

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE PLANNED COMMUNITY (PC) DISTRICT REGULATIONS FOR THE PROVISION OF COMMUNITY PURPOSE FACILITIES (CPF) IN SECTIONAL PLANNING AREA (SPA) PLANS.

WHEREAS, an amendment to the Planned Community (PC) Zone for the provision of Community Purpose Facility (CPF) land is the subject matter of this ordinance as detailed in the City Council Agenda Statement; and,

WHEREAS, the City has initiated this application (PCA-11-01) to amend Chapter 19.48 P-C Planned Community Zone that provides the requirements for Sectional Planning Area (SPA) plan areas; and,

WHEREAS, the application (PCA-11-01) request revisions to Section 19.48.025, the provisions for Community Purpose Facility (CPF) land requirements for CPF acreage to be provided within SPA Planning Areas ("Project"); and,

WHEREAS, the proposed amendments would allow for a reduction in otherwise required CPF land where an extraordinary public benefit is provided. The amendment also includes an alternative compliance option that would allow for CPF facilities to be provided in alternative formats, such as in building square-footage, in lieu of the CPF acreage requirements; and

WHEREAS, the Development Services Director has reviewed the proposed amendments to Chapter 19.48 of the Chula Vista Municipal Code (CVMC) for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have significant effect on the environment; therefore, pursuant to Section 15061(b) (3) (General Rule) of the State CEQA Guidelines the activity is not subject to CEQA; and,

WHEREAS, the Planning Commission set the time and place for a hearing on the Project (PCA-11-01) and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city at least ten days prior to the hearing; and,

WHEREAS, the hearing was held at the time and place, namely 6:00 p.m., November 20, 2013, in the Civic Center, Building C Training Room, 276 Fourth Avenue, before the Planning Commission and said hearing was thereafter closed; and,

WHEREAS, by a vote of 6-0-0-1, the Planning Commission adopted Resolution PCA-11-01 recommending City Council approval of the Project; and,

WHEREAS, a public hearing on the Project was scheduled before the City Council, and notice of said hearing, together with its purpose was given by its publication in a newspaper of general circulation in the city at least ten days prior to the hearing; and,

WHEREAS, the hearing was held at the time and place, namely 2:00 p.m., December 17, 2013, in the City Council Chambers, 276 Fourth Avenue, before the City Council and said hearing was thereafter closed; and,

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

Section I. Amendment to CVMC Chapter 19.48 P-C (Planned Community) Zone as follows:

19.48.025 Community purpose facilities – Minimum acreage required– Permitted uses.

A. All land in each P-C zone, or any section thereof, shall provide adequate land designated as “community purpose facilities (CPF),” as defined in CVMC 19.04.055, to serve the residents of the planned community.

B. Applicant shall provide a total of 1.39 acres of net usable land (including setbacks) per 1,000 population in a graded, useable condition with necessary access and utilities available for CPF in the associated planned community, and such land shall be so designated for community purpose facilities and for CPF land uses in perpetuity in the sectional planning area (SPA) plan(s) and planned community district regulations of each planned community prior to the approval of the SPA Plan. The total acreage requirement may be reduced only if the city council determines, in conjunction with its adoption of an SPA plan, that: a lesser amount of land is needed, based on availability of shared parking with other facilities, or other community purpose facilities that are guaranteed to be made available to the community. Any shared parking arrangements pursuant to this section shall be guaranteed regardless of any future changes in occupancy of facilities.

1. Availability of Shared Parking. Based on availability of shared parking with other facilities, a lesser amount of land is needed. Such reduction in land shall not exceed the equivalent necessary for the number of parking spaces acquired through the shared parking arrangement. Any shared parking arrangements pursuant to this section shall be guaranteed regardless of any future changes in occupancy of facilities; or

2. Extraordinary Public Benefit. Subject to the discretion of the Development Service Director and recommendation from the Planning Commission, CPF acreage may be reduced subject to the following requirements:

a. The reduction in CPF acreage is accompanied by an extraordinary public benefit not otherwise obtained through the provision of CPF acreage.

b. The public benefit is similar in nature to and satisfies the goals of CPF requirement by providing the community with land on which a public service, determined by the City Council to be essential to part of the community fabric, for which land would not otherwise be available, is provided and made available to the community.

c. The extraordinary public benefit is guaranteed in perpetuity.

d. At the time of the consideration by the Planning Commission, the applicant has executed a binding agreement, reviewed and approved as to form by the City Attorney, which ensures the provision of the extraordinary benefit in perpetuity; or

3. Alternative Compliance. Subject to the discretion of the Development Service Director and recommendation from the Planning Commission, an alternative compliance mechanism (e.g. providing square footage within a building that will accommodate CPF uses or constructing a facility for CPF use) may be approved, provided such alternative mechanism meets all of the following requirements:

a. The City Council finds that the alternative compliance mechanism proposed is equivalent to the provision of the CPF acreage otherwise required by CVMC 19.48.025(B).

b. The alternative meets the definition of a CPF use in CVMC 19.48.025(C).

c. The alternative compliance mechanism is guaranteed in perpetuity.

d. At the time of the consideration by the Planning Commission, the applicant has executed a binding agreement, reviewed and approved as to form by the City Attorney, which ensures the availability of the alternative compliance mechanism in perpetuity.

Section II. 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 III. 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 IV. Effective Date

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

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented By:

Approved as to form by:

Kelly Broughton
Development Services Director

Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 17th day of December, 2013, by the following vote:

AYES: Councilmembers:

NAYS: Councilmembers:

ABSENT: Councilmembers:

Cheryl Cox, Mayor

ATTEST:

Donna Norris, CMC, City Clerk

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

I, Donna Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. ___ had its first reading at a regular meeting held on the 17th day of December, 2013 and its second reading and adoption at a regular meeting of said City Council held on the ___ day of _____, 2013.

Executed this ___ day of _____, 2013.

Donna Norris, CMC, City Clerk