

ORDINANCE NO. 2694

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TO APPROVE THE PREZONING OF APPROXIMATELY 10.1 ACRES TO THE PC ZONE (PCZ-96-C)

WHEREAS, an application for prezoning of two parcels containing approximately 10.1 acres of presently unincorporated land were filed with the City of Chula Vista Planning Department on June 12, 1996 by James H. Algert and Billy R. Scott ("Applicant"); and

WHEREAS, LAFCO policy requires that prior to a city annexing property, said property must be prezoned. Thus, the proposed prezoning has been requested in order to bring said parcels, which are to be annexed to the City, into conformance with LAFCO policy ("Project"); and

WHEREAS, those parcels to be prezoned PC are identified by their Assessor Parcel Numbers as: 585-130-16 and 585-130-18, as shown on Exhibit I; and

WHEREAS, the Planning Commission set the time and place for hearings on said Project and notice of said hearings, together with its purpose, was given by its publication in a newspaper of general circulation in the City and its mailing to property owners and tenants within 1,000 feet of the exterior boundaries of the property at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised on November 20, 1996, in the Council Chambers, 276 Fourth Avenue, before the Planning Commission; and

WHEREAS, a Draft Subsequent Environmental Impact Report (Case #SEIR-95-04), dated August 1996, was prepared for the San Miguel Ranch, which also included the Mother Miguel Estates project; and

WHEREAS, the Draft Subsequent Environmental Impact Report indicated that the following issues were significant and not mitigable for the proposed project:

Land Use
Landform/Visual Quality
Parks, Recreation and Open Space
Air Quality; and

WHEREAS, the Draft Subsequent Environmental Impact Report was transmitted to the City of Chula Vista, as lead agency, to all concerned parties for review and comment; and

WHEREAS, notice of the availability of the Draft Subsequent Environmental Impact Report was given as required by law; and

WHEREAS, written comments from the public on the Draft Subsequent Environmental Impact Report were accepted from August 11, 1996 to October 9, 1996; and

WHEREAS, City Planning Commission held a duly called and noticed public hearing and accepted public testimony on the Draft Subsequent Environmental Impact Report on October 9, 1996; and

WHEREAS, agency and public comments have been addressed in the Final Subsequent Environmental Impact Report; and

WHEREAS, the Planning Commission held a duly called and noticed public hearing on the Subsequent Environmental Impact Report, the General Plan Amendment and the Prezoning on November 20, 1996; and made certain recommendations regarding the project; and

WHEREAS, the City Council held a duly called and noticed public hearing on December 17, 1996, regarding the Subsequent Environmental Impact Report, the General Plan Amendment and the Prezone;

WHEREAS, to the extent that these findings conclude that proposed mitigation measures outlined in the Final EIR and Addendum are feasible and have not been modified, superseded or withdrawn, the City of Chula Vista hereby binds itself and the Applicant and its successors in interest, to implement those measures. These findings are not merely informational or advisory, but constitute a binding set of obligations that will come into effect when the City adopts the ordinance approving the Project. The adopted mitigation measures are express conditions of approval. Other requirements are referenced in the Mitigation Monitoring and Reporting Program adopted concurrently with these Findings and will be effectuated through the process of implementing the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find, determine, resolve and order as follows:

I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing on the Draft SEIR held on October 9, 1996, their public hearing held on this Project on November 20, 1996; and minutes and resolutions resulting therefrom, are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision makers, shall comprise the entire record of the proceedings for any California Environmental Quality Act (CEQA) claims.

II. ACTION

The City Council hereby approves the prezoning of 10.1 acres to the PC Zone, identified by their Assessor Parcel Numbers as: 585-130-16 and 585-130-18 finding that the public necessity, convenience, general welfare and good zoning practice supports the prezoning of said parcels.

III. PREZONING

That the property identified as Assessor Parcel Numbers 585-130-16 and 585-130-18, consisting of approximately 10.1 acres, generally located between the north boundary of the south parcel of the San Miguel Ranch property and the San Diego Gas and Electric Company property, as diagrammatically presented on the area map attached hereto as Exhibit I, be

rezoned Planned Community and that future development of the property shall be governed by either: a) a Precise Plan, to be approved by the City Council, which shall be in conformance with the R-1-7 standards contained in Title 19 of the Municipal Code, or b) a SPA Plan submittal which is consistent with and/or incorporated into the SPA Plan for the adjacent San Miguel Ranch SPA.

IV. CERTIFICATION OF COMPLIANCE WITH CEQA

That the City Council does hereby find that FSEIR-96-02, the Findings of Fact, the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations are prepared in accordance with the requirements of the CEQA, the State EIR Guidelines and the Environmental Review Procedures of the City of Chula Vista.

V. The zoning of those parcels to PC shall become effective at the same time that the annexation of said parcels to the City of Chula Vista becomes effective.

VI. ATTACHMENTS

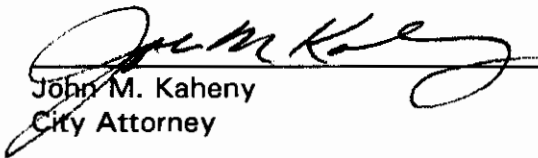
All attachments and exhibits are incorporated herein by reference as set forth in full.

Presented by

Approved as to form by

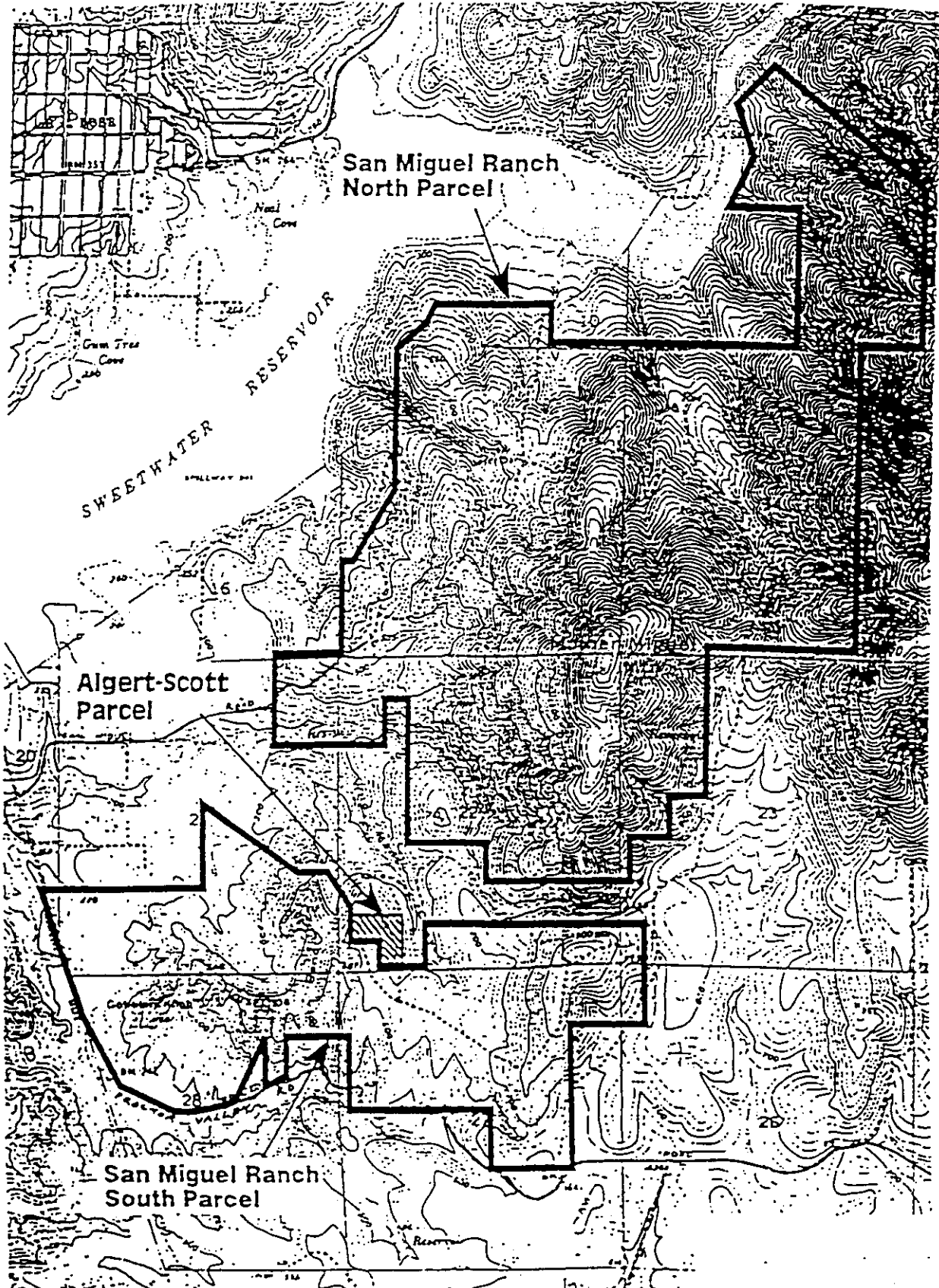


Robert A. Leiter
Director of Planning



John M. Kaheny
City Attorney

EXHIBIT I



PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 7th day of January, 1997, by the following vote:

AYES:	Councilmembers:	Moot, Rindone, Salas, Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Padilla
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. 2694 had its first reading at a regular meeting held on the 17th day of December, 1996 and its second reading and adoption at a regular meeting of said City Council held on the 7th day of January, 1997.

Executed this 7th day of January, 1997.



Beverly A. Authelet, City Clerk