

ORDINANCE NO. 2526

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS
19.14.030, 19.34.020 AND 19.34.030 OF THE CHULA VISTA
MUNICIPAL CODE RELATED TO THE SALE OF ALCOHOLIC
BEVERAGES ON THE C-N ZONE

WHEREAS, on April 21, 1992, after consideration of a report on alcoholic sales facilities in C-N Neighborhood Commercial zones (ref. PCM-92-14), the City Council directed staff to return with an ordinance establishing an application procedure for alcohol sales in the C-N zone; and,

WHEREAS, the amendments provide for a Zoning Administrator conditional use permit with a public hearing for all new alcohol sales facilities in the C-N zone; and,

WHEREAS, in addition to the normal findings required for a conditional use permit, and in consultation with the Police Department, the amendments would require the Zoning Administrator to find that the facility would not result in an overconcentration of such facilities in the neighborhood; and,

WHEREAS, the amendments provide that the City Council would be informed of the Zoning Administrator's decision, and the Council or other interested party, could appeal the permit directly to the City Council for public hearing; and,

WHEREAS, the Environmental Review Coordinator has determined that the amendments are exempt from environmental review as a minor alteration in land use, in accordance with Section 15305 Class 5 of CEQA Guidelines, or Class 5F of the City of Chula Vista Environmental Review Procedures.

THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I. That Section 19.14.030 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 19.14.030 Zoning Administrator-Actions authorized without public hearing.

The Zoning Administrator is authorized to consider and to approve, disapprove or modify applications on the following subjects, and/or issue the following required permits without setting the matter for a public hearing:

- A. Conditional use permit: The Zoning Administrator shall be empowered to issue conditional use permits, as defined herein, in the following circumstances:
 1. Where the use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question.

2. Where the use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof.
3. For signs, as defined herein, and temporary tract houses, as limited herein.
4. The Zoning Administrator is authorized to consider and to approve, deny, or modify applications for conditional use permits for carnivals and circuses. The Zoning Administrator shall set the matter for public hearing in the manner provided herein.
5. Churches.
6. Establishments that include the sale of alcoholic beverages for off-site use or consumption, located in the C-N zone. The Zoning Administrator shall hold a public hearing in accordance with Sections 19.14.060-19.14.090 upon giving notice thereof in accordance with Sections 19.12.070-19.12.080. A conditional use permit shall not be granted unless the Zoning Administrator or other issuing authority finds in his or her sole discretion, and based on substantial evidence in view of the entire record, that all of the facts required by Section 19.14.080 exist, and that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (1) the number and location of existing facilities; (2) compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (3) the impact of the proposed facility on crime; and (4) the impact of the proposed facility on traffic volume and traffic flow. The Police Department or other appropriate City departments may provide evidence at the hearing. A permit to operate may be restricted by any reasonable conditions including but not limited to limitations on hours of operation.

The City Council shall be informed of the decision on each such permit by the City Clerk when the decision is filed in accordance with Section 19.14.090. The decision of the Zoning Administrator may be appealed.

Such appeal shall be directed to the City Council, rather than the Planning Commission, and must be filed within ten (10) days after the decision is filed with the City Clerk, as provided in Section 19.14.100. If appealed within the time limit, said appeal shall be considered in a public hearing conducted by the City Council, in the same manner as other appeals pursuant to Sections 19.14.120 and 19.14.130, except that the Council must make the same written findings required of the Zoning Administrator herein, in order to grant the

permit.

- B. Variances: The Zoning Administrator shall be authorized to grant variances for limited relief in the case of:
 - 1. Modification of distance or area regulations;
 - 2. Additions to structures which are nonconforming as to side yard, rear yard, or lot coverage, providing the additions meet the requirements of the zoning ordinance affecting the property;
 - 3. Walls or fences to exceed heights permitted by ordinances. Modifications requested in said applications for relief to be administered with the requirement for a public hearing shall be limited to deviations not to exceed twenty percent of the requirements imposed by ordinances.
- C. Site plan and architectural approval. The Zoning Administrator shall be empowered to grant site plan and architectural approval as provided herein.
- D. Performance standard procedure. The zoning administrator shall be authorized to issue a zoning permit for uses subject to performance standards procedures, as provided herein.
- E. Home occupations. The Zoning Administrator shall be authorized to grant permits for home occupations, as defined and regulated in Section 19.14.490.
- F. Fees. A fee, in the amount as presently designated or as may be in the future amended in the Master Fee Schedule, shall accompany each application for a variance or conditional use permit or modifications thereto considered by the zoning administrator without a public hearing.

In regard to applications on any of the aforementioned subjects, the Zoning Administrator shall set a reasonable time for the consideration of the same and give notice thereof to the applicant and to other interested person as defined in this title. In the event objections or protests are received, the zoning administrator shall set the matter for public hearing as provided herein.

SECTION II. That Section 19.34.020 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 19.34.020 Permitted uses.

The following are the principal permitted uses in C-N district:

- A. Grocery, fruit or vegetable store;

- B. Bakery;
- C. Drugstore;
- D. Barbershop and beauty shop;
- E. Clothes-cleaning pickup agencies with incidental pressing;
- F. Business or professional office;
- G. Restaurant, cafe or soda fountain, not including entertainment, dancing or sale of liquor, beer, or other alcoholic beverages for consumption on the premises or drive-in car service;
- H. Commercial parking lots for passenger vehicles, subject to the requirements of Section 19.62.010 through 19.62.130;
- I. Coin-operated laundry, with maximum capacity washing units of twenty pounds and comparable drying equipment, and clothes cleaning agency;
- J. Any other retail business or service establishment supplying commodities or performing services for residents of the neighborhood which is determined by the planning commission to be of the same general character as the above-mentioned retail business or service uses, and open during normal business hours of the above uses;
- K. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities and satellite dish antennas in accordance with the provisions of Section 19.22.030 F1-9;
- L. Agricultural uses as provided in Section 19.16.030.

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

Sec. 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 with 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. Roof-mounted satellite dishes subject to the standards set forth in Section 19.30.040;
- F. Recycling collection centers, subject to the provisions of Section 19.58.340;
- G. Automated, drive-through car washes in accordance with the provisions of Section 19.58.060;
- H. Establishments contained in the list of permitted uses above, but which include the sale of alcoholic beverages for off-site use or consumption, in accordance with the procedures in Section 19.14.030;
- I. Liquor store (package, off sale only), in accordance with the procedures in Section 19.14.030.

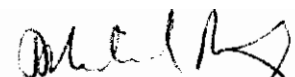
SECTION IV. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by




Robert A. Leiter
Director of Planning



D. Richard Rudolf
Assistant City Attorney


PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 1st day of September, 1992, by the following vote:

AYES:	Councilmembers:	Horton, Malcolm, Moore, Rindone, Nader
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None



Tim Nader, Mayor

ATTEST:




Beverly A. Authalet, City Clerk

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

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2526 had its first reading on August 25, 1992, and its second reading and adoption at a regular meeting of said City Council held on the 1st day of September, 1992.

Executed this 1st day of September, 1992.



Beverly A. Authalet, City Clerk