

Chapter 19.09 GROWTH MANAGEMENT

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19.09.010 Purpose/~~and Intent~~, Policies and Findings.

A. ~~It is the policy of the city of Chula Vista to:~~Purpose/Intent

The purpose and intent of this chapter is to: 1) Implement the policy framework established by Chula Vista's General Plan for Chula Vista's Growth Management Program; 2) Codify threshold standards designed to assure that, as new development occurs, public facilities, infrastructure and services will exist, or concurrently be provided, to meet the demands generated by new development, and service levels to existing residents will not be reduced; and 3) Establish administration and compliance mechanisms.

B. Policies

It is the policy of the city of Chula Vista to:

- ~~1. Provide quality housing opportunities for all economic sections of the community;~~
- ~~2. Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the city;~~
- ~~3. Provide that public facilities, services and improvements meeting city standards exist or become available concurrent with the need created by new development;~~
1. Provide that public facilities, infrastructure and services meet the threshold standards set forth in this chapter, and are provided in advance of, or concurrent with, the demands created by new development;
2. Assure that individual development projects measure potential impacts upon public facilities, infrastructure and services, and provide a plan for funding improvements needed to meet the threshold standards set forth in this chapter;
3. Provide quality housing opportunities for all economic segments of the community;
4. Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the city;
45. Balance the regional housing needs of the region against the public service needs of Chula Vista residents and available fiscal resources, and environmental constraints, resources and quality of life considerations;
56. Provide that all development is consistent with the Chula Vista general plan;

~~67. Provide the City Council the regulatory framework to limit or prevent growth additional development unless adequate-if certain public facilities, infrastructure and services improvements- meeting the threshold standards set forth in this chapter are not provided in a timely, phased and logical manner fashion, as required by the gGeneral pPlan;~~

~~8. Control the timing and location of development by tying the pace of development to the provision of that public facilities, infrastructure and services improvements to conform to the city's threshold standards, and to meet the goals and objectives of the gGrowth mManagement pProgram;~~

~~9. Promote orderly revitalization and redevelopment of older portions of the city, including the Urban Core and the commercial corridors;~~

~~810. Provide that the air quality of the city of Chula Vista is maintained consistent with applicable standards improves from existing conditions;~~

~~911. Provide that the city of Chula Vista Require development to conserves water so that an adequate supply is be maintained to serve the needs of current and future residents.~~

~~BC. Findings. The city council of the city of Chula Vista hereby finds:~~

~~1. The demand for facilities and improvements has outpaced the supply resulting in shortages in public facilities and improvements including, but not limited to, streets, schools, libraries and general governmental facilities. These shortages are detrimental to the public health, safety, and welfare of the citizens of Chula Vista.~~

~~2. Since 1986, the city of Chula Vista has been undertaking a comprehensive review of its general plan. As part of that review a consultant team prepared a comprehensive report and recommendation to the city council. That report was subject to public hearings by both the planning commission and city council. Included were recommendations that no new development should occur unless adequate public facilities are available concurrently with need to serve the new development.~~

~~3. Prohibiting new development unless adequate public facilities are available concurrently is consistent with the city's policy to provide housing opportunities for all economic sectors of the community, because sufficient opportunities for new housing continue to exist within the city and this chapter does not affect the number of houses which may be built. In addition, development of housing for low and moderate income persons and families would most likely occur in areas of the city which are designated for highest development priority.~~

1. New development creates incremental demands for public facilities, infrastructure and services provided by the city and other public agencies serving the area;

2. New development demand for public facilities, infrastructure and services, if not concurrently met with expansion of public facilities, infrastructure and services, would result in facility and service shortages, including, but not limited to, streets, schools, libraries and general governmental facilities. These shortages would be detrimental to the public health, safety, and welfare of the citizens of Chula Vista;

3. The city has adopted and regularly updates facility master plans to ensure adequate infrastructure and services will be available to support the build-out demands of the adopted *General Plan*.

4. Since 1991, the city has maintained a growth management ordinance to achieve the "Purpose" outlined in "A", above, and has adopted a variety of related fee and funding programs to ensure that public improvements keep pace with growth.

5. Chula Vista's adopted *General Plan* includes provisions requiring facilities and services in advance of, or concurrent with, growth.

~~36. Prohibiting new or limiting development unless adequate public facilities, infrastructure and services are available in advance of, or concurrently with, development is consistent with the city's policy to provide housing opportunities for all economic segments/sectors of the community. , because sufficient opportunities for new housing continue to exist within the city and this chapter does not affect the number of houses which may be built. In addition, d Development of housing for low- and moderate-income persons and families would most likely occur in areas of the city that/which are designated for highest development priority.~~

47. Adoption of this chapter will not adversely affect the regional welfare. By providing that adequate and safe public facilities, infrastructure and services/improvements will exist to serve all of the development in Chula Vista, and because many of these facilities and improvements are used by persons residing in neighboring areas and cities, the public health, safety and welfare of the whole region is enhanced.

~~5. The growth management plan traffic monitoring report prepared in 1989 found that intersections within areas in the developed portions of the city (as shown on the figure contained in the growth management program entitled "potential development" prepared in 1990 for 1989 traffic counts denoting both areas of future development as well as existing development) are operating in conformance with the adopted threshold standards; and that future large scale developments planned for the area east of I-805 will require the provision~~

~~of major facilities including facilities within the SR-125 corridor to accommodate projected traffic and other needs of development in accordance with the adopted threshold standards.~~

~~68. This chapter will further the policies, goals and objectives set forth above, and will help eliminate the public facility shortages identified above, by: a) requiring identification for of all public facilities, infrastructure and services improvements required for as a result of development; b) by prohibiting or limiting development until adequate provisions for the certain public facilities infrastructure and services improvements are made within the city, as herein provided; and c) by giving development priority to areas of the city where public facilities, infrastructure and improvements services are already in place. (Ord. 2448 § 2, 1991)~~

~~9. The city has influence upon, but not control of, the actions of other public agencies involved in providing services to the residents of Chula Vista, including school districts and water service purveyors.~~

19.09.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

A. “Air Quality Improvement Plan” (AQIP) means a project-specific Air Quality Improvement Plan prepared and approved in accordance with CVMC 19.09.080, and Appendix A of the *Growth Management Program Implementation Manual*.

B. “Available facility and service capacity” shall be determined by the ~~director of~~ Development Services Director ~~planning~~, using generally accepted planning standards and criteria, including the threshold standards ~~set forth in this chapter~~ established herein. Specific facility service capacity shall be determined by subtracting from the total capacity for a specific facility service the demand of existing development plus the demand that will be created by approved development.

~~BC.~~ “Developed areas of the city” means those areas of a predominantly urban character where development has already occurred and public facilities, infrastructure and services serving that development are in place.

D. “Development” means any land use, building or other alteration of land and construction incident thereto.

E. “Development Services Director” or “Director” means the Director of the city’s Development Services Department or their designee.

CF. "Discretionary planning approval" means any permit, entitlement or approval issued under the authority of the zoning and subdivision titles of the Chula Vista Municipal Code (CVMC), and any legislative actions such as zone changes, gGeneral pPlan amendments, sSectional pPlanning aArea (SPA) plans or gGeneral dDevelopment pPlan approvals or amendments.

G. "External public facilities and services" means the threshold standard topics that pertain to facilities and services provided from outside the city, such as schools, water and air quality.

DH. "Facilities" means any schools, public safety facilities, infrastructure, civic buildings, parks, corporation yards, or park/recreational areas or structures providing for fire, libraries, traffic controls, streets and highways, including curbs, gutters and sidewalks, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, lighting facilities or other governmental services, required to be identified in a pPublic fFacilities fFinance pPlan.

I. "Facility Master Plan" means any adopted master plan for future facility needs for services associated with the Growth Management Program's threshold standards, including, but not limited to: sewer, drainage, water, police, fire and emergency services, libraries and parks.

EJ. "Facility and service capacity" means the maximum amount of development which could take place prior to increasing the number or size of a facility or the level of service as determined by applying the appropriate threshold standard.

FK. "Growth mManagement pProgram Implementation Manual" means a plan prepared and approved according to CVMC 19.09.030, which establishes compliance with the threshold standards, as provided in CVMC 19.09.040 and 19.09.050.

L. "Moratorium" means building permits will not be issued for an area that has been identified as having a direct causal relationship to a specified threshold standard failure. City council must make specific findings and follow specific procedures as provided in CVMC 19.09.070.

GM. "Project" means the activity for which either an application for a sSectional pPlanning aArea (SPA) plan, or a tTentative mMap (TM), a Conditional Use Permit (CUP), or a similar activity has been or is required to be submitted and which may be subject to discretionary approvals by the city.

~~H.N.~~ “Public facilities finance plan (PFFP)” means a project specific ~~p~~Public ~~f~~Facilities ~~f~~Finance ~~p~~Plan prepared and approved in accordance with CVMC ~~19.09.0580~~ through 19.09.130, and Appendix C of the *Growth Management Program Implementation Manual*.

~~I.~~ “Quality of life threshold standards” means those certain standards identified in CVMC ~~19.09.040~~ specifying the facilities and services required to support the present and future needs of the city.

~~J.O.~~ “SPA plan” means a ~~s~~Sectional ~~p~~Planning ~~a~~Area plan, as prescribed in CVMC 19.48.

~~P.~~ “Statement of Concern” means an implementation measure the Growth Management Oversight Commission (GMOC) may issue in its annual report: 1) for an external public facilities and services threshold standard, to highlight what action the city can take in order to solve a specified issue and encourage further or additional inter-agency cooperation/coordination. There may also be a recommendation for the issuance of correspondence or a resolution by the city council to the external agency, if the situation so warrants, as determined by the GMOC; or 2) for a threshold standard that is currently failing or forecasted to fail, and may include elements dealing with city management and organization, budget priorities, and responsiveness to previous GMOC requests; or 3) in response to an overall or general quality of life consideration, irrespective to whether a particular threshold standard has been exceeded, or if it is a non-growth-related issue. It can offer a finding or make recommendations regarding city management, organization and budget priorities.

~~K.Q.~~ “Substantial compliance” means performance meeting the intent of the parties with respect to the obligations imposed pursuant to the PFFP. (Ord. 2448 § 2, 1991).

~~R.~~ “Quality of life threshold standards” (~~t~~threshold standards) means those certain standards identified in CVMC 19.09.040 and 19.09.050 specifying the facilities and services required to support the present and future needs of the city.

~~S.~~ “Transportation Monitoring Program (TMP)” means the technical analysis of traffic operation on all urban and suburban arterials with average weekday traffic volumes greater than 20,000 vehicles per day. The TMP shall be based on the current Highway Capacity Manual, as may be amended from time-to-time. The technical analysis shall be conducted annually or as directed by the city council in order to monitor actual traffic operations and to predict future traffic levels and related deterioration in the level of service.

~~T.~~ “Water Conservation Plan” means a project-specific water conservation plan prepared and approved in accordance with CVMC 19.09.080, and Appendix B of the *Growth Management Program Implementation Manual*.

19.09.030 Growth ~~m~~Management ~~p~~Program Implementation Manual.

~~A. To implement the city's general plan and to provide that development does not occur unless facilities and improvements are available to support that development, the city council shall adopt, by resolution, a growth management program. The program shall identify all facilities and improvements necessary to accommodate land uses specified in the general plan and this title; specify size, capacity, service level and threshold standards for each identified facility; project total buildout development levels and identify projected facility and improvement needs; provide a policy for timing the construction of each facility and improvement; and identify the financing method or methods for each facility and improvement.~~ The city council shall adopt, by resolution, a *Growth Management Program Implementation Manual* that specifies how the policies and threshold standards set forth in this chapter are to be implemented, and, in so doing, assure that new development does not occur unless public facilities, infrastructure and services consistent with the threshold standards are available in advance of, or concurrently with, development.

~~B. The *g*Growth ~~m~~Management ~~p~~Program *Implementation Manual* will~~ shall incorporate and interpret the threshold standards as set forth in this chapter referenced in CVMC 19.09.040.

~~C. The *g*Growth ~~m~~Management ~~p~~Program *Implementation Manual* will~~ shall incorporate, by reference, the adopted facility master plans prepared by certain city departments, and for fire protection, schools, libraries, parks, water, sewer, drainage, traffic, civic centers, and corporation yards. The growth management program will also shall address air quality and economic ~~fiscal~~ issues.

~~D. The *g*Growth ~~m~~Management ~~p~~Program *Implementation Manual* will~~ shall provide procedures for implementing any limits on building permits established pursuant to CVMC 19.09.070, and address growth-related fiscal and economic issues. ~~incorporate a defined public facilities development phasing policy. This policy will interrelate the timing, location, facility capacity limitations, and fiscal/economic considerations for each public facility and service identified in CVMC 19.09.040. This phasing policy will insure that approved development has priority to available public facility capacity and that developed areas of the city have priority over undeveloped areas.~~

~~E. The *Growth Management Program Implementation Manual* shall define the contents of Public Facilities Finance Plans (PFFPs) that are required for all development projects pursuant to CVMC 19.09.080.~~

~~EF. The city council shall appoint a *g*Growth ~~m~~Management ~~e~~oversight ~~e~~Commission (GMOC), and the GMOC shall~~ should annually review the growth management program and prepare an annual report and, upon doing

so, the GMOCC shall submit such report to the planning commission for input and recommendation, and to the city council for their action.

FG. The city council ~~shall~~should annually review and, by resolution, act upon the gGrowth mManagement eOversight eCommission's annual report.

GH. Amendments to the gGrowth mManagement pProgram Implementation Manual may be initiated by action of the planning commission or city council, or upon request of an applicant. The city council shall act on the requested application. (Ord. 2448 § 2, 1991).

19.09.040 Quality of life tThreshold sStandards for City Facilities and Services.

Threshold standards for city facilities and services are those under the direct control of the city, and apply to eight public facility and services topics, including: Drainage; Fire and Emergency Services; Fiscal; Libraries; Parks and Recreation; Police; Sewer; and Traffic.

In order to provide that public facilities and services, government and other utility services, and improvements that are adequate to meet present and future needs of the city, the city council hereby adopts quality of life threshold standards for each facility or improvement listed below:

A. Police.

Goal: To maintain ~~or~~and improve the current level of police service in the city of Chula Vista.

Objective: Ensure that Police staff is adequately equippedment and training levels are adequate to provide police service at the desired level throughout the city.

Threshold Standards:

1. Priority 1 – Emergency Calls'Response. Properly equipped and staffed police units shall respond to at least 81% percent of "Priority 1One" emergency calls within seven7 minutes 30 seconds and shall maintain an average response time of 6 minutes or less for to all "Priority 1 calls One" emergency calls of 5.5 minutes or less(measured annually).
2. Priority 2 – Urgent Calls². Properly equipped and staff police units shall respond to all Priority 2 calls within 12 minutes or less (measured annually). ~~Respond to 57 percent of "Priority Two" urgent calls within seven minutes and maintain an average response time to all "Priority Two" calls of 7.5 minutes or less.~~

*Priority 1 – Emergency Calls are life-threatening calls; felony in progress; probability of injury (crime or accident); robbery or panic alarms; urgent cover calls from officers. Response: Immediate response by two officers from any source or assignment, immediate response by paramedics/fire if injuries are believed to have occurred.

*Priority 2 – Urgent Calls are misdemeanor in progress; possibility of injury; serious non-routine calls (domestic violence or other disturbances with potential for violence); burglar alarms. Response: Immediate response by one or more officers from clear units or those on interruptible activities (traffic, field interviews, etc.)

Note: For growth management purposes, response time includes dispatch and travel time to the building or site address, otherwise referred to as “received to arrive.”

Implementation Measures:

1. _____ Should the GMOC determine that the Priority 1 – Emergency Calls Threshold Standard is not being satisfied met due to growth impacts, then the City Council shall can, within 60 days of the GMOC’s report, schedule and hold a public hearing to: for the purpose of a) consider adopting a moratorium on the acceptance of new tentative map applications, issuance of new building permits; or b) adopt other actions sufficient to rectify the deficiency(ies), based on all of the following criteria:

1. _____ That a moratorium provides mitigation measure to a specifically identified impact.

Should a moratorium be established, the time shall be used to expeditiously prepare specific mitigation measures for adoption, which are intended to bring the condition into conformance.

2. _____ Should the GMOC determine that the Priority 2 – Urgent Calls threshold standard is not being met, it may issue a Statement of Concern in its annual report.

B. Fire and Emergency Medical Services.

Goal:—To maintain and improve the quality current level of fire protection and emergency medical services (EMS) in the City of Chula Vista.

Objective: Ensure that Fire/EMS staff are properly equipped, and trained and funded to provide the desired level of service throughout the City.

Facility Master Plan: _____ A minimum of every five years, or whenever an update is needed, the city manager shall bring a fire and emergency medical services master plan to the city council for their consideration. The master plan shall include provisions for facilities, equipment and deployment.

Threshold Standard:

Emergency Response: Properly equipped and staffed fire and medical units shall respond to calls throughout the City within 7 minutes in at least 80% of the cases (measured annually).

Note: For growth management purposes, response time includes dispatch, turnout and travel time to the building or site address.

Implementation Measures:

1. Should the GMOC determine that the ~~T~~threshold ~~S~~standard is not being met due to growth impacts~~satisfied~~, and the Facility Master Plan milestone targets are not being met, then the ~~C~~city ~~C~~council shall~~can~~, within 60 days of the GMOC's annual report, schedule and hold a public hearing to a ~~for the purpose of consider~~ adopting a moratorium on the acceptance of new tentative map applications, based on all of the following criteria: issuance of building permits, or b) adopt other actions sufficient to rectify the deficiency(ies).

2. The GMOC may issue a Statement of Concern in its annual report if it determines that the threshold standard: a) is not being met, but the reason is not due to growth impacts; or b) is not being met due to growth impacts, but the Facility Master Plan is meeting its milestone targets, in which case the Fire Department will address the adequacy of the Facility Master Plan.

1. That the moratorium is limited to an area wherein a causal relationship to the problem has been established; and,

2. That the moratorium provides mitigation measure to a specifically identified impact.

Should a moratorium be established, the time shall be used to expeditiously prepare specific mitigation measures for adoption, which are intended to bring the condition into conformance.

C. Libraries~~Schools~~.

Goal: To provide a high-quality, contemporary library system that~~which~~ meets the varied needs of the community.

Objective: Supplement the existing libraries at 365 "F" Street and 389 Orange Avenue by providing and operating additional library facilities sufficient to meet the needs of city residents in the area east of Interstate 805. As presently configured in the current Library Master Plan (1998), this will entail construction of a 30,000 GSF library in Rancho del Rey and a 30,000 GSF library in the Otay Ranch.

Facility Master Plan: A minimum of every five years, or whenever an update is needed, the city manager shall bring a libraries master plan to city council for their consideration. The master plan shall define the

adequacy of library facilities and equipment and what constitutes adequate staffing and appropriate hours of operation, and identify library square footage needs consistent with the threshold standard at build-out.

Threshold Standard: ~~Population ratio: 500 square feet (gross) of adequately equipped and staffed library facility per 1,000 population. The city shall construct 60,000 gross square feet (GSF) of additional library space, over the June 30, 2000, GSF total, in the area east of Interstate 805 by buildout. The construction of said facilities shall be phased such that the city will not fall below the city-wide ratio of 500 gross square feet (GSF) per 1,000 population. Library facilities are to be~~ of library space, adequately equipped and staffed, per 1,000 population.

Implementation Measures:

1. ~~Should the GMOC determine that the Threshold Standard is not being met/satisfied, or is expected to fail within three years (based on forecasted growth and planned improvements), then the City Council can, within 60 days of the GMOC's report, schedule and hold a public hearing to: a) consider adopting a moratorium on the issuance of new building permits; or b) adopt other actions sufficient to rectify the deficiency(ies), shall formally adopt and fund tactics to bring the library system into conformance. Construction or other actual solution shall be scheduled to commence within three years.~~

~~Note:—The City Council is encouraged to designate a percentage of RCT or other currently collected fees on new development for construction of new library facilities.~~

2. ~~The GMOC shall be provided with an annual report that documents the appropriate staffing levels, equipment and operating hours of library facilities over the past year, current year operation, and anticipated hours of operation. Should the GMOC determine that the libraries are not adequately staffed, equipped, or are not maintaining appropriate hours of operation, it may issue a Statement of Concern in its annual report.~~

ED. Parks and Recreation Areas.

Goal: To provide a diverse and flexible park system, which meets both the active and passive recreational, needs of the citizens of Chula Vista.

Objective: Provide public park and recreational opportunities in a timely manner, implementing a 5-year master plan, which describes the location, facility improvements and funding program for proposed neighborhood and community parks.

Threshold Standard Population ratio: Three acres of neighborhood and community park land with appropriate facilities per 1,000 residents east of I-805.

Implementation Measures:

Should the GMOC determine that the Threshold Standard is not being satisfied, then the City Council shall formally adopt and fund tactics to bring the park and recreation system into conformance. Construction or other actual solution shall be scheduled to commence within three years.

If construction of needed new park and recreation facilities is not started within three years of the deficiency reported by the GMOC, then the City Council shall, within 60 days of the GMOC's report, schedule and hold a public hearing for the purpose of adopting a moratorium on the acceptance of new tentative map applications, based on all of the following criteria:

1. That the moratorium is limited to an area wherein a causal relationship to the problem has been established; and,
2. That the moratorium provides mitigation measure to a specifically identified impact.

Should a moratorium be established, the time shall be used to expeditiously prepare specific mitigation measures for adoption, which are intended to bring the condition into conformance. Any such moratorium shall be in effect until construction of the needed new park and recreation facilities has commenced.

FE. SewerWater.

Goal: To provide a healthful and sanitary sewer collection and disposal system for the residents of the City of Chula Vista, consistent with the city's Wastewater Master Plan.

Objective: Individual projects will provide necessary improvements consistent with Sewer Master Plan(s) and City Engineering Standards. Treatment capacity should be acquired in advance of demand.

Threshold Standards:

1. Existing and projected facility Sewage flows and volumes shall not exceed city engineering standards for the current system and for budgeted improvements, as set forth in the Subdivision Manual, adopted by city council Resolution No. 11175 on February 12, 1983, as may be amended from time to time.

2. The city shall annually ~~ensure adequate contracted capacity in provide~~ the San Diego Metropolitan Sewer Authority ~~or other means sufficient to meet the projected needs of development, with a 12- to 18-month development forecast and request confirmation that the projection is within the city's purchased capacity rights and an evaluation of their ability to accommodate the forecast and continuing growth, or the city engineering department staff shall gather the necessary data.~~

Implementation Measures:

1. ~~The city engineering department shall annually gather and provide the following information to the GMOC: Should the GMOC determine that a potentially serious problem exists with respect to sewers, it may adopt a formal "Statement of Concern" within its annual report. Such a "Statement" requires the City Council to consider the adoption of a resolution reflecting that concern during the public hearing on the GMOC's report, to be directed to the responsible public agency with follow-up to assure appropriate response by that agency.~~

~~The information provided to the GMOC shall include the following:~~

- a. Amount of current capacity ~~in the Metropolitan Sewer System~~ now used or committed ~~and the status of Chula Vista's contracted share;~~
- b. Ability of ~~affected sewer~~ facilities ~~and Chula Vista's share of the Metropolitan Sewer System's capacity~~ to absorb forecasted growth ~~over the next five years;~~
- c. Evaluation of funding and site availability for ~~budgeted and~~ projected new facilities; ~~and~~
- d. Other relevant information.

~~2. Should the GMOC determine that a potential problem exists with meeting the projected needs of development with respect to sewer, it may issue a Statement of Concern in its annual report.~~

~~The growth forecast and authority response letters shall be provided to the GMOC for inclusion in its review.~~

~~G. Sewer.~~

~~H. Drainage.~~

~~Goal:~~ To provide a safe and efficient storm water drainage system to protect residents and property in the ~~C~~city of Chula Vista.

Objective: Individual projects will provide necessary improvements consistent with ~~the Drainage Master Plan(s) and current City Engineering Standards and local, state and federal regulations.~~

Threshold Standards:

1. Storm water flows and volumes shall not exceed city engineering standards and shall comply with current local, state and federal regulations, as set forth in the subdivision manual adopted by city council Resolution No. 11175 on February 23, 1983, as may be amended from time to time.
2. The GMOC shall annually review the performance of the city's storm drain system, with respect to the impacts of new development, to determine its ability to meet the goals and objectives for drainage above.

Implementation Measures:

1. Should the GMOC determine that the Threshold Standards are not being met, with respect to new development, then the ~~City manager~~ Council shall ~~should present to the city council, for their consideration, a plan of action that includes timing benchmarks and a finance plan that will formally adopt and fund tactics to~~ bring the storm drain system into conformance. Construction or other actual solution shall be scheduled to commence within three years.

2. Should the GMOC determine that the threshold standard is not being met, with respect to existing development, it may issue a Statement of Concern in its annual report.

~~G.~~ Traffic.

Goals:

1. To provide and maintain a safe and efficient street system for all modes of transportation within the City of Chula Vista.

~~2. To establish a performance measurement methodology enabling the City to~~ accurately determine existing and projected levels of service (LOS) for motorists, using the Highway Capacity Manual (HCM) performance measurement methodology.

3. To recognize the unique nature of urbanizing neighborhoods as destinations, and to establish a commensurate street classification and LOS threshold that encourages alternative modes of transportation, such as public transit, biking and walking.

4. To ~~define~~maintain a level of service value that represents ~~a high quality~~an acceptable level of traffic flow under constrained operating conditions during peak periods of traffic activity.

~~To establish a performance standard which is consistent with the Regional Growth Management Standards.~~

~~To maintain consistency in terms of LOS ratings between the previous Intersection Capacity Utilization (ICU) methodology and the 1985 Highway Capacity Manual (HCM) methodology.~~

Objectives:

1. Ensure timely provision of adequate local, multi-modal circulation system capacity in response to planned growth, and ~~maintain~~ing acceptable levels of service (~~LOS~~).
2. Plan, design and construct new roadway segments and signalized intersections to maintain acceptable LOS standards at build-out of the *General Plan's* "Land Use and Transportation—Circulation Element".
3. Plan, design and construct bicycle and pedestrian infrastructure improvements pursuant to the most current Bikeway Master Plan and Pedestrian Master Plan.

Threshold Standards:

1. Arterial Level of Service (ALOS) for Non-Urban Streets: City-wide—Those Traffic Monitoring Program (TMP) roadway segments classified as other than Urban Streets in the "Land Use and Transportation Element" of the city's General Plan shall maintain LOS "C" or better as measured by observed average travel speed on all signalized arterial those segments; except, that during peak hours, ~~a~~ LOS "D" can occur for no more than two hours of the day.

2. Urban Street Level of Service (ULOS): Those TMP roadway segments classified as Urban Streets in the "Land Use and Transportation Element" of the city's General Plan shall maintain LOS "D" or better, as measured by observed or predicted average travel speed, except that during peak hours, LOS "E" can occur for no more than two hours per day. West of Interstate 805. Those signalized intersections which do not meet the standard above may continue to operate at their current (year 1991) LOS, but shall not worsen.

~~3.~~ Notes to Standards.

~~a1.~~ Arterial sSegment: LOS measurements shall be for the average weekday peak hours, excluding seasonal and special circumstance variations.

~~b. Urban and suburban arterials are defined as surface highways having signal spacing of less than two miles with average weekday traffic volumes greater than 10,000 vehicles per day.~~

~~c. Arterial segments are stratified into three classifications:~~

~~i. Class I arterials are roadways where free flow traffic speeds range between 35 mph and 45 mph and the number of signalized intersections per mile is less than four. There is no parking and there is generally no access to abutting property.~~

~~ii. Class II arterials are roadways where free flow traffic speeds range between 30 mph and 35 mph, and the number of signalized intersections per mile ranges between four and eight. There is some parking and access to abutting properties is limited.~~

~~iii. Class III arterials are roadways where free flow traffic speeds range between 25 mph and 35 mph, and the number of signalized intersections per mile is closely spaced. There is substantial parking and access to abutting property is unrestricted.~~

~~d2. The LOS measurement of arterial segments and freeway ramps shall be a growth management consideration in situations where proposed developments have a significant impact at interchanges.~~

~~e3. Circulation improvements should be implemented prior to anticipated deterioration of LOS below established standards.~~

~~f4. The criteria for calculating arterial LOS and defining arterial lengths and classifications shall follow the procedures detailed in Chapter 11 of the 1985~~the most recent~~ Highway Capacity Manual (HCM) and shall be confirmed by the city's traffic engineer.~~

~~g. During the conduct of future traffic monitoring program field surveys, intersections experiencing significant delays will be identified. The information generated by the field surveys will be used to determine possible signal timing changes and geometric and/or traffic operational improvements for the purpose of reducing intersection delay.~~

~~h5. Level of service values for arterial segments shall be based on the HCM~~following table~~:~~

Table-1

Level of Service	Average Travel Speed (mph)		
	Class-1	Class-2	Class-3
A	>35	>30	>25
B	>28	>24	>19
C	>22	>18	>13
D	>17	>14	>9
E	>13	>10	>7
F	<13	<10	<7

Source: Highway Capacity Manual, Special Report 209, Transportation Research Board, National Research Council, Washington, D.C., 1985.

Implementation Measures:

1. ~~Should the GMOC determine that the T₁ threshold S₁ standard is are not being met/satisfied, due to growth impacts, then the C₁ city C₁ council shall can, within 60 days of the GMOC's report, schedule and hold a public hearing for the purpose of to consider adopting: a) a moratorium on the acceptance of new building permit/tentative map applications, or b) other actions sufficient to rectify the deficiency(ies), based on all of the following criteria:~~

2. ~~The GMOC may issue a Statement of Concern in its annual report if it determines that the threshold standard will likely not be met within three years, due to growth impacts.~~

3. ~~The Department of Public Works shall annually report on progress made in implementing construction of facilities listed in the Bikeway Master Plan, Pedestrian Master Plan, the Transportation Development Impact Fee Program (TDIF), and the Western TDIF.~~

1. ~~That the moratorium is limited to an area wherein a causal relationship to the problem has been established; and,~~

2. ~~That the moratorium provides mitigation measure to a specifically identified impact.~~

~~Should a moratorium be established, the time shall be used to expeditiously prepare specific mitigation measures for adoption, which are intended to bring the condition into conformance.~~

Monitoring Methodology

1. Identify all Traffic Monitoring Program (TMP) corridors and classify according to the latest Highway Capacity Manual (HCM) methodology. Typically, a TMP roadway is four lanes with a volume of 16,500 trips and at least one mile and a half in length. If the Average Daily Trip (ADT)-based level of service is "C" or worse on a street segment located within a city TMP corridor, then the city shall consider conducting a TMP measurement. ADT volume data shall not be older than two years.
2. A TMP measurement shall consist of a two-hour AM peak period measurement, a two-hour mid-day period measurement, and a two-hour PM peak period measurement.
3. TMP measurement shall be conducted by following the current protocol in the latest adopted HCM.
4. Any speed collection and volume data methodology that utilizes the latest technology consistent with HCM protocol can be used in obtaining arterial LOS, subject to approval by the city's traffic engineer.

KH. Fiscal.

Goal: To ~~implement~~provide land uses and activities that generate an adequate tax and revenue base that meets which respond to the economic needs of the residents and of the City of Chula Vista, with new project development providing self-financing of capital projects.

Objectives:

1. Monitor the impacts of growth on the city of Chula Vista's fiscal well-being, considering both operating and capital improvement costs and revenues.
2. Monitor and update the effectiveness of the development impact fee programs, considering the appropriate and timely use of such funds.
3. Monitor and update the effectiveness of various public facility master plans to ensure adequate funding will be available to meet the demands of growth.

Use Fiscal Impact Reports (FIRs) and Public Facility Financing Plans (PFFPs) to evaluate and plan for healthy economic attributes in balance with environmental, social and public policy criteria.

Threshold Standards:

1. Fiscal Impact Analyses and Public Facilities Financing Plans, at the time they are adopted, shall ensure that new development generates sufficient revenue to offset the cost of providing municipal services and facilities to that development.~~The GMOC shall be provided with an annual fiscal impact report which provides an evaluation of the impacts of growth on the city, both in terms of operations and capital improvements. This report should evaluate actual growth over the previous 12-month period, as well as projected growth over the next 12 to 18-month period, and five to seven-year period.~~
2. The city shall establish and maintain, at sufficient levels to ensure the timely delivery of infrastructure and services needed to support growth, consistent with the threshold standards, a Development Impact Fee, capital improvement funding, and other necessary funding programs or mechanisms.~~The GMOC shall be provided with an annual "development impact fee report," which provides an analysis of development impact fees collected and expended over the previous 12-month period.~~

Implementation Measures:

1. Use Fiscal Impact Analyses (FIA) and Public Facility Financing Plans (PFFPs) to evaluate and ensure that new development requiring the preparation of a SPA plan, or equivalent, pursuant to CVMC 19.09.040 and 19.48, contribute to the city's fiscal well-being by generating revenues and related economic activity that, at a minimum, offset the cost of providing municipal services for the new development.
2. The GMOC shall be provided with an annual fiscal impact report ~~which~~that provides an evaluation of the impacts of growth on the city, ~~both~~ in terms of operations and capital improvements. This report should evaluate actual growth over the previous 12-month period, as well as projected growth over the next ~~12 to 18-month period, and five to seven~~5-year period.
3. The GMOC shall be provided with an annual "development impact fee report," which provides an analysis of development impact fees collected and expended over the previous 12-month period ~~and projected for expenditure for projects included within the DIF programs.~~

19.09.050 Threshold Standards for External Facilities and Services.

JA. Air Quality and Climate Protection.

Goal: To maintain and improve the ambient air quality enjoyed by the ~~citizens~~residents of Chula Vista.

Objectives:

~~1. Recognizing that air quality is an issue which needs to be addressed~~ In an effort to address the impacts of ~~transportation and building-related energy use~~ at both the regional and local level, the ~~C~~city shall endeavor to implement applicable air quality improvement strategies and programs that meet or exceed those established through the currently adopted Regional Air Quality Strategy (RAQS), California's Global Warming Solutions Act of 2006 (AB32), and the Chula Vista Climate Protection Program and the RAQs's subsequent implementation measures.

~~2. In an effort to maintain and improve ambient air quality, the city shall endeavor to locally mitigate any new stationary source development project's criteria air pollutant emissions that exceed local air quality standards.~~

Threshold Standard:

~~The city shall pursue a greenhouse gas emissions reduction target consistent with appropriate city climate change and energy efficiency regulations in effect at the time of project application for SPA plans or for the following, subject to the discretion of the Development Services Director:~~

- ~~a. Residential projects of 50 or more residential dwelling units;~~
- ~~b. Commercial projects of 12 or more acres (or equivalent square footage);~~
- ~~c. Industrial projects of 24 or more acres (or equivalent square footage); or~~
- ~~d. Mixed use projects of 50 equivalent dwelling units or greater.~~

~~The GMOC shall be provided with an annual report which:~~

~~1. Provides an overview and evaluation of local development projects approved during the prior year to determine to what extent they implemented measures designed to foster air quality improvement pursuant to relevant regional and local air quality improvement strategies.~~

~~2. Identifies whether the city's development regulations, policies and procedures relate to, and/or are consistent with, current applicable federal, state and regional air quality regulations and programs.~~

~~3. Identifies non-development specific activities being undertaken by the city toward compliance with relevant federal, state and local regulations regarding air quality, and whether the city has achieved compliance.~~

~~The city shall provide a copy of said report to the air pollution control district (APCD) for review and comment. In addition, the APCD shall report on overall regional and local air quality conditions, the status of regional air~~

~~quality improvement implementation efforts under the regional air quality strategy and related federal and state programs, and the effect of those efforts/programs on the city of Chula Vista and local planning and development activities.~~

Implementation Measures:

1. In order to determine compliance with the air quality and climate protection threshold standard, city staff shall provide the GMOC with an annual report that evaluates the city's progress toward adherence with relevant federal, state, regional, and local air quality improvement strategies, regulations, and programs. The report shall include the following:

a. An overview and evaluation of local development projects approved during the prior year identifying compliance levels and progress towards meeting the air quality and climate protection threshold standard.

b. An assessment of whether the greenhouse gas emissions reduction levels should be revised based on updated state and federal standards, as applicable.

c. Additional information on non-development activities being undertaken by the city that contribute to meeting or furthering the air quality and climate protection threshold standard, including the city's most recent greenhouse gas emissions inventory.

2. After ~~T~~the city ~~shall prepares an annual evaluation report, it shall~~ provide a copy of ~~thesaid~~ report to the ~~a~~Air ~~p~~Pollution ~~e~~Control ~~d~~istrict (APCD) for ~~its responsereview and comment. In addition, t~~The APCD ~~shall~~should provide the city with a report on overall regional and local air quality conditions, the status of regional air quality improvement implementation efforts under the ~~r~~Regional ~~a~~Air ~~q~~Quality ~~s~~Strategy and related federal and state programs, and the effect of those efforts/programs on the city of Chula Vista and local planning and development activities.

3. Should the GMOC determine that a ~~deficiency potentially serious problem~~ exists with respect to any of the above air quality ~~and climate protection implementation measures, improvement efforts at either the locally, or~~ regionally level, or both, it may ~~adopt~~issue a formal "Statement of Concern" ~~with~~in its annual report. ~~Such a~~ "Statement" ~~requires the City Council to consider the adoption of a resolution reflecting that concern during the public hearing on the GMOC's report. Copies of the "Statement" shall also be directed to any other responsible public agency(ies) with follow up to assure appropriate response by the agency(ies).~~

B. Schools

Goal: To ensure that the Chula Vista ~~City Elementary~~ School District (CVESD) and Sweetwater Union High School District (SUHSD) have the necessary school sites, infrastructure and funding mechanisms to meet the needs of students in new development areas in a timely manner.

Objective: Provide school district personnel with current development forecasts so that they may plan and implement school building and/or allocation programs in a timely manner.

Facility Master Plan: ~~The GMOC will request updates of the school districts' facility master plans or equivalent documents that define the schools' essential facility needs necessary to provide adequate physical accommodation.~~

Threshold Standard:

The city shall annually provide the Chula Vista Elementary School District (CVESD) and the Sweetwater Union High School District (SUHSD) with the city's annual 5-year residential growth ~~two local school districts with a 12- to 18-month development~~ forecast and request an evaluation of their ability to accommodate ~~the forecasted and continuing~~ growth, both citywide and by subarea. ~~The districts' r~~ Replies from the school districts should address the following:

1. Amount of current classroom and "essential facility" (as defined in the Facility Master Plan) capacity now used or committed;
2. Ability to absorb forecasted growth in affected facilities and identification of what facilities need to be upgraded or added over the next five years;
3. Evaluation of funding and site availability for projected new facilities identified; and
4. Other relevant information the school district(s) desire(s) to communicate to the city and the gGrowth ~~m~~Management ~~e~~Oversight ~~e~~Commission (GMOC).

~~The growth forecast and school district response letters shall be provided to the GMOC for inclusion in its review.~~

Implementation Measure:

Should the GMOC determine that a ~~potentially serious capacity~~ problem exists with respect to physically accommodating students, either currently or within the next five years, schools, it may ~~issue~~ adopt a formal “Statement of Concern” ~~with~~ in its annual report. ~~The annual report shall be provided to both school districts, with follow-up, to assure appropriate response. Such a “Statement” requires the City Council to consider the adoption of a resolution reflecting that concern during the public hearing on the GMOC’s report, to be directed to the responsible public agency(s) with follow up to assure appropriate response by that agency.~~

C. Water

Goal: To ensure that adequate supplies of potable and recycled quality (appropriate for intended use) water are available to the City of Chula Vista.

Objectives:

1. Ensure that adequate storage, treatment and transmission facilities are constructed concurrently with planned growth.
2. Ensure that water quality standards requirements are ~~met~~ not jeopardized during growth and construction.
3. Encourage diversification of water supply, conservation and use of recycled water where appropriate and feasible.

Threshold Standards:

1. Adequate water supply must be available to serve new development. Therefore, developers shall provide Developer will request and deliver to the City with a service availability letter from the appropriate Water District for each project. ~~{P}~~
2. The City shall annually provide the San Diego County Water Authority, the Sweetwater Authority and the Otay Municipal Water District with the city’s annual 5-year residential growth a 12- to 18-month development forecast and request that they provide an evaluation of their ability to accommodate ~~the~~ forecasted and continuing growth. ~~The Districts’ r~~ Replies should address the following:
 - a. Water availability to the City and Planning Area, considering both short- and long-term perspectives.

- b. Identify current and projected demand, and the Aa amount of current capacity, including storage capacity, now used or committed.
- c. Ability of current and projectedaffected facilities to absorb forecasteded growth.
- d. Evaluation of funding and site availability for projected new facilities.
- e. Other relevant information the Ddistrict(s) desire to communicate to the Ccity and the Growth Management Oversight Commission (GMOC).

Implementation Measure:

Should the GMOC determine that a current or potentially serious problem exists with respect to water, it may adoptissue a formal “Statement of Concern” within its annual report. Such a “Statement” requires the City Council to consider the adoption of a resolution reflecting that concern during the public hearing on the GMOC’s report, to be directed to the responsible public agency(s) with follow-up to assure appropriate response by that agency.

The growth forecast and Water District response letters shall be provided to the GMOC for inclusion in its review.

19.09.060 Amendments and Supplemental Threshold Standards.

L. Amendments and Supplemental Thresholds. These standards may be amended from time to time on approval by the city council. (Ord. 2860 §§ 1, 2, 2002; Ord. 2859 § 1, 2002; Ord. 2748 § 3, 1999; Ord. 2486 § 1, 1991; Ord. 2448 § 2, 1991).

19.09.070 Moratorium on Building Permits Allowed

A. Imposing Temporary Limits on Building Permits

The city council may, by ordinance, impose a limit on building permits for construction of residential and/or non-residential development after making specific findings as to the health, safety and welfare concerns of continued development, as set forth in “B” below.

B. Findings Required

Prior to adopting an ordinance imposing a limit on building permits, the city council shall consider making one or more of the following findings:

1. That continued development will make it unlikely for the intent of the Growth Management Program to be achieved, as expressed by the “Growth Management Element” of the *General Plan* and this chapter.
2. That continued development will cause deterioration of the city’s quality of life, and compromise the health, safety and welfare in the city of Chula Vista.
3. That continued development will strain the city’s fiscal resources an ability to deliver high quality services to all its residents.

C. Procedures for Implementing Limits on Building Permits.

If the city council makes the necessary required findings to impose a limit on building permits, then it shall adopt an ordinance that specifies:

1. Area where the moratorium applies;
2. Duration of the moratorium (when it begins and ends);
3. Any exemptions or exceptions or conditions. These shall be consistent with the overall objectives of the city action and broader land use policy. Exemptions could include “affordable” housing units (units sold or rented at below market rates to meet the city’s Housing Element requirements). Exceptions might include units that have been allocated as part of a separate agreement (e.g., a development agreement);
4. Any conditions that would allow the moratorium to be lifted prematurely; and
5. How the building permits shall be allocated.

19.09.0580 Requirement for ~~p~~Public ~~f~~acilities ~~f~~inance ~~p~~Plans (PFFP), ~~a~~Air ~~q~~Quality ~~i~~mprovement ~~p~~Plans, and ~~w~~Water ~~c~~onservation ~~p~~Plans.

A. Public Facilities Financing Plans.

No application for a ~~n~~ SPA plan, or, if an SPA plan is not required, no application for a ~~t~~entative ~~m~~Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a PFFP which has been approved by the city; or

2. A PFFP ~~which, that~~ includes the project, has already been initiated; or
3. The applicant initiates the preparation of a PFFP.

The PFFP may be waived by the city council upon a showing that there are no public ~~service, facilities,~~ infrastructure and service or ~~phasing~~ needs warranting the preparation of an PFFP.

B. Air Quality Improvement Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a ~~t~~Tentative ~~m~~Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an ~~a~~Air ~~q~~Quality ~~i~~Improvement ~~p~~Plan ~~which that~~ has been approved by the city; or
2. An ~~a~~Air ~~q~~Quality ~~i~~Improvement ~~p~~Plan ~~which, that~~ includes the project, has already been initiated; or
3. The applicant initiates the preparation of an ~~a~~Air ~~q~~Quality ~~i~~Improvement ~~p~~Plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city ~~director of Development Services Director~~director of Development Services Director ~~planning and building~~ shall require.

The required contents of an Air Quality Improvement Plan are outlined in Appendix A of the city's Growth Management Implementation Manual, as may be amended from time to time.

C. Water Conservation Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a ~~t~~Tentative ~~m~~Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a ~~w~~Water ~~e~~Conservation ~~p~~Plan ~~which that~~ has been approved by the city; or
2. A ~~w~~Water ~~e~~Conservation ~~p~~Plan, ~~which that~~ includes the project, has already been initiated; or
3. The applicant initiates the preparation of a ~~w~~Water ~~e~~Conservation ~~p~~Plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city ~~director of Development Services Director~~director of Development Services Director ~~planning and building~~ shall require.

The required contents of a Water Conservation Plan are outlined in Appendix B of the city's Growth Management Implementation Manual, as may be amended from time to time.

D. No SPA plan, nor any ~~t~~Tentative ~~subdivision m~~subdivision map, shall be approved, or deemed approved, without an approved PFFP, an approved ~~a~~Air ~~q~~Quality ~~i~~Improvement ~~p~~Plan and an ~~approved~~ ~~w~~Water ~~e~~Conservation ~~p~~Plan. To provide consistency and implementation of said plans, the city council may impose any condition to

the approval of an SPA plan or ~~t~~entative ~~subdivision m~~Map necessary to implement the PFFP, the ~~a~~ir ~~q~~uality ~~i~~mprovement ~~p~~Plan, the ~~w~~ater ~~e~~conservation ~~p~~Plan, the ~~g~~rowth ~~m~~anagement ~~p~~rogram, or the ~~master f~~acility ~~Master p~~Plans.

E. No ~~f~~inal ~~m~~Map shall be approved until all the conditions of the PFFP, the Air Quality Improvement Plan and the wWater eConservation pPlan and the air quality plan have been met, or the project applicant has provided adequate security to the city that said plans will be implemented.

F. No other discretionary planning approvals shall be granted unless the city council finds that the project is consistent with an approved PFFP, an ~~a~~ir ~~q~~uality ~~i~~mprovement ~~p~~Plan, and a ~~w~~ater ~~e~~conservation ~~p~~Plan.

G. No building permit shall be issued unless the permit is consistent with any applicable PFFP, the ~~a~~ir ~~q~~uality ~~i~~mprovement ~~p~~Plan and the ~~w~~ater ~~e~~conservation ~~p~~Plan and all applicable fees, including, but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or other development fees adopted by the city council, have first been paid or provision for their payment has been made to the satisfaction of the city council.

H. No development shall occur in a PFFP area if the demand for any public facilities, infrastructure and services exceeds capacity and it is not feasible to increase capacity prior to completion of development unless the means, schedule and financing for increasing the capacity isare established through the execution of a binding agreement providing for installation and maintenance of such facilities or improvements in advance of the city's phasing schedule. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.0690 Public fFacilities fFinance pPlan (PFFP) eContents.

A. The required contents of a Public Facilities Finance Plan A-(PFFP), including a fiscal impact analysis, are outlined in Appendix C of the city's Growth Management Program Implementation Manual, as may be amended from time to time. The fiscal analysis/economic impact report shall be provided for each proposed project and the project shall be conditioned to provide funding for periods where expenditures exceed projected revenues. shall contain a complete description of the proposed development project and a complete description of all public facilities included within the boundaries of the plan as defined by the director of planning and building. The plan shall contain a description of the individual and cumulative impacts of the proposed development on the community as it relates to the growth management program, the specific facility master plans and the threshold standards.

~~B. The PFFP shall consist of maps, graphs, tables, and narrative text and shall be based upon the general plan and zoning applicable within the area of impact. The PFFP shall be consistent with the growth management program and threshold standards and shall implement the growth management program within the area.~~

~~C. The boundaries of the PFFP shall be established by the city at the time an SPA plan or tentative map is submitted by the applicant. The boundaries shall be based upon the impact created by the project on existing and future need for facilities. The project boundaries will correlate the proposed development project with existing and future development proposed for the area of impact to provide for the economically efficient and timely installation of both on-site and off-site facilities and improvements required by the development. In establishing the boundaries for the PFFP, the city shall be guided by the following considerations:~~

- ~~1. Service areas or drainage or sewer basins which serve the project;~~
- ~~2. Extent to which facilities or improvements are in place or available;~~
- ~~3. Ownership of property;~~
- ~~4. Project impact on public facilities relationships, especially the impact on the city's planned major circulation network;~~
- ~~5. Special district service territories;~~
- ~~6. Approved fire, drainage, sewer, or other facilities or improvement master plans.~~

~~D. The boundaries shall be established by resolution after a public hearing, notice of which is given pursuant to CVMC 19.12.070.~~

~~E. The PFFP shall show how and when the facilities and services necessary to accommodate development within the area will be installed or financed:~~

- ~~1. Police;~~
- ~~2. Fire/EMS;~~
- ~~3. Schools;~~
- ~~4. Libraries;~~
- ~~5. Parks and recreation;~~

~~6. Water;~~

~~7. Sewer;~~

~~8. Drainage;~~

~~9. Traffic;~~

~~10. Civic facilities;~~

~~11. Corporation yards.~~

~~F. The PFFP shall include the following information with regard to each facility and service listed in subsection (E) of this section:~~

~~1. List of Facilities and Services. A list or schedule of facilities and service requirements correlated to individual development projects within the area.~~

~~2. Inventory. An inventory of present and future requirements for each facility and service based upon the threshold standards. The inventory shall include life cycle cost (LCC) projections for each element in subsection (E) of this section as they pertain to city fiscal responsibility. The LCC projections shall be for estimated life cycle for each element analyzed. The model used shall be able to identify and estimate initial and recurring life cycle costs for the above elements. Because requirements for certain facilities and services may overlap plan boundaries, the plan shall address the need for coordination and shall propose a coordination plan for facilities and services extending from one project boundary area to another. Cost estimates for funding public facilities and services directly related to the impact created by the project as well as for proposals for funding existing deficiencies required by the project prior to the phasing schedule set forth in the growth management program shall be included. It must be shown that development in the area will not reduce the existing facilities or services capabilities within the project boundaries or create facilities or improvements shortages in other areas or reduce capability in any area below the threshold standards which are established pursuant to CVMG 19.09.040. The growth inducing impact of the out-of-area improvements shall be assessed and mitigation provided, if appropriate, to the satisfaction of the city council.~~

~~3. Phasing Schedule. A phasing schedule, which complies with the adopted development phasing policy as set forth in the growth management program and the threshold standards,~~

~~which establishes the timing for installation or provision for facilities and services required by the project. The phasing schedule shall ensure that development of one area will not utilize more than the area's pro rata share of facility or service capacity within the projected service area of a facility unless sufficient capacity is ensured for other areas at the time of development. The phasing schedule shall include a schedule of development within the area and a cash flow analysis for financing of facilities and services for the PFFP area. The phasing schedule shall identify periods where the demand for facilities and improvements may exceed the capacity and provide a plan for eliminating the shortfall. If a project cannot demonstrate consistency with the phasing schedule, the PFFP must demonstrate, to the city's satisfaction, how facilities required for the project in advance of the phasing schedule as set forth in the master plan will be provided. If no facility master plan or threshold standards exists for a particular facility, the PFFP for the project must demonstrate how that facility will be provided and financed in a phased and timely manner.~~

~~4. Financing Plan. A financing plan establishing specific methods of funding each facility and service identified in the PFFP, which allocates the cost to the various properties within the plan area. The plan shall identify those facilities and services which would otherwise be provided as a requirement of processing a development project (i.e., requirements imposed as a condition of a development permit) or provided by the developer in order to establish consistency with the general plan, growth management program, facility master plans or this chapter, and those facilities and improvements for which new funding methods shall be sufficient to ensure that funds are available to construct or provide facilities or services when required by the phasing schedule for the project. Where facilities or services are required for property within the PFFP area, other than the project, the phasing plan shall identify those other properties and the PFFP for each property shall be coordinated. Coordination, however, shall not require identical funding methods.~~

~~G. The PFFP shall establish the proportionate share of the cost of facilities and services identified in the growth management program and the master facilities plans attributable to the development of each property in the PFFP area.~~

~~H. In the event that an applicant provides private financing for public facilities or services to service a project in advance of the normal time frame for constructing such facilities, the approval of credits against any city fees for such advanced private financing may be postponed until the estimated time of such construction as~~

~~specified in the specific facility master plan or the city's capital improvement program budget. In lieu of a facility master plan phasing schedule, such determination shall be made by the city council after reviewing information from the director of planning and building, city engineer, finance director, and deputy city manager. In no event shall a developer receive interest on funds for providing public facilities or services in advance of the city's schedule. The developer shall also become responsible for the maintenance and operation costs associated with the early construction of said facility. No repayment will be made to the developer for the funds provided for maintenance and operational costs. All repayments will be considered in accordance with the city's projected construction dates for said facilities.~~

~~I. Assessment districts requested by the developer shall not be given credit for facility fees when a facility is constructed above the standards established by the respective facility master plan or standards imposed as conditions on the approval of the project by the city council.~~

~~J. A fiscal analysis/economic impact report shall be provided identifying capital budget impacts on the city as well as maintenance and operation costs for each proposed phase of development. The report shall include an analysis of the project impact on school districts and water agencies as well as the life cycle analysis set forth in subsection (F)(2) of this section. Each year during the development of the project, the director of planning and building may require the applicant to provide the city with an updated fiscal impact report reflecting the actual revenue and expenditure impacts based upon the development of the project. The project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.~~

~~K. Developer contributions shall not be required as a source of funding for that proportion of the cost of any facility or service that is needed to reach threshold standards due to the demands created by existing development. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).~~

19.09.07100 Public ~~f~~Facilities ~~f~~Finance ~~p~~Plan (PFFP) ~~p~~Preparation.

A. A PFFP, an ~~a~~Air ~~q~~Quality ~~i~~Improvement ~~p~~Plan, and a ~~w~~Water ~~e~~Conservation ~~p~~Plan may be processed concurrently with the SPA plan or ~~t~~Tentative ~~m~~Map.

B. A PFFP may be initiated by filing an application with the ~~director of Development Services Director~~planning and building. The applicant shall pay a deposit at the time any application for a PFFP is accepted.

C. A PFFP for a project shall be prepared by the city, or a consultant selected by the city, according to the procedures established by this chapter.

D. The cost of PFFP preparation shall be advanced to the city by the applicant and any participating owner or owners prior to PFFP preparation. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.08110 Public ~~f~~Facilities ~~f~~Finance ~~p~~Plan (PFFP) ~~r~~Review.

A. PFFPs shall be reviewed according to the following procedure:

1. A completed PFFP complying with this chapter, and accompanied by a processing fee in an amount established by city council resolution, may be submitted to the ~~director of Development Services Director~~ ~~planning and building~~ for processing. ~~If the director of Development Services Director~~ ~~planning and building~~ determines that the plan complies with the provisions of this chapter, the ~~d~~Director shall accept the PFFP for review. ~~Once the PFFP has been reviewed and complies with the provisions of this chapter, it shall be set for public hearing before the planning commission together with the accompanying development plan.~~

2. The hearing shall be noticed according to the provisions of CVMC [19.12.070](#). A staff report containing recommendations on the PFFP shall be prepared and furnished to the public, the applicant, and the planning commission prior to the hearing.

3. The planning commission shall hear and consider the application and shall by resolution prepare recommendations and findings for the city council. ~~The action of the commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.~~

4. When the planning commission action is filed with the city clerk, the clerk shall set the matter for public hearing before the city council. ~~The hearing shall be noticed according to the provisions of CVMC~~ [19.12.070](#).

5. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may approve, conditionally approve, or deny the plans. ~~The city council may include in the resolution adopting the PFFP any fees or facilities improvement requirements provided for in city ordinances in order to implement the~~ ~~g~~Growth ~~m~~Management ~~p~~Program, the ~~master~~ facility ~~master~~ plans and the PFFP.

6. A PFFP may be amended following the same procedures for the original adoption. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.09120 Public ~~f~~Facilities ~~f~~Finance ~~p~~Plan (PFFP) ~~i~~Implementation.

A. The ~~city manager~~ ~~Development Services Director shall monitor the development activity for each~~ ~~shall ensure that~~ PFFPs are prepared for all SPA plans and Tentative Maps, or equivalent projects pursuant to CVMC

~~19.48 and shall require the preparation of an annual report by the applicant consisting of maps, graphs, charts, tables and text and including a developmental activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis and any necessary amendments to the PFFP, if necessary.~~

B. In the event that the ~~city council~~ Development Services Director or his designee finds that the project is not in substantial compliance with the PFFP as modified or amended, the developer ~~shall~~ may be deemed to be in default and ~~no further continued issuance of~~ building or development permits ~~shall be issued and development shall cease~~ may be affected. (Ord. 2448 § 2, 1991).

19.09.1030 Public ~~f~~Facilities ~~f~~Finance ~~p~~Plan (PFFP) ~~a~~Amendment.

A. Adoption of a PFFP does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal.

~~B. The city council shall annually review the PFFP report prepared by the applicant at the time it considers the growth management oversight commission annual report.~~

CB. If the ~~city manager~~ Development Services Director, pursuant to CVMC 19.09.110, determines that facilities or improvements within a PFFP are inadequate to accommodate any further development within that area, then development shall cease or be metered until a remedy is implemented~~the city manager shall immediately report the deficiency to the city council.~~ If the ~~city council~~ Development Services Director determines that such events or changed circumstances adversely affect the health, safety or welfare of the city, the city may require the amendment, modification, suspension, or termination (hereinafter "change") of an approved PFFP. If the city requires such change, the city shall (1) give notice to applicant or owner of (a) the city's intended action to change the PFFP, and (b) the reasons and factual basis for the city's determination; (2) give notice to the applicant or owner, at least 30 days prior to the hearing date, of the time and place of the hearing; and (3) hold a city council hearing on the determination, at which hearing the applicant or owner shall have the right to present witnesses, reports, and oral and written testimony. Prior to approving any change, the city shall find that (i) the circumstances were unknown or that the circumstances have changed; and (ii) the health, safety or welfare of the community requires the change of the PFFP. This provision shall neither limit nor expand the rights of liabilities of either of the parties with respect to the PFFP or the development of the property.

If, after notice and hearing, the council determines that a deficiency exists, then no further building or development permits shall be issued within the affected area, and development shall cease until an amendment to the applicable PFFP ~~which~~ mitigates the deficiency is approved by the city council.

~~DC~~. The city council may initiate an amendment to any PFFP at any time if, in its discretion, it determines that an amendment is necessary to provide adequate facilities and improvements and subsequent permits will be conditioned on conformance. (Ord. 2448 § 2, 1991).

19.09.1140 Exceptions and eExclusions.

A. ~~Exceptions. Nothing in this chapter shall alter or amend the terms and conditions of any development agreement entered into between the city and a developer.~~

~~Building Permits for Approved Projects. Building permits will be issued for projects for which all required development permits were issued or approved on or before the effective date of the general plan update adopted July 11, 1989, and upon payment of all required fees; except, that projects with SPA plans or tentative maps approved after July 11, 1989, and prior to the effective date of the ordinance codified in this chapter shall not be issued building permits until an air quality improvement plan and a water conservation plan has been approved by the city council. Nothing in this subsection shall alter or amend the terms and conditions of any development agreement entered into between the city and a developer.~~

~~B. Developed Portions of City. It is the policy of the city to encourage development in areas where public facility thresholds are met before allowing development in areas where facilities and improvements are not assured to meet the needs of such development. Accordingly, pursuant to the findings in CVMC 19.09.010 that adequate facilities within the developed portions of the city as shown in the figure of the growth management program as referenced in CVMC 19.09.010(B)(5), or their successor provisions, are operating in conformance with adopted threshold standards, those portions of the city shall be exempt from the provisions of this chapter requiring the preparation of a PFFP, air quality improvement plan, or a water conservation plan.~~

~~EB~~. Exclusions. ~~Development projects which consist of facilities or structures constructed by a city, county, special district, state, or federal government or any agency, department, or subsidiary thereof for governmental purposes are excluded from the provisions of this chapter. To the extent that the city has authority to regulate such development projects, such projects shall not be exempt. For example, any private development occurring on land leased from a public agency would not be exempt.~~ This exclusion shall not apply to development projects to which a possessory interest tax would be applicable. (Ord. 2448 § 2, 1991).

19.09.1250 Extensions of pPrior aApprovals.

After approval of an applicable PFFP for a development project, an extension of the expiration date of a ~~t~~Tentative ~~s~~ubdivision ~~m~~Map may only be granted if the project is in conformance with the PFFP and the ~~g~~Growth ~~m~~Management ~~p~~Program. The extension may be conditioned on such matters as the city deems

just appropriate or necessary to make the Tentative Map conform to the PFFP and the Growth Management Program, including, but not limited to, requiring the developer to submit any information, studies, plans and diagrams to show compliance with the applicable PFFP public facilities finance plan. (Ord. 2448 § 2, 1991).

19.09.1360 Obligation to pPay fFees or iInstall fFacilities rRequired by aAny eOther lLaw.

Nothing in this chapter shall be construed as relieving a builder, developer or subdivider from any requirement to provide public facilities, to dedicate property or to pay fees, which requirement is imposed pursuant to this title or pursuant to any city council policy. (Ord. 2448 § 2, 1991).

19.09.1740 Implementing guidelinesProcedures.

The city council may adopt any proceduresguidelines it deems necessary to implement this chapter, including procedures for administering the a-gGrowth mManagement pProgram or master-facility master plans. (Ord. 2448 § 2, 1991).

19.09.1850 Council aActions, fFees, nNotice.

- A. Whenever this chapter requires or permits an action or decision of the city council, that action or decision shall be accomplished by resolution and/or ordinance, as appropriate.
- B. The city council shall establish application and processing fees for the submission and processing of pPublic fFacilities fFinancing pPlans (PFFPs).
- C. Whenever written notice is required to be given to property owners under this chapter, the notice shall be mailed by first class mail to the owners shown on the last equalized assessment roll. (Ord. 2448 § 2, 1991).

19.09.1690 Severability.

If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconstitutional. (Ord. 2448 § 2, 1991).

19.09.17200 Facility mMaster pPlans-reference documents.

The city shall maintain a series of facility master plans, as may be amended from time to time, for infrastructure and services throughout the city that regard the threshold standards in this chapter, including, but not limited to,

police, fire and emergency services, libraries, parks and recreation, wastewater, drainage and circulation. In anticipation of service demands, these master plans shall contain an analysis of existing facilities, existing and projected demand, and proposed maintenance and capital improvement projects. They shall also identify financing plans to accomplish identified improvements.

~~A. Police: "A Master Plan for the Chula Vista Civic Center Solving City Space Needs Through Year 2010," dated May 8, 1989.~~

~~B. Fire/EMS: "Fire Station Master Plan," dated March 23, 1989.~~

~~C. Schools: Sweetwater Union High School District Sweetwater Union High School District Long Range Comprehensive Master Plan," dated November, 1984.~~

~~D. Water: Sweetwater "Sweetwater Authority Water Master Plan," dated December, 1989.~~

~~E. Sewer: "City of Chula Vista Wastewater Master Plan," dated July 19, 1989.~~

~~F. Libraries: "Chula Vista Public Library Master Plan. Facility Planning to the Year 2010," dated April 30, 1987.~~

~~G. Parks and Recreation: There is no existing detailed master plan. The Chula Vista general plan parks and recreation element dated July, 1990, serves as the parks master plan.~~

~~H. Drainage: "City of Chula Vista Public Facilities Plan Flood Control Summary Report," dated March, 1989 (Phase II).~~

~~I. Traffic: "East Chula Vista Transportation Phasing Plan," approval date pending.~~

~~J. Air Quality: No local master plan exists for air quality. The air pollution control district is updating the air quality maintenance program to comply with the California Clean Air Act. (Ord. 2448 § 2, 1991).~~