

ORDINANCE NO. 2534

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 17.11A TO THE CHULA VISTA MUNICIPAL CODE RELATING TO THE MITIGATION OF THE IMPACT OF LEGISLATIVE ACTIONS ON SCHOOL FACILITIES

The City Council of the City of Chula Vista ordains as follows:

SECTION I: That a new Chapter 17.11A is hereby added to the Chula Vista Municipal Code to read:

CHAPTER 17.11A MITIGATION OF THE IMPACT OF LEGISLATIVE ACTIONS ON SCHOOL DISTRICTS.

Sec. 17.11A.010 Purpose.

The purpose of this ordinance is to ensure that adequate educational facilities are available concurrently with new development resulting from legislative action by the City Council.

The City Council of the City of Chula Vista finds and declares as follows:

- A. Sufficient, adequate school facilities should be available to serve new development.
- B. City review of proposed legislative action provides the opportunity to ensure that adequate school facilities are available when needed.
- C. Sufficient funds for the expansion or construction of school facilities and the purchase of educational equipment necessitated by increased enrollment are not available in the Chula Vista Elementary School District and Sweetwater Union High School District. Any City legislative actions that increase the impact on schools would further exacerbate funding problems.
- D. The public health and safety and the general welfare of the community and all its citizens are negatively affected by a lack of facilities sufficient to provide for the education of the children of the City of Chula Vista.
- E. City involvement is needed to alleviate the impacts on existing educational facilities and equipment of development from legislative actions by the City Council.
- F. For these reasons, enhanced methods of mitigating the impact on school facilities caused by legislative actions are needed in the City of Chula Vista.

Sec. 17.11A.020 Definitions.

Whenever the following words are used in this Chapter, they shall have the meaning ascribed to them in this section.

- A. "Facilities and Equipment" means any capital facilities and equipment used by a school district for the expansion, construction or reconstruction of school facilities, including land acquisition.
- B. "Legislative Action" for the purpose of this chapter means the adoption or amendment of any of the following: (1) General Plan; (2) Specific Plan; (3) General Development Plan; (4) Sectional Planning Area Plan (SPA Plan); (5) Pre-annexation Pre-zone or adoption of a rezone changing the allowable use of property.
- C. "School District" means the Chula Vista Elementary School District or Sweetwater Union School District.

Sec. 17.11A.030 Procedure.

The beneficiary or beneficiaries of a Legislative Action have the right to the timely processing of the request by the affected school districts. Consequently, the following procedure is established.

- A. At the time a private request for a Legislative Action is initiated, the beneficiary or beneficiaries of the action shall notify the school district serving the area in which their property is located.
- B. The City shall notify the School District when a proposed Legislative Action is initiated and provide details of the potential development allowed by the proposed Legislative Action.
- C. The School District shall document the impact of the project resulting from the proposed Legislative Action on its facilities and equipment and work with the beneficiary or beneficiaries of the action to devise an equitable and timely method of providing the educational facilities and equipment required to serve the development to be permitted by the Legislative Action.
- D. The beneficiary or beneficiaries of the Legislative Action shall follow the process of the School District to obtain an irrevocable and binding agreement with the School District in which the beneficiary or beneficiaries shall agree to pay supplemental school facilities fees in a mutually agreeable amount or such other agreement as the District and the beneficiary of the Legislative Action shall deem mutually acceptable.
- E. The City shall give the School District notice of the City hearings on the Legislative Action. The City may consider the Legislative Action notwithstanding a lack of the binding agreement. The details of the agreement, or lack thereof, shall be included in the report of the Planning Department to the Planning Commission and City

Council on the Legislative Action. This chapter shall not apply to publicly initiated Legislative Acts nor to Legislative Acts relating exclusively to non-residential development.

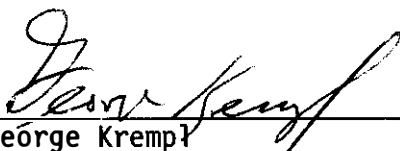
- F. If the City Council approves the Legislative Action, it shall be conditioned upon mitigation of school impacts to the satisfaction of the school district(s).

Sec. 17.11A.040 Responsibilities.

- A. The school districts have responsibility for exploring all alternate funding mechanisms for new school construction, including State funds. When obtained, the Districts should attempt to apply such funds to reduce the need for assessment districts or development fees imposed on new development.
- B. The responsibility for negotiating the binding agreement between the school district and the beneficiaries of the Legislative Action shall be borne by those parties.

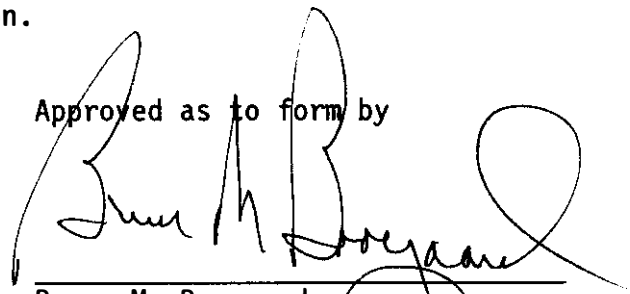
SECTION II: This ordinance shall be in full force and effect on the thirtieth day from and after its adoption.

Presented by



George Kremp
Deputy City Manager

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 24th day of November, 1992, by the following vote:

AYES: Councilmembers: Horton, Malcolm, Moore, Nader

NOES: Councilmembers: None

ABSENT: Councilmembers: Rindone

ABSTAIN: Councilmembers: None



Tim Nader, Mayor

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. 2534 had its first reading on November 17, 1992, and its second reading and adoption at a regular meeting of said City Council held on the 24th day of November, 1992.

Executed this 24th day of November, 1992.



Beverly A. Authelet, City Clerk