

ORDINANCE NO. 2560

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 19.34.030 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO REQUIREMENTS FOR THE EXPANSION OR MODIFICATION OF ALCOHOLIC BEVERAGE SALES FACILITIES

WHEREAS, on April 13, 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 malt beverages & beer, wine and distilled spirits; 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, on April 20, 1993, Council adopted an interim urgency ordinance (Ordinance No. 2552) requiring for a period of 90 days a conditional use permit, in accordance with CVMC Section 19.14.030A6, for any proposal to expand or modify alcohol sales in the C-N zone, and directed staff to prepare a permanent ordinance for consideration and adoption prior to the expiration of the 90-day period; and,

WHEREAS, on May 26, 1993, the Planning Commission adopted resolution PCA 92-03 by a vote of 6-0 to recommend that the City Council enact the proposed amendment; and,

WHEREAS, the Environmental Review Coordinator has determined that the Project PCA 92-03 is exempt from environmental review as a minor alteration in land use, in accordance with Section 15305 Class 5 of the CEQA guidelines and Class 5F of the City of Chula Vista Environmental Review Procedures.

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

SECTION I: The City Council finds that the Project PCA 92-03 is exempt from environmental review as a minor alteration in land use, in accordance with Section 15305 Class 5 of the CEQA guidelines and Class 5F of the City of Chula Vista Environmental Review Procedures.

SECTION II: That the public necessity, convenience, general welfare and good zoning practice justifies the amendment and that the amendment is in substantial compliance with the City of Chula Vista General Plan.

SECTION III: That Section 19.34.030 of the Chula Vista Municipal Code is 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 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 expand the area devoted to alcohol sales or which require the issuance of a type of alcoholic beverage license by State Alcohol Beverage Control different from the license previously held, 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. Ordinance Number 2552 is repealed, effective when this ordinance becomes effective.

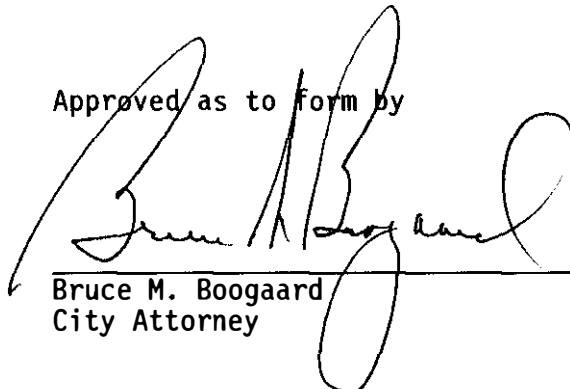
SECTION V. Effective Date. This Ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by



Robert A. Leiter
Director of Planning


Approved as to form by



Bruce M. Boogaard
City Attorney

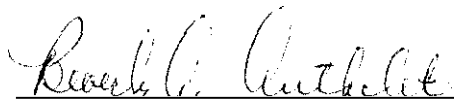
PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 22nd day of June, 1993, by the following vote:

AYES: Councilmembers: Fox, Horton, Moore, Rindone, Nader
NOES: Councilmembers: None
ABSENT: Councilmembers: None
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. 2560 had its first reading on June 15, 1993, and its second reading and adoption at a regular meeting of said City Council held on the 22nd day of June, 1993.

Executed this 22nd day of June, 1993.



Beverly A. Authelet, City Clerk