

ORDINANCE NO. 2017-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, APPROVING A ZONE CHANGE FROM COMMERCIAL (C-1) TO MIXED USE (M-U)(15) FOR 3.14 ACRES LOCATED AT 1630 S. MELROSE DRIVE

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council finds and declares that:

A. The applicant filed an application for a General Plan Amendment, Zone Change, Site Development Plan, Condominium Housing Permit, and Tentative Subdivision Map, to develop a 47 unit condominium development to include open space amenities, landscaping, and associated improvements on a 3.14 acre site located at 1630 S. Melrose (Proposed Project).

B. The Zone Change changes the zoning from Commercial (C-1) to Mixed Use (M-U)(15) for the subject site. To respond to concerns about the proposed Zone Change, the applicant agreed to execute a Covenant Agreement Concerning Minimum Parking Standards and to record that agreement against the subject site in the form of Exhibit B ("Covenant Agreement").

C. On December 6, 2016, the Vista Planning Commission held a duly noticed public hearing on the proposed project and adopted Planning Commission Resolution No. 2016-23, recommending City Council approval of the proposed Zone Change. The Planning Commission's written recommendations to the City Council regarding the project are included in Planning Commission Resolution No. 2016-23, consistent with Government Code Section 65855.

D. On December 6, 2016, the Planning Commission adopted Planning Commission Resolution 2016-21, recommending City Council approval of the Mitigated Negative Declaration for this project with the finding that the project, if properly mitigated, will not have a significant impact on the environment.

E. Pursuant to Vista Development Code chapters 18.48, 18.50 and 18.80, the City Council held a duly noticed public hearing regarding the proposed Zone Change on January 10, 2017, and at said hearing, staff reports both written and oral were received in evidence and all persons wishing to speak on the proposed project were heard. At the conclusion of the hearing, after consideration of all evidence presented, the City Council made certain findings and reached a decision on the matter as hereinafter set forth.

2. Zone Map Change.

A. Subject to the execution and recordation of the Covenant Agreement, the Zoning Map is hereby amended, as reflected in Exhibit "A" to conform with the Zone Change.

B. The City Council hereby declares that it would not have approved the Zone Change, or modified the Zoning Map, except that the applicant agreed to execute the Covenant Agreement and to record it against the subject site. The Covenant Agreement is made part of this Ordinance as an uncodified provision.

3. Severability. If any word, sentence, paragraph, or other portion of this ordinance (other than an invalidation of the entire Covenant Agreement) is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance or Covenant Agreement not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. Effective Date. This Ordinance shall be effective on the thirty-first day following the date of its adoption. The City Clerk is authorized and directed to publish a copy in the manner provided by law.

5. Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on January 10, 2017, by the following vote:

AYES: Mayor Ritter, Aguilera, Franklin, Green

NOES: Rigby

ABSTAIN: None



JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

ATTEST:
KATHY VALDEZ, CITY CLERK

By: _____

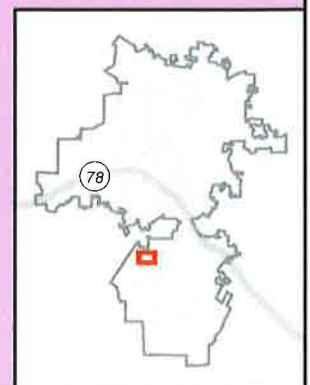
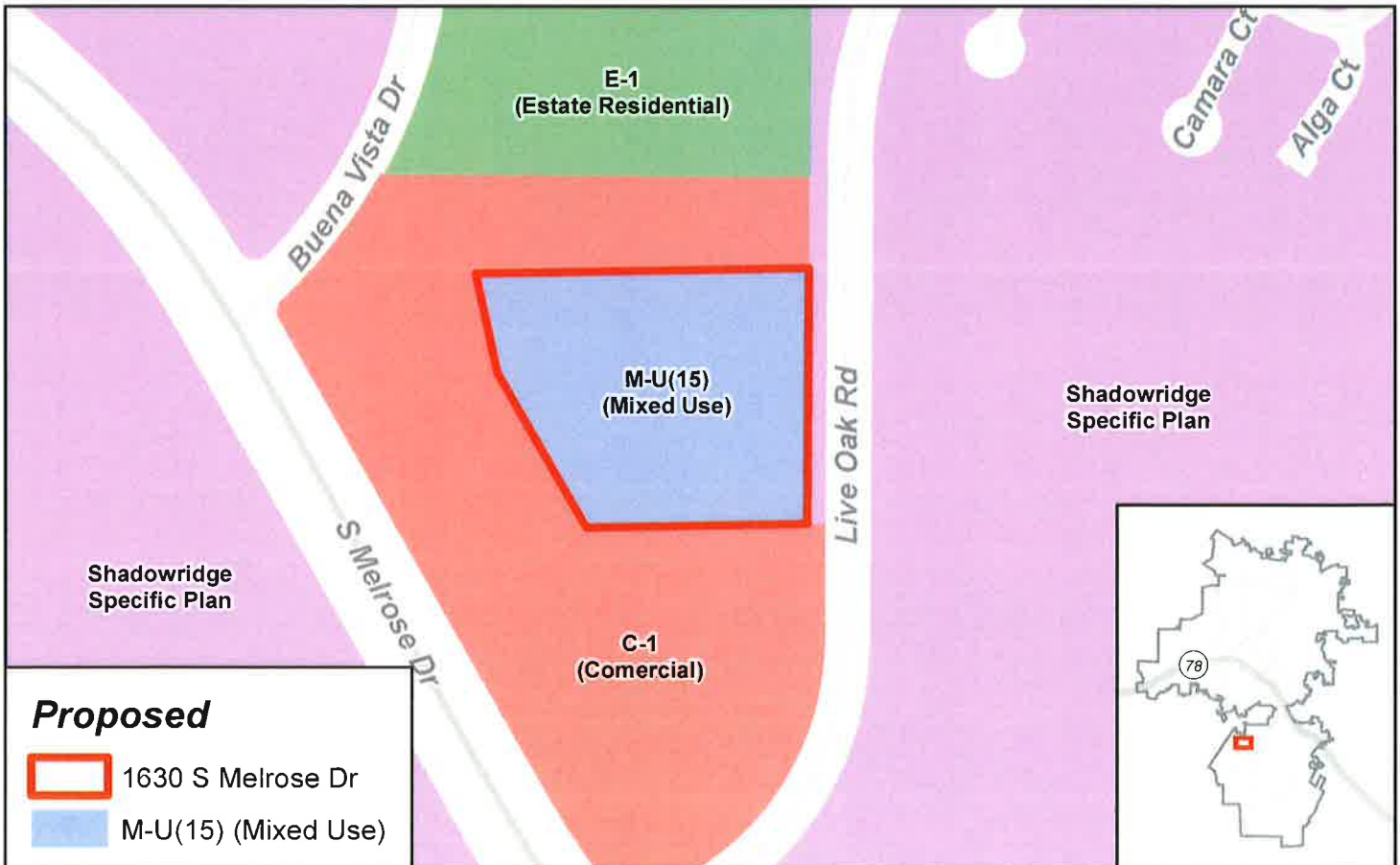
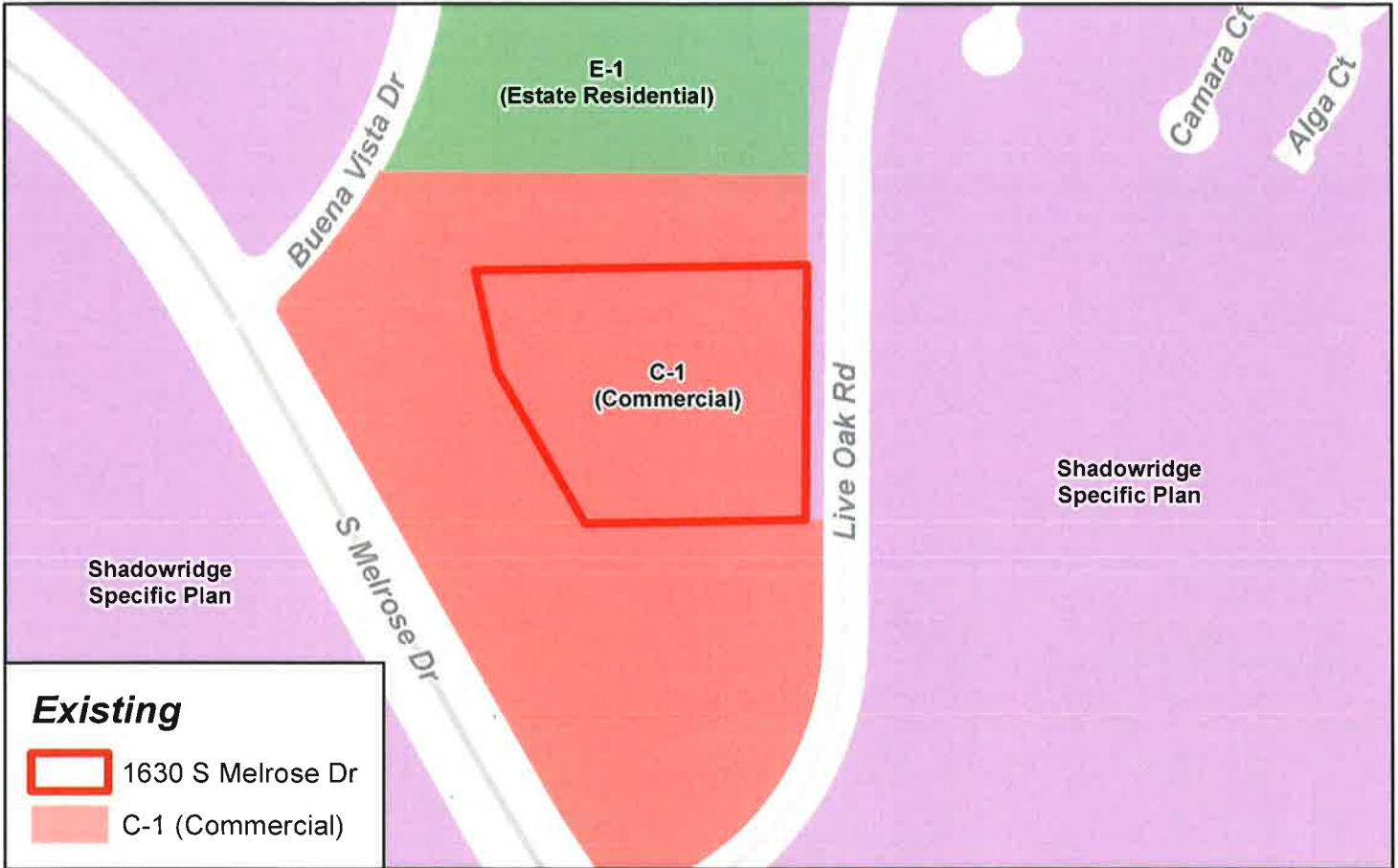
By: _____

APPROVED
Darold Pieper
20161222173555

Zoning Change




0 250 500 Feet



CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2017-01 to be posted on January 12, 2017, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in cursive script that reads "Kathy Valdez". The signature is written in black ink and is positioned above the printed name.

Kathy Valdez, City Clerk