

ORDINANCE NO. 2193

AN ORDINANCE OF THE CITY OF CHULA VISTA REPEALING CERTAIN PORTIONS OF SECTION 19.12.110 OF THE CHULA VISTA MUNICIPAL CODE WHICH REQUIRE A CITY COUNCIL OVERRIDE OF A PLANNING COMMISSION DENIAL TO FIRST BE REFERRED BACK TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

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

SECTION I: That Section 19.12.110 of Chapter 19.12 is hereby amended to read as follows:

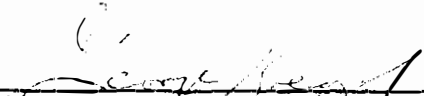
Sec. 19.12.110 Commission-Denial actions-Appeal procedure.

If an application for change or reclassification or adoption or amendment of the comprehensive zoning law is denied by the commission, the applicant or interested party may, within ten days of the date of the mailing of the notification of denial, appeal to the city council by written notice of appeal filed with the city clerk. Such appeal shall be filed in duplicate and shall set forth specifically wherein the commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice require such change or reclassification. Upon receipt of such appeal, the city clerk shall set the matter for hearing in the manner prescribed herein, and shall forward the findings of fact of the planning commission to the city council. The city council may, after the public hearing and consideration of the matter, affirm the action of the planning commission or may grant the appeal or a modification thereof by the affirmative vote of not less than a majority of its total membership. *provided that the modification of a recommended ordinance or a grant be appeal from the denial of the planning commission shall first be referred to the planning commission for report and recommendation by the planning commission but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty days after the reference shall be deemed to be approval of the proposed modification or grant of appeal and the council may thereafter adopt by ordinance the modification thus referred by the planning commission.*

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

Presented by

Approved as to form by



George Krempel, Director of
Planning
2493a



Thomas J. Harron, City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD February 10, 19 87, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD February 17,
19 87, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Malcolm. McCandliss, Moore, Nader
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : None

Leonard M. Moore

Mayor PRO TEMPORE

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 NO. 2193, and that the same has not been amended or repealed.

DATED _____



CITY OF
CHULA VISTA

City Clerk

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