

ORDINANCE NO. 2448

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA AMENDING TITLE 19 OF THE CHULA VISTA ZONING CODE BY ADDING CHAPTER 19.09 FOR THE PURPOSE OF MANAGING THE CITY'S GROWTH.

The City Council of the City of Chula Vista, California does ordain as follows:

SECTION I. This Ordinance shall be known and may be cited as the Growth Management Ordinance of 1991.

SECTION II. Title 19 of the Chula Vista Zoning Code is amended by the addition of Chapter 19.09, which Chapter shall read as follows:

Chapter 19.09

Growth Management

Sections:

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19.09.010 Purpose and Intent.

A. It is the policy of the City of Chula Vista to:

1. Provide quality housing opportunities for all economic sections of the community;
2. Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the City;
3. Provide that public facilities, services and improvements meeting City standards exist or become available concurrent with the need created by new development;
4. Balance the housing needs of the region against the public service needs of Chula Vista residents and available fiscal and environmental resources;
5. Provide that all development is consistent with the Chula Vista General Plan;
6. Prevent growth unless adequate public facilities and improvements are provided in a phased and logical fashion as required by the General Plan;
7. Control the timing and location of development by tying the pace of development to the provision of public facilities and improvements to conform to the City's Threshold Standards and to meet the goals and objectives of the Growth Management Program.
8. Provide that the air quality of the City of Chula Vista improves from existing conditions.
9. Provide that the City of Chula Vista conserve water so that an adequate supply be maintained to serve the needs of current and future residents.

B. Findings.

The City Council of the City of Chula Vista hereby finds:

1. The demand for facilities and improvements has outpaced the supply resulting in shortages in public facilities and improvements including but not limited to streets, schools, libraries and general governmental facilities. These shortages are detrimental to the public health, safety, and welfare of the citizens of Chula Vista.

2. Since 1986, the City of Chula Vista has been undertaking a comprehensive review of its General Plan. As part of that review a consultant team prepared a comprehensive report and recommendation to the City Council. That report was subject to public hearings by both the Planning Commission and City Council. Included were recommendations that no new development should occur unless adequate public facilities are available concurrently with need to serve the new development.
3. Prohibiting new development unless adequate public facilities are available concurrently is consistent with the City's policy to provide housing opportunities for all economic sectors of the community, because sufficient opportunities for new housing continue to exist within the City and this Chapter does not affect the number of houses which may be built. In addition, development of housing for low and moderate income persons and families would most likely occur in areas of the City which are designated for highest development priority.
4. Adoption of this Chapter will not adversely affect the regional welfare. By providing that adequate and safe public facilities and improvements will exist to serve all of the development in Chula Vista, and because many of these facilities and improvements are used by persons residing in neighboring areas and cities, the safety and welfare of the whole region is enhanced.
5. That the Growth Management Plan Traffic Monitoring Report prepared in 1989 found that intersections within areas in the developed portions of the City (as shown on the figure contained in the Growth Management Program entitled "potential development" prepared in 1990 for 1989 traffic counts denoting both areas of future development as well as existing development), are operating in conformance with the adopted Threshold Standards; and, that future large scale developments planned for the area east of I-805 will require the provision of major facilities including facilities within the SR-125 corridor to accommodate projected traffic and other needs of development in accordance with the adopted Threshold Standards.
6. This chapter will further the policies, goals and objectives set forth above, and will help eliminate the public facility shortages identified above, by requiring identification of all public facilities and improvements required for development, by prohibiting development until adequate provisions for the public facilities and improvements are made within the City, as herein provided and by giving development priority to areas of the City where public facilities and improvements are already in place.

19.09.020 Definitions.

Whenever the following terms are used in this chapter they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

- A. "Available Facility and Service Capacity" shall be determined by the Director of Planning using generally accepted planning standards and criteria, including the Threshold Standards established herein. Specific facility service capacity shall be determined by subtracting from the total capacity for a specific facility service, the demand of existing development plus the demand that will be created by approved development.
- B. "Development" means any land use, building or other alteration of land and construction incident thereto.
- C. "Discretionary Planning Approval" means any permit, entitlement or approval issued under the authority of the Zoning Chapter of the Chula Vista Municipal Code, and any legislative actions such as zone changes, general plan amendments, sectional planning area plans or general development plan approval or amendment.
- D. "Facilities" means any schools, parks, corporation yard or recreational areas or structures providing for fire, library, traffic controls, streets and highways, including curbs gutters and sidewalks, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, lighting facilities or other governmental services, required to be identified in a Public Facilities Finance Plan.
- E. "Facility and Service Capacity" means the maximum amount of development which could take place prior to increasing the number or size of a Facility or the level of Service as determined by applying the appropriate Threshold Standard.
- F. "Growth Management Program" means a plan prepared and approved according to Section 19.09.030 which establishes compliance with the Threshold Standards, as provided in Section 19.09.040.
- G. "Project" means the activity for which either an application for a Sectional Planning Area Plan ("SPA") or a Tentative Map has been or is required to be submitted and which may be subject to discretionary approvals by the City.
- H. "Public Facilities Finance Plan" ("PFFP") means a project specific Public Facilities Finance Plan prepared and approved in accordance with Section 19.09.050.

- I. "Quality of Life Threshold Standards" means those certain standards identified in Section 19.09.040 specifying the facilities and services required to support the present and future needs of the City.
- J. "SPA Plan" means a Sectional Planning Area Plan.
- K. "Substantial compliance" means performance meeting the intent of the parties with respect to the obligations imposed pursuant to the PFFP.

19.09.030 Growth Management Program.

- A. To implement the City's General Plan and to provide that development does not occur unless facilities and improvements are available to support that development, the City Council shall adopt, by resolution, a Growth Management Program. The program shall: Identify all facilities and improvements necessary to accommodate land uses specified in the General Plan and the Zoning chapter of the Municipal Code, specify size, capacity, service level and Threshold Standards for each identified facility; project total buildout development levels and identify projected facility and improvement needs; provide a policy for timing the construction of each facility and improvement; identify the financing method or methods for each facility and improvement.
- B. The Growth Management Program will incorporate and interpret the Threshold Standards as referenced in 19.09.040.
- C. The Growth Management Program will incorporate the Facility Master Plans for fire protection, schools, libraries, parks, water, sewer, drainage, traffic, civic center, and corporation yard. The Growth Management Program will also address air quality and economic issues.
- D. The Growth Management Program will incorporate a defined public facilities development phasing policy. This policy will inter-relate the timing, location, facility capacity limitations, and fiscal/economic considerations for each public facility and service identified in Section 19.09.040. This phasing policy will insure that approved development has priority to available public facility capacity and that developed areas of the City have priority over undeveloped areas.
- E. The Growth Management Oversight Commission should annually review the Growth Management Program and prepare an annual report and, upon doing so, shall submit such report to the Planning Commission and the City Council.
- F. The City Council should annually review the Growth Management Oversight Commission annual report.

- G. Amendments to the Growth Management Program may be initiated by action of the Planning Commission or City Council, or upon request of an applicant. The City Council shall act on the requested application.

19.09.040 Quality of Life Threshold Standards.

In order to provide that public facilities and services, government and other utility services, and improvements are adequate to meet present and future needs of the City, the City Council hereby adopts Quality of Life Threshold Standards for each facility or improvement listed below.

A. Police.

1. Emergency Response: Properly equipped and staffed police units shall respond to 84 percent of "Priority One" emergency calls within 7 minutes and maintain an average response time to all "Priority One" emergency calls of 4.5 minutes or less.
2. Respond to 62 percent of "Priority Two Urgent" calls within 7 minutes and maintain an average response time to all "Priority Two" calls of 7 minutes or less.

B. Fire and Emergency Medical.

1. Emergency response: Properly equipped and staffed fire and medical units shall respond to calls throughout the City within seven (7) minutes in 85 percent (current service to be verified) of the cases (measured annually).

C. Schools.

The City shall annually provide the two local school districts with a 12 to 18 month development forecast and request an evaluation of their ability to accommodate the forecast and continuing growth. The Districts' replies should address the following:

1. Amount of current capacity now used or committed.
2. Ability to absorb forecast growth in affected facilities.
3. Evaluation of funding and site availability for projected new facilities.
4. Other relevant information the District(s) desire(s) to communicate to the City and GMOC.

The growth forecast and school district response letters shall be provided to the GMOC for inclusion in its review.

D. Libraries.

Population ratio: 500 square feet (gross) of adequately equipped and staffed library facility per 1,000 population.

E. Parks and Recreation Areas.

Population ratio: Three (3) acres of neighborhood and community park land with appropriate facilities per 1,000 residents east of I-805.

F. Water.

1. Developer will request and deliver to the City a service availability letter from the Water District for each project.
2. The City shall annually provide the San Diego County Water Authority, the Sweetwater Authority, and the Otay Municipal Water District with a 12 to 18 month development forecast and request an evaluation of their ability to accommodate the forecast and continuing growth. The Districts' replies should address the following:
 - a. Water availability to the City and Planning Area, considering both short and long term perspectives.
 - b. Amount of current capacity, including storage capacity, now used or committed.
 - c. Ability of affected facilities to absorb forecast 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 GMOC.

G. Sewer.

1. Sewage flows and volumes shall not exceed City Engineering Standards as set forth in the Subdivision Manual adopted by City Council Resolution Number 11175 on 2/12/83 as may be amended from time to time.
2. The City shall annually provide the San Diego Metropolitan Sewer Authority with a 12-18 month development forecast and request confirmation that the projection is within the City's purchased capacity rights and an evaluation of their ability to accommodate the forecast and continuing growth, or the City Engineering Department staff shall gather the necessary data.

The information provided to the GMOC shall include the following:

- a. Amount of current capacity now used or committed.
- b. Ability of affected facilities to absorb forecast growth.
- c. Evaluation of funding and site availability for projected new facilities.
- d. Other relevant information.

The growth forecast and Authority response letters shall be provided to the GMOC for inclusion in its review.

H. Drainage.

1. Storm water flows and volumes shall not exceed City Engineering Standards as set forth in the Subdivision Manual adopted by City Council Resolution Number 11175 on 2/23/83 as may be amended from time to time.
2. The GMOC shall annually review the performance of the City's storm drain system to determine its ability to meet the goals and objectives above.

I. Traffic.

1. City-wide: The Level of Service ("LOS") at all intersections, City-wide, shall be "C" or better, with the exception that LOS "D" may occur at signalized intersections for a period not to exceed a total of two hours per day. City-wide, no intersection shall operate at LOS "E" or "F" as measured for the average weekday peak hour.
2. West of Interstate 805: Those signalized intersections which do not meet Standard #1 above may continue to operate at their 1987 Level of Service, but shall not worsen.
3. Notes to Traffic Standards:
 - a. LOS measurements shall be for the average weekday peak hour, excluding seasonal and special circumstance variations.
 - b. The measurement of LOS shall be by the ICU (Intersection Capacity Utilization) calculation utilizing the City's published Designs Standards Policy adopted by City Council Resolution Number 15349 on 10/17/89 as may be amended from time to time.

- c. The measurement of LOS at intersections of City arterials and freeway ramps shall be a growth management consideration in situations where proposed developments have a significant impact at interchanges.
- d. Circulation improvements should be implemented prior to anticipated deterioration of LOS below established standards.

J. Air Quality.

The City shall annually provide the San Diego Air Pollution Control District with a 12 to 18 month development forecast and request an evaluation of its impact on current and future air quality management programs, along with recent air quality data. The growth forecast and APCD response letters shall be provided to the GMOC for inclusion in its review.

K. Economics.

- 1. The GMOC shall be provided with an annual fiscal impact report which provides an evaluation of the impacts of growth on the City, both in terms of operations and capital improvements. This report should evaluate actual growth over the previous 12-month period, as well as projected growth over the next 12-18 month period, and 3-5 year period.
- 2. The GMOC shall be provided with an annual "economic monitoring report", which provides an analysis of economic development activity and indicators over the next previous 12-month period, as well as projected growth over the next 12-18 month period, and 3-5 year period.

L. Amendments and Supplemental Thresholds.

The standards may be amended from time to time on approval by the City Council. The Growth Management Commission, following its annual review of the program, may make suggestions on proposed recommendations to the City Council. Further, City Council may supplement each Threshold Standard and adopt procedures for its implementation through its Growth Management Program and Facility Master Plans.

19.09.050 Requirement for Public Facilities Finance Plans, Air Quality Improvement Plans, and Water Conservation Plans.

A. Public Facilities Financing Plans.

No application for a SPA Plan, or, if a SPA Plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an PFFP which has been approved by the City; or
2. An PFFP which includes the Project has already been initiated; or
3. The applicant initiates the preparation of an PFFP.

The PFFP may be waived by the City Council upon a showing that there are no public service, facility or phasing needs warranting the preparation of an PFFP.

B. Air Quality Improvement Plans.

No application for an SPA Plan, or, if an SPA Plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an Air Quality Improvement Plan which has been approved by the City; or
2. An Air Quality Improvement Plan which includes the project has already been initiated; or
3. The applicant initiates the preparation of an Air Quality Improvement Plan in such form and/or containing such information including maps, drawings, diagrams, etc., as the City Planning Director shall require.

C. Water Conservation Plans.

No application for an SPA Plan, or, if an SPA Plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a Water Conservation Plan which has been approved by the City; or
2. An Water Conservation Plan which includes the project has already been initiated; or
3. The applicant initiates the preparation of a Water Conservation Plan in such form and/or containing such information including maps, drawings, diagrams, etc., as the City Planning Director shall require.

Management Program and Threshold Standards and shall implement the Growth Management Program within the area.

- C. The boundaries of the PFFP shall be established by the City at the time a SPA Plan or Tentative Map is submitted by the applicant. The boundaries shall be based upon the impact created by the Project on existing and future need for facilities. The project boundaries will correlate the proposed development project with existing and future development proposed for the area of impact to provide for the economically efficient and timely installation of both onsite and offsite facilities and improvements required by the development. In establishing the boundaries for the PFFP, the City shall be guided by the following considerations:
1. Service areas or drainage or sewer basins which serve the Project;
 2. Extent to which facilities or improvements are in place or available;
 3. Ownership of property;
 4. Project impact on public facilities relationships, especially the impact on the City's planned major circulation network;
 5. Special district service territories;
 6. Approved fire, drainage, sewer, or other facilities or improvement master plans.
- D. The boundaries shall be established by resolution after a public hearing notice of which is given pursuant to Section 19.12.070.
- E. The PFFP shall show how and when the facilities and services necessary to accommodate development within the area will be installed or financed:
1. Police
 2. Fire/EMS
 3. Schools
 4. Libraries
 5. Parks and Recreation
 6. Water
 7. Sewer

- D. No SPA Plan, nor any Tentative Subdivision Map shall be approved or deemed approved, without an approved PFFP, an approved Air Quality Improvement Plan and a Water Conservation Plan. To provide consistency and implementation of said Plans, the City Council may impose any condition to the approval of a SPA Plan or Tentative Subdivision Map necessary to implement the PFFP, the Air Quality Improvement Plan, the Water Conservation Plan, the Growth Management Program, or the Master Facility Plans.
- E. No final map shall be approved until all the conditions of the PFFP, the Water Conservation Plan and the Air Quality Plan have been met, or the Project applicant has provided adequate security to the City that said Plans will be implemented.
- F. No other discretionary planning approvals shall be granted unless the City Council finds that the Project is consistent with an approved PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan.
- G. No building permit shall be issued unless the permit is consistent with any applicable PFFP, the Air Quality Improvement Plan and the Water Conservation Plan and all applicable fees, including but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or other development fees adopted by the City Council have first been paid or provision for their payment has been made to the satisfaction of the City Council.
- H. No development shall occur in a PFFP area if the demand for any public facilities and services exceeds capacity and it is not feasible to increase capacity prior to completion of development unless means, schedule and financing for increasing the capacity is established through the execution of a binding Agreement providing for installation and maintenance of such facilities or improvements in advance of City's phasing schedule.

19.09.060 Public Facilities Finance Plan Contents.

- A. A PFFP shall contain a complete description of the proposed development project and a complete description of all public facilities included within the boundaries of the Plan as defined by the Director of Planning. The Plan shall contain a description of the individual and cumulative impacts of the proposed development on the community as it relates to the Growth Management Program, the specific Facility Master Plans and the Threshold Standards.
- B. The PFFP shall consist of maps, graphs, tables, and narrative text and shall be based upon the General Plan and zoning applicable within the area of impact. The PFFP shall be consistent with the G. h

8. Drainage
9. Traffic
10. Civic Facilities
11. Corporation Yard

F. The PFFP shall include the following information with regard to each facility and service listed in subsection E:

1. List of Facilities and Services

A list or schedule of facilities and service requirements correlated to individual development projects within the area.

2. Inventory

An inventory of present and future requirements for each facility and service based upon the Threshold Standards. The inventory shall include Life Cycle Cost ("LCC") projections for each element in 19.09.060(E) above as they pertain to City fiscal responsibility. The LCC projections shall be for estimated life cycle for each element analyzed. The model used shall be able to identify and estimate initial and recurring life cycle costs for the above elements. Because requirements for certain facilities and services may overlap plan boundaries, the plan shall address the need for coordination and shall propose a coordination plan for facilities and services extending from one project boundary area to another. Cost estimates for funding public facilities and services directly related to the impact created by the Project as well as for proposals for funding existing deficiencies required by the project prior to the phasing schedule set forth in the Growth Management Program shall be included. It must be shown that development in the area will not reduce the existing facilities or services capabilities within the Project boundaries or create facilities or improvements shortages in other areas or reduce capability in any area below the Threshold Standard which is established pursuant to Section 19.09.040. The growth inducing impact of the out of area improvements shall be assessed and mitigation provided, if appropriate, to the satisfaction of the City Council.

3. Phasing Schedule

A phasing schedule, which complies with the adopted development phasing policy as set forth in the Growth Management Program and the Threshold Standards which establishes the timing for installation or provision for facilities and services required

by the project. The phasing schedule shall ensure that development of one area will not utilize more than the area's prorata share of facility or service capacity within the projected service area of a facility unless sufficient capacity is ensured for other areas at the time of development. The phasing schedule shall include a schedule of development within the area and a cash flow analysis for financing of facilities and services for the PFFP area. The phasing schedule shall identify periods where the demand for facilities and improvements may exceed the capacity and provide a plan for eliminating the shortfall. If a Project cannot demonstrate consistency with the phasing schedule, the PFFP must demonstrate to the City's satisfaction, how facilities required for the Project in advance of the phasing schedule as set forth in the Master Plan will be provided. If no Facility Master Plan or Threshold Standards exists for a particular facility, the PFFP for the project must demonstrate, how that facility will be provided and financed in a phased and timely manner.

4. Financing Plan

A financing plan establishing specific methods of funding each facility and service identified in the PFFP which allocates the cost to the various properties within the plan area. The plan shall identify those facilities and services which would otherwise be provided as a requirement of processing a development project (i.e. requirements imposed as a condition of a development permit) or provided by the developer in order to establish consistency with the General Plan, Growth Management Program, Facility Master Plans or this Section, and those facilities and improvements for which new funding methods which shall be sufficient to ensure that funds are available to construct or provide facilities or services when required by the phasing schedule for the Project. Where facilities or services are required for property within the PFFP area, other than the Project, the phasing plan shall identify those other properties and the PFFP for each property shall be coordinated. Coordination, however, shall not require identical funding methods.

- G. The PFFP shall establish the proportionate share of the cost of facilities and services identified in the Growth Management Program and the Master Facilities Plans attributable to the development of each property in the PFFP area.
- H. In the event that an applicant provides private financing for public facilities or services to service a Project in advance of the normal time frame for constructing such facilities, the approval of credits against any city fees for such advanced private financing may be postponed until the estimated time of such construction as specified

in the specific Facility Master Plan or the City's Capital Improvement Program budget. In lieu of a Facility Master Plan phasing schedule, such determination shall be made by the City Council after reviewing information from the Planning Director, City Engineer, Finance Director, and Deputy City Manager. In no event shall a developer receive interest on funds for providing public facilities or services in advance of the City's schedule. The developer shall also become responsible for the maintenance and operation costs associated with the early construction of said facility. No repayment will be made to the developer for the funds provided for maintenance and operational costs. All repayments will be considered in accordance with the City's projected construction dates for said facilities.

- I. Assessment districts requested by the developer shall not be given credit for facility fees when a facility is constructed above the standards established by the respective facility master plan or standards imposed as conditions on the approval of the project by the City Council.
- J. A fiscal analysis/economic impact report shall be provided identifying capital budget impacts on the City as well as maintenance and operation costs for each proposed phase of development. The report shall include an analysis of the Project impact on school districts and water agencies as well as the life cycle analysis set forth in Section F.2. Each year during the development of the Project, the Director of Planning may require the applicant to provide the City with an updated fiscal impact report reflecting the actual revenue and expenditure impacts based upon the development of the Project. The project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.
- K. Developer contributions shall not be required as a source of funding for that proportion of the cost of any facility or service that is needed to reach Threshold Standards due to the demands created by existing development.

19.09.070 Public Facilities Finance Plan Preparation.

- A. An PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan may be processed concurrently with the SPA Plan or Tentative Map.
- B. A PFFP may be initiated by filing an application with the Planning Director. The applicant shall pay a deposit at the time any application for a PFFP is accepted.

- C. A PFFP for a project shall be prepared by the City, or a consultant selected by the City, according to the procedures established by this section.
- D. The cost of PFFP preparation shall be advanced to the City by the applicant and any participating owner or owners prior to PFFP preparation.

19.09.080 Public Facilities Finance Plan Review.

- A. PFFP's shall be reviewed according to the following procedure:
 - 1. A completed PFFP complying with this chapter, and accompanied by a processing fee in an amount established by City Council resolution, may be submitted to the Planning Director for processing. If the Planning Director determines that the plan complies with the provisions of this Chapter, the Director shall accept the PFFP for review. Once the PFFP has been reviewed and complies with the provisions of this Chapter, it shall be set for public hearing before the Planning Commission together with the accompanying development plan.
 - 2. The hearing shall be noticed according to the provisions of Section 19.12.070. A staff report containing recommendation on the PFFP shall be prepared and furnished to the public, the applicant, and the Planning Commission prior to the hearing.
 - 3. The Planning Commission shall hear and consider the application and shall by resolution prepare recommendations and findings for the City Council. The action of the Commission shall be filed with the City Clerk, and a copy shall be mailed to the applicant.
 - 4. When the Planning Commission action is filed with the City Clerk, the Clerk shall set the matter for public hearing before the City Council. The hearing shall be noticed according to the provisions of Section 19.12.070.
 - 5. The City Council shall hear the matter, and after considering the findings and recommendations of the Planning Commission, may approve, conditionally approve, or deny the plans. The City Council may include in the resolution adopting the PFFP any fees or facilities improvement requirements provided for in City ordinances in order to implement the Growth Management Program, the Master Facility Plans and the PFFP.
 - 6. A PFFP may be amended following the same procedures for the original adoption.

19.09.090 Public Facilities Finance Plan Implementation.

- A. The City Manager shall monitor the development activity for each PFFP and shall require the preparation of an annual report by the applicant consisting of maps, graphs, charts, tables and text and includes a developmental activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis and any necessary amendments to the PFFP, if necessary.
- B. In the event that the City Council finds that the Project is not in substantial compliance with the PFFP as modified or amended, the developer shall be deemed to be in default and no further building or development permits shall be issued and development shall cease.

19.09.100 Public Facilities Finance Plan Amendment.

- A. Adoption of a PFFP does not establish any entitlement or right to any particular General Plan or zoning designation or any particular development proposal.
- B. The City Council shall annually review the PFFP Report prepared by the applicant at the time it considers the Growth Management Oversight Commission Annual Report.
- C. If the City Manager determines that facilities or improvements within a PFFP are inadequate to accommodate any further development within that area the City Manager shall immediately report the deficiency to the City Council. If the City Council determines that such events or changed circumstances adversely affect the health, safety or welfare of City, the City may require the amendment, modification, suspension, or termination (hereinafter "change") of an approved PFFP. If the City requires such change, the City shall (i) give Notice to applicant or owner of (a) City's intended action to change the PFFP, and (b) the reasons and factual basis for City's determination; (ii) give Notice to the applicant or owner at least thirty (30) days prior to the hearing Date, of the time and place of the hearing; and (iii) hold a City Council hearing on the determination, at which hearing the applicant or owner shall have the right to present witnesses, reports, and oral and written testimony. Prior to approving any change, the City shall find that: (i) the circumstances were unknown or that the circumstances have changed; and, (ii) the health, safety or welfare of the community require the change of the PFFP. This provision shall neither limit nor expand the rights of liabilities of either of the Parties with respect to the PFFP or the Development of the Property.

If, after notice and hearing, the Council determines that a deficiency exists then no further building or development permits shall be issued within the affected area, and development shall cease until an amendment to the applicable PFFP which mitigates the deficiency is approved by the City Council.

- D. The City Council may initiate an amendment to any PFFP at any time if, in its discretion, it determines that an amendment is necessary to provide adequate facilities and improvements and subsequent permits will be conditioned on conformance.

19.09.110 Exceptions and Exclusions.

A. Building Permits for Approved Projects.

Building permits will be issued for Projects for which tentative maps were issued or approved on or before the effective date of the General Plan Update adopted July 11, 1989, and upon payment of all required fees, except that Projects with SPA Plans or Tentative Maps approved after July 11, 1989, and prior to the effective date of this ordinance shall not be issued building permits until the permit applicant shall have complied with all conditions of existing tentative maps; and, an Air Quality Improvement Plan and a Water Conservation Plan has been approved by the City Council, and the permit applicant has paid all Park Acquisition and Development Fees, Public Facilities Development Impact Fees, Transportation Development Impact Fees, Drainage Fees, and such other fees imposed by the City in effect at the time the building permits are pulled. Nothing in this paragraph shall alter or amend the terms and conditions of any Development Agreement entered into between the City and a developer or any tentative map, SPA, PFFP, GDP, or any other plan issued by the City.

B. Developed Portions of City.

It is the policy of the City to encourage development in areas where public facility thresholds are met before allowing development in areas where facilities and improvements are not assured to meet the needs of such development. Accordingly, pursuant to the findings in Section 19.09.010 of this Ordinance, that adequate facilities within the developed portions of the City as shown as "Existing Development" in the figure of the Growth Management Program "Potential Development" attached as Exhibit A, are operating in conformance with adopted Threshold Standards, those portions of the City shall be exempt from the provisions of this Ordinance requiring the preparation of a PFFP, Air Quality Improvement Plan, or a Water Conservation Plan.

C. Exclusions.

Development projects which consist of facilities, or structures constructed by a city, county, special district, state, or federal government or any agency, department, or subsidiary thereof for governmental purposes are excluded from the provisions of this chapter. To the extent that the City has authority to regulate such development projects, such projects shall not be exempt. This exclusion shall not apply to development projects to which a possessory interest tax would be applicable.

19.09.120 Extensions of Prior Approvals.

After approval of an applicable PFFP for a development project, an extension of the expiration date of a tentative subdivision map may only be granted if the project is in conformance with the PFFP and the Growth Management Program. The extension may be conditioned on such matters as the City deems just, including, but not limited to, compliance with the applicable public facilities finance plan.

19.09.130 Obligation to Pay Fees or Install Facilities Required by any other Law.

Nothing in this chapter shall be construed as relieving a builder, developer or subdivider from any requirement to provide public facilities, to dedicate property or to pay fees, which requirement is imposed pursuant to this Code or pursuant to any City Council policy.

19.09.140 Implementing Guidelines.

The City Council may adopt any guidelines it deems necessary to implement this chapter, including a Growth Management Program or Master Facility Plan.

19.09.150 Council Actions, Fees, Notice.

- A. Whenever this chapter requires or permits an action or decision of the City Council, that action or decision shall be accomplished by resolution.
- B. The City Council shall establish application and processing fees for the submission and processing of Public Facilities Financing Plans.
- C. Whenever written notice is required to be given to property owners under this section the notice shall be mailed by first class mail to the owners shown on the last equalized assessment roll.

19.09.160 Severability.

If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconstitutional.

19.09.170 Facility Master Plan Reference Documents

- A. Police "A master Plan for the Chula Vista Civic Center Solving City Space Needs Through Year 2010," dated May 8, 1989
- B. Fire/EMS "Fire Station Master Plan," dated March 23, 1989
- C. Schools Sweetwater Union High School District -Sweetwater Union High School District LongRange Comprehensive Master Plan," dated November 1984
- D. Water Sweetwater - "Sweetwater Authority Water Master Plan," dated December, 1989
- E. Sewer "City of Chula Vista Wastewater Master Plan," dated July 19, 1989
- F. Libraries "Chula Vista Public Library Master Plan. Facility Planning to the Year 2010," dated April 30, 1987
- G. Parks & Recreation There is no existing detailed master plan. The Chula Vista General Plan Parks and Recreation Element dated July, 1990 serves as the parks master plan
- H. Drainage "City of Chula Vista Public Facilities Plan Flood Control Summary Report, dated March 1989 (Phase II)"
- G. Traffic "East Chula Vista Transportation Phasing P l a n , " approval date pending
- J. Air Quality No local Master Plan exists for Air Quality. The Air Pollution Control District is updating the Air Quality Maintenance Program to comply with the California Clean Air Act."

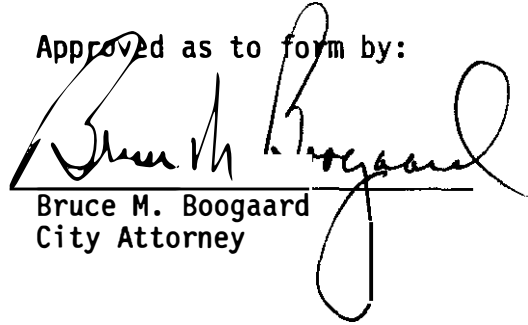
SECTION III. This ordinance shall be in full force and effect on the 30th day after the final adoption hereof by the City Council on the affirmative vote of three of its members.

Presented by:



Robert Leiter
Director of Planning

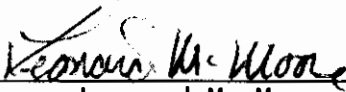
Approved as to form by:



Bruce M. Boogaard
City Attorney

PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 28th day of May, 1991, by the following vote:

AYES: Councilmembers: Malcolm, Moore, Nader, Rindone
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Leonard M. Moore
Mayor, Pro-Tempore

ATTEST:



Beverly A. Authelet, City Clerk

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

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2448 had its first reading on May 21, 1991, and its second reading and adoption at a regular meeting of said City Council held on the 28th day of May, 1991.

Executed this 28th day of May, 1991.



Beverly A. Authelet, City Clerk