation of a world-class destination for residents and visitors.

SECTION II.

BE IT FURTHER ORDAINED, that the City Council of the City of Chula Vista does hereby approve the amendment to the LCP Specific Plan contained in a document known as Local Coastal Plan Amendment attached to this Ordinance and Council Resolution and on file at the Office of the City Clerk, and incorporated herein by this reference and thereby amending Chula Vista Municipal Code Chapters 19.81 thru 19.87.

SECTION III. SUBMISSION TO COASTAL COMMISSION

BE IT FURTHER ORDAINED, that the City Council does hereby certify after a duly called and duly noticed public hearing that the LCP is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976 (Public Resources Code Section 30510(a)).

BE IT FURTHER ORDAINED, that the City Council finds that the LCP complies with the guidelines established by the Coastal Commission and contains materials sufficient for a thorough and complete review (Public Resources Code Section 30510(b)).

BE IT FURTHER ORDAINED, that after a duly called and noticed public hearing the City Council does hereby direct the City Manager or his designee to submit this subject Ordinance and the LCP, consisting of both the LUP and the SP, to the Coastal Commission and that the Coastal Commission certify the same (Public Resources Code Section 30514).

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 after the City Council acknowledges receipt of the Coastal Commissions resolution of certification on the LCP Amendment pursuant to Title 14 of the California Code of Regulations Sections 13544 and 13551 but no sooner than the thirtieth day from and after this Ordinance’s final adoption.

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, FLSA
Director of Development Services

Glen R. Googins
City Attorney

Exhibit A – LCP Area Map
Exhibit B – LCP Specific Plan Amendment