

ORDINANCE NO.

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A  
REZONE FOR A 6.94-ACRE SITE LOCATED AT 676 MOSS  
STREET

WHEREAS, on December 7, 2018, a duly verified application requesting approval of a Rezone (PCZ18-0001) Tentative Subdivision Map (PCS18-0006, Chula Vista Tract No. 18-0006), Major Planning Application (MPA18-0015), Design Review (DR18-0028), Variance (ZAV18-0001) and Initial Study (18-0004) were filed with the City of Chula Vista Development Services Department by Shopoff Realty Investments, LLC (Applicant); and

WHEREAS, the area of land which is the subject of the application and this Ordinance is three existing parcels located at 676 Moss Street (Project Site); and

WHEREAS, the application requests approval of an amendment to the adopted zoning map or maps established by Section 19.18.010 of the Chula Vista Municipal Code in order to rezone the Project Site from a Limited Industrial (ILP) Zone to Apartment Residential (R3) zone on 6.94 acres to allow for the construction of 141-unit townhomes (Project) on the Project Site; and

WHEREAS, the parcels, that are the subject matter of this Ordinance, are represented in Exhibit A, attached hereto and incorporated herein by this reference, and for the purpose of general description is located in western Chula Vista on Moss Street between Broadway and Industrial Boulevard; and

WHEREAS, the Project is intended to ensure that additional housing is provided in accordance with State mandates and the City of Chula Vista General Plan for Western Chula Vista to promote smart growth principles by locating compact high-density housing development within an area that is well served by transit and services within walking distance thereto; and

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has conducted an Initial Study, IS18-0004. Based upon the results of the Initial Study, the Director of Development Services 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 Director of Development Services has caused the preparation of a Mitigated Negative Declaration, IS18-0004, and associated Mitigation, Monitoring and Reporting Program; and

WHEREAS, pursuant to California Government Code section 65090, the Planning Commission held a duly noticed public hearing on the Project and recommended that the City Council adopt the Ordinance approving the Rezone; and

WHEREAS, upon considering the information presented on the Project, the Planning Commission unanimously voted to approve the project; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on this Project, and the minutes and resolution resulting therefrom, are hereby incorporated into the record of these proceedings; and

WHEREAS, the City Clerk set the time and place for a hearing on the Project, and notice of said 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 500 feet of the exterior boundaries of the property, at least 10 days prior to the hearing; and

WHEREAS, a duly noticed public hearing was held before the City Council of the City of Chula Vista to approve the Project.

NOW, THEREFORE, THE CITY COUNCIL of the City of Chula Vista does hereby order and ordain as follows:

#### I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing and the Minutes and Resolutions resulting therefrom 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.

#### II. COMPLIANCE WITH CEQA

The City Council of the City of Chula Vista finds that, in the exercise of their independent review and judgment, immediately prior to this action, considered and adopted the Mitigated Negative Declaration and Mitigation and Monitoring & Reporting Program (IS18-0004) on file in the City Clerk's office.

#### III. ACTION

The City Council hereby adopts an Ordinance approving the amendment to rezoning the Project Site from Limited Industrial (ILP) to Apartment Residential (R3), finding that it is consistent with the City of Chula Vista General Plan, and that the public necessity; convenience, general welfare and good planning and zoning practice support the approval and implementation.

#### 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.

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.

VI. EFFECTIVE DATE

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

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:

\_\_\_\_\_  
Tiffany Allen  
Development Services Director

\_\_\_\_\_  
Glen R. Googins  
City Attorney