

ORDINANCE NO. 2552

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA IMPOSING, AS AN INTERIM AND URGENCY MEASURE, A REQUIREMENT THAT FOR A PERIOD OF NINETY (90) DAYS ANY PROPOSAL TO EXPAND OR MODIFY ALCOHOL SALES IN THE CN ZONE IS SUBJECT TO THE ISSUANCE OF A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF CVMC SECTION 19.14.030(6)

WHEREAS, on April 3, 1993, the City Council expressed concern with the fact that the City's recently adopted ordinance requiring a conditional use permit for alcohol sales facilities in the C-N zone (ordinance no. 2526) does not distinguish between the extent or amount of alcohol sales or between the sale of beer/wine and hard liquor, and

WHEREAS, a previously approved or "grandfathered" alcohol sales facility in the C-N zone can therefore expand or modify their operations without local review and approval, and

WHEREAS, the expansion or modification of alcohol sales in the C-N zone may have an adverse impact on the public health, safety, and welfare as it relates to an over-concentration of alcohol sales and the resulting impact on crime in the surrounding area, and

WHEREAS, it will require ninety (90) days to process and consider a permanent amendment to the ordinance to provide for local review and approval of such facilities, and

WHEREAS, an interim urgency ordinance is necessary to maintain the public safety, health and welfare because of the potential that the expansion or modification of alcohol sales in the C-N zone could occur without the opportunity for local review to determine if such expansion or modification would result in an over-concentration of alcohol sales and an adverse impact on crime in the surrounding area.

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

SECTION 1. Chula Vista Municipal Code Section 19.34.030 is amended to read as follows:

**CHAPTER 19.34  
C-N NEIGHBORHOOD COMMERCIAL ZONE**

**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, including any new facilities and any facilities which propose to expand the area devoted to alcohol sales or change the type of alcoholic beverage sold, in accordance with the procedures in Section 19.14.030;
- I. Liquor store (package, off sale only), in accordance with the procedures in Section 19.14.090.

SECTION 2. This Ordinance shall be in effect for a period of ninety (90) days after its adoption unless otherwise shortened or extended by ordinance.

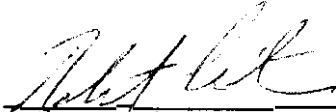
SECTION 3. The City staff and City Planning Commission are hereby directed to prepare and consider an amendment to the Municipal Code which would require a Conditional Use Permit for the expansion or modification of alcohol sales in the C-N zone, and to forward said amendment to the City Council for consideration prior to the expiration date of this ordinance.

SECTION 4. A current and immediate threat exists to the public health, safety and welfare because without a local review and approval process, alcohol sales facilities in the C-N zone may be allowed to expand or modify their operations in a manner which has an adverse impact on the surrounding area.

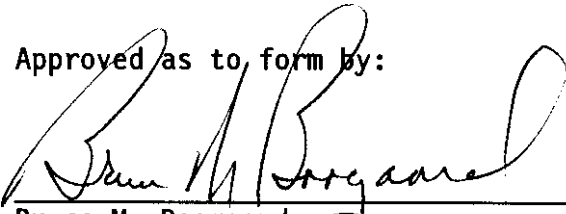
SECTION 5. The City Clerk shall certify the passage and adoption of this ordinance by a vote of at least four-fifths of the City Council of the City of Chula Vista pursuant to Chula Vista Municipal Code 19.12.130; shall cause the same to be entered in the book of original ordinances of the City; shall make a

minute of the passage and adoption thereof in the records of the proceedings of the City Council at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published in the Chula Vista Star News, a newspaper of general circulation, published and circulated in the City and which is hereby designated for that purpose.

Submitted by:

  
\_\_\_\_\_  
Robert Leiter  
Planning Director

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 20th day of April, 1993, by the following vote:

AYES: Councilmembers: Horton, Moore, Rindone, Nader

NOES: Councilmembers: None

ABSENT: Councilmembers: Fox

ABSTAIN: Councilmembers: None



Tim Nader, 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. 2552 had its urgency reading and adoption on April 20, 1993 at a regular meeting of said City Council.

Executed this 20th day of April, 1993.



Beverly A. Authelet, City Clerk