

Attachment #6 – Draft Amendments to CVMC Chapter 19.92

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19.92.010 Purpose/intent.

The purpose and intent of this chapter is to establish compliance mechanisms and standards to ensure public Facilities, infrastructure and services will exist, or concurrently be provided, to meet the demands of infrastructure and climate protection generated by new Development.

19.92.020 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:

~~“Air Quality Improvement Plan (AQIP)” means a project-specific Air Quality Improvement Plan prepared and approved in accordance with CVMC 19.92.030~~

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

“Director of Development Services” or “Director” means the Director of the City’s Development Services Department or their designee.

“Discretionary Planning Approval” means any permit, entitlement or approval issued under the authority of the zoning and subdivision titles of this Code, and any legislative actions such as Zone Changes, General Plan Amendments, Sectional Planning Area (SPA) Plans or General Development Plan approvals or amendments.

“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 Financing Plan.

“Facility Master Plan” means any adopted master plan for future facility needs, including, but not limited to: sewer, drainage, water, transportation, police, fire and emergency services, libraries, and parks.

“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.

“Public Facilities Financing Plan (PFFP)” means a Project-specific Public Facilities Financing Plan prepared and approved in accordance with CVMC [19.92.030](#) through [19.92.120](#).

“SPA Plan” means a Sectional Planning Area Plan, as prescribed in Chapter [19.48](#) CVMC.

“Substantial Compliance” means performance meeting the intent of the parties with respect to the obligations imposed pursuant to the PFFP.

~~“Threshold Standards” means those certain standards identified in CVMC sections specifying the Facilities and services required to support the present and future needs of the City.~~

~~“Water Conservation Plan” means a Project-specific Water Conservation Plan prepared and approved in accordance with CVMC [19.92.030](#).~~

19.92.030 Requirements for public facilities financing plans (PFFP), ~~air quality improvement plans, and water conservation plans.~~

A. *Public Facilities Financing 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 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 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 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 Director of Development Services shall require.~~

~~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 Director of Development Services shall require.~~

~~BD. 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, or the [Facility Master Plans.]~~

~~CE. No Final Map shall be approved until all the conditions of the PFFP, the Air Quality Improvement Plan, the Facility Master Plans, 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.~~

~~DF. 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 the Facility Master Plans, and a Water Conservation Plan.~~

~~EG. 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.~~

~~FH. 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.

~~19.92.040~~—Threshold standards for external facilities and services.

~~The thresholds within this section shall be considered when preparing PFFPs, AQIPs, and Water Conservation Plans.~~

~~A.—Air Quality and Climate Protection.~~

~~1.—Goal. To maintain and improve the ambient air quality enjoyed by the residents of Chula Vista.~~

~~2.—Objectives.~~

~~a.—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.~~

~~b.—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.~~

~~3.—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 Director of Development Services:~~

~~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.~~

~~B.—Water.~~

~~1.—Goal. To ensure that adequate supplies of potable and recycled water are available to the City of Chula Vista.~~

~~2.—Objectives.~~

~~a.—Ensure that adequate storage, treatment, and transmission facilities are constructed concurrently with planned growth.~~

~~b.—Ensure that water quality standards requirements are met during growth and construction.~~

~~c.—Encourage diversification of water supply, conservation and use of recycled water where appropriate and feasible.~~

~~3.—Threshold Standards.~~

~~a.—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. (Ord. 3539 § 1(Y), 2022).~~

19.92.050 Public facilities financing plan (PFFP) contents.

The required contents of a Public Facilities Finance Plan (PFFP), including a fiscal impact analysis, ~~drawings, diagrams, etc.~~, shall be prescribed by the Director of Development Services. Unless there are non-economic benefits to the City or other overriding circumstances, ~~t~~The fiscal analysis/economic impact report shall be provided for each proposed Project₁ and₁ the Project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.

19.92.060 Public facilities financing 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 Director of Development Services. The applicant shall pay a deposit at the time any application for a PFFP is accepted to cover the City's costs for reviewing the plan.

C. A PFFP for a Project shall be prepared by the applicant and its qualified consultants~~City, or a consultant selected by the City,~~ according to the procedures established by this chapter.

D. The cost of PFFP preparation ~~shall be borne by the applicant. advanced to the City by the applicant and any participating owner or owners prior to PFFP preparation.~~

19.92.080 Public facilities financing plan (PFFP) implementation.

- A. The Director of Development Services shall ensure that PFFPs are prepared for all SPA Plans and Tentative Maps or equivalent Projects pursuant to Chapter [19.48](#) CVMC.
- B. In the event that the Director of Development Services or their 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 ~~the corresponding discretionary permit approval continued issuance of building or development permits~~ may be affected.

19.92.090 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 Director of Development Services 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 (1) the circumstances were unknown or that the circumstances have changed; and (2) 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 ~~prior approval of the associated discretionary action may be affected 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.

19.92.130 Implementing procedures.

The City Council may adopt any procedures it deems necessary to implement this chapter, ~~including procedures for administering Threshold Standards or Facility Master Plans. (Ord. 3539 § 1(Y), 2022).~~

19.92.140 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 project applicant and owners shown on the last equalized assessment roll.

19.92.150 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.