

SECOND READING AND ADOPTION

ORDINANCE NO. _____

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

WHEREAS, the land area that is covered by the Bayfront Local Coastal Program and the particular property that is the subject matter of this Ordinance is represented in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the property that is the subject of the proposed amendment is located at 789 E Street, consists of two legal lots comprising approximately 4.81 acres in area and is located on Bay Boulevard north of E Street, between the SDG&E Right of Way and the Interstate 5 freeway, and is designated and labeled in the LCP as Parcel 1a; and

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

WHEREAS, the LCP is composed of a Land Use Plan and a Specific Plan; and

WHEREAS, in 2012 the City of Chula Vista (City) and the San Diego Unified Port District (Port District), in a collaborative effort with the community approved and adopted the California Coastal Commission-certified Local Coastal Program (LCP) and in September 2015 made some minor amendments to the LCP, which is the LCP that is currently in effect today; and

WHEREAS, in January 2015 the development firm of Land Developers and Associates Corporation (LDA), operating under the name of City of Chula Vista Property, LLC (Property Owner), and owner of the property located at 789 E Street, submitted an application to amend the General Plan and the LCP; and

WHEREAS, said application proposes to change the 2005 General Plan land use designation for the subject site from Professional & Office to Commercial Visitor and the LCP Land Use Plan/Specific Plan zoning designation from Commercial - Professional and Administrative to Commercial - Visitor Limited (Amendment); and

WHEREAS, the proposed changes to the 2005 General Plan and LCP Specific Plan do not cause substantial changes to the objectives, policies, and regulations contained in the documents nor the Coastal Act policies; and

WHEREAS, the proposed changes to the General Plan and LCP documents are included in Exhibit B attached to this Ordinance and are hereby made a part hereof by this reference; and

WHEREAS, the Development Services Director has reviewed the proposed Amendment for compliance with the California Environmental Quality Act (CEQA) and has determined that the Amendment was covered in previously adopted Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077 (the "FEIR"). The Development Services Director has determined that only minor technical changes or additions to this document are necessary and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Development Services Director has prepared an Addendum to the FEIR; and

WHEREAS, the Development Services Director set the time and place for a hearing of the Planning Commission on the proposed General Plan and LCP Amendment, and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City and its mailing to property owners within the exterior boundaries of the LCP Area, at least 10 days prior to the hearing; and

WHEREAS, a hearing at the time and place as advertised, namely October 25, 2017, at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, was held before the Planning Commission and said hearing was thereafter closed; and

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

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

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

WHEREAS, the duly called and noticed public hearing on the LCP Amendment, including the Specific Plan, was held before the City Council on December 5, 2017, in the City Council Chambers, located at 276 Fourth Avenue, at 5:00 p.m. to receive the recommendations of the Planning Commission and to hear public testimony with regard to the same and said hearing was thereafter closed.

SECTION I.

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

A. ENVIRONMENTAL DETERMINATION

That the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and City Council has determined that the project

was covered in previously adopted Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077. The City Council has further determined that only minor technical changes or additions to the FEIR are necessary and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, consistent with section 15164 of the State CEQA Guidelines the City Council has considered the Addendum to Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077.

B. CONSISTENCY WITH GENERAL PLAN AND CALIFORNIA COASTAL ACT

That the proposed amendment to the Local Coastal Program, consisting of the Land Use Plan (LUP) and Specific Plan (SP), is consistent with the City of Chula Vista General Plan and the policies of the Coastal Act. The proposed changes to the LUP and SP are minor and unsubstantial and leave all of the provisions of the LUP and SP intact. With the changes in place the provisions of the documents are still based on sound planning principles and practices that will provide for the protection and conservation of sensitive natural resources. The proposed changes to the land use and zoning designations affect only the property located at 789 E Streets and the rest of the properties within the LCP area will remain unchanged. Furthermore, the rest of the development standards and regulations, such as building height, setbacks, Floor Area Ratio and lot coverage, as well as others, will remain the same and will continue to regulate the future development of the site. The proposed changes are consistent with the goals and objectives of the 2005 General Plan and LCP. The proposed changes will contribute to open up and provide more direct access to the Bayfront and create better connection to the rest of the city and the region. This will open up the Bayfront for the enjoyment of residents and visitors. The new provisions of the General Plan and LUP and SP will be conducive to the development of the Bayfront and the creation of a world-class destination for residents and visitors.

SECTION II.

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

SECTION III. SUBMISSION TO COASTAL COMMISSION

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

BE IT FURTHER ORDAINED, that the City Council finds that the LCP complies with the guidelines established by the California Coastal Commission and contains materials sufficient for a

thorough and complete review (Public Resources Code Section 30510(b)).

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

SECTION IV. SEVERABILITY

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

SECTION V. CONSTRUCTION

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PUBLICATION

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

Presented by:

Approved as to form by:

Kelly Broughton, FLSA
Director of Development Services

Glen R. Googins
City Attorney

Exhibit A – LCP Area & Parcel 1a Map

Exhibit B – LCP Specific Plan Amendment