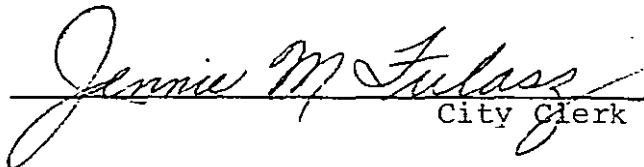


ORDINANCE NO. 1854

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 19.06, 19.07, 19.12, 19.14 AND 19.48 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO GENERAL PLAN AND SPECIFIC PLAN PROCEDURES AND TO THE P-C PLANNED COMMUNITY ZONE

By a unanimous vote on February 6, 1979, the City Council adopted the ordinance which makes permanent certain amendments to the Chula Vista Municipal Code. On August 15, 1978, the City Council adopted the El Rancho del Rey Specific Plan/General Development Plan and enacted several regulations into an interim ordinance which was valid for a 90-day period of time. This ordinance replaces the interim ordinance changing only ambiguous language in order to make the text easier to understand, use and implement. The P-C zonal regulations address the form, content and effectuation of the general development plan. The amendments also define the issue of "inverse condemnation." Copies of the ordinance are available in the office of the City Clerk, City Hall, 276 Fourth Avenue.


City Clerk

SECTION II: That a new Chapter 19.07 be and the same is hereby added to the Chula Vista Municipal Code to be and to read as follows:

CHAPTER 19.07 SPECIFIC PLANS

Sec. 19.07.010 Specific Plan - Authority for and Scope of.

Section 65450 through 65507 of the Government Code of the State of California relating to the authority for and scope of specific plans, and the procedures for the adoption of specific plans are hereby adopted and incorporated herein by reference as though set forth in full.

Sec. 19.07.020 Specific Plans - Administration of.

Sections 65550 through 65553 of the Government Code of the State of California relating to the administration of specific plans are hereby adopted and incorporated herein by reference as though set forth in full.

Sec. 19.07.030 Specific Plans - Zoning Implementation Thereof.

Specific plans may be implemented through the adoption of standard zoning ordinances or the planned community zone as provided in this title. If the specific plan is to be implemented through the use of standard zones, any open space uses or other public uses so designated on the specific plan may be allowed to be developed in a manner logically consistent with and in conformity to adjacent and contiguous land uses as shown on the specific plan; provided, however, the developer must show that such development, which must be residential, thus allowed will not increase the overall density of the total area incorporated into the specific plan. Further, in no case, shall any designated open space land or land designated for other public use in said specific plan, be developed for any use other than residential. Should all adjacent and contiguous land uses be designated for other than residential, the underlying land use on such open space may be requested for development at no greater density than that allowed in the R-E zone.

If any territory subject to an adopted specific plan is zoned P-C, the involved property owners may register their concurrence with terms and provisions of the adopted specific plan, and may proceed with development in accordance therewith, provided that the required fees are paid, and the procedural and substantive requirements of the P-C zone are met. The said registration of concurrence shall, by operation of law, establish the adopted specific plan as the general development plan of the involved P-C zone. If the property owners do not register their concurrence with the terms and provisions of the adopted specific plan, they may proceed with the development of their property through the use of standard zoning, as provided hereinabove.

SECTION III: That Section 19.12.030 of Chapter 19.12 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 19.12.030 Rezoning - Application Required - Filing fee.

Applications for any change in zone boundaries, classification or reclassification of zones made by one or more owners or parties of interest in the property within the area to be affected by the proposed action shall be filed with the Director of Planning, accompanied by such data and information which would insure a full presentation of the facts and circumstances to justify the reasonableness of the proposed action. Said application shall be in a form as approved by the Planning Commission and shall be affirmed by the applicant. Each application shall be accompanied by a filing fee as set forth by the Master Fee Schedule of the City of Chula Vista.

SECTION IV: That Sections 19.14.270 through 19.14.320 of the Chula Vista Municipal Code, which establish the administrative procedures for the P-C Planned Community Zone and which are incorporated into Chapter 19.48, be, and the same are hereby repealed.

SECTION V: That Chapter 19.48 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

CHAPTER 19.48

P-C PLANNED COMMUNITY ZONE

Sections:

- 19.48.010 Purpose
- 19.48.020 Regulations generally - Minimum acreage - Ownership restrictions
- 19.48.030 Application - Method - Documents required
- 19.48.040 Application - General development plan required - Contents required
- 19.48.050 Findings required for recommendation of establishment
- 19.48.060 P-C zone - Planning Commission action
- 19.48.070 P-C zone - City Council action - Compliance with general development plan required
- 19.48.080 General development plan - Modification requests and procedures
- 19.48.090 Sectional planning areas and sectional planning area plans - Requirements and contents
- 19.48.100 Sectional planning area plans - Finding required for recommendation of approval
- 19.48.110 Sectional planning area plans - Actions of Planning Commission and City Council
- 19.48.120 Sectional planning area plans - Effect of plan approval
- 19.48.130 Sectional planning area plans - Modification requests and procedures

19.48.010 Purpose

The purposes of the planned community zone are to:

- A. Provide for the orderly preplanning and long-term development of large tracts of land which may contain a variety of land uses, but are under unified ownership or development control, so that the entire tract will provide an environment of stable and desirable character;
- B. Give the developer reasonable assurance that sectional development plans prepared by him in accordance with an approved general development plan will be acceptable to the city. Sectional development plans may include subdivision plans and/or planned unit development plans as provided for in this title;
- C. Enable the city to adopt measures providing for the development of the surrounding area compatible with the planned community zone.

19.48.020 Regulations generally - Minimum acreage -
Ownership restrictions

The following regulations shall apply in all P-C zones and all development shall be subject to other provisions of this chapter, except that where conflict in regulations occurs, the regulations specified in this section shall apply:

- A. P-C zones may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes of this chapter and the objectives of this division. No P-C zone shall include less than fifty acres of contiguous lands;
- B. All land in each P-C zone, or approved section thereof, shall be held in one ownership or under unified control unless otherwise authorized by the Planning Commission. For the purposes of this chapter, the written consent or agreement of all owners in a P-C zone to the proposed general development plan shall be deemed to indicate unified control.

19.48.030 Application - Method - Documents required

A P-C zone may be initiated by one or more owners or by a developer representing said owners upon application made in the manner specified by Section 19.48.040. The application shall be accompanied by a general development plan as specified hereinafter.

19.48.040 Application - General development plan required -
Contents required.

- A. The application shall include a general development plan which shall consist of a plan diagram and text. The application shall be accompanied by a fee as set forth in the Master Fee Schedule of the City of Chula Vista. The plan diagram shall show the following:
 1. The topographic character of the land;
 2. Any major grading intended;
 3. The general location of all existing and proposed uses of the land;
 4. The approximate location of all traffic ways; except those solely serving abutting uses;
 5. Any public uses, such as schools, parks, playgrounds, open space and undisturbed natural land; and,
 6. The approximate location of different residential densities of dwelling types.
- B. The application shall include a text which indicates:
 1. Description of the project, including the boundaries and names of proposed Sectional Planning Areas;

2. The anticipated sequential development of each section of the development for which specific uses are intended or for which Sectional Planning Area plans will be submitted;
3. The approximate area of each Sectional Planning Area of the development and the area of each separate land use;
4. For residential development or residential areas of any P-C zone development:
 - a. The approximate number of dwelling units proposed by type of dwelling. This may be stated as a range with maximum and minimum number of units of each type,
 - b. The approximate total population anticipated in the entire development and in each Sectional Planning Area. This may be stated as a range with a maximum and minimum number of persons,
 - c. The general criteria relating to height, open space, and building coverage.
 - d. The number of dwelling units per gross acre proposed for each Sectional Planning Area of the development,
 - e. The approximate land area and number of sites proposed for public use of each type,
 - f. Where appropriate, the approximate retail sales area space in square feet and gross area in acres proposed for commercial development with standards of off-street parking and landscaping and circulation for vehicles and pedestrians;
5. For commercial or industrial areas of any proposed P-C zone:
 - a. Types of uses proposed in the entire area and each Sectional Planning Area thereof,
 - b. Anticipated employment in the entire development and in each Sectional Planning Area thereof. This may be stated as a range,
 - c. Methods proposed to control or limit dangerous or objectionable elements, if any, which may be caused or emitted by proposed uses. Such dangerous or objectionable elements may include fire, explosion, noise or vibration; smoke, dust, odor, or other form of air pollution: heat, cold, dampness; electric or other disturbance: glare: liquid or solid refuse or waste or other substance, condition or element which might adversely affect the surrounding area.
 - d. The approximate standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading proposed for the intended structures or uses;
6. For institutional, recreational or other nonresidential uses of any P-C zone:
 - a. Approximate types of uses proposed in the entire area and each Sectional Planning Area thereof,
 - b. Significant applicable information with respect to enrollment, residence, employment, patients, attendance, and other pertinent social or economic characteristics of development,
 - c. The approximate standards of height, open space, buffering; landscaping, pedestrian and vehicular circulation, off-street parking and loading, proposed for the intended structures or uses.

19.48.050 Findings required for recommendation of establishment.

The Planning Commission, after public hearing as provided in Sections 19.12.010 through 19.12.110 of this title, may recommend the establishment of a P-C zone, provided it finds that the facts submitted with the application and presented at the hearing establishes by clear and convincing evidence that:

- A. The proposed development as described by the general development plan is in conformity with the provision of the Chula Vista general plan;
- B. A planned community development can be initiated by establishment of specific uses or Sectional Planning Area plans within two years of the establishment of the planned community zone;
- C. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; and that it will be in harmony with or provide compatible variety to the character of the surrounding area, and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population and appear acceptable to the public authorities having jurisdiction thereof;
- D. In the case of proposed industrial and research uses, that such development will be appropriate in area, location, and over-all design to the purpose intended; that the design and development standards are such as to create a research or industrial environment of sustained desirability and stability; and, that such development will meet performance standards established by this title;
- E. In the case of institutional, recreational, and other similar nonresidential uses, that such development will be appropriate in area, location and over-all planning to the purpose proposed, and that surrounding areas are protected from any adverse effects from such development;
- F. That the streets and thoroughfares proposed are suitable and adequate to carry the anticipated traffic thereon;
- G. That any proposed commercial development can be justified economically at the location(s) proposed and will provide adequate commercial facilities of the types needed at such proposed location(s);
- H. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with said development.

19.48.060 P-C zone - Planning Commission action.

Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the City Council for approval or modified approval of a proposed P-C zone, and shall also adopt a resolution recommending that the City Council adopt the general development plan as submitted or as modified. Such recommendation and the recommended general development plan shall be forwarded to the City Council for its consideration. If unable to make the required findings, the Planning Commission shall deny said application. An appeal from the action of the Planning Commission may be filed in accordance with Section 19.12.110 of this title.

19.48.070 P-C zone - City Council action - Compliance with general development plan required.

Upon receipt of a recommendation by the Planning Commission for approval or modified approval of any P-C zone, the City Council shall set a public hearing on the matter.

- A. Following its public hearing, the City Council may adopt an amendment to the Zoning Ordinance establishing a P-C zone, or may deny the proposed amendment. The City Council shall make no modification of the proposed amendment as recommended by the Planning Commission unless and until such modification shall have been referred to the Planning Commission for additional study, report and recommendation. Such additional study, report and recommendation shall be made by the Planning Commission within forty days of the date of the referral, unless and except as the City Council may grant the Planning Commission additional time for its review of the matter.
- B. At the time of adoption of a P-C zone amendment, the City Council shall adopt, by resolution, the general development plan as defined in Section 19.48.040 of this chapter.
- C. Following the adoption of the P-C zone amendment and the general development plan, all development within the district shall thereafter be in substantial conformity with the said adopted general development plan or such modifications thereto as may have been approved.

19.48.080 General development plan - Modification requests and procedures.

- A. From time to time, it may be necessary and desirable to modify the approved general development plan. Modification of such a plan may be initiated by the property owner, his authorized agent or developer.
- B. Requests for modifications shall be submitted to the Planning Commission on a prescribed form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification and the required fee.
- C. The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the City Council which shall conduct a public hearing thereon.
- D. Modification to an approved general development plan shall be made only by resolution of the City Council. Within thirty days after receipt of a recommendation from the Planning Commission, the City Council shall approve or deny the proposed modification.

19.48.090 Sectional Planning Areas and Sectional Planning Area plans-- requirements and content.

- A. All P-C zones shall be divided into Sectional Planning Areas. These areas of subcommunities shall be depicted on the plan diagram of the general development plan of a P-C zone, and shall be addressed in the text thereof.
- B. Sectional Planning Areas shall be composed of identifiable planning units, within which common services and facilities, a strong internal unity, and an integrated pattern of land use, circulation, and townscape planning are readily achievable. Where practicable, Sectional Planning Areas shall have discernible physical boundaries.
- C. Prior to any development within a Sectional Planning Area, the developer shall submit a Sectional Planning Area plan, accompanied by the requisite filing fee and a completed, official application, to the Planning Commission for public hearing, consideration, and recommendatory action, unless such Sectional Planning Area Plans are not required by the text of an adopted General Development Plan. The Sectional Planning Area Plan shall include the following site utilization plan and documents:
 - 1. A site utilization plan of the Sectional Planning Area at a scale of 1" = 200' minimum or as determined by the Director of Planning. The plan shall extend a minimum of 300 feet beyond the boundaries of the Sectional Planning Area and show the following:

- a. The boundaries of the Sectional Planning Area;
 - b. North arrow and scale;
 - c. Preliminary grading (including slope ratios and spot elevations where appropriate);
 - d. Existing and proposed streets (This shall include all public and private streets as well as their approximate grades and typical widths. The names of the existing streets shall be indicated.);
 - e. Existing easements (identify);
 - f. Existing and proposed riding and hiking trails;
 - g. Existing and proposed bicycle routes.
 - h. Pedestrian walks;
 - i. Permanent physical features (i.e., water towers, transmission towers, drainage channels, etc.);
 - j. Land uses (include the acreage of each):
 - (1) Parks
 - (2) Open space
 - (3) Schools (indicate type)
 - (4) Public and quasi public facilities (include type)
 - (5) Residential
 - (a) Dwelling type (i.e., single family, duplex, attached, etc.)
 - (b) Lot lines
 - (c) Lot size
 - (d) Number of units (indicate density for each dwelling type)
 - (e) Parking (covered or open parking and parking ratio)
 - (f) Typical floor plans and site plans at a minimum scale of 1" = 20'. (The site plan shall include sufficient detail on adjacent development to determine the relationship of driveways, landscaping, walks, buildings, etc.).
 - (g) The building elevations of each type of structure (including exterior colors and materials).
 - (6) Commercial
 - (a) Location and proposed use of each structure
 - (b) The building elevations and floor plans of each structure (include exterior colors and materials)
 - (c) Retail floor area (square footage)
 - (d) Landscaped areas
 - (e) Circulation (vehicular and pedestrian)
 - (f) Off-street parking (standards and ratio)
 - (7) Industrial
 - (a) Location and proposed use of each structure
 - (b) The building elevations and floor plans of each structure (include exterior colors and materials)
 - (c) Retail floor area (square footage)
 - (d) Landscaped areas
 - (e) Circulation (vehicular and pedestrian)
 - (f) Off-street parking (standards and ratio).
2. Development standards (i.e., permitted land uses, lot coverage, height and bulk requirements, signs, etc.) for each land use area and designation.

3. Development to occur in phases shall be so indicated on the plan. A skeletal plan shall be prepared for those areas indicated for future development. The skeletal plan shall indicate circulation, building locations, preliminary grading, areas devoted to landscaping, density and parking. The submission of each subsequent phase will require a new application and a fee for a modification of a Sectional Planning Area Plan, together with the required detailed plans.

19.48.100 Sectional Planning Area Plans -- Findings required for recommendation of approval

The Planning Commission, after public hearing, may recommend the approval of a Sectional Planning Area Plan, provided it finds that the facts submitted with the plan and presented at the hearing establish that:

- A. The proposed Sectional Planning Area Plan is in conformity with the general development plan of the P-C zone, any adopted specific plans, and the Chula Vista General Plan and its several elements.
- B. The proposed Sectional Planning Area Plan would promote the orderly, sequentialized development of the involved Sectional Planning Area.
- C. The proposed Sectional Planning Area Plan would not adversely affect adjacent land use, residential enjoyment, circulation, or environmental quality.

19.48.110 Sectional Planning Area Plans -- Actions of Planning Commission and City Council

- A. If, from the facts presented, the Commission is unable to make the findings set forth above, it shall recommend disapproval of the application.
- B. The Commission may recommend disapproval of a Sectional Planning Area Plan; may recommend approval of said plan as submitted; or may recommend approval of said plan subject to specified modifications.
- C. The City Council, upon receipt of the recommendation of the Planning Commission on a submitted Sectional Planning Area Plan, shall conduct a public hearing thereon. The City Council may approve, deny, or modify the said plan. If the City Council desires to modify a Sectional Planning Area Plan, such modification shall be referred back to the Planning Commission for written recommendations before adoption. The failure of the Commission to report within twenty-eight days after reference shall be deemed to be approval of said modification.

19.48.120 Sectional Planning Area Plans -- Effect of plan approval

The approval of a Sectional Planning Area Plan shall constitute a refinement of the adopted general development plan of the P-C zone.


19.48.130 Sectional Planning Area Plans -- Modification requests and procedures

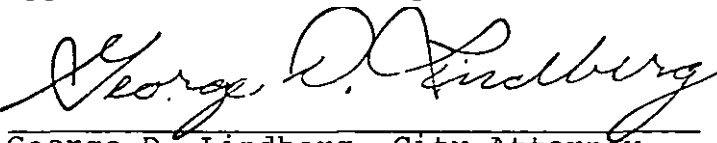
- A. From time to time, it may be necessary and desirable to modify the approved Sectional Planning Area Plan. Modification of such plan may be initiated by the property owner, his authorized agent or developer.
- B. Requests for modifications shall be submitted to the Planning Commission on a prescribed form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification and the required fee.
- C. The Planning Commission shall conduct a public hearing on all proposed modifications. The Planning Commission may recommend approval, conditional approval, or denial of a proposed modification to the City Council which shall conduct a public hearing thereon.
- D. Modification to an approved Sectional Planning Area Plan shall be made only by resolution of the City Council. Within thirty days after receipt of a recommendation from the Planning Commission, the City Council shall approve or deny the proposed modification.

SECTION VI: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by


D. J. Peterson, Director of Planning


George D. Lindberg, City Attorney


FIRST READ at a regular meeting of the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, held January 23, 1979, and finally PASSED AND ADOPTED at a regular meeting thereof held February 6, 1979, by the following vote, to-wit:

AYES: Councilmen: Scott, Cox, Egdahl, Hyde, Gillow

NAYES: Councilmen: None

ABSENT: Councilmen: None


Mayor of the City of Chula Vista

ATTEST 
Deputy City Clerk

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

I, _____, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. _____, and that the same has not been amended or repealed. DATED _____.

City Clerk

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