



# City of Chula Vista

## Legislation Details (With Text)

**File #:** 17-0049      **Name:** Land Use Plan Amendment and Rezoning Initiation Process  
**Type:** Public Hearing      **Status:** Passed  
**In control:** City Council  
**On agenda:** 5/16/2017      **Final action:** 5/16/2017  
**Title:** CONSIDERATION OF AMENDING CHAPTER 19.14 OF THE CHULA VISTA MUNICIPAL CODE PLANNING AND ZONING SECTIONS

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 19.14 OF THE CHULA VISTA MUNICIPAL CODE (CVMC) BY ADDING A NEW SECTION CREATING AN INITIATION PROCESS FOR AMENDMENTS TO THE GENERAL PLAN, SECTIONAL PLANNING AREA PLANS, GENERAL DEVELOPMENT PLANS, SPECIFIC PLANS, PRECISE PLANS (LAND USE PLANS) AND FOR REZONING (FIRST READING)

**Sponsors:**

**Indexes:**

**Code sections:** 19.14 - Administrative Procedures – Permits – Applications – Hearings – Appeals

**Attachments:** 1. Item 6 - Ordinance, 2. Item 6 - Exhibit 1 to Ordinance, 3. Item 6 - Attachment 1 - Planning Commission Alternative Ordinance, 4. Item 6 - Attachment 2 - Planning Commission 03-22-2017 Draft Minutes

Date	Ver.	Action By	Action	Result
5/16/2017	1	City Council	accepted	Pass

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**RECOMMENDED ACTION**

Council conduct the public hearing and place the ordinance on first reading.

**SUMMARY**

Under the City Municipal Code, applicants can submit land use plan amendment and rezoning requests to the City. Currently these legislative action requests are processed as part of proposed development projects and consolidated with all other discretionary actions necessary for City consideration of the applicant’s project. As part of some recent development projects, concerns were raised on the part of staff about the merits of the plan amendment being proposed and applicants were advised that staff could not support the overall project proposal as a result. In these instances, the applicant has been placed in a position of deciding to forgo their project, or to spend money and significant time to develop their proposal, conduct appropriate environmental impact analysis, and to process it through the City with no early mechanism to gauge the potential interest of

the Planning Commission or City Council in the plan amendment or rezoning being requested.

As a means to address this situation, staff is proposing the attached amendments to the Municipal Code. The amendments provide a process for City Council to communicate its willingness to consider a proposed plan amendment or rezoning by its willingness to accept an application and allocate staff resources to its processing. The City Council would retain full discretion to approve or disapprove the proposal once it was fully analyzed. The proposed initiation process would also address another community concern by allowing for early public knowledge and involvement in an important land use change being considered by the City before a specific development project is submitted.

## **ENVIRONMENTAL REVIEW**

### **Environmental Notice**

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. In addition, notwithstanding the foregoing, the "Project" also qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

### **Environmental Determination**

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. In addition, notwithstanding the foregoing, the Director of Development Services has also determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the CEQA State Guidelines. Thus, no environmental review is required.

## **BOARD/COMMISSION RECOMMENDATION**

On March 22, 2017 the Planning Commission voted 4-1-0 to approve Resolution No. MPA17-001 recommending that the Chula Vista City Council introduce the Ordinance with suggested revisions to include:

1. Adding Planning Commission as a body the applicant can also go to request a recommendation for an initiation; and
2. Ordinance language that the ordinance be reviewed in a year.

A revised ordinance with Planning Commission's recommendations has been drafted for City Council Consideration.

## **DISCUSSION**

There are some California jurisdictions that require certain plan amendments and rezones to go through a preliminary step to initiate the approval process. The initiation is the first point of consideration by a decision maker. It is a limited decision and is neither an approval nor denial of the proposed plan amendment or rezone, or the accompanying development project. The focus of the initiation process is on the question of whether the nature of the proposed change to the plan or zoning warrants expending staff and applicant's future resources in light of initiation criteria proposed

in the draft ordinance.

Three criteria (Initiation Criteria) are being proposed to be used by City Council to decide whether to approve initiation:

1. The plan amendment or rezone request is consistent with the goals and policies of the General Plan and applicable Sectional Planning Area Plan, General Development Plan, Specific Plan, or Precise Plan;
2. The proposed plan amendment or rezone provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design;
3. Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.

The focus of the initiation hearing would be upon the fundamental question of whether the proposed change to the plan or zone is worthy of further analysis based upon compliance with the above Initiation Criteria.

This proposed process would not impact City initiated plan amendments or rezonings undertaken by staff as part of a City work program.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, *et seq.*).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

#### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The creation of a land use plan amendment and rezoning initiation process promotes operational excellence by providing a predictable and less costly process for considering the merits of land use plan amendments or rezoning actions. The proposed process also fosters a connected community by encouraging citizen involvement early in the important consideration of whether to amend a land use plan or to rezone a property.

#### **CURRENT YEAR FISCAL IMPACT**

None

#### **ONGOING FISCAL IMPACT**

The cost of City processing land use plan amendments or rezoning initiations will be borne by project applicants.

**ATTACHMENTS**

Attachment 1 - Planning Commission Alternative Ordinance

Attachment 2 - Planning Commission Draft Minutes for 3/22/2017 Meeting

*Staff Contact: Kelly Broughton, Director of Development Services*