

ORDINANCE NO. 2830

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTERS 19.04,
DEFINITIONS, AND 19.48, P-C PLANNED COMMUNITY
ZONE, OF THE CHULA VISTA MUNICIPAL CODE

I. RECITALS

A. Application for Discretionary Approval

WHEREAS, a duly verified application for an amendment to the Chula Vista Municipal Code was filed with the Planning Department of the City of Chula Vista on November 13, 2000, as a co-sponsored application between The EastLake Company and the City of Chula Vista ("Applicant"); and

WHEREAS, said application requests certain amendments to Chapter 19.04, Definitions, and 19.48, P-C Planned Community Zone; specifically modification of Section 19.04.055, to modify "community purpose facility" definition, modification of Chapter 19.48, P-C Planned Community Zone, Section 19.48.025 to consolidate and add language related to daycare facilities, and modification to Section 19.48.040 to increase percentage of ball fields permitted ("Zoning Ordinance Amendment"); and

B. Environmental Determination

WHEREAS, the Environmental Review Coordinator has determined that, as a procedural amendment, the project is exempt from the California Environmental Quality Act (CEQA) under the General Rule Exemption section 15061(b)(3)(Review for Exemptions); and

C. Planning Commission Record of Application

WHEREAS, the Planning Commission held an advertised public hearing on said Project on, and voted to recommend that the City Council approve the Project, based upon the findings listed below.

D. City Council Record of Applications

WHEREAS, a duly called and noticed public hearing was held before the City Council of the City of Chula Vista on March 6, 2001, on the Discretionary Approval Application, received the recommendations of the Planning Commission, and heard public testimony with regard to same; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find, determine and resolve 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 February 14, 2001, and the minutes and resolutions resulting therefrom, are hereby incorporated into the record of this proceeding.

III. CERTIFICATION OF COMPLIANCE WITH CEQA

The Environmental Review Coordinator has determined that, as a procedural amendment, the project is exempt from the California Environmental Quality Act (CEQA) under the General Rule Exemption section 15061(b)(3)(Review for Exemptions).

IV. FINDINGS

The City Council hereby finds that the proposed amendments to the Chula Vista Municipal Code will address a need for additional facilities for non-profit sports leagues within the eastern territories of the City, further the goals and objectives of the Child Care Element of the Chula Vista General Plan by providing for additional sites to accommodate for-profit day care facilities and provide additional flexibility for developers in marketing their Community Purpose Facility sites. The proposed amendments are consistent with the City of Chula Vista General Plan and public necessity, convenience, general welfare, and good zoning practice support the amendments.

V. APPROVAL

Based on the above, the City Council hereby approves the proposed amendments to the Chula Vista Municipal Code, specifically to Chapter 19.04 and Chapter 19.48 as depicted in Exhibit "A," attached hereto.

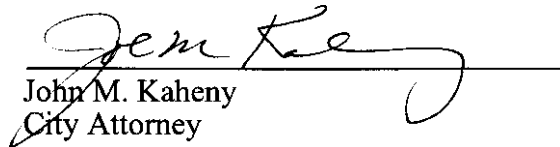
This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



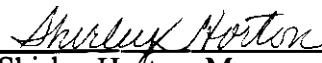
Robert A. Leiter
Planning & Building Director



John M. Kaheny
City Attorney

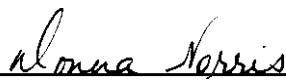
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 27th day of March, 2001, by the following vote:

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



Shirley Horton, Mayor

ATTEST:

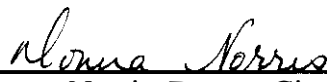


Donna Norris, Deputy City Clerk

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

I, Donna Norris, Deputy City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2830 had its first reading at a regular meeting held on the 20th day of March, 2001 and its second reading and adoption at a regular meeting of said City Council held on the 27th day of March, 2001.

Executed this 27th day of March, 2001



Donna Norris, Deputy City Clerk

EXHIBIT "A"**Community Purpose Facilities – Proposed Amendment Text****TEXT LEGEND:**New Text~~Deleted Text~~**Chapter 19.04****DEFINITIONS****19.04.055 Community purpose facility.**

"Community purpose facility" means a structure or site for childcare, certain non-profit assembly, or recreation purposes, as well as ancillary uses such as a parking lot, within a planned community. Typical uses include: Boy Scouts, Girl Scouts and other similar organizations, social and human services such as Alcoholics Anonymous, services for homeless, services for military personnel during the holidays, senior or child care and recreation, and worship, spiritual growth and development and teaching of traditional family values, and recreational ball fields. See Section 19.48.025(C) for a complete listing of Community Purpose Facility uses. (Ord 2732 §5 (part), 1998; Ord 2452A §1, 1991).

Chapter 19.48**P-C - PLANNED COMMUNITY ZONE****19.48.025 Community purpose facilities-Minimum acreage required-Permitted uses.**

- A. All land in each P-C zone, or any section thereof, shall provide adequate land designated as "Community Purpose Facilities (CPF)", AS DEFINED IN SECTION 19.05.055.
- B. A total of 1.39 acres of net usable land (including setbacks) per 1,000 population shall be so designated for such facilities in any planned community, and shall be so designated in the Sectional Planning Area (SPA) Plan(s) and Planned Community District Regulations of each planned community. This total acreage requirement may be reduced only if the City Council determines, in conjunction with its adoption of a SPA Plan, that a lesser amount of land is needed, based on availability of shared parking with other facilities, or other community purpose facilities that

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are guaranteed to be made available to the community. Any shared parking arrangements pursuant to this section shall be guaranteed regardless of any future changes in occupancy of facilities.

C. The required CPF acreage shall have a CPF, Community Purpose Facilities, land use designation. All uses shall require a conditional use permit; the following land uses can be considered as conditionally permitted uses:

1. Boy Scouts, Girl Scouts, and other similar organizations;
2. Social and human service activities, such as Alcoholics Anonymous;
3. Services for homeless;
4. Services for military personnel during the holidays;
5. Senior care and recreation;
6. Worship, spiritual growth and development, and teaching of traditional family values;
7. Non-profit or for-profit day care facilities that are ancillary to any of the above or as a primary use. For-profit facilities as primary use are subject to further requirements and additional criteria as outlined in Section (F) below.
8. Private schools that are ancillary to any of the above;
9. Interim uses, subject to the findings outlined in 19.48.025 (E).
10. Recreational facilities, such as ball fields, for non-profit organizations serving the local community, subject to the requirements outlined in 19.48.004(B)(6)(d).

D. Criteria outlining the siting, property development standards, and operational parameters such as location building setbacks, maintenance and design, and hours of operation, shall be incorporated into the SPA's Planned Community District Regulations.

E. Findings. Approval of interim uses on CPF-designated sites shall require that the approval authority make certain findings, as outlined herein:

Conditional Interim Uses Permitted After five Years. The city council, upon receiving the advice and recommendation of the planning commission may, after five years of non-use as a community purpose facility after the issuance of the first certificate of occupancy on a structure in SPA Plan areas, in accordance with the

procedures for issuance of conditional use permits contained in Chapter 19.14 of this Code, conditionally permit interim, non-permanent non-residential uses which are not community purpose facility uses that council finds (1) the interim use to be compatible with the surrounding land uses (2) that the community purpose facility use is not imminently likely; and (3) that denial of an interim use would constitute a further hardship to the landowner. If an interim use is permitted by the city council, it shall in no event be terminable within said five year period except upon one year's advance notice of intent to terminate said conditional use permit by the city council. City council shall give such one year notice upon being advised of a sale or lease by at the owner to purchaser or tenant for use as a community-purpose facility.

F. Findings. Approval of for-profit daycare facilities as a primary use shall be based upon evidence determined to be sufficient by the City indicating that the CPF site has been marketed for a period of 5 years for CPF land uses (other than for-profit day care) as defined in Section 19.48.025 (C). The Director of Planning and Building may waive this time restriction if the remaining CPF acreage within the same SPA plan consists of at least 4 contiguous acres.

GE Review by City Council. For each approved sectional planning area plan on which is designated one or more community purpose facility uses, the City Council shall review said plan annually for the purpose of determining the actual market interest in the purchase or lease of said land so designated and the marketing activity associated therewith.

(Ord 2732 §5 (part), 1998).

19.48.040 Application-General development plan required-Contents required.

A. The application shall include a general development plan which shall consist of a plan diagram and text. The application shall be accompanied by the Required Fee(s). The plan diagram shall show the following:

1. The topographic character of the land;
2. Any major grading intended;
3. The general location of all existing and proposed uses of the land;
4. The approximate location of all traffic ways; except those solely serving abutting uses;
5. Any public uses, such as schools, parks, playgrounds, open space and undisturbed natural land; and,

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6. The approximate location of different residential densities of dwelling types.
- B. The application shall include a text which indicates:
1. Description of the project, including the boundaries and names of proposed sectional planning areas;
 2. The anticipated sequential development of each section of the development for which specific uses are intended or for which sectional planning area plans will be submitted;
 3. The approximate area of each sectional planning area of the development and the area of each separate land use;
 4. For residential development or residential areas of any P-C zone development:
 - a. The approximate number of dwelling units proposed by type of dwelling. This may be stated as a range with maximum and minimum number of units of each type,
 - b. The approximate total population anticipated in the entire development and in each sectional planning area. This may be stated as a range with a maximum and minimum number of persons,
 - c. The general criteria relating to height, open space, and building coverage,
 - d. The number of dwelling units per gross acre proposed for each sectional planning area of the development,
 - e. The approximate land area and number of sites proposed for public use of each type,
 - f. Where appropriate, the approximate retail sales area space in square feet and gross area in acres proposed for commercial development with standards of off-street parking and landscaping and circulation for vehicles and pedestrians;
 5. For commercial or industrial areas of any proposed P-C zone:
 - a. Types of uses proposed in the entire area and each sectional planning area thereof,

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- b. Anticipated employment in the entire development and in each sectional planning area thereof. This may be stated as a range,
 - c. Methods proposed to control or limit dangerous or objectionable elements, if any, which may be caused or emitted by proposed uses. Such dangerous or objectionable elements may include fire, explosion, noise or vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electric or other disturbance, glare, liquid or solid refuse or waste or other substance, condition or element which might adversely affect the surrounding area,
 - d. The approximate standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading proposed for the intended structures or uses;
6. For institutional, recreational or other nonresidential uses of any P-C zone:
- a. Approximate types of uses proposed in the entire area and each sectional planning area thereof,
 - b. Significant applicable information with respect to enrollment, residence, employment, patients, attendance, and other pertinent social or economic characteristics of development,
 - c. The approximate standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, proposed for the intended structures or uses.
 - d. Determination of the amount of acreage required to be designated for "community purpose facilities" pursuant to Section 19.48.020(c). Where recreational ball fields are desired as a conditional use in CPF land use districts, a "CPF Master Plan," showing the specific boundaries of the plan and existing and proposed distribution of CPF uses within a SPA, GDP or overall Planned Community shall be considered and approved by the Director of Planning and incorporated as part of the Planned Community's General Development Plan(s), Ball fields shall not utilize more than ~~25%~~ 35% of the overall SPA, GDP or Planned Community CPF acreage requirement. No park credit shall be granted for recreational ball fields in developments utilizing this option.

The CPF Master Plan boundaries may be the SPA, GDP or Planned Community boundaries (more than one GDP as deemed appropriate by the Director of Planning).

(Ord 2732 §5 (part), 1998; Ord 2506 §1 (part), 1992; Ord 2452A §3, 1991; Ord 1854 §5 (part), 1979; Ord 1826 §1 (part), 1978; Ord 1281 §2 (part), 1970; Ord 1212 §1 (part), 1969; prior code §33.520(C)(1)).

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