ORDINANCE NO. 2020-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, APPROVING A ZONING MAP AMENDMENT TO DESIGNATE SPECIFIC NATURAL RESOURCE AREAS AS OPEN SPACE WITHIN THE BIOLOGICAL PRESERVE OVERLAY ZONE

APPLICANT: City of Vista
PLANNING CASE NO. 20-0072

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

1. Findings. The City Council hereby finds and declares the following:

   A. There are specific natural resource areas in the city that are currently undesignated in the General Plan Land Use Element. The request is a General Plan Land Use Map Amendment to designate the subject areas as Open Space (OS) within the biological preserve overlay zone (BPO). The zoning of open space (O) within the BPO would accompany this land use designation and it would be consistent with the General Plan.

   B. The property for which the approvals are requested is more specifically described as follows:

      A total of 6.4 acres located on the north side of Hacienda Drive and west of Vista Village Drive (City of Vista right-of-way areas). See Exhibit "A" - Aerial View of Proposed Biological Preserve Overlay Zone.

   C. On April 21, 2020, the Planning Commission held a duly noticed public hearing on the requested Zoning Map change and General Plan Land Use Map amendment and adopted Planning Commission Resolution No. 2020-08, recommending City Council approval of the proposed Zoning Map change and General Plan Land Use Map amendment. The Planning Commission's written recommendations to the City Council regarding the request are included in Planning Commission Resolution 2020-08, consistent with Government Code Section 65855.

   D. Pursuant to Vista Development Code chapters 18.48 and 18.80, the City Council held a duly noticed public hearing regarding the proposed Zoning Map change on May 12, 2020, and at said hearing, staff reports both written and oral were received in evidence, and all persons desiring to speak on the request were heard. At the conclusion of said hearing, after consideration of all evidence presented, the City Council made certain findings and reached a decision on the request as hereinafter set forth.

2. Zoning Map Change. The Zoning Map is hereby amended, as reflected in Exhibit "B" to conform to the zone change.

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 regular meeting of the City Council of the City of Vista held on May 12, 2020, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By: [Signature]

ATTEST:
KATHY VALDEZ, CITY CLERK

By: [Signature]

Exhibits:
A. Aerial View of Proposed Biological Preserve Overlay Zone
B. Illustration of Zone Change

[Approval]
Dorold Pieper
20200430104641
CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2020-6 to be posted on May 14, 2020, 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.

Kathy Valdez, City Clerk