

ORDINANCE NO. 3292

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE ZONING MAP ESTABLISHED BY CHULA VISTA MUNICIPAL CODE SECTION 19.18.010 TO REZONE TWO (2) PARCELS, TOTALING 0.38 ACRES, LOCATED ON THE NORTH SIDE OF ALVARADO STREET, FROM A MULTI-FAMILY RESIDENTIAL ZONE (R-3) TO A MIXED-USE ZONE (UC-1)

I. RECITALS

A. Project Site

WHEREAS, the subject matter of this Ordinance is the Zoning Map established by Chapter 19.18.010 of the Chula Vista Municipal Code, and the area of the Zoning Map to be used as the project area is identified in Exhibit "A" (Project), attached hereto; and

B. Project; Discretionary Approval

WHEREAS, the Project Site, which is the subject matter of this Resolution, and is depicted in Exhibit "A," attached hereto and incorporated herein by this reference, consists of two (2) parcels located on Alvarado Street (APNs 568-511-18 and 19); and

WHEREAS, the proposed rezone of the two residentially zoned parcels to UC-1 will make them consistent with the UC-1 zone already existing on the contiguous parcels; and

WHEREAS, the Development Services Director recommends approval of an amendment to the adopted zoning map established by Section 19.18.010 of the Chula Vista Municipal Code in order to rezone the Project Site from R-3 to UC-1; and

WHEREAS, the Planning Commission, by Resolution PCZ-12-03, recommends that the City Council amend the Zoning Map established by CVMC Section 19.18.010, to rezone two (2) parcels located on Alvarado Street from an existing Multi-Family Residential Zone (R-3) to a Mixed-Use Zone (UC-1); and

C. Compliance with the California Environmental Quality Act (CEQA)

WHEREAS, The Development Services Director has completed Secondary Study (IS-12-002), in order to determine project consistency with the Urban Core Specific Plan EIR (PEIR-06-01). Based on the environmental analysis contained within this Secondary Study, the proposed action will not have any significant effect on the environment other than as identified in the PEIR. In addition, the rezoning of the parcels to an Urban Core density of up to 60 du/acre was analyzed in the 2005 General Plan Update EIR (EIR-05-01) as part of the 2005 General Plan Update. The proposal is consistent with the analysis and conclusions of EIR-05-01. No additional impacts or mitigation measures beyond those identified in EIR-05-01 will result from

this rezone request. The proposed rezone is, therefore, also covered under EIR-05-01. Therefore, a negative declaration, subsequent environmental impact report, supplement to environmental impact report, or an addendum to environmental impact report has not been prepared; and

D. Planning Commission Record on Applications

WHEREAS, the Planning Commission held an advertised public hearing on the Project on September 25, 2013 and voted 4-0-2-0 to recommend that the City Council approve the rezone; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at their public hearing on this Project held on September 25, 2013, and the minutes and Resolution resulting therefrom, are hereby incorporated into the record of this proceeding; and

E. City Council Record on Applications

WHEREAS, a duly called and noticed public hearing was held before the City Council of the City of Chula Vista on November 19, 2013, on the Project to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same.

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

A. CERTIFICATION OF COMPLIANCE WITH CEQA

That a Secondary Study (IS-12-002) has been completed in order to determine project consistency with the Urban Core Specific Plan EIR (PEIR-06-01) and based on the environmental analysis contained within this Secondary Study, the proposed action will not have any significant effect on the environment other than as identified in the PEIR. In addition, the rezoning of the parcels to an Urban Core density of up to 60 du/acre was analyzed in the 2005 General Plan Update EIR (EIR-05-01) as part of the 2005 General Plan Update. The proposal is consistent with the analysis and conclusions of EIR-05-01. No additional impacts or mitigation measures beyond those identified in EIR-05-01 will result from this rezone request. The proposed rezone is, therefore, also covered under EIR-05-01. Therefore, no negative declaration, subsequent environmental impact report, supplement to environmental impact report, or addendum to environmental impact report has been prepared.

B. INDEPENDENT JUDGMENT OF CITY COUNCIL

That the City Council has exercised its independent review and judgment and concurs with the Development Services Director's determination that the rezone is consistent with the General Plan EIR (FEIR-05-01) and the Urban Core Specific Plan EIR (PEIR-06-01).

C. FINDINGS FOR RESIDENTIAL ZONE AMENDMENTS

That the proposed rezone for the Project from R-3 to UC-1 would result in the area converting to a residential intensity that is the next level of density in conformance with Chapter 19.80 of the Chula Vista Municipal Code in accordance with the following:

19.80.070 Chula Vista Zoning Code Modification

A. Rezoning of property designated for residential development under the City's zoning code shall be permitted only to the next highest residential density category in any two year period according to the following schedule:

<i>A</i>	<i>Agricultural Zone</i>
<i>RE</i>	<i>Residential Estates Zones</i>
<i>R-1</i>	<i>Single Family Residential</i>
<i>R-2</i>	<i>One and Two-Family Residential Zone</i>
<i>R-3</i>	<i>Apartment Residential Zone</i>

This proposal would rezone the property to the next highest residential density level, as detailed below:

1. The subject properties are currently zoned R-3. Pursuant to the General Plan designation, a high density R-3 zoning has a density range of 18 to 27 dwelling units per acre.
2. The General Plan Update (GPU) designates the H Street Office Focus Area as a Transit Focus Area (TFA) within the Urban Core, with transit-focused mixed uses on the east and west sides of Third Avenue. Mixed-use development is encouraged within walking distance of a planned future transit station near Third Avenue and H Street. According to GPU policy for the H Street Office Focus Area, residential densities within the Mixed Use Transit Focus Area designation are intended to have a Focus Area wide gross density of 60 dwelling units per acre (LUT 53.2). This density is consistent with adjacent properties that have already been rezoned.
3. The General Plan Density for Urban Core Residential is 28-60 units per acre. The proposed change in zoning from R3 to UC1 is consistent with the above provision of the Cummings Initiative, since the change would be to the next highest residential density category as identified in General Plan Land Use Designation and Zoning Table 5-4.
4. High density multi-family residential already exists within the Urban Core: (1) Congregational Towers (an affordable senior facility), located at 288 F Street, is zoned R3H and has a density of 248 units per acre, and (2) Parkwoods (market-rate condominiums), located at 376 Center Street is zoned R3HP and has a density of 31 units per acre.

D. APPROVAL OF AMENDMENT TO ZONING MAP

That the City Council does hereby approve the amendment to the Chula Vista Zoning Map, established by Section 19.18.010 of the CVMC. The rezone is depicted in Exhibit "B."

III. SEVERABILITY

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

IV. CONSTRUCTION

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

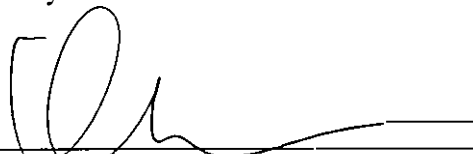
V. EFFECTIVE DATE

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

VI. PUBLICATION

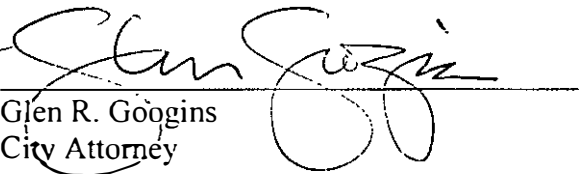
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by



Kelly G. Broughton, FASLA
Director of Development Services

Approved as to form by



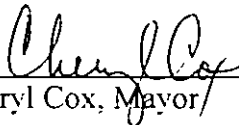
Glen R. Gogins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 10th day of December 2013, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Ramirez, Salas 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. 3292 had its first reading at a regular meeting held on the 19th day of November 2013 and its second reading and adoption at a regular meeting of said City Council held on the 10th day of December 2013; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

January 6, 2014
Dated


Donna R. Norris, CMC, City Clerk

EXHIBIT A

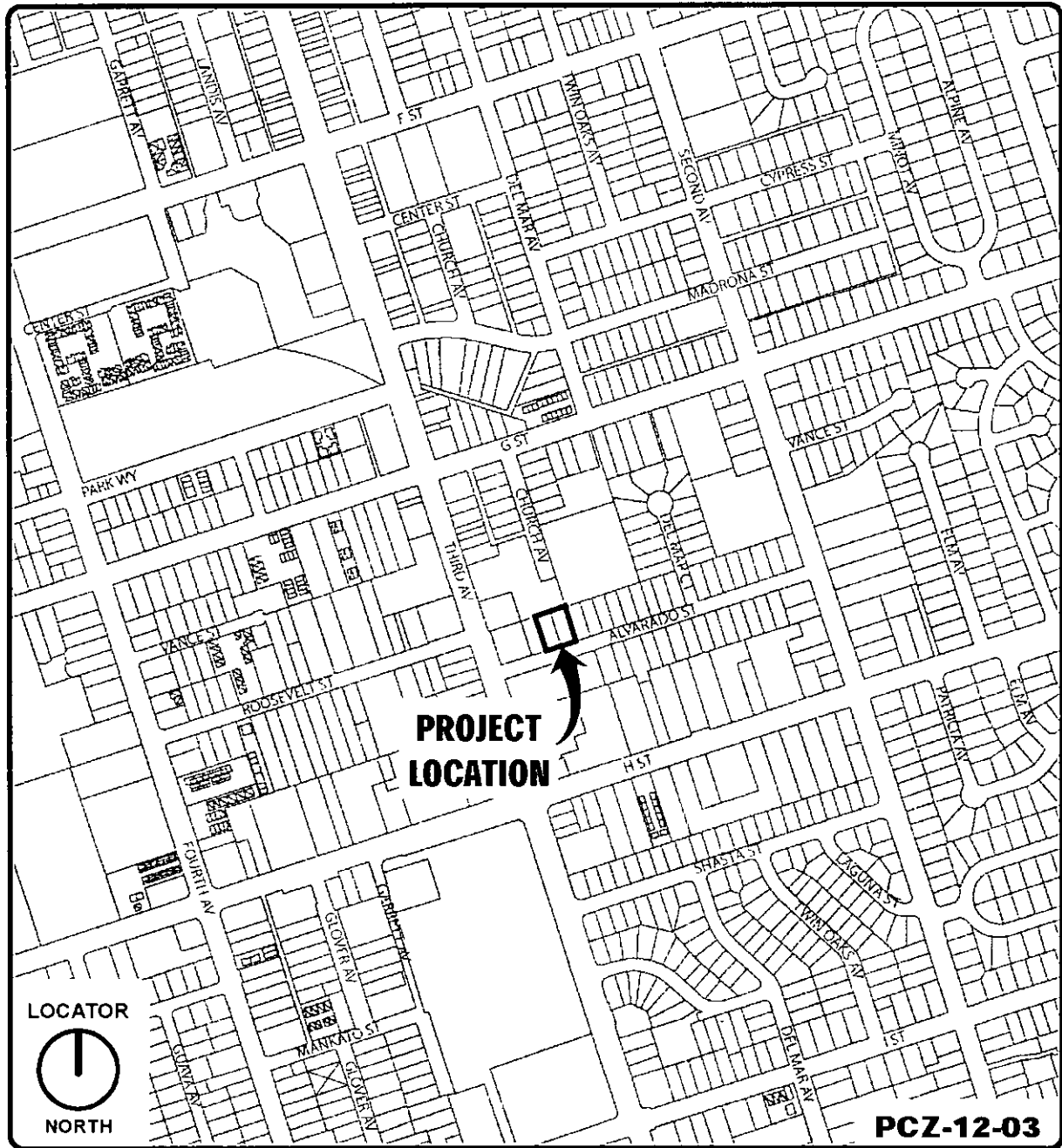
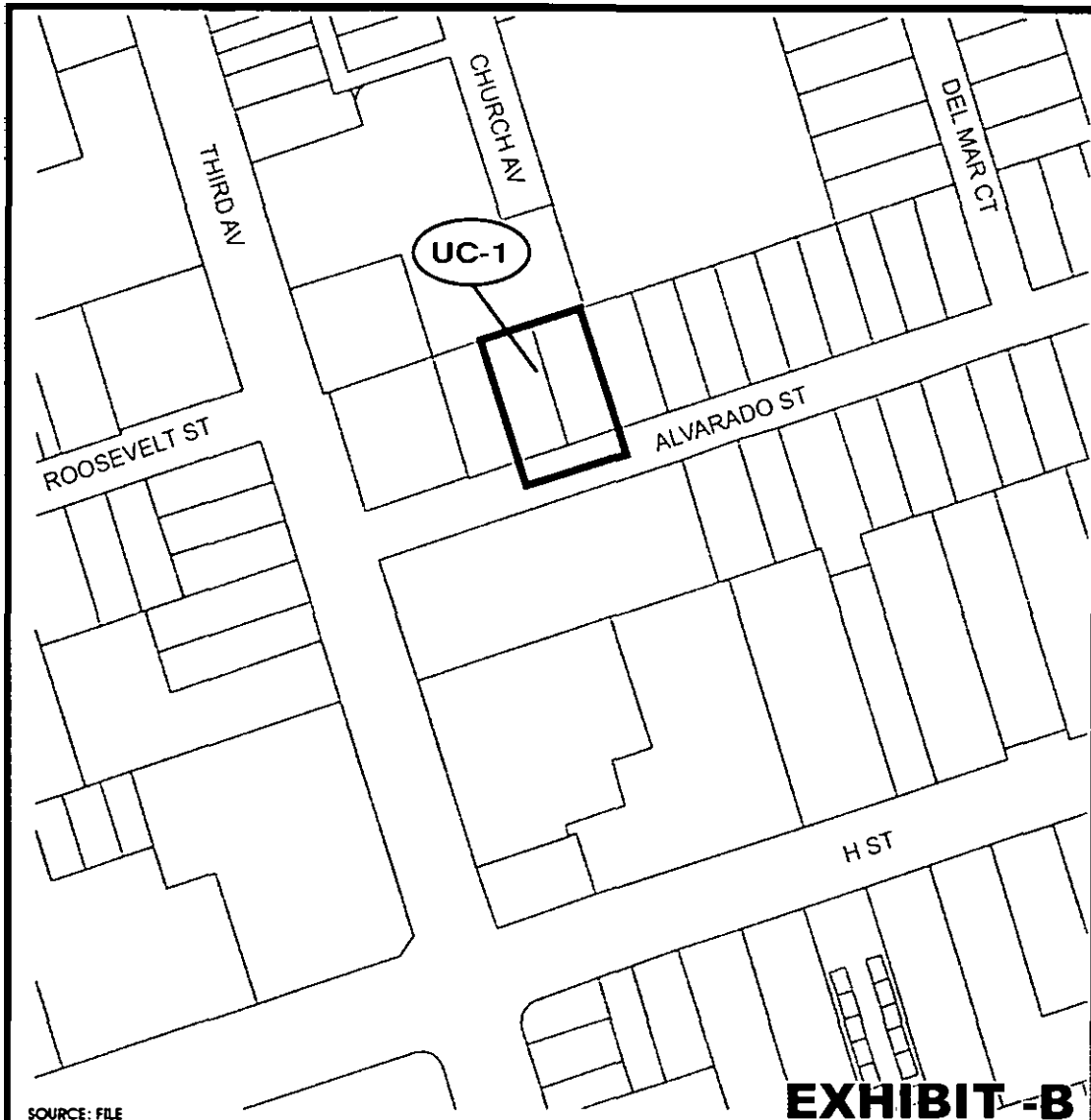




EXHIBIT B



SOURCE: FILE

CASE NUMBER: PC2-12-03	CHULA VISTA PLANNING & BUILDING DEPARTMENT		
ACREAGE: 0.38	I HEREBY CERTIFY THAT THE ZONING MAP WAS APPROVED AS A PART OF ORDINANCE BY THE CITY COUNCIL ON _____ _____ CITY CLERK _____ DATE		
SCALE: NO SCALE			
DATE: SEPTEMBER 18, 2013			
DRAWN BY: C. J. FERNANDEZ	 NORTH	ZONING MAP - 518	 CITY OF CHULA VISTA
CHECKED BY:			