

ORDINANCE NO. 3151

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHAPTER 17, SECTION 17.35.050 OF THE
CHULA VISTA MUNICIPAL CODE TO INCLUDE AN
EXEMPTION FOR BRUSH MANAGEMENT ACTIVITIES
CONDUCTED IN ACCORDANCE WITH SECTION 7.4.4 OF
THE CHULA VISTA MULTIPLE SPECIES CONSERVATION
PROGRAM SUBAREA PLAN

WHEREAS, the City Council approved the City of Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan on May 13, 2003; and

WHEREAS, the MSCP Subarea Plan is implemented through Chula Vista Municipal Code (CVMC) Chapter 17 (Habitat Loss and Incidental Take Ordinance) which establishes mitigation standards and regulates development projects, located outside of Covered Projects, which may have an impact on Covered Species and sensitive habitat; and

WHEREAS, the amendment to CVMC Chapter 17.35.050 would incorporate, by reference, and exempt those brush management activities described in Section 7.4.4, of the City's MSCP Subarea Plan, as may be amended from time to time; and

WHEREAS, the amendment is consistent with the preventative measures for reducing the risk of fire between urban areas and open space preserve areas as described in the City's MSCP Subarea Plan; and

WHEREAS, the amendment would serve to reduce the incidence of non-natural fires spreading from development areas to naturalized open space areas thereby protecting Chula Vista Covered Species from further degradation; and

WHEREAS, the amendment does not authorize any activities that would result in the need to modify the City's existing take authorizations or conservation obligations as detailed in the City's Implementing agreement; and

WHEREAS, the amendment to CVMC Chapter 17.35.050 would expedite and implement requests for fuel reduction; and

WHEREAS, the Wildlife Agencies have issued a letter of concurrence regarding the amendment; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was covered in previously adopted Final EIR/EIS for Issuance of Take Authorizations for Threatened and Endangered Species due to urban growth within the MSCP Planning Area, LDR No. 93-0287, SCH No. 93121073, dated January 1997, an addendum to the Final EIR/EIS (August 2000), and the Supplemental Environmental Impact Report and Environmental

Assessment, EA 03-01, SCH No.20022051045 dated January 2003. The Environmental Review Coordinator has determined that only minor technical changes or additions to the Final EIR/EIS and Final Supplemental EIR/EIS are necessary and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Environmental Review Coordinator has prepared an addendum to the Final/Supplemental EIR/EIS; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 27, 2010, and has forwarded a recommendation to the City Council to approve the amendment to Section 17.35.050 of the City of Chula Vista Municipal Code.

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

Section I. That Chapter 17, Section 17.35.050 of the Chula Vista Municipal Code is hereby amended to read as follows:

17.35.050 Exemptions


The following are exempt from the requirements of this Chapter:

- A. Development of a Project Area that is one acre or less in size and located entirely in a mapped Development Area outside of Covered Projects.
- B. Development of a Project Area which is located entirely within the mapped Development Area outside Covered Projects, and where it has been demonstrated to the satisfaction of the Director of Planning and Building, or his/her designee, that no Sensitive Biological Resources exist on the Project Area.
- C. Development that is limited to interior modifications or repairs and any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or accessory structure, that will not encroach into identified Sensitive Biological Resources during or after construction.
- D. Any project within the Development Area of a Covered Project.
- E. Any project that has an effective incidental take permit from the Wildlife Agencies.
- F. Continuance of Agricultural Operations.
- G. Brush management activities conducted in accordance the City of Chula Vista MSCP Subarea Plan. Where the City Fire Marshall determines that the general brush management guidelines will not achieve a sufficient level of fire protection intended by the application of the three MSCP management zones, additional fuel reduction may occur pursuant to the provisions described in the 1997 Memorandum of Understanding

among the Wildlife Agencies, California Department of Forestry, the San Diego County Fire Chief's Association, and the Fire District's Association of San Diego County and any amendments thereto or wholly new agreements that supercede the 1997 MOU. Exemptions for brush management activities performed in conjunction with the 1997 MOU shall be reviewed on a case-by-case basis, subject to the implementation guidelines provided therein.

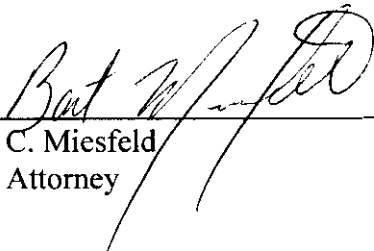
Section II. This ordinance shall take effect and be in force on the thirtieth day from and after its final adoption (Second Reading).

Presented by



Gary Halbert, P.E., AICP
Deputy City Manager/Development
Services Director

Approved as to form by



Bart C. Miesfeld
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 23rd day of February 2010, by the following vote:

AYES: Councilmembers: Bensoussan, Castaneda, Ramirez, Thompson and Cox
NAYS: Councilmembers: None
ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:




Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3150 had its first reading at a regular meeting held on the 9th day of February 2010 and its second reading and adoption at a regular meeting of said City Council held on the 23rd day of February; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 23rd day of February 2010.



Donna R. Norris, CMC, City Clerk