

ORDINANCE NO. 2374

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE TO DELETE PROVISIONS WHICH REQUIRE REZONINGS, PLANNED UNIT DEVELOPMENTS, PRECISE PLANS, CONDITIONAL USE PERMITS AND VARIANCES TO BE PROCESSED WITHIN A SPECIFIED NUMBER OF DAYS

WHEREAS, the proposed amendments would delete provisions from the Code which require rezonings, planned unit developments, precise plans, conditional use permits and variances to be processed within a specified number of days, and

WHEREAS, the impetus for the amendments is recent State legislation regarding the public noticing and review period for environmental documents, and a new policy adopted by the Planning Commission regarding adequate lead time in receiving agenda materials, and

WHEREAS, the Environmental Review Coordinator has determined that the proposed amendments are exempt from environmental review and are considered a non-significant action per Section 2.4.3.2 of the environmental review procedures of the City of Chula Vista, and

WHEREAS, on May 9, 1990, the Planning Commission voted 5-0 to recommend that Council approve the amendments in accordance with Resolution PCA-90-05.

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

SECTION I: That Section 19.12.100 of Chapter 19.12 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 19.12.100 Commission-Approval actions-Procedure

If the application is approved or a more restrictive zone recommended, the commission shall forward its resolution and the application with a report of its findings to the city clerk who shall cause the matter to be set for hearing before the city council in the same manner as required herein for setting a hearing before the planning commission.

SECTION II: That Sections 19.14.090, 19.14.180, 19.14.210, 19.14.370, 19.14.380, 19.14.573, and 19.14.574 of Chapter 19.14 are hereby amended to read as follows:

Sec. 19.14.090 Conditional use permit-Public hearing procedure-Finding of facts.

The planning commission or the zoning administrator shall make a written finding which shall specify acts relied upon in rendering said decision and attaching such conditions and safeguards as deemed necessary

and desirable not more than ten days following the decision of the commission or the zoning administrator, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section and Section 19.14.080. A copy of this written finding of facts shall be filed with the city clerk, with the director of building and housing, and mailed to the applicant. The decision of the planning commission or zoning administrator shall be final on the eleventh day following its filing in the office of the city clerk, except where appeal is taken as provided herein.

Sec. 19.14.180 Variance-Public hearing-Procedure-Notice required.

A public hearing shall be held by the zoning administrator in the following manner:

The zoning administrator shall publish a notice of hearing in a newspaper of general circulation in the city not less than five days prior to the date of said hearing. Notice of hearing may also be made, at the option of the zoning administrator or commission, as the case may be, by mail to owners of record of surrounding property within three hundred feet of the property for which said variance is requested. The zoning administrator or the planning commission shall have the discretion to include in notice of hearing on such application notice that the planning commission will consider classification of other than that for which application is made and/or additional properties and/or uses. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

Sec. 19.14.210 Variance-Zoning administrator authority-Notice of action.

The zoning administrator may approve said variance or may grant said variance subject to specified conditions or may deny said variance. The zoning administrator shall notify the applicant forthwith of action taken.

Sec. 19.14.370 Planned unit development-Public hearing-Time-Notice required.

A public hearing shall be held by the planning commission and city council as provided herein:

- A. Such hearing before the city council shall be set for public hearing by the city clerk within twenty days after planning commission action;
- B. The secretary of the commission and city clerk shall publish notice of hearings in a newspaper of general circulation in the city not less than ten days prior to the date of said hearings. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

Sec. 19.14.380 Planned unit development-Planning commission action.

In taking action the commission may recommend to the city council denial of a planned unit development, may recommend approval of the planned unit development as submitted, or may recommend approval of a planned unit development subject to additional conditions. Any planned unit development as authorized shall be subject to all conditions imposed, and shall be excepted from other provisions of this chapter only to the extent specified in said permit or shown by an approved plan.

Sec. 19.14.573 Precise plan approval-Public hearings.

A public hearing shall be held by the planning commission and city council as provided herein:

- A. The hearing before the city council shall be set by the city clerk within thirty days after planning commission action.
- B. The secretary of the planning commission and city clerk shall publish notice of hearings in a newspaper of general circulation in the city not less than ten days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. Any requested exceptions to the requirements of the underlying zone shall be specified in the public hearing notice.

Sec. 19.14.574 Precise plan approval-Planning commission action.

In taking action the commission may recommend to the city council denial of a precise plan, approval of the precise plan as submitted, or approval of a precise plan subject to additional conditions. The planning commission may recommend approval if, from the facts presented, the commission can make the necessary findings noted in Section 19.14.576. Recommendation for approval shall require the affirmative vote of not less than a majority of the total membership of the planning commission. Any precise plan, as authorized, shall be subject to all conditions imposed, and shall be excepted from other provisions of this title only to the extent specified in the resolution of approval or shown by an approved plan.

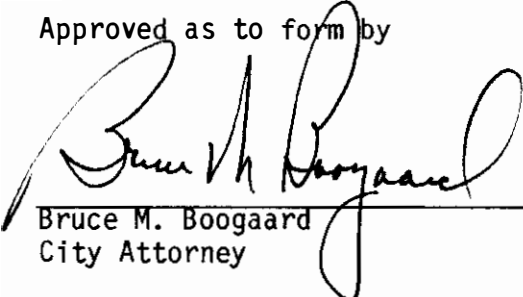
SECTION III: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by



Robert A. Leiter
Director of Planning

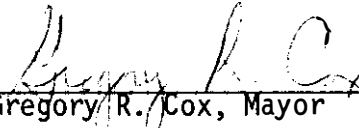
Approved as to form by



Bruce M. Boogaard
City Attorney


PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 12th day of June, 1990, by the following vote:

AYES: Councilmembers: McCandliss, Moore, Nader
NOES: Councilmembers: None
ABSENT: Councilmembers: Cox, Malcolm
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:




Beverly A. Authelet, City Clerk

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

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2374 had its first reading on June 5, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 12th day of June, 1990.

Executed this 12th day of June, 1990.



Beverly A. Authelet, City Clerk