



# City of Chula Vista

## Legislation Details (With Text)

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**Title:** ORDINANCE NO. 3339 OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTER 19.09 (GROWTH MANAGEMENT) (SECOND READING AND ADOPTION)

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Item 4 - Attachment 1 - Draft Implementation Manual, 3.3.pdf, 2. Item 4 - Attachment 2 - Draft CVMC 19.09, 3.3.15, 3. Item 4 - Ordinance

Date	Ver.	Action By	Action	Result
4/14/2015	1	City Council	approve	Pass

ORDINANCE NO. 3339 OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTER 19.09 (GROWTH MANAGEMENT) (SECOND READING AND ADOPTION)

### RECOMMENDED ACTION

Council adopt the ordinance.

### SUMMARY

The City Council adopted the *Threshold Standards and Growth Management Oversight Committee Policy* ("Policy") in 1987 and the *Growth Management Program* document and "Growth Management" ordinance in 1991, establishing Chula Vista's Growth Management Program. During the last high growth period in the early 2000's, questions arose as to whether our Growth Management Program provisions, largely developed almost 20 years prior, were still appropriate and effective. Council subsequently directed that a "top-to-bottom" review be conducted. The proposed updated "Growth Management" ordinance and *Growth Management Program Implementation Manual* are the outcome of that effort.

Chula Vista experienced a growth boom that began in 1999 and continued through 2005. During that time period, the City Council requested that a comprehensive review of the "Growth Management" ordinance (Chapter 19.09 of the *Chula Vista Municipal Code*) and threshold standards for eleven city services or topics be conducted to make certain that they worked "in today's world." Therefore, staff undertook the process of comprehensively reviewing the city's Growth Management Program from "top-to-bottom," and hired a consultant (Economic & Planning Systems) to help work on an initial review of the Growth Management Program, which resulted in a white paper with observations and suggestions that was presented to Council in 2004. (This was in conjunction with the General Plan Update that was occurring at that time.) Council accepted the white paper and authorized a work program for undertaking a top-to-bottom review, and the preparation of resultant revisions to the city's Growth Management Program provisions. Some of the key policy questions in the white paper

included:

- Should threshold standards be revised to recognize the emerging urban policy objectives within Western Chula Vista (Urban Core) versus the suburban development focus of the existing threshold standards?
- Should threshold standards be updated to reflect new service delivery, measurement techniques, and review of their overall utility? Candidate updates included traffic modeling techniques and congestion monitoring methods, and fire and police service standards.
- Should the city establish criteria and techniques that allow additional control of development activity, including requirements above and beyond the current focus on tentative maps? This included introducing building permit-based controls into the threshold standards, and considering whether to add the prospective use of annual development metering tools.
- Should regional and intergovernmental cooperation efforts be improved? A specific example was formalization of increased cooperation with the school districts to assure that their respective school construction programs would be as timely as possible.

With input from the consultant, all city departments, stakeholders and a series of GMOC commissioners (various GMOC annual reports since 2005 have recommended changes to the “Growth Management” ordinance and threshold standards), staff drafted proposed changes to the current “Growth Management” ordinance, which revises some of the threshold standards and adds or modifies some of the goals, objectives and implementation measures currently outlined in the Policy. Other proposed changes to the ordinance are discussed below, along with a discussion on the *Growth Management Program Implementation Manual* proposed to replace the existing *Threshold Standards and Growth Management Oversight Committee Policy* and *Growth Management Program* document.

A meeting was held with stakeholders, including members of civic organizations and the development community, to seek input on the documents prepared. As a result, some changes were made and are discussed where applicable.

## ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## BOARD/COMMISSION RECOMMENDATION

At their November 12, 2014 meeting, the Planning Commission recommended that the City Council adopt an ordinance approving amendments to the “Growth Management” ordinance (5-0-0-2) and adopt a resolution adopting the *Growth Management Program Implementation Manual* (5-0-0-2).

## DISCUSSION

## Overview of Main Aspects of Revised Growth Management Documents

### **1. New Growth Management Program Implementation Manual (see Attachment 1)**

Currently, there is not a single document that brings together all of the Growth Management Program components and processes into one integrated reference resource. The *Growth Management Program* document from 1991 has been outdated for several years, and primarily consists of initial facility and service status evaluations, similar to the ongoing evaluations that are done every year in the GMOC annual report. The document does not include information on programs such as Development Impact Fees (DIFs), which were developed after 1991, or an evolution of growth management considerations in the development process. The 1987 *Threshold Standards and Growth Management Oversight Committee Policy* stipulates the GMOC's and the city's growth management responsibilities, in addition to establishing the threshold standards and all of their components. The fundamental purpose of the *Growth Management Program Implementation Manual* is to combine relevant information from both of these documents and create the reference resource that is missing from the Growth Management Program. The *Growth Management Program Implementation Manual*:

- Explains the structure and organization of the Growth Management Program;
- Outlines development review processes, standards and requirements as they relate to growth management;
- Addresses the role of Facility Master Plans;
- Explains financing programs;
- Outlines implementation measures (such as issuing a "Statement of Concern" or considering a moratorium)
- Includes content guides/requirements for Air Quality Improvement Plans, Water Conservation Plans and Public Facilities Finance Plans in its appendices.

### **2. Changes to the "Growth Management" Ordinance (Chapter 19.09 of the *Chula Vista Municipal Code (CVMC)*) (see Attachments 2 & 3)**

The primary revisions to the "Growth Management" ordinance are listed below:

- Inserted the threshold standards' goals, objectives and implementation measures that are currently part of the *Threshold Standards and Growth Management Oversight Committee Policy* document. Significant changes were made to the goals for Traffic and Fiscal; less significant changes were made to the goals for Schools, Sewer and Water.
- Implementation measures updated, for all of the threshold standards.
- Added references to Facility Master Plans in threshold standards for Fire and Emergency Services, Parks and Recreation, Libraries and Schools.
- Made "Statement of Concern" available for any threshold standard, except Fiscal and Parks and Recreation, which have other implementation measures more appropriate for those topics.
- Established applicable moratorium considerations to building permit level instead of tentative maps.

- Moved detailed PFFP content requirements to the appendices section of the *Growth Management Program's Implementation Manual*.
- Refreshed and updated policy statements, findings and definitions to reflect current context.
- Updated threshold standards to reflect contemporary considerations, as further described below.

The following is an overview of the specific changes to each of the threshold standards:

### Police-Priority 2

The Police-Priority 2 threshold standard has been out of compliance for 16 consecutive years. The GMOC's 2010 Annual Report reviewed the history of non-compliance and concluded that a change was appropriate.

The current Priority 2 threshold standard requires that 57 percent of the Priority 2 calls be responded to within 7 minutes and that an average response time to all Priority 2 calls of 7.5 minutes or less be maintained.

As part of the top-to-bottom process, the Police Department conducted research on the origins of the city's Priority 2 threshold standard and the standards of other police agencies both in California and nationally. They discovered that the current threshold's response times may be a poor reflection of the actual real-world time for two reasons: 1) a "normalization" calculation currently applied is not appropriate; and 2) the reporting method is not consistent with industry standards. For example, the Chula Vista and San Diego police departments are the only police departments in San Diego County that calculate their response times on "route to arrive," which is the time from when the call is routed from the call-taker to the dispatcher who dispatches an officer to the call, until the time an officer arrives on scene. The other police departments in the County calculate their response time averages by "received to arrive," which is the time from when the call is initially received to when the officer arrives on scene. Consequently, those response times are longer, and average between 12 and 13 minutes.

Based on this information, and in an effort to be more consistent industry-wide, the proposed Police-Priority 2 threshold standard as proposed is:

*Priority 2 Urgent Calls\*. Properly equipped and staffed police units shall respond to all Priority 2 calls within 12 minutes or less (measured annually).*

*\*Priority 2 - Urgent Calls are misdemeanors 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.).*

### Police-Priority 1

The current threshold standard requires properly equipped and staffed police units to respond to 81 percent of Priority 1 calls within 7 minutes and maintain an average response time to all Priority 1 calls of 5.5 minutes or less.

Based on the discussion above regarding using the industry standard “Received to Arrive”, the proposed Police-Priority 1 threshold standard reflects that change, and is proposed as follows:

*Priority 1-Emergency Calls\*. Properly equipped and staffed police units shall respond to at least 81% of Priority 1 calls throughout the city within 7 minutes 30 seconds and shall maintain an average response time of 6 minutes or less for all Priority 1 calls (measured annually)*

*\*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.*

### Air Quality

The Air Quality threshold standard, as currently written, does not incorporate a quantifiable benchmark or mechanism to measure whether or not specific growth management goals are being met. Also, reporting on air quality conditions is done on a subregional basis, and is influenced by factors outside of the City’s control. The Air Quality Annual Report required by the threshold standard is more of an informational report to provide updates on Chula Vista’s involvement with air quality issues. The GMOC’s 2009 Annual Report brought up this issue, noting that it is “difficult to determine whether or not compliance is maintained.”

The GMOC also noted that because greenhouse gas emissions are influenced by a variety of environmental issues, such as water use, energy consumption, transportation levels and solid waste disposal, a more specific greenhouse gas emissions standard could be especially useful for assessing cumulative growth impacts. A new quantitative standard would also allow City staff to more effectively identify actions and resources to address related air quality compliance concerns. This would also better align with the City’s other Climate Action Planning efforts.

The report recommended that the threshold standard should be revised to include incremental, quantitative benchmarks, such as including a benchmark to attain a 20% decrease in greenhouse gas emissions per capita, compared to the Climate Protection Program’s 1990 emissions inventory. And since Chula Vista has been actively implementing the council-adopted Climate Control Program since 2008, combining “climate protection” with the Air Quality threshold standard made sense.

The proposed Air Quality and Climate Protection threshold standard, below, establishes a quantifiable benchmark that factors in greenhouse gas emissions:

*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:*

- 1. Residential projects of 50 or more residential dwelling units or greater; or*
- 2. Commercial projects of 12 or more acres (or equivalent square footage); or*
- 3. Industrial projects of 24 or more acres (or equivalent square footage); or*
- 4. Mixed use projects of 50 equivalent dwelling units or greater.*

The existing threshold measure, which requires an annual report and distributing it to the Air Pollution Control District (APCD), becomes an Implementation Measure.

A previous draft of this threshold standard did not include the language “for SPA plans” or “subject to the discretion of the Development Services Director”. This was added after input from the stakeholder meeting to ensure that subsequent SPA implementing projects would not be required to meet additional standards other than those prescribed in the Air Quality Improvement Plan (AQIP) Guidelines.

### Fiscal

Similar to Air Quality, the current Fiscal threshold standard does not incorporate quantifiable benchmarks or mechanisms to measure whether or not specific growth management goals are being met. Therefore, the following two new threshold standards are proposed:

- 1. Fiscal Impact Analyses and Public Facilities Finance Plans, at the time they are adopted, shall ensure that new development offsets the cost of development.*
- 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, development impact fee, capital improvement funding, and other necessary funding programs or mechanisms.*

The existing threshold standard provisions, which require that the GMOC be provided with an annual fiscal impact report and a development impact fee report, become implementation measures.

The *Growth Management Implementation Manual* states that Fiscal Impact Analyses are required “with all SPA Plans and TMs, and for the following, subject to the discretion of the Development Services Director: development proposals of 50 dwelling units or more, and commercial or industrial projects with 50 equivalent dwelling units (EDUs) or greater.” As a result of the stakeholder’s meeting, the language “subject to the discretion of the Development Services Director” was added to ensure that subsequent SPA implementing projects would not be required.

### Traffic

There are currently two threshold standards for Traffic. The first one is for citywide maintenance of level-of-service (LOS) “C” on identified arterial and major roadway corridors. The second one has been outdated for many years and is specific to certain intersections “West of Interstate 805” that were not meeting the threshold when it was adopted (1991), stating that signalized intersections that do not meet the first threshold standard may continue to operate at their current LOS, but not worsen.

The proposed changes to the threshold standards follow up and incorporate provisions of the 2005 *General Plan* Update (GPU). The focus of the first threshold standard continues to be “arterial level-of-service” (ALOS), while the second threshold standard addresses “urban level-of-service” (ULOS), which the GPU allows to have a lesser vehicular LOS on a select set of arterial roadway segments, primarily within the city’s Urban Core area, as identified therein. The intent is to slow automobile traffic in favor of promoting pedestrian activity, bicycles and transit.

The two threshold standards proposed are below:

- 1. Arterial Level of Service (ALOS) for Non-Urban Streets: 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 those segments; except that during peak hours, 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.*

At the stakeholder's meeting, there was discussion about SB743, which requires the governor of California to amend CEQA to provide an alternative to LOS for evaluating transit impacts. Since those amendments have not yet been made, it would be premature to amend the Traffic threshold standards by substituting LOS with other methodology. After the CEQA amendments have been made, however, the proposed Traffic threshold standards may be amended.

### Parks and Recreation

The GMOC's 2009 Annual Report recommended that the existing threshold standard for Parks and Recreation be changed to apply citywide. The existing threshold standard specifies that three acres of neighborhood and community parkland with appropriate facilities shall be provided per 1,000 residents east of Interstate 805. However, as development in western Chula Vista occurs, population growth will require additional park and recreation facilities in that area as well. In fact, the City's Parkland Development Ordinance (PDO) already applies citywide, and all new development is required to contribute to provision of parkland at the rate of three acres/1000 new residents created by that development. Revising the threshold standard will make it consistent with the PDO. Therefore, the following threshold standard is proposed:

1. *Three acres of public parkland, with appropriate facilities, shall be provided per 1,000 residents for new development, citywide.*

The 2009 report also recommended a second threshold standard: *That park demand created by new development west of Interstate 805 shall be met by new park facilities in Chula Vista west of Interstate 805.* This was in recognition of the fact that much of western Chula Vista was historically developed absent contemporary parks standards, making it all the more important that new development in the area provide for parks in the area. At this time, however, staff is not recommending that a second threshold standard be adopted, but rather that it be considered in conjunction with forthcoming actions on the city's parks master plan and Parkland Acquisition and Development (PAD) fee structure. The threshold standard would be inconsistent with a potential citywide combined park development impact fee, where projects could be prioritized throughout the system.

### Libraries

The existing threshold for libraries requires construction of 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 build-out, phased such that the citywide ratio of 500 GSF per 1,000 population will be maintained. The library facilities are to be adequately equipped and staffed.

The city has been unable to maintain the ratio of 500 GSF per 1,000 population for the past ten years and is not expected to achieve compliance with the threshold standard for several more. However,

the standard of 500 GSF per 1,000 population is a commonly used standard throughout the country, which was confirmed by the consultant who worked on the library facility master plan. Therefore, the proposed threshold standard does not change the existing ratio, but eliminates the section regarding construction of new facilities because that is a statement of an end result, not a threshold standard. The proposed threshold standard is:

*The city shall not fall below the city-wide ratio of 500 gross square feet (GSF) of library space, adequately equipped and staffed, per 1,000 population.*

### Fire and Emergency Services

The proposed changes to the threshold standard for Fire and Emergency Services are minor, simply adding the words “at least” before “80 percent”, and clarifying how response time is measured:

*Emergency Response: Properly equipped and staffed fire and medical units shall respond to calls throughout the city within 7 minutes in at least 80 percent of the cases (measured annually). Notes: For growth management purposes, response time includes dispatch, turnout and travel time to the building or site address.*

### Drainage

There are two threshold standards for Drainage, and the first one currently specifies complying with the subdivision manual. The proposed threshold standard states:

- 1. Storm water flows and volumes shall not exceed city engineering standards and shall comply with current local, state and federal regulations, as may be amended from time to time.*

The words “with respect to the impacts of new development” have been added to the second threshold standard to make the focus clearer:

- 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 goal and objective for drainage.*

### Schools

Minor modifications are proposed to the Schools threshold standard. The names of the school districts are now spelled out, and “5-year” forecast replaces the words “12 to 18-month” forecast because the existing language is outdated. The following threshold standard is proposed:

*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 forecast and request an evaluation of their ability to accommodate forecasted growth, both citywide and by subarea. Replies from the school districts should address the following:*

- 1. Amount of current classroom and “essential facility” 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*

## *Growth Management Oversight Commission (GMOC).*

### Water

There are two threshold standards for Water, and the first one requires a service availability letter from the water district for each project. To make the threshold standard clearer, the sentence “Adequate water supply must be available to serve new development” has been added to the beginning of it:

- 1. Adequate water supply shall be available to serve new development. Therefore, developers shall provide the city with a service availability letter from the appropriate water district for each project.*

The wording in the second threshold standard has been changed slightly, and refers to the growth forecast as a “5-year residential growth forecast, rather than a “12- to 18-month development forecast” because the existing language is outdated. The following threshold standard is proposed:

- 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 forecast and request that they provide an evaluation of their ability to accommodate forecasted growth. 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 amount of current capacity, including storage capacity, now used or committed;*
  - c. Ability of current and projected facilities to absorb forecasted growth;*
  - d. Evaluation of funding and site availability for projected new facilities;*
  - e. Other relevant information the district(s) desire(s) to communicate to the city and Growth Management Oversight Commission (GMOC).*

### Sewer

There are two threshold standards for Sewer, and the words “existing and projected facility” and “current system and budgeted improvements” have been added to the first one to make it clearer. The proposed threshold standard states:

- 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.*

The second threshold standard has been amended to include the possibility of wastewater treatment sources other than the San Diego Metropolitan Wastewater Authority and reads as follows:

- 2. The city shall annually ensure adequate contracted capacity in the San Diego Metropolitan Sewer Authority or other means sufficient to meet the projected needs of development.*

## **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 section 18704.2 (a)(1), is not applicable to this decision. 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. Updates to the Growth Management Program maintain the threshold standards that support the Strategic Plan's major goals, including the Fiscal threshold standard, which supports the Economic Vitality goal, "encouraging policies, planning, infrastructure, and services that are fundamental to an economically strong, vibrant city." The Air Quality, Libraries and Parks and Recreation threshold standards support the Healthy Communities goal, promoting "an environment that fosters health and wellness and providing parks, open spaces, outdoor experiences, libraries and recreational opportunities that residents can enjoy." And the Police, Fire and Emergency Services, Traffic, Sewer and Drainage threshold standards support the Strong and Secure Neighborhoods goal, ensuring "a sustainable and well-maintained infrastructure to provide safe and appealing communities to live, work and play" and maintaining "a responsive Emergency Management Program."

## **CURRENT YEAR FISCAL IMPACT**

Staff costs associated with the preparation of the proposed documents are covered within the adopted budgets of the various participating City departments. Adoption of the updated documents will not directly result in fiscal impacts.

## **ONGOING FISCAL IMPACT**

City Departments' monitoring efforts needed to report annual compliance with any revised threshold standards will continue as they have in prior years. Actual field measured conditions will now simply be reported in relation to the revised standards. Staff costs associated with these monitoring efforts will continue to be included for Council consideration as part of each involved department's annual City budget adoption process. General Fund support for these efforts will continue to be offset by development fees, to the extent legally permissible.

Any new project level requirements will be implemented through the development review process, which is funded by development processing fees. The fiscal impacts from the new standards will also be evaluated through the City's fiscal impact analysis process for future new development. These project specific analyses will continue to be funded by private development.

While the anticipated fiscal impact of each project will be presented to the City Council in conjunction with the project approval process, actual fiscal impacts will vary based upon regional economic factors and local legislative actions. As such, the ongoing ability of the City to meet the threshold standards may vary, and cannot be directly attributed to new development.

## **ATTACHMENTS**

1. Draft Growth Management Program Implementation Manual
2. Draft “Growth Management” Ordinance (CVMC 19.09) - Strike-out Underline Version

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