

ORDINANCE NO. 3339

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
AMENDMENTS TO CHULA VISTA MUNICIPAL CODE
CHAPTER 19.09 (GROWTH MANAGEMENT)

WHEREAS, in response to growth and in anticipation of additional growth in Chula Vista, the City Council adopted the Threshold Standards and Growth Management Oversight Committee Policy in 1987 and the Growth Management Program and "Growth Management" ordinance in 1991; and

WHEREAS, in 2003 the City Council, in response to a growth boom that began in 1999, requested that a comprehensive review of the "Growth Management" ordinance and threshold standards be conducted to make certain that they worked "in today's world"; and

WHEREAS, in 2004 a white paper with observations and suggestions to explore updates to the "Growth Management" ordinance and threshold standards, was presented to Council, and Council accepted the white paper, authorizing a work program for undertaking a "top-to-bottom" review and the preparation of resultant revisions to the City's Growth Management Program provisions; and

WHEREAS, subsequent to Council authorization, a consultant and City staff prepared a draft "Growth Management" ordinance update; and

WHEREAS, the Growth Management Oversight Commission (GMOC) participated in discussions with the consultant and City staff in revising the "Growth Management" ordinance; and

WHEREAS, various GMOC annual reports since 2005 have recommended changes to the "Growth Management" ordinance and threshold standards; and

WHEREAS, on October 22, 2014, the GMOC reviewed and accepted the final proposed revisions to the "Growth Management" ordinance; and

WHEREAS, the Director of Development Services set a hearing before the Planning Commission for the consideration of and recommendation on changes to the "Growth Management" ordinance. Notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City at least ten 10 days prior to the hearing; and

WHEREAS, a hearing was held at the time and place as advertised on November 12, 2014 at 6:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the Planning Commission of the City of Chula Vista to receive the recommendation of City staff and to hear public testimony with regards to the proposal, and the hearing was thereafter closed; and

WHEREAS, the Planning Commission considered all reports, evidence, and testimony presented at the public hearing with respect to the “Growth Management” ordinance; and

WHEREAS, the Planning Commission did find and determine that the proposed ordinance is consistent with the City of Chula Vista General Plan and local, state, and federal law, and that the public necessity, convenience, general welfare and good zoning practice support the requests; and

WHEREAS, the Planning Commission, after considering all evidence and testimony presented, recommended by a vote of 5-0-0-2 that the City of Chula Vista City Council approve the revisions to the “Growth Management” ordinance; and

WHEREAS, a hearing time and place was set by the City Council of the City of Chula Vista for consideration of the proposal and notice of said hearing, together with its purpose, was given by publication in a newspaper of general circulation in the City at least ten 10 days prior to the hearing; and

WHEREAS, a duly called and noticed public hearing was held at the time and place as advertised on January 13, 2015 at 2:00 p.m. in the City Council Chambers, 276 Fourth Avenue, before the City Council to receive the recommendation of City staff and to hear public testimony with regards to the proposal; and

WHEREAS, the hearing was continued to January 27 and then to February 17, 2015 at 6:00 p.m. with regards to the proposal, and the hearing was thereafter closed.

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

Section I: Environmental

That the City Council has reviewed the proposed activity for compliance with the California Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

Section II: General Plan

That the proposed changes to the “Growth Management” ordinance (Chapter 19.09 of the *Chula Vista Municipal Code*) are consistent with the elements of the City’s *General Plan*.

Section III. Adoption

The City Council does hereby approve the Ordinance that would amend the “Growth Management” ordinance (Chapter 19.09 of the *Chula Vista Municipal Code*).

Section IV. 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.

Section V. 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.

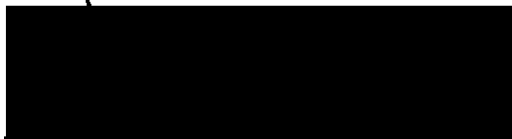
Section VI. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VII. 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. Googins,
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 14th day of April 2015, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, McCann, Miesen and Salas

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

[Redacted Signature]

Mary Salas, Mayor

ATTEST:

[Redacted Signature]

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. 3339 had its first reading at a regular meeting held on the 17th day of February 2015 and its second reading and adoption at a regular meeting of said City Council held on the 14th day of April 2015; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

April 28, 2015
Dated

[Redacted Signature]

Donna R. Norris, CMC, City Clerk

**Chapter 19.09
GROWTH MANAGEMENT**

Sections:

- 19.09.010 Purpose/Intent, Policies and Findings.
- 19.09.020 Definitions.
- 19.09.030 Growth Management Program Implementation Manual.
- 19.09.040 Threshold Standards for City Facilities and Services.
- 19.09.050 Threshold Standards for External Facilities and Services.
- 19.09.060 Amendments and Supplemental Threshold Standards.
- 19.09.070 Moratorium on Building Permits Allowed.
- 19.09.080 Requirement for Public Facilities Finance Plans (PFFP), Air Quality Improvement Plans and Water Conservation Plans
- 19.09.090 Public Facilities Finance Plan (PFFP) Contents.
- 19.09.100 Public Facilities Finance Plan (PFFP) Preparation.
- 19.09.110 Public Facilities Finance Plan (PFFP) Review.
- 19.09.120 Public Facilities Finance Plan (PFFP) Implementation.
- 19.09.130 Public Facilities Finance Plan (PFFP) Amendment.
- 19.09.140 Exceptions and Exclusions.
- 19.09.150 Extensions of Prior Approvals.
- 19.09.160 Obligation to Pay Fees or Install Facilities Required by Any Other Law.
- 19.09.170 Implementing Procedures.
- 19.09.180 Council Actions, Fees, Notice.
- 19.090.190 Severability.
- 19.090.200 Facility Master Plans.

19.09.010 Purpose/Intent, Policies and Findings.

A. Purpose/Intent

The purpose and intent of this chapter is to: 1) Implement the policy framework established by Chula Vista's *General Plan* for Chula Vista's Growth Management Program; 2) Codify threshold standards designed to assure that, as new development occurs, public facilities, infrastructure and services will exist, or concurrently be provided, to meet the demands generated by new development, and service levels to existing residents will not be reduced; and 3) Establish administration and compliance mechanisms.

B. Policies

It is the policy of the city of Chula Vista to:

1. Provide that public facilities, infrastructure and services meet the threshold standards set forth in this chapter, and are provided in advance of, or concurrent with, the demands created by new development;
2. Assure that individual development projects measure potential impacts upon public facilities, infrastructure and services, and provide a plan for funding improvements needed to meet the threshold standards set forth in this chapter;
3. Provide quality housing opportunities for all economic segments of the community;
4. Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the city;
5. Balance the regional housing needs against the public service needs of Chula Vista residents and available fiscal resources, environmental constraints, and quality of life considerations;
6. Provide that all development is consistent with the Chula Vista general plan;
7. Provide the City Council the regulatory framework to limit or prevent additional development if certain public facilities, infrastructure and services meeting the threshold standards set forth in this chapter are not provided in a timely, phased and logical manner, as required by the *General Plan*;
8. Control the timing and location of development by tying the pace of development to the provision that public facilities, infrastructure and services conform to the city's threshold standards, and to meet the goals and objectives of the Growth Management Program;
9. Promote orderly revitalization and redevelopment of older portions of the city, including the Urban Core and the commercial corridors;
10. Provide that the air quality of the city of Chula Vista is maintained consistent with applicable standards;
11. Require development to conserve water so that an adequate supply is maintained to serve the needs of current and future residents.

C. Findings. The city council of the city of Chula Vista hereby finds:

1. New development creates incremental demands for public facilities, infrastructure and services provided by the city and other public agencies serving the area;
2. New development demand for public facilities, infrastructure and services, if not concurrently met with expansion of public facilities, infrastructure and services, would result in facility and service shortages, including, but not limited to, streets, schools, libraries and general governmental facilities. These shortages would be detrimental to the public health, safety, and welfare of the citizens of Chula Vista;
3. The city has adopted and regularly updates facility master plans to ensure adequate infrastructure and services will be available to support the build-out demands of the adopted *General Plan*.
4. Since 1991, the city has maintained a growth management ordinance to achieve the "Purpose" outlined in "A", above, and has adopted a variety of related fee and funding programs to ensure that public improvements keep pace with growth.
5. Chula Vista's adopted *General Plan* includes provisions requiring facilities and services in advance of, or concurrent with, growth.
6. Prohibiting or limiting development unless adequate public facilities, infrastructure and services are available in advance of, or concurrent with, development is consistent with the city's policy to provide housing opportunities for all economic segments of the community. Development of housing for low- and moderate-income persons and families would most likely occur in areas of the city that are designated for highest development priority.
7. Adoption of this chapter will not adversely affect the regional welfare. By providing that adequate and safe public facilities, infrastructure and services will exist to serve all of the development in Chula Vista, and because many of these facilities and improvements are used by persons residing in neighboring areas and cities, the public health, safety and welfare of the whole region is enhanced.
8. This chapter will further the policies set forth above by: a) requiring identification for all public facilities, infrastructure and services required as a result of development; b) prohibiting or limiting development until adequate provisions for certain public facilities infrastructure and services are made within the city, as herein provided; and c) giving development priority to areas of the city where public facilities, infrastructure and services are already in place. (Ord. 2448 § 2, 1991)

9. The city has influence upon, but not control of, the actions of other public agencies involved in providing services to the residents of Chula Vista, including school districts and water service purveyors.

19.09.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

A. "Air Quality Improvement Plan" (AQIP) means a project-specific Air Quality Improvement Plan prepared and approved in accordance with CVMC 19.09.080, and Appendix A of the *Growth Management Program Implementation Manual*.

B. "Available facility and service capacity" shall be determined by the Development Services Director, using generally accepted planning standards and criteria, including the threshold standards set forth in this chapter. Specific facility service capacity shall be determined by subtracting from the total capacity for a specific facility service the demand of existing development plus the demand that will be created by approved development.

C. "Developed areas of the city" means those areas of a predominantly urban character where development has already occurred and public facilities, infrastructure and services serving that development are in place.

D. "Development" means any land use, building or other alteration of land and construction incident thereto.

E. "Development Services Director" or "Director" means the Director of the city's Development Services Department or their designee.

F. "Discretionary planning approval" means any permit, entitlement or approval issued under the authority of the zoning and subdivision titles of the *Chula Vista Municipal Code (CVMC)*, and any legislative actions such as zone changes, *General Plan* amendments, Sectional Planning Area (SPA) plans or General Development Plan approvals or amendments.

G. "External public facilities and services" means the threshold standard topics that pertain to facilities and services provided from outside the city, such as schools, water and air quality.

H. "Facilities" means any schools, public safety facilities, infrastructure, civic buildings, corporation yards, park/recreational areas or structures providing for fire, libraries, traffic controls, streets and highways, including curbs, gutters and sidewalks, bridges, overcrossings, street interchanges, flood control or storm drain facilities,

sewer facilities, water facilities, lighting facilities or other governmental services, required to be identified in a Public Facilities Finance Plan.

I. "Facility Master Plan" means any adopted master plan for future facility needs for services associated with the Growth Management Program's threshold standards, including, but not limited to: sewer, drainage, water, police, fire and emergency services, libraries and parks.

J. "Facility and service capacity" means the maximum amount of development which could take place prior to increasing the number or size of a facility or the level of service as determined by applying the appropriate threshold standard.

K. "Growth Management Program Implementation Manual" means a plan prepared and approved according to CVMC 19.09.030, which establishes compliance with the threshold standards, as provided in CVMC 19.09.040 and 19.09.050.

L. "Moratorium" means building permits will not be issued for an area that has been identified as having a direct causal relationship to a specified threshold standard failure. City council must make specific findings and follow specific procedures as provided in CVMC 19.09.070.

M. "Project" means the activity for which either an application for a Sectional Planning Area (SPA) plan a Tentative Map (TM), a Conditional Use Permit (CUP), or a similar activity has been or is required to be submitted and which may be subject to discretionary approvals by the city.

N. "Public facilities finance plan (PFFP)" means a project specific Public Facilities Finance Plan prepared and approved in accordance with CVMC 19.09.080 through 19.09.130, and Appendix C of the *Growth Management Program Implementation Manual*.

O. "SPA plan" means a Sectional Planning Area plan, as prescribed in CVMC 19.48.

P. "Statement of Concern" means an implementation measure the Growth Management Oversight Commission (GMOC) may issue in its annual report: 1) for an external public facilities and services threshold standard, to highlight what action the city can take in order to solve a specified issue and encourage further or additional inter-agency cooperation/coordination. There may also be a recommendation for the issuance of correspondence or a resolution by the city council to the external agency, if the situation so warrants, as determined by the GMOC; or 2) for a threshold standard that is currently failing or forecasted to fail, and may include elements dealing with city management and organization, budget priorities, and responsiveness to

previous GMOC requests; or 3) in response to an overall or general quality of life consideration, irrespective to whether a particular threshold standard has been exceeded, or if it is a non-growth-related issue. It can offer a finding or make recommendations regarding city management, organization and budget priorities.

Q. "Substantial compliance" means performance meeting the intent of the parties with respect to the obligations imposed pursuant to the PFFP. (Ord. 2448 § 2, 1991).

R. "Threshold standards" means those certain standards identified in CVMC 19.09.040 and 19.09.050 specifying the facilities and services required to support the present and future needs of the city.

S. "Transportation Monitoring Program (TMP)" means the technical analysis of traffic operation on all urban and suburban arterials with average weekday traffic volumes greater than 20,000 vehicles per day. The TMP shall be based on the current Highway Capacity Manual, as may be amended from time-to-time. The technical analysis shall be conducted annually or as directed by the city council in order to monitor actual traffic operations and to predict future traffic levels and related deterioration in the level of service.

T. "Water Conservation Plan" means a project-specific water conservation plan prepared and approved in accordance with CVMC 19.09.080, and Appendix B of the *Growth Management Program Implementation Manual*.

19.09.030 Growth Management Program Implementation Manual.

A. The city council shall adopt, by resolution, a *Growth Management Program Implementation Manual* that specifies how the policies and threshold standards set forth in this chapter are to be implemented, and, in so doing, assure that new development does not occur unless public facilities, infrastructure and services consistent with the threshold standards are available in advance of, or concurrently with, development.

B. The *Growth Management Program Implementation Manual* shall incorporate and interpret the threshold standards as set forth in this chapter.

C. The *Growth Management Program Implementation Manual* shall incorporate, by reference, the adopted facility master plans prepared by certain city departments, and shall address air quality and fiscal issues.

D. The *Growth Management Program Implementation Manual* shall provide procedures for implementing any limits on building permits established pursuant to CVMC 19.09.070, and address growth-related fiscal and economic issues.

E. The *Growth Management Program Implementation Manual* shall define the contents of Public Facilities Finance Plans (PFFPs) that are required for all development projects pursuant to CVMC 19.09.080.

F. The city council shall appoint a Growth Management Oversight Commission (GMOC), and the GMOC shall annually prepare a report and, upon doing so, the GMOC shall submit such report to the planning commission for input and recommendation, and to the city council for their action.

G. The city council shall annually review and, by resolution, act upon the Growth Management Oversight Commission's annual report.

H. Amendments to the *Growth Management Program Implementation Manual* may be initiated by action of the planning commission or city council, or upon request of an applicant. The city council shall act on the requested application. (Ord. 2448 § 2, 1991).

19.09.040 Threshold Standards for City Facilities and Services.

Threshold standards for city facilities and services are those under the direct control of the city, and apply to eight public facility and services topics, including: Drainage; Fire and Emergency Services; Fiscal; Libraries; Parks and Recreation; Police; Sewer; and Traffic.

In order to provide that public facilities and services, government and other utility services, and improvements that are adequate to meet present and future needs of the city, the city council hereby adopts threshold standards for each facility or improvement listed below:

A. Police.

Goal: To maintain and improve the current level of police service in the city of Chula Vista.

Objective: Ensure that Police staff is adequately equipped and trained to provide police service at the desired level throughout the city.

Threshold Standards:

1. Priority 1 – Emergency Calls¹. Properly equipped and staffed police units shall respond to at least 81% of Priority 1 calls within 7 minutes 30 seconds and shall maintain an average response time of 6 minutes or less for all Priority 1 calls (measured annually).

2. Priority 2 – Urgent Calls². Properly equipped and staff police units shall respond to all Priority 2 calls within 12 minutes or less (measured annually).

¹Priority 1 – Emergency Calls are life-threatening calls: felony in progress; probability of injury (crime or accident); robbery or panic alarms; urgent cover calls from officers. Response: Immediate response by two officers from any source or assignment; immediate response by paramedics/fire if injuries are believed to have occurred.

²Priority 2 – Urgent Calls are misdemeanor in progress; possibility of injury; serious non-routine calls (domestic violence or other disturbances with potential for violence); burglar alarms. Response: Immediate response by one or more officers from clear units or those on interruptible activities (traffic field interviews etc.)

Note: For growth management purposes response time includes dispatch and travel time to the building or site address otherwise referred to as “received to arrive.”

Implementation Measures:

1. Should the GMOC determine that the Priority 1 – Emergency Calls threshold standard is not being met due to growth impacts, then the city council should, within 60 days of the GMOC’s report, schedule and hold a public hearing to: a) consider adopting a moratorium on the issuance of new building permits; or b) adopt other actions sufficient to rectify the deficiency(ies).
2. Should the GMOC determine that the Priority 2 – Urgent Calls threshold standard is not being met, it may issue a Statement of Concern in its annual report.

B. Fire and Emergency Medical Services.

Goal: To maintain and improve the quality of fire protection and emergency medical services (EMS) in the city of Chula Vista.

Objective: Ensure that Fire/EMS staff are properly equipped and trained to provide the desired level of service throughout the city.

Facility Master Plan: A minimum of every five years, or whenever an update is needed, the city manager shall bring a fire and emergency medical services master plan to the city council for their consideration. The master plan shall include provisions for facilities, equipment and deployment.

Threshold Standard:

Emergency Response: Properly equipped and staffed fire and medical units shall respond to calls throughout the city within 7 minutes in at least 80% of the cases (measured annually).

Note: For growth management purposes, response time includes dispatch, turnout and travel time to the building or site address.

Implementation Measures:

1. Should the GMOC determine that the threshold standard is not being met due to growth impacts, and the Facility Master Plan milestone targets are not being met, then the city council should, within 60 days of the GMOC's annual report, schedule and hold a public hearing to a) consider adopting a moratorium on the issuance of building permits, or b) adopt other actions sufficient to rectify the deficiency(ies).
2. The GMOC may issue a Statement of Concern in its annual report if it determines that the threshold standard: a) is not being met, but the reason is not due to growth impacts; or b) is not being met due to growth impacts, but the Facility Master Plan is meeting its milestone targets, in which case the Fire Department will address the adequacy of the Facility Master Plan.

C. Libraries.

Goal: To provide a high-quality, contemporary library system that meets the varied needs of the community.

Objective: Supplement existing libraries by providing and operating library facilities sufficient to meet the needs of city residents.

Facility Master Plan: A minimum of every five years, or whenever an update is needed, the city manager shall bring a libraries master plan to city council for their consideration. The master plan shall define the adequacy of library facilities and equipment and what constitutes adequate staffing and appropriate hours of operation, and identify library square footage needs consistent with the threshold standard at build-out.

Threshold Standard: The city shall not fall below the citywide ratio of 500 gross square feet (GSF) of library space, adequately equipped and staffed, per 1,000 residents.

Implementation Measures:

1. Should the GMOC determine that the threshold standard is not being met or is expected to fail within three years (based on forecasted growth and planned improvements), then the city council should, within 60 days of the GMOC's report, schedule and hold a public hearing to: a) consider adopting a moratorium on the issuance of new building permits; or b) adopt other actions sufficient to rectify the deficiency(ies).
2. The GMOC shall be provided with an annual report that documents the appropriate staffing levels, equipment and operating hours of library facilities over the past year, current year operation, and anticipated

hours of operation. Should the GMOC determine that the libraries are not adequately staffed, equipped, or are not maintaining appropriate hours of operation, it may issue a Statement of Concern in its annual report.

D. Parks and Recreation Areas.

Goal: To provide a diverse and flexible park system that meets both the active and passive recreational needs of the citizens of Chula Vista.

Objective: Provide public park and recreational opportunities in a timely manner, implementing a 5-year master plan, which describes the location, facility improvements and funding program for proposed neighborhood and community parks.

Threshold Standard: Population ratio - Three acres of neighborhood and community park land with appropriate facilities per 1,000 residents east of I-805.

Implementation Measures:

Should the GMOC determine that the Threshold Standard is not being satisfied, then the City Council shall formally adopt and fund tactics to bring the park and recreation system into conformance. Construction or other actual solution shall be scheduled to commence within three years.

If construction of needed new park and recreation facilities is not started within three years of the deficiency reported by the GMOC, then the City Council shall, within 60 days of the GMOC's report, schedule and hold a public hearing for the purpose of adopting a moratorium on the acceptance of new tentative map applications, based on all of the following criteria:

1. That the moratorium is limited to an area wherein a causal relationship to the problem has been established; and,
2. That the moratorium provides mitigation measure to a specifically identified impact.

Should a moratorium be established, the time shall be used to expeditiously prepare specific mitigation measures for adoption, which are intended to bring the condition into conformance. Any such moratorium shall be in effect until construction of the needed new park and recreation facilities has commenced.

E. Sewer.

Goal: To provide a healthful and sanitary sewer collection and disposal system for the residents of the city of Chula Vista, consistent with the city's Wastewater Master Plan.

Objective: Individual projects will provide necessary improvements consistent with city engineering standards. Treatment capacity should be acquired in advance of demand.

Threshold Standards:

1. Existing and projected facility sewage flows and volumes shall not exceed city engineering standards for the current system and for budgeted improvements, as set forth in the Subdivision Manual.
2. The city shall annually ensure adequate contracted capacity in the San Diego Metropolitan Sewer Authority or other means sufficient to meet the projected needs of development.

Implementation Measures:

1. The city engineering department shall annually gather and provide the following information to the GMOC:
 - a. Amount of current capacity in the Metropolitan Sewer System now used or committed and the status of Chula Vista's contracted share;
 - b. Ability of sewer facilities and Chula Vista's share of the Metropolitan Sewer System's capacity to absorb forecasted growth over the next five years;
 - c. Evaluation of funding and site availability for budgeted and projected new facilities; and
 - d. Other relevant information.
2. Should the GMOC determine that a potential problem exists with meeting the projected needs of development with respect to sewer, it may issue a Statement of Concern in its annual report.

F. Drainage.

Goal: To provide a safe and efficient storm water drainage system to protect residents and property in the city of Chula Vista.

Objective: Individual projects will provide necessary improvements consistent with current city engineering standards and local, state and federal regulations.

Threshold Standards:

1. Storm water flows and volumes shall not exceed city engineering standards and shall comply with current local, state and federal regulations, as may be amended from time to time.
2. The GMOC shall annually review the performance of the city's storm drain system, with respect to the impacts of new development, to determine its ability to meet the goal and objective for drainage.

Implementation Measures:

1. Should the GMOC determine that the threshold standards are not being met, with respect to new development, then the city manager should present to the city council, for their consideration, a plan of action that includes timing benchmarks and a finance plan that will bring the storm drain system into conformance. Construction or other actual solution shall be scheduled to commence within three years.
2. Should the GMOC determine that the threshold standard is not being met, with respect to existing development, it may issue a Statement of Concern in its annual report.

G. Traffic.

Goals:

1. To provide and maintain a safe and efficient street system for all modes of transportation within the city of Chula Vista.
2. To accurately determine existing and projected levels of service (LOS) for motorists, using the Highway Capacity Manual (HCM) performance measurement methodology.
3. To recognize the unique nature of urbanizing neighborhoods as destinations, and to establish a commensurate street classification and LOS threshold that encourages alternative modes of transportation, such as public transit, biking and walking.
4. To maintain a level of service value that represents an acceptable level of traffic flow under constrained operating conditions during peak periods of traffic activity.

Objectives:

1. Ensure timely provision of adequate local, multi-modal circulation system capacity in response to planned growth, and maintain acceptable levels of service.
2. Plan, design and construct new roadway segments and signalized intersections to maintain acceptable LOS standards at build-out of the *General Plan's* "Land Use and Transportation Element".
3. Plan, design and construct bicycle and pedestrian infrastructure improvements pursuant to the most current Bikeway Master Plan and Pedestrian Master Plan.

Threshold Standards:

1. Arterial Level of Service (ALOS) for Non-Urban Streets: Those Traffic Monitoring Program (TMP) roadway segments classified as other than Urban Streets in the "Land Use and Transportation Element" of the city's *General Plan* shall maintain LOS "C" or better as measured by observed average travel speed on those segments; except, that during peak hours, LOS "D" can occur for no more than two hours of the day.

2. Urban Street Level of Service (ULOS): Those TMP roadway segments classified as Urban Streets in the "Land Use and Transportation Element" of the city's *General Plan* shall maintain LOS "D" or better, as measured by observed or predicted average travel speed, except that during peak hours, LOS "E" can occur for no more than two hours per day. Notes to Standards:

1. Arterial Segment: LOS measurements shall be for the average weekday peak hours, excluding seasonal and special circumstance variations.

2. The LOS measurement of arterial segments at freeway ramps shall be a growth management consideration in situations where proposed developments have a significant impact at interchanges.

3. Circulation improvements should be implemented prior to the anticipated deterioration of LOS below established standards.

4. The criteria for calculating arterial LOS and defining arterial lengths and classifications shall follow the procedures detailed in the most recent Highway Capacity Manual (HCM) and shall be confirmed by the city's traffic engineer.

5. Level of service values for arterial segments shall be based on the HCM.

Implementation Measures:

1. Should the GMOC determine that the threshold standard are not being met, due to growth impacts, then the city council can, within 60 days of the GMOC's report, schedule and hold a public hearing to consider adopting: a) a moratorium on the acceptance of new building permits, or b) other actions sufficient to rectify the deficiency(ies).
2. The GMOC may issue a Statement of Concern in its annual report if it determines that the threshold standard will likely not be met within three years, due to growth impacts.
3. The Department of Public Works shall annually report on progress made in implementing construction of facilities listed in the Bikeway Master Plan, Pedestrian Master Plan, the Transportation Development Impact Fee Program (TDIF), and the Western TDIF.

Monitoring Methodology

1. Identify all Traffic Monitoring Program (TMP) corridors and classify according to the latest Highway Capacity Manual (HCM) methodology. Typically, a TMP roadway is four lanes with a volume of 16,500 trips and at least one mile and a half in length. If the Average Daily Trip (ADT)-based level of service is "C" or worse on a street segment located within a city TMP corridor, then the city shall consider conducting a TMP measurement. ADT volume data shall not be older than two years.
2. A TMP measurement shall consist of a two-hour AM peak period measurement, a two-hour mid-day period measurement, and a two-hour PM peak period measurement.
3. TMP measurement shall be conducted by following the current protocol in the latest adopted HCM.
4. Any speed collection and volume data methodology that utilizes the latest technology consistent with HCM protocol can be used in obtaining arterial LOS, subject to approval by the city's traffic engineer.

H. Fiscal.

Goal: To implement land uses and activities that generate an adequate tax and revenue base that meets the economic needs of the residents of the city of Chula Vista, with new project development providing self-financing of capital projects.

Objectives:

1. Monitor the impacts of growth on the city of Chula Vista's fiscal well-being, considering both operating and capital improvement costs and revenues.

2. Monitor and update the effectiveness of the development impact fee programs, considering the appropriate and timely use of such funds.
3. Monitor and update the effectiveness of various public facility master plans to ensure adequate funding will be available to meet the demands of growth.

Threshold Standards:

1. Fiscal Impact Analyses and Public Facilities Financing Plans, at the time they are adopted, shall ensure that new development generates sufficient revenue to offset the cost of providing municipal services and facilities to that development.
2. The city shall establish and maintain, at sufficient levels to ensure the timely delivery of infrastructure and services needed to support growth, consistent with the threshold standards, a Development Impact Fee, capital improvement funding, and other necessary funding programs or mechanisms.

Implementation Measures:

1. Use Fiscal Impact Analyses (FIA) and Public Facility Financing Plans (PFFPs) to evaluate and ensure that new development requiring the preparation of a SPA plan, or equivalent, pursuant to CVMC 19.09.040 and 19.48, contribute to the city's fiscal well-being by generating revenues and related economic activity that, at a minimum, offset the cost of providing municipal services for the new development.
2. The GMOC shall be provided with an annual fiscal impact report that provides an evaluation of the impacts of growth on the city in terms of operations and capital improvements. This report should evaluate actual growth over the previous 12-month period, as well as projected growth over the next 5-year period.
3. The GMOC shall be provided with an annual "development impact fee report," which provides an analysis of development impact fees collected and expended over the previous 12-month period and projected for expenditure for projects included within the DIF programs.

19.09.050 Threshold Standards for External Facilities and Services.

A. Air Quality and Climate Protection.

Goal: To maintain and improve the ambient air quality enjoyed by the residents of Chula Vista.

Objectives:

1. In an effort to address the impacts of transportation and building-related energy use at both the regional and local level, the city shall endeavor to implement applicable air quality improvement strategies and programs that meet or exceed those established through the current adopted Regional Air Quality Strategy (RAQS), California's Global Warming Solutions Act of 2006 (AB32), and the Chula Vista Climate Protection Program.
2. In an effort to maintain and improve ambient air quality, the city shall endeavor to locally mitigate any new stationary source development project's criteria air pollutant emissions that exceed local air quality standards.

Threshold Standard:

The city shall pursue a greenhouse gas emissions reduction target consistent with appropriate city climate change and energy efficiency regulations in effect at the time of project application for SPA plans or for the following, subject to the discretion of the Development Services Director:

- a. Residential projects of 50 or more residential dwelling units;
- b. Commercial projects of 12 or more acres (or equivalent square footage);
- c. Industrial projects of 24 or more acres (or equivalent square footage); or
- d. Mixed use projects of 50 equivalent dwelling units or greater.

Implementation Measures:

1. In order to determine compliance with the air quality and climate protection threshold standard, city staff shall provide the GMOC with an annual report that evaluates the city's progress toward adherence with relevant federal, state, regional, and local air quality improvement strategies, regulations, and programs. The report shall include the following:
 - a. An overview and evaluation of local development projects approved during the prior year identifying compliance levels and progress towards meeting the air quality and climate protection threshold standard.
 - b. An assessment of whether the greenhouse gas emissions reduction levels should be revised based on updated state and federal standards, as applicable.
 - c. Additional information on non-development activities being undertaken by the city that contribute to meeting or furthering the air quality and climate protection threshold standard, including the city's most recent greenhouse gas emissions inventory.

2. After the city prepares an annual evaluation report, it shall provide a copy of the report to the Air Pollution Control District (APCD) for its response. The APCD should provide the city with a report on overall regional and local air quality conditions, the status of regional air quality improvement implementation efforts under the Regional Air Quality Strategy and related federal and state programs, and the effect of those efforts/programs on the city of Chula Vista and local planning and development activities.

3. Should the GMOC determine that a deficiency exists with respect to any of the above air quality and climate protection implementation measures, either locally, regionally or both, it may issue a Statement of Concern in its annual report.

B. Schools

Goal: To ensure that the Chula Vista Elementary School District (CVESD) and Sweetwater Union High School District (SUHSD) have the necessary school sites, infrastructure and funding mechanisms to meet the needs of students in new development areas in a timely manner.

Objective: Provide school district personnel with current development forecasts so that they may plan and implement school building and/or allocation programs in a timely manner.

Facility Master Plan: The GMOC will request updates of the school districts' facility master plans or equivalent documents that define the schools' essential facility needs necessary to provide adequate physical accommodation.

Threshold Standard:

The city shall annually provide the Chula Vista Elementary School District (CVESD) and the Sweetwater Union High School District (SUHSD) with the city's annual 5-year residential growth forecast and request an evaluation of their ability to accommodate forecasted growth, both citywide and by subarea. Replies from the school districts should address the following:

1. Amount of current classroom and "essential facility" (as defined in the Facility Master Plan) capacity now used or committed;
2. Ability to absorb forecasted growth in affected facilities and identification of what facilities need to be upgraded or added over the next five years;
3. Evaluation of funding and site availability for projected new facilities identified; and

4. Other relevant information the school district(s) desire(s) to communicate to the city and the Growth Management Oversight Commission (GMOC).

Implementation Measure:

Should the GMOC determine that a capacity problem exists with respect to physically accommodating students, either currently or within the next five years it may issue a Statement of Concern in its annual report. The annual report shall be provided to both school districts, with follow-up, to assure appropriate response.

C. Water

Goal: To ensure that adequate supplies of potable and recycled water are available to the city of Chula Vista.

Objectives:

1. Ensure that adequate storage, treatment and transmission facilities are constructed concurrently with planned growth.
2. Ensure that water quality standards requirements are met during growth and construction.
3. Encourage diversification of water supply, conservation and use of recycled water where appropriate and feasible.

Threshold Standards:

1. Adequate water supply must be available to serve new development. Therefore, developers shall provide the city with a service availability letter from the appropriate water district for each project.
2. The city shall annually provide the San Diego County Water Authority, the Sweetwater Authority and the Otay Municipal Water District with the city's annual 5-year residential growth forecast and request that they provide an evaluation of their ability to accommodate forecasted growth. Replies should address the following:
 - a. Water availability to the city, considering both short- and long-term perspectives.
 - b. Identify current and projected demand, and the amount of current capacity, including storage capacity, now used or committed.
 - c. Ability of current and projected facilities to absorb forecasted growth.

- d. Evaluation of funding and site availability for projected new facilities.
- e. Other relevant information the district(s) desire to communicate to the city and the Growth Management Oversight Commission (GMOC).

Implementation Measure:

Should the GMOC determine that a current or potential problem exists with respect to water, it may issue a Statement of Concern in its annual report.

19.09.060 Amendments and Supplemental Threshold Standards.

These standards may be amended from time to time on approval by the city council. (Ord. 2860 §§ 1, 2, 2002; Ord. 2859 § 1, 2002; Ord. 2748 § 3, 1999; Ord. 2486 § 1, 1991; Ord. 2448 § 2, 1991).

19.09.070 Moratorium on Building Permits Allowed

A. Imposing Temporary Limits on Building Permits

The city council may, by ordinance, impose a limit on building permits for construction of residential and/or non-residential development after making specific findings as to the health, safety and welfare concerns of continued development, as set forth in "B" below.

B. Findings Required

Prior to adopting an ordinance imposing a limit on building permits, the city council shall consider making one or more of the following findings:

1. That continued development will make it unlikely for the intent of the Growth Management Program to be achieved, as expressed by the "Growth Management Element" of the *General Plan* and this chapter.
2. That continued development will cause deterioration of the city's quality of life, and compromise the health, safety and welfare in the city of Chula Vista.
3. That continued development will strain the city's fiscal resources an ability to deliver high quality services to all its residents.

C. Procedures for Implementing Limits on Building Permits.

If the city council makes the necessary required findings to impose a limit on building permits, then it shall adopt an ordinance that specifies;

1. Area where the moratorium applies;
2. Duration of the moratorium (when it begins and ends);
3. Any exemptions or exceptions or conditions. These shall be consistent with the overall objectives of the city action and broader land use policy. Exemptions could include "affordable" housing units (units sold or rented at below market rates to meet the city's Housing Element requirements). Exceptions might include units that have been allocated as part of a separate agreement (e.g., a development agreement);
4. Any conditions that would allow the moratorium to be lifted prematurely; and
5. How the building permits shall be allocated.

19.09.080 Requirement for Public Facilities Finance Plans (PFFP), Air Quality Improvement Plans, and Water Conservation Plans.

A. Public Facilities Financing Plans.

No application for a SPA plan, or, if an SPA plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a PFFP which has been approved by the city; or
2. A PFFP, that includes the project, has already been initiated; or
3. The applicant initiates the preparation of a PFFP.

The PFFP may be waived by the city council upon a showing that there are no public facilities, infrastructure and service needs warranting the preparation of a PFFP.

B. Air Quality Improvement Plans. No application for a SPA plan, or, if an SPA plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an Air Quality Improvement Plan that has been approved by the city; or
2. An Air Quality Improvement Plan that includes the project, has already been initiated; or

3. The applicant initiates the preparation of an Air Quality Improvement Plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city Development Services Director shall require.

The required contents of an Air Quality Improvement Plan are outlined in Appendix A of the city's *Growth Management Implementation Manual*, as may be amended from time to time.

C. Water Conservation Plans. No application for a SPA plan, or, if a SPA plan is not required, no application for a Tentative Map shall be deemed complete or accepted for review unless:

1. It is accompanied by a Water Conservation Plan that has been approved by the city; or
2. A Water Conservation Plan, that includes the project, has already been initiated; or
3. The applicant initiates the preparation of a Water Conservation Plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city Development Services Director shall require.

The required contents of a Water Conservation Plan are outlined in Appendix B of the city's *Growth Management Implementation Manual*, as may be amended from time to time.

D. No SPA plan, nor any Tentative Map, shall be approved, or deemed approved, without an approved PFFP, an approved Air Quality Improvement Plan and an approved Water Conservation Plan. To provide consistency and implementation of said plans, the city council may impose any condition to the approval of a SPA plan or Tentative Map necessary to implement the PFFP, the Air Quality Improvement Plan, the Water Conservation Plan, the Growth Management Program, or the Facility Master Plans.

E. No Final Map shall be approved until all the conditions of the PFFP, the Air Quality Improvement Plan and the Water Conservation Plan have been met, or the project applicant has provided adequate security to the city that said plans will be implemented.

F. No other discretionary planning approvals shall be granted unless the city council finds that the project is consistent with an approved PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan.

G. No building permit shall be issued unless the permit is consistent with any applicable PFFP, the Air Quality Improvement Plan and the Water Conservation Plan and all applicable fees, including, but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or

other development fees adopted by the city council, have first been paid or provision for their payment has been made to the satisfaction of the city council.

H. No development shall occur in a PFFP area if the demand for any public facilities, infrastructure and services exceeds capacity and it is not feasible to increase capacity prior to completion of development unless the means, schedule and financing for increasing the capacity are established through the execution of a binding agreement providing for installation and maintenance of such facilities or improvements in advance of the city's phasing schedule. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.090 Public Facilities Finance Plan (PFFP) Contents.

A. The required contents of a Public Facilities Finance Plan (PFFP), including a fiscal impact analysis, are outlined in Appendix C of the city's *Growth Management Program Implementation Manual*, as may be amended from time to time. The fiscal analysis/economic impact report shall be provided for each proposed project and the project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.

19.09.100 Public Facilities Finance Plan (PFFP) Preparation.

A. A PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan may be processed concurrently with the SPA plan or Tentative Map.

B. A PFFP may be initiated by filing an application with the Development Services Director. The applicant shall pay a deposit at the time any application for a PFFP is accepted.

C. A PFFP for a project shall be prepared by the city, or a consultant selected by the city, according to the procedures established by this chapter.

D. The cost of PFFP preparation shall be advanced to the city by the applicant and any participating owner or owners prior to PFFP preparation. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.110 Public Facilities Finance Plan (PFFP) Review.

A. PFFPs shall be reviewed according to the following procedure:

1. A completed PFFP complying with this chapter, and accompanied by a processing fee in an amount established by city council resolution, may be submitted to the Development Services Director for processing. If the Development Services Director determines that the plan complies with the provisions of this chapter, the

Director shall accept the PFFP for review. Once the PFFP has been reviewed and complies with the provisions of this chapter, it shall be set for public hearing before the planning commission together with the accompanying development plan.

2. The hearing shall be noticed according to the provisions of CVMC 19.12.070. A staff report containing recommendations on the PFFP shall be prepared and furnished to the public, the applicant, and the planning commission prior to the hearing.

3. The planning commission shall hear and consider the application and shall by resolution prepare recommendations and findings for the city council. The action of the commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.

4. When the planning commission action is filed with the city clerk, the clerk shall set the matter for public hearing before the city council. The hearing shall be noticed according to the provisions of CVMC 19.12.070.

5. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may approve, conditionally approve, or deny the plans. The city council may include in the resolution adopting the PFFP any fees or facilities improvement requirements provided for in city ordinances in order to implement the Growth Management Program, the facility master plans and the PFFP.

6. A PFFP may be amended following the same procedures for the original adoption. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.120 Public Facilities Finance Plan (PFFP) Implementation.

A. The Development Services Director shall ensure that PFFPs are prepared for all SPA plans and Tentative Maps, or equivalent projects pursuant to CVMC 19.48.

B. In the event that the Development Services Director or his designee finds that the project is not in substantial compliance with the PFFP as modified or amended, the developer may be deemed to be in default and continued issuance of building or development permits may be affected. (Ord. 2448 § 2, 1991).

19.09.130 Public Facilities Finance Plan (PFFP) Amendment.

A. Adoption of a PFFP does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal.

B. If the Development Services Director, pursuant to CVMC 19.09.110, determines that facilities or improvements within a PFFP are inadequate to accommodate any further development within that area, then development shall cease or be metered until a remedy is implemented. If the Development Services Director determines that such events or changed circumstances adversely affect the health, safety or welfare of the city, the city may require the amendment, modification, suspension, or termination (hereinafter "change") of an approved PFFP. If the city requires such change, the city shall (1) give notice to applicant or owner of (a) the city's intended action to change the PFFP, and (b) the reasons and factual basis for the city's determination; (2) give notice to the applicant or owner, at least 30 days prior to the hearing date, of the time and place of the hearing; and (3) hold a city council hearing on the determination, at which hearing the applicant or owner shall have the right to present witnesses, reports, and oral and written testimony. Prior to approving any change, the city shall find that (i) the circumstances were unknown or that the circumstances have changed; and (ii) the health, safety or welfare of the community requires the change of the PFFP. This provision shall neither limit nor expand the rights of liabilities of either of the parties with respect to the PFFP or the development of the property.

If, after notice and hearing, the council determines that a deficiency exists, then no further building or development permits shall be issued within the affected area and development shall cease until an amendment to the applicable PFFP mitigating the deficiency is approved by the city council.

C. The city council may initiate an amendment to any PFFP at any time if, in its discretion, it determines that an amendment is necessary to provide adequate facilities and improvements and subsequent permits will be conditioned on conformance. (Ord. 2448 § 2, 1991).

19.09.140 Exceptions and Exclusions.

A. Exceptions. Nothing in this chapter shall alter or amend the terms and conditions of any development agreement entered into between the city and a developer.

B. Exclusions. Development projects which consist of facilities or structures constructed by a city, county, special district, state, or federal government or any agency, department, or subsidiary thereof for governmental purposes are excluded from the provisions of this chapter. To the extent that the city has authority to regulate such development projects, such projects shall not be exempt. For example, any private development occurring on land leased from a public agency would not be exempt. This exclusion shall not apply to development projects to which a possessory interest tax would be applicable. (Ord. 2448 § 2, 1991).

19.09.150 Extensions of Prior Approvals.

After approval of an applicable PFFP for a development project, an extension of the expiration date of a Tentative Map may only be granted if the project is in conformance with the PFFP and the Growth Management Program. The extension may be conditioned on such matters as the city deems appropriate or necessary to make the Tentative Map conform to the PFFP and the Growth Management Program, including, but not limited to, requiring the developer to submit any information, studies, plans and diagrams to show compliance with the applicable PFFP. (Ord. 2448 § 2, 1991).

19.09.160 Obligation to Pay Fees or Install Facilities Required by Any Other Law.

Nothing in this chapter shall be construed as relieving a builder, developer or subdivider from any requirement to provide public facilities, to dedicate property or to pay fees, which requirement is imposed pursuant to this title or pursuant to any city council policy. (Ord. 2448 § 2, 1991).

19.09.170 Implementing Procedures.

The city council may adopt any procedures it deems necessary to implement this chapter, including procedures for administering the Growth Management Program or facility master plans. (Ord. 2448 § 2, 1991).

19.09.180 Council Actions, Fees, Notice.

- A. Whenever this chapter requires or permits an action or decision of the city council, that action or decision shall be accomplished by resolution and/or ordinance, as appropriate.
- B. The city council shall establish application and processing fees for the submission and processing of Public Facilities Financing Plans (PFFPs).
- C. Whenever written notice is required to be given to property owners under this chapter, the notice shall be mailed by first class mail to the owners shown on the last equalized assessment roll. (Ord. 2448 § 2, 1991).

19.09.190 Severability.

If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconstitutional. (Ord. 2448 § 2, 1991).

19.09.200 Facility Master Plans.

The city shall maintain a series of facility master plans, as may be amended from time to time, for infrastructure and services throughout the city that regard the threshold standards in this chapter, including, but not limited to, police, fire and emergency services, libraries, parks and recreation, wastewater, drainage and circulation. In anticipation of service demands, these master plans shall contain an analysis of existing facilities, existing and projected demand, and proposed maintenance and capital improvement projects. They shall also identify financing plans to accomplish identified improvements.

