

ORDINANCE NO. 2152

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE TO DELETE CONSTRUCTION OF APARTMENTS WITH APPROVAL OF A CONDITIONAL USE PERMIT IN THE C-N, C-C AND C-T COMMERCIAL ZONES

The City Council of the City of Chula Vista does hereby find as follows:

An Initial Study, IS-86-40, of possible adverse environmental impacts of the project was conducted by the Environmental Review Coordinator on April 10, 1986. The Environmental Review Coordinator concluded that there would be no significant environmental effects and recommended that the Negative Declaration be adopted. Therefore, the City Council does hereby adopt the Negative Declaration issued on IS-86-40.

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

SECTION I: That Section 19.34.030 of the Chula Vista Municipal Code is hereby amended to read as follows:

**19.34.030 Conditional uses.**

The following uses shall be permitted in the C-N zone, provided a conditional use permit is issued in accordance with the provisions of Section 19.14.060:

- A. Automobile service stations, in accordance with the provisions of Section 19.58.280;
- B. Sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental to the sale of food;
- C. Electrical substations and gas regulator stations, subject to the provisions of Section 19.58.140;
- D. Unclassified uses, see Chapter 19.54;
- ~~E. R+B+C residential uses as regulated in the R+B+C zoning district.~~
- E. Roof-mounted satellite dishes subject to the standards set forth in Section 19.30.040.

SECTION II: That Section 19.36.030 of the Chula Vista Municipal Code is hereby amended to read as follows:

**19.36.030 Conditional uses.**

Conditional uses in the C-C zone include:

- A. Car washes, subject to the provisions of Section 19.58.060;
- B. Skating rinks, subject to the conditions of Section 19.58.040;
- C. Signs in excess of maximum as established in Section 19.36.040 of this chapter;
- D. Automobile rental and towing service;
- E. Billiard parlors;
- F. Bowling alleys, subject to the provisions of Section 19.58.040;
- G. Social and fraternal organizations (nonprofit), subject to the provisions of Section 19.58.100;
- H. Trailer rentals;
- I. Veterinarian clinic, subject to the provisions of Section 19.58.050;
- J. Unclassified uses, See Chapter 19.54;
- K. Automobile service stations, subject to the provisions of Section 19.58.280;
- ~~L. R-3/ANB/R-3-C/residential/uses/as/regulated/in/the R-3/zoning/districts~~
- L.~~M/~~ Cardrooms.
- M.~~M/~~ Roof-mounted satellite dishes subject to the standard set forth in Section 19.30.040.

SECTION III: That Section 19.40.030 of the Chula Vista Municipal Code is hereby amended to read as follows:

**19.40.030 Conditional uses.**

Conditional uses in a C-T zone include:

- A. Used car lots and motorcycle sales and repair, subject to the provisions of Section 19.58.070;
- B. Trailer and equipment sales and rental establishments and towing service;
- C. Drive-in theaters, subject to the provisions of Section 19.58.120, and provided that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than one hundred feet from any street or thoroughfare;
- D. Automobile service stations, garages for major and minor repairs, as defined herein, and car-washing establishments, subject to the provisions of Sections 19.58.060 and 19.58.280;
- E. Carpenter shop, electrical, plumbing or heating shops;
- F. Dancehalls, subject to the provisions of Section 19.58.040;
- G. Truck and trailer service, including major repair;
- H. Building material sales yard, not including concrete mixing;
- I. Automobile storage, contractor's equipment storage yard, or storage, sale and rental of equipment commonly used by contractors;
- J. Signs in excess of maximum, as established in Section 19.40.040;
- K. Bait and tackle shops;
- L. Commercial recreation facilities (outdoor);
- M. Upholstery shops;
- N. Automobile paint and body shops;
- O. Wholesale bakeries;
- P. Laundries, except industrial; and cleaning and dyeing plants;
- Q. Used clothing sales;

- R. Lumberyards;
- S. Radiator repair shops;
- T. Unclassified uses, see Chapter 19.54;
- U. Knitting and weaving shops;
- V. Cardrooms;

W/ R/B/RESIDENTIAL/USES/AS/REGULATED/IN/THE/R/B/ZONING/DISTRICT//SUBJECT//TO//THE//PROVISIONS//OF//SECTION 19.40.160/

W.X/ Roof-mounted satellite dishes subject to the standards set forth in Section 19.30.040.

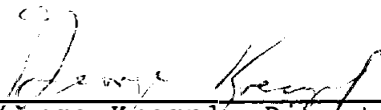
SECTION IV: That Section 19.40.160 of the Chula Vista Municipal Code is hereby repealed:

19.40.160 SETBACKS/FROM/MAJOR/THOROUGHFARE/FOR/R/B/USES/


IN//ANY//CITY//DISTRICT//EXCEPT//ON//A//MAJOR/THOROUGHFARE//R/B//USES//PERMITTED//BY//CONDITIONAL USE//PERMIT//WILL//NOT//BE//PERMITTED//WITHIN//THE//FRONT//100//HUNDRED//FEET//OF//THE//PROPERTY//AND//SHALL//BE//SEPARATED//FROM//ADJACENT//INCOMPATIBLE//LAND//USES//BY//A//ZONING//WALL//SETBACK//SIDE//AND//REAR//YARD//REQUIREMENTS//SHALL//BE//THE//SAME//AS//IN//R/B//DISTRICTS//THE//WALL//FAÇING//THE//SEPARATED//CITY//USES//MAY//BE//CONSIDERED//AS//A//SIDE//YARD//IF//THE//PROPERTY//HAS//ACCESS//TO//AN//ADJUTANT//PUBLIC//STREET//ORD//1718/8/26/1978/

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

Presented by

  
 \_\_\_\_\_  
 George Kremp, Director of Planning

Approved as to form by

  
 \_\_\_\_\_  
 Thomas J. Harron, City Attorney

1561a

0-52

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CHULA VISTA, CALIFORNIA, HELD May 27, 19 86, AND  
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD June 3,  
19 86, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen Cox, Malcolm, Moore, Campbell  
NAYES: Councilmen None  
ABSTAIN: Councilmen None  
ABSENT: Councilmen McCandliss

Gregory R. Cox  
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,  
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
Ordinance 2152, and that the same has not been amended or repealed.

DATED \_\_\_\_\_

(seal) \_\_\_\_\_  
City Clerk

EXHIBIT A

19.30.040 Conditional uses.

Conditional uses permitted in the C-0 zone include:

- ~~A/~~ ~~R/Z/residential/uses/as/regulateA/therein/~~
- A.~~B/~~ Public and quasi-public uses appropriate to the district, such as professional, business and technical schools of a public service type, but not including corporation yards, storage or repair yards and warehouses;
- B.~~C/~~ Day nurseries, schools and studios for arts and crafts, photography, music, dance and art galleries, in accordance with the provisions of Section 19.58.220;
- C.~~D/~~ Commercial parking lots and parking garages, in accordance with the provisions of Sections 19.62.010 through 19.62.130;
- D.~~E/~~ Radio and television broadcasting, excluding towers;
- E.~~F/~~ Restaurants;
- F.~~G/~~ Electric substations and gas regulators, subject to the provisions of Section 19.58.140;
- G.~~H/~~ Plant nurseries and the sale of related hardware items; provided, they are clearly incidental and secondary to the plant nursery. Plant nurseries shall be allowed only on the peripheral areas of the C-0 zone, so as not to disrupt the continuity of the professional and administrative office land uses;
- H.~~I/~~ Unclassified uses, see Chapter 19.54.
- I.~~J/~~ Roof-mounted satellite dishes subject to the following standards or conditions:
1. These dishes shall be screened, using appropriate matching architectural materials or parapet walls.
  2. Dishes shall be of a neutral color, match the building or as otherwise approved by the City.
  3. A building permit shall be required.
  4. No advertising material shall be allowed on the satellite dish antenna. Satellite dish antenna containing advertising material shall be considered a sign.
- (Ord. 2108 § 1 (part), 1985; Ord. 1889 § 1, 1980; Ord. 1494 § 5, 1973; Ord. 1356 § 1 (part), 1971; Ord. 1212 § 1 (part), 1969: prior code § 33.506(D).)

**19.32.030 Conditional uses.**

Conditional uses in the C-B zone include:

- A. Automobile rental agencies;
- B. Electrical substations and gas regulator stations, subject to the provisions of Section 19.58.140;
- C. Social and fraternal organizations, subject to the provisions of Section 19.58.100;
- D. Theaters;
- E. Bowling alley, dance hall, roller skating rink and plant nurseries, subject to the provisions of Section 19.58.040;
- F. Furniture upholstering shops;
- ~~G. R-3 residential use above the ground floor as regulated in the R-3 zoning district, provided that R-3 yard requirements may be modified where appropriate;~~
- G. Building height in excess of three and one-half stories when adjacent to any R or C-0 zone;
- H. Knitting and weaving shops;
- I. Unclassified uses, see Chapter 19.54;
- J. Automobile service stations, subject to the provisions of Section 19.58.280.
- K. Roof-mounted satellite dishes subject to the standards set forth in Section 19.30.040.

(Ord 2108 § 1 (part), 1985: Ord. 1356 § 1 (part), 1971: Ord. 1212 § 1 (part), 1969: prior code § 33.507(C).)

EXHIBIT A

19.34.030 Conditional uses.

The following uses shall be permitted in the C-N zone, provided a conditional use permit is issued in accordance with the provisions of Section 19.14.060:

- A. Automobile service stations, in accordance with the provisions of Section 19.58.280;
- B. Sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental to the sale of food;
- C. Electrical substations and gas regulator stations, subject to the provisions of Section 19.58.140;
- D. Unclassified uses, see Chapter 19.54;
- ~~E. R-1~~ ~~R-10/residential/uses, as regulated in the R-10/zoning/district/~~
- ~~E. R-1~~ Roof-mounted satellite dishes subject to the standards set forth in Section 19.30.040.

(Ord. 2108 § 1 (part), 1985: Ord. 1571 § 1 (part) 1974: Ord. 1356 § 1 (part), 1971: Ord. 1212 § 1 (part), 1969: prior code § 33.508(C).)



19.36.030 Conditional uses.

Conditional uses in the C-C zone include:

- A. Car washes, subject to the provisions of Section 19.58.060;
- B. Skating rinks, subject to the conditions of Section 19.58.040;
- C. Signs in excess of maximum as established in Section 19.36.040 of this chapter;
- D. Automobile rental and towing service;
- E. Billiard parlors;
- F. Bowling alleys, subject to the provisions of Section 19.58.040;
- G. Social and fraternal organizations (nonprofit), subject to the provisions of Section 19.58.100;
- H. Trailer rentals;
- I. Veterinarian clinic, subject to the provisions of Section 19.58.050;
- J. Unclassified uses, See Chapter 19.54;
- K. Automobile service stations, subject to the provisions of Section 19.58.280;

V/ ~~R/B and R-3-C residential uses as regulated in the R/B zoning districts~~

L.M/ Cardrooms.

M.M/ Roof-mounted satellite dishes subject to the standard set forth in Section 19.30.040.

(Ord. 2108 § 1 (part), 1985: Ord. 1757 § 1 (part), 1977: Ord. 1746 § 1 (part), 1977: Ord. 1571 § 1 (part), 1974: Ord. 1356 § 1 (part), 1971: Ord. 1212 § 1 (part), 1969: prior code § 33.509(C).)

19.40.030 Conditional uses.

Conditional uses in a C-T zone include:

- A. Used car lots and motorcycle sales and repair, subject to the provisions of Section 19.58.070;
- B. Trailer and equipment sales and rental establishments and towing service;
- C. Drive-in theaters, subject to the provisions of Section 19.58.120, and provided that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than one hundred feet from any street or thoroughfare;
- D. Automobile service stations, garages for major and minor repairs, as defined herein, and car-washing establishments, subject to the provisions of Sections 19.58.060 and 19.58.280;
- E. Carpenter shop, electrical, plumbing or heating shops;
- F. Dancehalls, subject to the provisions of Section 19.58.040;
- G. Truck and trailer service, including major repair;
- H. Building material sales yard, not including concrete mixing;
- I. Automobile storage, contractor's equipment storage yard, or storage, sale and rental of equipment commonly used by contractors;
- J. Signs in excess of maximum, as established in Section 19.40.040;
- K. Bait and tackle shops;
- L. Commercial recreation facilities (outdoor);
- M. Upholstery shops;
- N. Automobile paint and body shops;
- O. Wholesale bakeries;
- P. Laundries, except industrial; and cleaning and dyeing plants;
- Q. Used clothing sales;
- R. Lumberyards;
- S. Radiator repair shops;
- T. Unclassified uses, see Chapter 19.54;
- U. Knitting and weaving shops;
- V. Cardrooms;
- W/ ~~R-3 residential uses as regulated in the R-3 zoning district, subject to the provisions of Section 19.40.160.~~
- W.X/ Roof-mounted satellite dishes subject to the standards set forth in Section 19.30.040.

(Ord. 2108 § 1 (part), 1985: Ord. 1954 § 1 (part), 1981: Ord. 1855 § 3, 1979: Ord. 1757 § 1 (part), 1977: Ord. 1746 § 1 (part), 1977: Ord. 1716 § 1, 1976: Ord. 1464 § 1, 1973: Ord. 1456 § 1, 1973: Ord. 1356 § 1 (part), 1971: Ord. 1212 § 1 (part), 1969: prior code § 33.522(C).)

19/40/160      set back s / fróm / májór / thóróughfáre / fór / R-3 / úsés /  
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WPC 2662P

# negative declaration

PROJECT NAME: Zoning ordinance text amendment to construction of multiple family dwellings as a conditional use in the C-N, C-C and C-T zones.

PROJECT LOCATION: City-wide excepting those portions of Chula Vista which are a part of the Montgomery annexation area.

PROJECT APPLICANT: City of Chula Vista

CASE NO: IS-86-40

DATE: April 10, 1986

## A. Project Setting

The proposed changes to the zoning ordinance will affect those areas of the city located within the C-N, C-C and C-T commercial zones.

## B. Project Description

Currently, it is possible with approval of a conditional use permit to construct multiple family dwellings within the C-N, C-O, C-B, C-C and C-T commercial zones throughout the City, with the exception of the Montgomery annexation area which is regulated by a separate zoning ordinance, pending completion of the Montgomery Specific Plan. The proposed amendment to the zoning ordinance would delete that Residential option from all C-N neighborhood commercial, CC central commercial, and C-T thoroughfare commercial zones. The apartment option, with approval of a conditional use permit, would remain within C-O commercial office and C-B commercial business zones, where a significant amount of apartment construction has already taken place.

## C. Compatibility with Zoning and Plans

The proposed changes to the zoning ordinance serve to make the affected zones more compatible with their corresponding commercial general plan designations, by eliminating the possibility of introducing potentially noncompatible residential land uses in areas designated primarily for commercial uses. This action will further efforts for achieving long term land use goals outlined in the Chula Vista General Plan without the creation of short term environmental impacts.

## D. Identification of Environmental Effects

Amendments to the C-N, C-C, and C-T commercial zones to delete construction of apartments with approval of a conditional use permit will have no substantial and adverse environmental effects upon areas subject to those zones or surrounding areas.

The proposed action will serve to reduce the potential for creating adverse environmental effects associated with placing conflicting residential and commercial uses in close proximity to one another.



E. Findings of Insignificant Impact

1. The project does not have a potential to degrade the quality of the environment or curtail the diversity of the environment. There are no significant adverse environmental effects associated with the proposed ordinance changes. Positive environmental effects have been noted with the proposed action in that it will serve to reduce future environmental impacts produced by placement of conflicting residential and commercial uses in close proximity to one another.
2. The project will achieve both short-term and long-term environmental goals by limiting future development to land uses which conform to the goals of the Chula Vista General Plan with respect to commercially designated areas.
3. The project will not have potential cumulative adverse environmental impacts upon the area affected by the ordinance change or surrounding areas. No significant environmental effects are associated with the proposed changes.
4. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, since no adverse environmental effects are associated with the project.

G. Consultation

1. Individuals and Organizations

City of Chula Vista: Mando Liuag, Associate Planner  
Roger Daoust, Senior Civil Engineer  
Julie Scholling, Assistant Planner  
Gene Grady, Building and Housing Department  
Carol Gove, Fire Marshal  
Chuck Glass, Traffic Engineer

2. Documents

City of Chula Vista General Plan  
Title 19, City of Chula Vista Zoning Ordinance  
Chula Vista Municipal Code, December 1985

The Initial Study application and evaluation forms documenting the findings of no significant impact are on file and available for public review at the Chula Vista Planning Department, 276 Fourth Avenue, Chula Vista, CA 92010.

  
ENVIRONMENTAL REVIEW COORDINATOR

WPC 2713P  
EN 6 (Rev. 5/85)

city of chula vista planning department  
environmental review section



3. PUBLIC HEARING: ZONING TEXT AMENDMENT PCA-86-8 - TO AMEND TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE TO DELETE CONSTRUCTION OF APARTMENTS WITH APPROVAL OF A CONDITIONAL USE PERMIT IN THE C-N, C-C AND C-T COMMERCIAL ZONES

Principal Planner Lee stated that when the zoning ordinance was adopted in 1969, provisions were included to allow multiple family construction by use of the conditional use permit in the C-0 and C-B zones as the mixture of residential in the downtown and office areas was, and still is considered a desirable mixture based on similarity of building scale, traffic and hours of operation. Through the years, this ordinance has been modified to include C-C and C-N zones by the conditional use process, and later the C-T zone with the provisions that a 200-foot commercial depth be maintained. He pointed out that the number of units constructed in commercial zones in the last 11 years equates to approximately 56 percent in the C-0 zone; 23 percent in the C-C and the remainder in the neighborhood or C-T zones. The figures are a bit colored in the C-C zone because 94 of the 114 units were on one project which could easily have gone through the rezoning process except the applicant elected to use the CUP process. Recently, Council has expressed concern about development utilizing the CUP process without the benefit of rezoning. In the report to Council, staff recommended the ordinance be modified to delete the CUP process and revert back to a rezoning procedure. Council accepted the report and directed the Planning Commission to consider the amendment. Staff's recommendation would be to retain the CUP use in the C-B zone (which is in the redevelopment mode) and in the C-0 zone as this is considered a positive land-use goal, but to delete its utilization in the other zones.

MSUC (Tubenberg/Shipe) (6-0) to find this project will have no significant environmental impacts and adopt the Negative Declaration issued on IS-8-640.

MSUC (Tugenberg/Shipe) (6-0) to recommend Council approve the proposed ordinance amendment as outlined in Exhibit "A" attached to the staff report and made a part thereto.

RESOLUTION NO. PCA- 86-8

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN AMENDMENT TO TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE TO DELETE CONSTRUCTION OF APARTMENTS WITH APPROVAL OF A CONDITIONAL USE PERMIT IN THE CN, CC AND CT COMMERCIAL ZONES

WHEREAS, the City Council at their meeting of March 11, 1986, recommended that the zoning ordinance be amended to remove construction of multiple residential units in commercial zones as a conditional use, in recognition of the fact that this constitutes a significant change in land use on a permanent basis and should be evaluated as a rezoning, and

WHEREAS, Planning Department staff has recommended that multiple dwellings as a conditional use should be retained in the CO and CB commercial zones due to the potential for R-3 residential uses to be designed to complement rather than conflict with office professional commercial activities within these zones, and

WHEREAS, the Planning Commission set the time and place for a hearing on said amendment and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city at least ten days prior to the hearing, and

WHEREAS, the hearing was held at the time and place as advertised, namely 7:00 p.m., April 23, 1986, in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and said hearing was thereafter closed, and

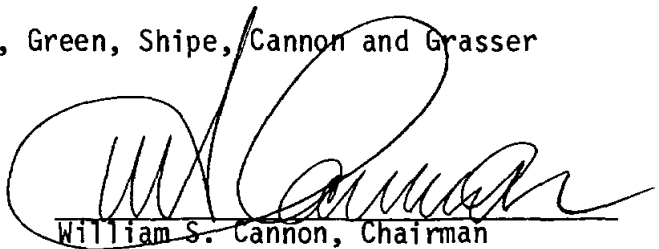
WHEREAS, the Commission found that the project would have no significant environmental impacts and adopted the Negative Declaration issued on IS-86-40.

NOW, THEREFORE, BE IT RESOLVED THAT FROM THE FACTS PRESENTED AT THE HEARING, THE PLANNING COMMISSION recommends the adoption of amendments to Title 19 of the Municipal Code to read as listed in Exhibit A, attached hereto and made part of.


That a copy of this resolution be transmitted to the City Council.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF CHULA VISTA, CALIFORNIA, this 23rd day of April, 1986, by the following vote, to-wit:

AYES: Commissioners Carson, Tugenberg, Green, Shipe, Cannon and Grasser  
NOES: None  
ABSENT: Commissioner Guiles

  
William S. Cannon, Chairman

ATTEST:

  
Ruth M. Smith, Secretary

WPC 2807P/1595P

ORDINANCE NO. 2152

*Approved  
JMF*

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE TO DELETE  
CONSTRUCTION OF APARTMENTS WITH APPROVAL OF A CONDITIONAL  
USE PERMIT IN THE C-N, C-C AND C-T COMMERCIAL ZONES

By a unanimous vote on June 3, 1986 (Councilwoman McCandliss  
was absent), the City Council placed the ordinance on  
second reading and adoption.

Generally, the ordinance amends Title 19 of the Municipal  
Code to remove the construction of multiple residential  
units in commercial zones as a conditional use. It  
further stipulates that multiple dwellings as a conditional  
use should be retained in the CO and CB commercial zones  
due to the potential for R-3 residential uses which may  
be designed to complement rather than conflict with office  
professional commercial activities within these zones.

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

Dated: June 5, 1986

  
Jennie M. Fulasz, CMC, City Clerk