

ORDINANCE NO. 2600

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PREZONING OF 22.7 ACRES OF UNINCORPORATED LAND TO P-C PLANNED COMMUNITY (PCZ-94-D) AND ADOPTING MITIGATED NEGATIVE DECLARATION ON IS-94-19 AND MITIGATION MONITORING AND REPORTING PROGRAM THERETO

I. RECITALS

A. Project Site

WHEREAS, the properties which are the subject matter of this ordinance are diagrammatically represented on Exhibit 1 attached hereto, and incorporated by this reference and located northeast of the SDG&E transmission easement, north of East Orange Avenue and west of Hunte Parkway adjacent to the community of Eastlake of the City of Chula Vista ("Project Site"); and,

B. Project; Application for Discretionary Approval

WHEREAS, on March 21, 1994, the Eastlake Development Company ("Developer") filed an application requesting prezoning of approximately 22.7 acres of unincorporated land to P-C Planned Community ("Project"); and,

C. Prior Discretionary Approval

WHEREAS, the Project Site has been the subject of a General Plan Amendment (Eastlake Greens GPA 93-2) previously approved by the City Council on December 14, 1993 by Resolution No. 17039 ("GPA"); and,

D. Planning Commission Record on Application

WHEREAS, the Planning Commission held an advertised public hearing on said project on July 27, 1994, voted to recommend that the City Council approve the prezone in accordance with the findings and subject to the conditions listed below.

E. City Council Record on Application

WHEREAS, a duly called and noticed public hearing was held before the City Council of the City of Chula Vista on August 16, 1994, on the Discretionary Approval Application, and to receive the recommendations of the Planning Commission, and to hear public testimony with regard to same; and,

F. Discretionary Approvals Resolution and Ordinance

WHEREAS, at the same City Council meeting at which this ordinance was introduced for first reading (August 16, 1994), the City Council of the City of

Chula Vista approved Resolution No. 17168 by which it imposed amendments and conditions on the EastLake II (EastLake I Expansion) General Development Plan, EastLake Greens Sectional Planning Area SPA Plan, EastLake Greens Air Quality Improvement Plan, EastLake Greens Water Conservation Plan, and EastLake Greens Master Tentative Subdivision Map (PCS-88-3), and introduced for first reading Ordinance No. 2601 by which it amended the EastLake II (EastLake I Expansion) Planned Community District Regulations Land Use District Map.

NOW, THEREFORE, the City of Chula Vista does hereby find, determine and ordain as follows:

II. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on this Project held on July 27, 1994, and the minutes and resolutions resulting therefrom, are hereby incorporated into the record of this proceeding.

III. MITIGATED NEGATIVE DECLARATION REVIEWED AND CONSIDERED; MITIGATION MONITORING AND REPORTING PROGRAM; FINDINGS; APPROVALS

A. Mitigated Negative Declaration

The City Council of the City of Chula Vista has reviewed, analyzed and considered the Mitigated Negative Declaration on IS-94-19 (known as document number CO94-179, a copy of which is on file in the office of the City Clerk) and comments thereon, the environmental impacts therein identified for this project and the Mitigation Monitoring and Reporting Program ("Program") (known as document number CO94-180, a copy of which is on file in the office of the City Clerk) thereon prior to approving the Project. Based on the Initial Study and comments thereon, the Council finds that there is no substantial evidence that the Project will have a significant effect on the environment and thereby approves the Mitigated Negative Declaration.

B. Mitigation Monitoring and Reporting Program

The City Council of the City of Chula Vista finds that the significant environmental effect(s) identified in the Mitigated Negative Declaration will be reduced to below a level of significance if the mitigation measures in the Mitigation Monitoring and Reporting Program are implemented. The Mitigation Monitoring and Reporting Program is hereby approved to ensure that its provisions are complied with.

IV. CERTIFICATION OF COMPLIANCE WITH CEQA

The City Council does hereby find that the Mitigated Negative Declaration on IS-94-19 and Mitigation Monitoring and Reporting Program have been prepared in accordance with requirements of the California Environmental Quality Act, the State EIR Guidelines, and the Environmental Review Procedures of the City of Chula Vista.

V. INDEPENDENT JUDGEMENT OF CITY COUNCIL

The City Council finds that SEIR-86-04 and Addendum and Mitigated Negative Declaration IS-94-19 reflect the independent judgement of the City of Chula Vista City Council.

VI. P-C PLANNED COMMUNITY PRE-ZONE FINDINGS

The City Council hereby finds that the proposed rezoning to P-C Planned Community is consistent with the City of Chula Vista General Plan, and that public necessity convenience, the general welfare, and good zoning practice support the rezoning of the Project Site to P-C Planned Community.

VII. CONDITIONAL PROJECT APPROVAL

The Zoning Maps established by Section 19.18.010 of the Chula Vista Municipal Code are hereby amended by adding thereto the following rezoning of property pursuant to Section 19.12.020 of said Code which zoning shall be subject to the General Conditions set forth herein below and become effective at and upon the date the subject property is annexed to the City of Chula Vista:

That certain property consisting of approximately 22.7 acres located northeast of the SDG&E easement, north of East Orange Avenue and west of Hunte Parkway to PC (Planned Community) as shown on Exhibit #1 hereto.

VIII. GENERAL CONDITIONS OF APPROVAL

The approval of the foregoing rezoning is hereby further conditioned as follows:

A. Project Site is Improved with Project

Developer, or their successors in interest, shall improve the Project Site with the Project as described in the Mitigated Negative Declaration, except as modified by this Ordinance.

B. Implement Mitigation Measures

Developer shall diligently implement, or cause the implementation of, all mitigation measures pertaining to the Project identified in the Mitigated Negative Declaration.

C. Implement the Mitigation Monitoring and Reporting Program

Developer shall implement, or cause the implementation of, all portions of the Mitigated Negative Declaration IS-94-19 Mitigation Monitoring and Reporting Program.

IX. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Ordinance.

X. NOTICE OF DETERMINATION

The City Council directs the Environmental Review Coordinator to post a Notice of Determination and file the same with the County Clerk.

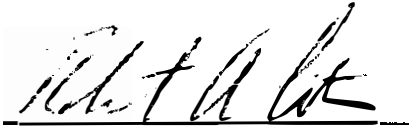
XI. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision and condition herein stated; and that in the event that any one or more terms, provisions or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, this resolution shall be deemed to be automatically revoked and of no further force and effect ab initio.

XII. EFFECTIVE DATE

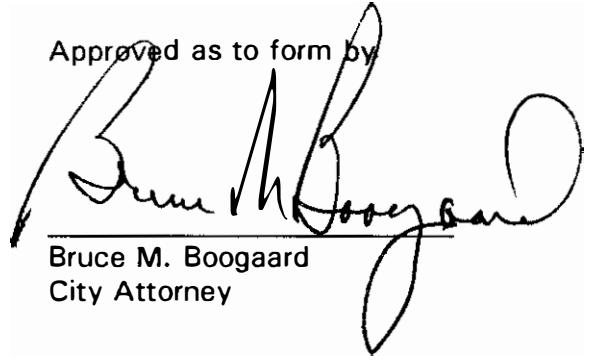
This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by



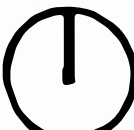
Robert A. Leiter
Director of Planning

Approved as to form by



Bruce M. Boogaard
City Attorney



CHULA VISTA PLANNING DEPARTMENT		
 NORTH	EXHIBIT # 1	PROJECT DESCRIPTION: Prezone of 22.7 acres to Planned Community (P-C)
	SCALE: N/A	FILE NUMBER: PCZ - 94 - D

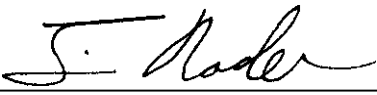
PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 23rd day August, 1994, by the following vote:

AYES: Councilmembers: Horton, Moore, Rindone, Nader

NOES: Councilmembers: None


ABSENT: Councilmembers: Fox

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. 2600 had its first reading on August 16, 1994, and its second reading and adoption at a regular meeting of said City Council on the 23rd day of August, 1994.

Executed this 23rd day of August, 1994.



Beverly A. Authelet, City Clerk