

ORDINANCE NO. 2626

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE BAYFRONT SPECIFIC PLAN SPECIFICALLY SECTION 19.86.006 OF THE CHULA VISTA MUNICIPAL CODE IN ORDER TO IMPLEMENT PROPOSED MODIFICATION THERETO AS ADOPTED BY THE CALIFORNIA COASTAL COMMISSION ON FEBRUARY 9, 1995 FOR THE CITY OF CHULA VISTA CERTIFIED LOCAL COASTAL PROGRAM AMENDMENT NO. 12

WHEREAS, the City Council adopted Ordinance No. 2613 on November 22, 1994 amending the certified Chula Vista Local Coastal Program and Bayfront Specific Plan in accordance with Amendment No. 12 reclassifying 31.63 acres of the Inland Parcel, Subarea 4 from Industrial General to a Commercial thoroughfare land use district subject to Central Commercial with Precise Plan Modifying District pursuant to sections 19.36 and 19.56 of the Chula Vista Municipal Code; and,

WHEREAS, Amendment No. 12 was submitted to the California Coastal Commission on November 17, 1994 and the California Coastal Commission staff, on December 2, 1994, accepted Amendment No. 12 as complete; and,

WHEREAS, Amendment No. 12 was presented to the California Coastal Commission at a public hearing on February 9, 1995 and the Commission approved Amendment No. 12 subject to suggested modifications; and,

WHEREAS, the City Council has considered, accepted and agrees with the California Coastal Commission's February 9, 1995 action and suggested modifications; and,

WHEREAS, in order to fully adopt and implement the modifications proposed by the California Coastal Commission to the Bayfront Specific Plan, it is necessary to amend the Chula Vista Municipal Code which contains such Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA does hereby ordain as follows:

SECTION I. Consistency with General Plan Findings

The City Council does hereby find that the LCP, as amended by Amendment 12 and modified by the Coastal Commission on February 9, 1995, is consistent with the City of Chula Vista General Plan as amended.

SECTION II. California Coastal Act Findings

The City does hereby find that the subject Amendment #12 complies with Chapter 3, Coastal Resources Planning and Management Policies, of Public Resources Code, Division 20 in accordance with the following findings:

The Inland Parcel is not located within the Chula Vista Bayfront. The Parcel is located approximately 1/2 mile (north east) traveling distance from the Bayfront's main, "E" Street entry. The land use designation of the Inland Parcel, therefore, will not directly affect Bayfront "coastal resource" planning. The Inland Parcel does not have access to coastal beaches, therefore, the change in land use destination will not affect such access. The Inland Parcel has no oceanfront land suitable for water-oriented recreational activities or coastal dependent aquacultural uses.

A portion of the Historic Sweetwater River is located along a portion of the western edge of the Inland Parcel. This is considered potentially sensitive habitat and will be enhanced and protected when development occurs on the Inland Parcel. The proposed Amendment #12 is a change in land use only and will not affect the site's sensitive habitat designation or the site's sensitive habitat. The Inland Parcel is visible from the north (State Route 54), however, there are no coastal views or vistas from or to the Inland Parcel. The land use change will include a Precise Plan Modifying District which will require the development of specific design and land development criteria to ensure the visual quality of the Inland Parcel.

SECTION III. That Section 19.86.006 of the Chula Vista Municipal Code is hereby amended to read in full as follows:

Additional Diking, Dredging or Filling of Wetland Areas. Diking, dredging or filling of wetland areas consistent with the provisions of this environmental management plan shall be limited to the specific projects incorporated into this plan, and future projects that may be proposed in areas containing wetlands within the Inland Parcel Subarea, for the creation of new or enhanced wetland areas, very minor incidental public facilities, restorative measures, and nature study. Mitigation for all disturbance of the wetland areas shall be provided at the ratio of 4:1 of new wetland areas created to areas disturbed, and for riparian resources, 3:1 replacement for impacted area. Open space preservation in perpetuity of sensitive resource areas will also be required pursuant to an appropriate mechanism. No other diking, dredging or filling of wetlands or other wet environmentally sensitive habitat areas shall be permitted without prior Coastal Commission approval through the Local Coastal Program amendment process.

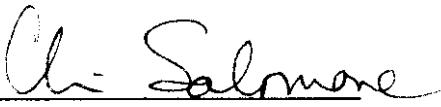
A maximum of one Sweetwater River river crossing shall be permitted to provide access to the developable portions of the Inland Parcel. The crossing shall be designed as a bridge to minimize adverse impacts to the habitat value of the wetland corridor. All mitigation required shall be located on-site and contiguous with the existing wetland corridor.

Buffer zones of 100 feet in width shall be maintained around all identified wetland areas and 50 feet in width shall be maintained around all identified riparian areas, unless the applicant demonstrates that a buffer of lesser width will protect the identified resources, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) which will also achieve the purposes of the buffer.

Development within the buffer zone shall be limited to construction of a pedestrian pathway within the upper half of the buffer with fencing or other improvements deemed necessary to protect sensitive habitat in the upper half of the buffer. The buffer shall be measured landward of the delineated resource. The California Department of Fish and Game and the United States Fish and Wildlife Service shall be consulted in such buffer determinations. Buffer zones shall be permanently protected as open space through the use of deed restrictions or other appropriate mechanisms. Passive recreational uses are restricted to the upper half of the buffer zone. If the project involves substantial improvements or increased human impacts, such as a subdivision, a wider buffer may be required.

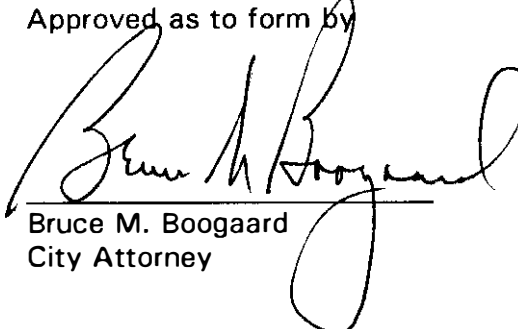
SECTION IV. This ordinance shall take effect and be in full force on the date which is the later of the 30th day after its adoption.

Presented by



Chris Salomone
Community Development Director

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 21st day of February, 1995, by the following vote:

AYES: Councilmembers: Fox, Padilla, Rindone, Horton
NOES: Councilmembers: None
ABSENT: Councilmembers: Moot
ABSTAIN: Councilmembers: None



Shirley Horton, Mayor

ATTEST:

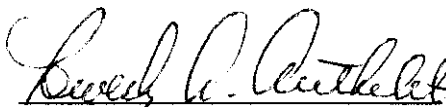


Beverly A. Authelet, City Clerk

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. 2626 had its first reading on February 14, 1995, and its second reading and adoption at a regular meeting of said City Council on the 21st day of February, 1995.

Executed this 21st day of February, 1995.



Beverly A. Authelet, City Clerk