AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.14.100 AND 19.14.240 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO APPEAL FROM PLANNING COMMISSION ACTIONS TAKEN BY LESS THAN A FULL PLANNING COMMISSION

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

SECTION I: That Sections 19.14.100 and 19.14.240 of Chapter 19.14 of the Chula Vista Municipal Code be, and the same are hereby amended to read as follows:

Sec. 19.14.100 Conditional Use Permit-Appeals-Form-Contents-Effect of filing.

The applicant or other interested person may appeal from the decision of the planning commission granting or denying any conditional use permit as provided in Sections 19.14.240 and 19.14.250 to the city council within ten days after said decision is filed with the city clerk. Said appeal shall be in writing and filed in triplicate with the city clerk upon forms provided by the planning department and shall specify wherein there was an error in the decision of the planning commission. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the city council.

Where an application is denied by the planning commission by less than four votes, the applicant shall have the right to either a rehearing at the next planning commission meeting or an appeal to the city council without payment of additional fees. The choice of alternatives shall be discretionary with the applicant. All other proceedings pertaining to appeals shall continue to apply.

Sec. 19.14.240 Variance-Appeals-Procedure Generally -Effect of filing-Public Hearing.

The applicant or other interested party may appeal the decision of the zoning administrator to the planning commission within ten days after said decision is filed

with the city clerk. Said appeal shall be in writing and filed in triplicate with the planning department on forms provided by said department, and shall specify wherein there was an error in the decision of the zoning administrator. If an appeal is filed within the time limit specified, it stays proceedings in the matter until a determination is made by the planning commission. The planning commission shall set the matter for hearing as set forth herein for action by the commission on conditional use permits in Sections 19.14.080 through 19.14.100.

Where an application is denied by the planning commission by less than four votes, the applicant shall have the right to either a rehearing at the next planning commission meeting or an appeal to the city council without payment of additional fees. The choice of alternatives shall be discretionary with the applicant. All other proceedings pertaining to appeals shall continue to apply.

SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after it adoption.

Presented and Approved as to form by

Thomas J. Harron, City Attorney

0.3084

|  | FIRST READ AT         | A REGULAR MEETING OF THE CITY COUNCIL OF THE                 |
|--|-----------------------|--|
| TTY OF CH                                | ULA VISTA, CAL        | IFORNIA, HELD <u>September 18</u> , 19 <u>84</u> , AND       |
| FINALLY PA                               | SSED AND ADOPT        | TED AT A REGULAR MEETING THEREOF HELD _September 25,         |
| 19                                       | BY THE FOLLOWI        | NG VOTE, TO-WIT:   |
| AYES:                                    | Councilmen : .        | McCandliss, Moore, Malcolm                                   |
| NAYES:                                   | Councilmen : _        | N one  |
| ABSTAIN:                                 | Councilmen : _        | None   |
| ABSENT:                                  |                       | Cox, Scott   |
|  |                       | Lugary R. Cox  |
|  | 7                     | Mayor of the City of Chula Vista                             |
| ATTEST                                   | Ennie M<br>City Clerk | Dulasz   |
| ATE OF CA<br>COUNTY OF S<br>CITY OF CHUL | SAN DIEGO ) ss.       |  |
| ı  | , JENNIE M. FULA      | ASZ, CMC, CITY CLERK of the City of Chula Vista, California, |
| DO HEREBY                                | CERTIFY that the      | e above and foregoing is a full, true and correct copy of    |
| ORDINANCE                                | NO. <u>2084</u>       | ,and that the same has not been amended or repealed.         |
| DATED                                    |                       |  |
| (se                                      | eal)                  | City Clerk   |
|  |                       |  |

## ORDINANCE NO. 2084

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.14.100 AND 19.14.240 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO APPEAL FROM PLANNING COMMISSION ACTIONS TAKEN BY LESS THAN A FULL PLANNING COMMISSION

By a unanimous vote of those present (Councilman Scott and Mayor Cox were absent), the City Council placed the ordinance on its second reading and adoption.

The amendments allow applicants to obtain rehearings or to appeal without cost unfavorable Planning Commission decisions where the absence of commissioners may have had an unfavorable effect on the vote.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista, CA.

Dated: 9/27/84

Jennie M. Fulasz, CMC, City Clerk