

ORDINANCE NO. 2824

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 18.28 OF THE CHULA
VISTA MUNICIPAL CODE REGARDING DEPOSITS FOR
PUBLIC STREET TREES IN SUBDIVISIONS IN WHICH THE
COMPLETION OF FULL PARKWAY LANDSCAPE
IMPROVEMENTS IS GUARANTEED BY SUFFICIENT SURETY

WHEREAS, Section 18.36.010 of the Chula Vista Municipal Code requires subdividers to provide public street trees as part of minimum improvements; and

WHEREAS, subdividers are required, pursuant to Section 18.16.220 of the Chula Vista Municipal Code, to provide surety to guarantee the completion of full improvements within subdivisions including those in which full landscape improvements, consisting of, but not limited to, the installation of irrigation systems and the planting of vegetation and street trees, are required in the area between the public curb line and public sidewalk ("parkway"); and

WHEREAS, Section 18.28.010 of the Chula Vista Municipal Code requires subdividers to deposit a fee with the Director of Finance for each lot in which a street tree has not been installed at the time of acceptance of public improvements; and

WHEREAS, staff has determined that the deposit of a fee with the Director of Finance for each lot in which a street tree has not been installed in the parkway at the time of acceptance of public improvements is duplicative and is not required in subdivisions in which the completion of full parkway landscape improvements has been guaranteed by sufficient surety, thus insuring that the parkway improvements including the street trees will be installed; and

WHEREAS, the City of Chula Vista has conducted legally noticed public hearings on September 12, 2000, and has provided all interested parties an opportunity to be heard on these issues.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Section 18.28.010 of the Chula Vista Municipal Code, entitled "Deposits for street trees -- Required -- Amounts -- Disposition -- Labor costs." is hereby amended to read as follows:

18.28.010 Deposits for street trees--Required--Amounts--Disposition--Labor costs.

- A. The subdivider is required to install approved street trees in accordance with Section 18.32.110 as lots within the development are occupied. For those street trees which have not been installed at the time of acceptance of public improvements, the subdivider shall deposit with the Director of Finance the Required

Deposit Fee(s). For subdivisions in which full landscape improvements, including but not limited to the installation of irrigation systems and the planting of vegetation and street trees, are required in the area between the public curb line and the public sidewalk and in which the subdivider has provided sufficient surety to guarantee completion of said landscape improvements, no Deposit Fee is required as a prerequisite to the acceptance of public improvements.

No acceptance of public improvements shall be given until such sums, if required pursuant to Paragraph A, are received by the Director of Finance. Such sums shall be deposited in the public works street tree trust fund. Sums in this fund shall be used for the purchase and planting of trees at such time as the lots become occupied.

- B. Costs for labor and equipment required to plant trees for which deposits have been made shall be determined by the Director of Public Works. The Director of Finance shall transfer sums so determined to appropriate operating accounts upon receipt of a summary of planting costs and request for transfer of funds from the Director of Public Works.
- C. In any instance where the planting of a tree at a specific site is determined by the director of public works to be impractical or where the adjacent property owner makes practical objection to the planting of a tree, the deposit for such tree may be utilized for the purchase and planting of trees at any location within the public street system of the city.

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

Presented by

Approved as to form by

for Clifford Swanson

John P. Lippitt
Public Works Director

John M. Kaheny

John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 10th day of October, 2000, by the following vote:

AYES:	Councilmembers:	Davis, Moot, Padilla, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None



Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2824 had its first reading at a regular meeting held on the 26th day of September, 2000 and its second reading and adoption at a regular meeting of said City Council held on the 10th day of October, 2000.

Executed this 10th day of October, 2000



Susan Bigelow, City Clerk