

RESOLUTION NO. 2023-26

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING AMENDMENTS TO THE GENERAL PLAN, POLICY DOCUMENTS AND THE CHULA VISTA MUNICIPAL CODE PERTAINING TO THE DISSOLUTION OF THE GROWTH MANAGEMENT OVERSIGHT COMMISSION AND APPEAL PROCEDURES FOR DISCRETIONARY PLANNING APPLICATIONS, AMENDMENTS TO THE PUBLIC FACILITIES FINANCING PLAN GUIDELINES, AND AN UPDATE TO MASTER FEE SCHEDULE NO. 14-100 (GENERAL PLANNING FEES).

WHEREAS, on November 8, 2022, the City Council approved revisions to the General Rules and structure/scope for various City Boards and Commissions, including the dissolution of the Growth Management Oversight Commission (“GMOC”); and

WHEREAS, parts of the Chula Vista General Plan, Chula Vista Municipal Code (“CVMC”), and the City’s Public Facilities Financing Plan (“PFFP”) Guidelines, were in need of amendment both as a result of the GMOC’s dissolution and to streamline residential development within the City; and

WHEREAS, necessary amendments to the Chula Vista Municipal Code (“CVMC”) have been identified to help further clarify permit processes and regulations; and

WHEREAS, City Staff has identified several titles within the CVMC in need of a consistent application process by which to appeal discretionary planning applications such as Design Review Permits, Conditional Use Permits, Variances, etc.; and

WHEREAS, the Director of Development Services has reviewed the proposed activities described in the related Staff Report for compliance with the California Environmental Quality Act (“CEQA”) and has determined that the activities are not a “Project” as defined under Section 15378(b)(1) of the State CEQA Guidelines because the proposed activities consist of updates and modifications to the City General Plan and CVMC related to state law compliance and ministerial adjustments for consistency purposes that will not result in a significant physical change in the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA; and

WHEREAS, if the activities described in the related Staff Report for this matter are deemed to be a “Project”, then the Director of Development Services has reviewed the proposed activities for compliance with CEQA and has determined that the actions qualify for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The actions involve administrative updates to the CVMC relating to appeal processes for discretionary decisions and eliminating submittals that are already required for CEQA review, as well as updates to some City General Plan Elements to ensure compliance with State law. The actions of updating and modifying the CVMC and General Plan with procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC and under State law. Based on an analysis

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of the nature and type of these procedural and clerical changes to the CVMC and the General Plan, the actions will not have a significant effect on the environment; and

WHEREAS City staff recommends that the Planning Commission approve the proposed amendments to the Chula Vista General Plan's Land Use, Housing, Environmental, and Growth Management Elements, the Chula Vista General Plan Implementation Plan, CVMC Chapter 19.92, the City's PFFP Guidelines, Titles 1, 10, 12, 15, 17, 18, 19, and 21 of the CVMC, and the City's Master Fee Schedule; and

WHEREAS, a hearing time and place was set by the Planning Commission to consider the CVMC amendments and 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;

WHEREAS, after review and consideration of the Staff Report and related materials for this matter, the Planning Commission held a duly noticed public hearing to consider said CVMC amendments on November 8, 2023 at 6pm in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission hereby recommends that the City Council of the City of Chula Vista adopt the proposed amendments to the Chula Vista General Plan Land Use, Housing, and Environmental Elements, Chula Vista General Plan Implementation Plan, CVMC Chapter 19.92, the City's PFFP Guidelines, and, remove the General Plan Growth Management Element, pertaining to the dissolution of the GMOC, and amendments to the City's Master Fee Schedule and Titles 1, 10, 12, 15, 17, 18, 19, and 21 of the CVMC pertaining to the Development Services Department appeals and processing.

BE IT FURTHER RESOLVED THAT that the Planning Commission hereby recommends that the City Council of the City of Chula Vista find that the proposed amendments to the CVMC identified in this Resolution and related Staff Report are not a "Project" as defined under Section 15378(b)(1) of the State CEQA Guidelines because the proposed activities consist of updates and modifications to the City General Plan and CVMC related to state law compliance and ministerial adjustments for consistency purposes that will not result in a significant physical change in the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Further, if the activities described in this Resolution and the related Staff Report for this matter are deemed to be a "Project", then the actions qualify for the "common sense" exemption under State CEQA Guidelines Section 15061(b)(3) for the reasons stated above.

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BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

Presented by

DocuSigned by:
Laura C. Black
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Laura C. Black, AICP
Director of Development Services

Approved as to form

DocuSigned by:
Kevin Sullinan
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By: _____
for Jill D.S. Maland
Lounsbury Ferguson Altona & Peak
Acting City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 13th day of December, 2023, by the following vote, to-wit:

AYES: Burroughs, Combs, De La Rosa, Felber, Leal, Torres, Zaker

NOES:

ABSENT:

ABSTAIN:

DocuSigned by:
Michael De La Rosa
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Michael De La Rosa, Chair

ATTEST:

DocuSigned by:
Karina Lafarga For
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Mariluz Zepeda, Secretary