

ORDINANCE NO. 3203

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING
AMENDMENTS TO THE EASTLAKE II PLANNED
COMMUNITY DISTRICT REGULATIONS AND LAND USE
DISTRICTS MAP FOR 9.4-ACRES AT THE SOUTHEAST
CORNER OF EASTLAKE PARKWAY AND FENTON STREET

I. RECITALS

A. Project Site

WHEREAS, the area of land, which is the subject of this Ordinance, is diagrammatically represented in “Exhibit A” attached to and incorporated into this Ordinance, and commonly known as Eastlake Village Center East, and for the general purpose of general description herein consists of 9.4 acres located at the southeast corner of Eastlake Parkway and Fenton Street intersection within the EastLake II Planned Community (“Project Site”); and

B. Project; Application for Discretionary Approvals

WHEREAS, a duly verified application was filed with the City of Chula Vista Development Services Department on September 9, 2010 by Jack in the Box (“Applicant”), requesting amendments to the Eastlake II Sectional Planning Area (SPA) Plan and associated Planned Community District Regulations for the Project Site (“Project”); and

C. Prior Discretionary Approvals

WHEREAS, development of the Project Site has been the subject matter of various entitlements and agreements, including the former Kohl’s commercial center project (aka Eastlake Village Center East), which amended the Eastlake II General Development Plan, Eastlake I Village Center North Supplemental Sectional Planning Area (SPA) Plan and associated regulatory documents by City Council Resolution No. 2003-293 on July 8, 2003; and

D. Planning Commission Record of Application

WHEREAS, the Planning Commission set the time and place for a hearing on the Project, and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City and its mailing to property owners within 500 feet of the exterior boundary of the Project, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on the Project on August 10, 2011, and voted 5-0 to forward a recommendation to the City Council on the Project; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on this project held on August 10, 2011, and the minutes and resolution resulting therefrom, are hereby incorporated into the record of this proceeding; and

E. City Council Record of Application

WHEREAS, the City Clerk set the time and place for the hearing on the Project application and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city and its mailing to property owners within 500 feet of the exterior boundaries of the Project at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on September 13, 2011, in the Council Chambers in the City Hall, City of Chula Vista Civic Center, 276 Fourth Avenue, at 4:00 p.m. to receive the recommendations of the Planning Commission and to hear public testimony with regard to the same; and

F. Discretionary Approvals Resolution and Ordinance

WHEREAS, at the same City Council hearing at which this Ordinance was introduced for first reading on September 13, 2011, the City Council of the City of Chula Vista approved Resolution No. 2011-179, by which it approved amendments to the EastLake II Sectional Planning Area Plan; and

G. Environmental Determination

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA). The City's Development Services Director has determined that any impacts associated with the proposed amendments have been previously addressed by Negative Declaration (ND) for IS-03-028 and has, therefore, prepared an Addendum (IS-10-005) to said ND. The proposed fast food restaurant will be located on the same site as the Kohl's commercial center on which the ND analysis was based and, approval of the project design does not change the basic conclusions of the ND. The Addendum has been prepared in accordance with the requirements of CEQA.

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

A. CONSISTENCY WITH GENERAL PLAN

The City Council finds that the proposed amendments to the EastLake II Planned Community District Regulations and Land Use District Map are consistent with the City of Chula Vista General Plan. The commercial nature of the proposed use would be consistent with the adopted commercial designation for this project site and compatible with the surrounding residential and open space land uses of the EastLake area.

B. APPROVAL OF PROPOSED AMENDMENTS

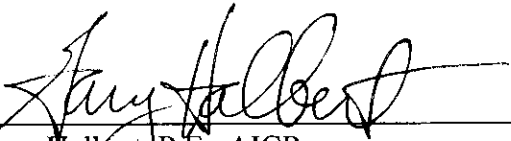
The City Council approves the amendments to the EastLake II Planned Community District Regulations as represented in Exhibit B.

III. EFFECTIVE DATE

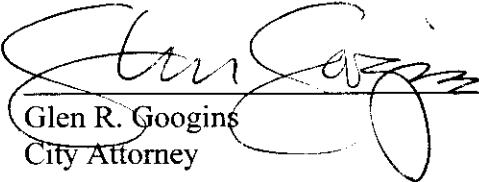
This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



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



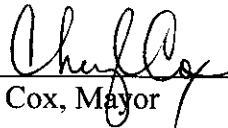
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 20th day of September 2011, by the following vote:

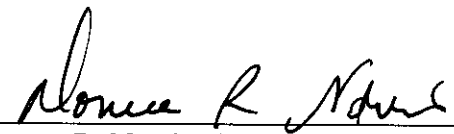
AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

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. 3203 had its first reading at a regular meeting held on the 13th day of September 2011, and its second reading and adoption at a regular meeting of said City Council held on the 20th day of September 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

October 14, 2011
Dated


Donna R. Norris, CMC, City Clerk

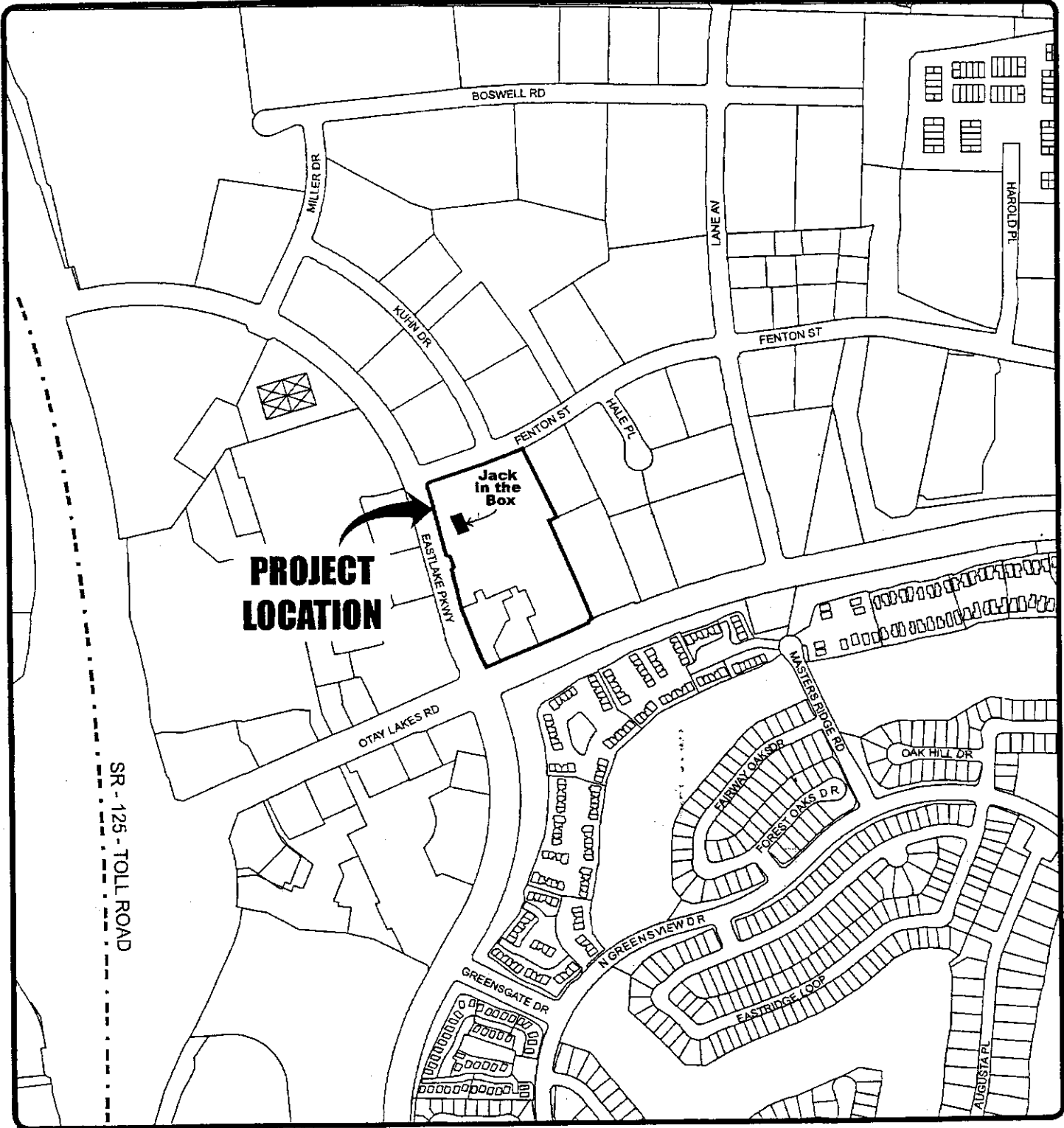


EXHIBIT A

<u>Land Use</u>	<u>VC-1</u>	<u>VC-1a</u>	<u>VC-2</u>	<u>VC-3</u>	<u>VC-4^{1,4}</u>	<u>VC-5^{2,3}</u>
A. <u>Administrative and Professional Services</u>	P	P	P	P	P	P
B. <u>General Commercial Uses</u>						
1. Antique shops (no outdoor storage)	P	P	N	P	N	P
2. Apparel stores	P	P	P/N	P	P	P
3. Art, music and photographic studios and supply stores	P	P	P/N	P	P	P
4. Appliance stores and repair (no outdoor storage)	P	N	P/N	P	P	P
5. Arcades and electronic games (see Section VI.4)	C	C	P/N	C	P	A
6. Athletic and health clubs	C	C	C	C	C	A
7. Automobile and/or truck services, sales, rental agencies	A	N	N	A	N	A
8. Bakeries - retail	P	P	P	P	P	P
9. Barber and beauty shops	P	P	P	P	P	P
10. Bicycle shops, non-motorized	P	P	P	P	P	P
11. Blueprint and photocopy services	P	N	P	P	P	P
12. Book, gifts and stationary stores	P	P	P	P	P	P
13. Candy stores and confectioners	P	P	a	P	a	P
14. Car Wash subject to provisions of Section 19.58.060 CVMC	C	N	N	C	N	C
15. Catering establishments	P	P	N	P	N	P
16. Cleaners.	P	P	P/N	P	P	P
17. Commercial recreation facilities not otherwise listed	C	C	C	C	C	C
18. Eating and drinking establishments						
a. Bars, nightclubs, cabarets	C	C	N	N	N	C
b. Restaurants, coffee shops, delicatessens;						P
1) with alcoholic beverages and/or entertainment	C	C	C	C	C	ZA
2) without alcoholic bev.	P	P	P	P	P	P
3) with outdoor seating*	P	P	P	P	P	P
c. Snack bars and refreshment stands contained within a building	P	P	P	P	P	P
d. Fast food restaurants with drive-in or drive-through (subject to Site Plan and Arch. Review by the Zoning Administrator)	C	N	N	C	P	C
19. Equipment rental (enclosed building)	P	N	P	P	P	P