

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING SECTIONS 19.04.015 AND 19.58.055 TO, AND AMENDING SECTIONS 19.46.040, 19.58.070 AND 19.62.050 OF, THE MUNICIPAL CODE RELATED TO ALLOWING AUCTIONS IN THE I-P ZONE SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT BY THE PLANNING COMMISSION

WHEREAS, pursuant to the Siroonian Settlement Agreement ("Agreement"), the City agreed to process an amendment to the Chula Vista Municipal Code to consider "'the lien sale of impounded vehicles' to occur in an I-P designated zone subject to securing a conditional use/special permit" (Item II.B, page 6 of the Agreement)(Project)(case number PCA-93-01); and,

WHEREAS, on June 9, 1993 at the public hearing for the Project, the Planning Commission determined that subject land use is too narrowly defined, and continued the hearing to September 22, 1993 to allow staff time to study the feasibility of expanding the definition to include other similar types of auctioning, however, the hearing was subsequently rescheduled to October 27, 1993; and,

WHEREAS, the I-P (General Industrial-Precise Plan) Zone does not specifically address "auctions" as either a permitted or conditional use; and,

WHEREAS, within the industrial park located north of Otay Valley Road, the auction of vehicles and general equipment has occurred since 1978 with no adverse affects on the neighborhood or community at large; and,

WHEREAS, good planning principles suggest expanding the limited definition of the Siroonian Settlement Agreement of "the lien sale of impounded vehicles" to include the broader generic category of all forms of vehicle and general equipment auctioning; and,

WHEREAS, on October 27, 1993, the Planning Commission voted 6-to-1 to approve Resolution PCA-93-01 recommending that Council enact the proposed text additions and amendments contained in this Resolution, and directing staff to consult with citizens regarding paving requirements and parking ratios; and,

WHEREAS, the Environmental Review Coordinator conducted an Initial Study, IS-93-24, of potential environmental impact associated with the proposal Project and has concluded that there would be no significant environmental impacts, and recommends adoption of the Negative Declaration issued on IS-93-24, and addendum

attached thereto; and,

WHEREAS, the City Clerk set the time and place for a hearing on said Project and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to parties who have shown an interest in subject project at least ten days prior to the hearing,

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

SECTION I: That the Project will have no significant environmental impacts, and the City Council of the City of Chula Vista hereby adopts the Negative Declaration issued on IS-93-24, and addendum attached thereto.

SECTION II: The City Council hereby finds that the public convenience justifies the proposed text amendment and that it is in substantial conformance with the General Plan of the City of Chula Vista, and that the Planning Commission has duly considered and reported on same.

SECTION III: That Section 19.04.015 is hereby added to the Chula Vista Municipal Code to read as follows:

"19.04.015 Auction.

"Auction" means the auctioning and sale of merchandise and equipment to the highest bidder, but excluding auction rooms and livestock auctioning."

SECTION IV: That Section 19.46.040 of the Chula Vista Municipal Code is amended to read as follows:

"19.46.040 Conditional uses.

Conditional uses in an I district include:

- A. Motels;
- B. Restaurants;
- C. Service stations, subject to the provisions of Sections 19.58.280;
- D. The retail sale of such bulky items as furniture, carpets and other similar items;

- E. Retail distribution centers and manufacturers' outlets which require extensive floor areas for the storage and display of merchandise, and the high-volume, warehouse-type sale of goods and, retail uses which are related to, and supportive of existing, on-site retail distribution centers or manufacturers' outlets. Conditional use permit applications for the establishment of retail commercial uses, covered by the provisions of this subsection, shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission;
- F. The following uses covered by this subsection, shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission:
 - 1. Brewing or distilling of liquor, or perfume manufacture,
 - 2. Meat packing,
 - 3. Large scale bleaching, cleaning and dyeing establishments,
 - 4. Railroad yards and freight stations,
 - 5. Forges and foundries,
 - 6. Automobile salvage and wrecking operations, and industrial metal and waste rag, glass or paper salvage operations; provided, that all operations are conducted within a solid screen not less than eight feet high, and that materials stored are not piled higher than said screen;
- G. Any other use which is determined by the commission to be of the same general character as the above uses;
- H. Unclassified uses, as provided in Chapter 19.54.
- I. Roofmounted satellite dishes subject to the standards set forth in Section 19.30.040.
- J. Recycling collection centers, subject to the provisions of Section 19.58.340.
- K. Hazardous waste facilities, subject to the provisions of Section 19.58.178
- L. Auctions of vehicles, heavy machinery and equipment, subject to the provisions of Section 19.58.055, and only where the "P" Precise Plan modifier has been applied to the I - General Industrial zone."

SECTION V: That Section 19.58.055 is added to the Chula Vista Municipal Code to read as follows:

"19.58.055 Auctions of vehicles, heavy machinery and equipment.

- A. Subject use shall only be allowed by the issuance of a conditional use permit by the Planning Commission in the I-P (General Industrial-Precise Plan) Zone.

- B. The applicant shall list specific items proposed to be auctioned. Said items shall meet the categories "vehicle, heavy machinery and equipment." The conditional use permit, if issued, shall clearly specify the types of items authorized for auctioning as determined by the issuing authority (the Planning Commission, or City Council if appealed).
- C. Auctions shall be limited to one per week with a minimum of one week between auctions.
- D. Auctions shall only be held between the hours of 8:00 a.m. and 5:00 p.m.
- E. All areas shall be properly paved, striped and improved to City standards, and screened to the satisfaction of the City Engineer and the Director of Planning.
- F. Outdoor loudspeakers shall be prohibited unless a noise study conducted by a certified acoustician determines that the proposal can meet the City's noise standards.
- G. The on-site repair or dismantling of automobiles or equipment by purchasers is prohibited."

SECTION VI: That Section 19.58.070 of the Chula Vista Municipal Code is amended to read as follows:

"19.58.070 Automobile sales facilities.

Automobile sales facilities, new and used, shall provide customer off-street parking equal to one-tenth of the car storage capacity of the facility, with ingress and egress designed to minimize traffic congestion, and shall provide a six-foot high masonry wall separating the entire area from abutting residential property, except as provided under Section 19.58.055 for auctions. Said wall may be replaced with a fence subject to department approval."

SECTION VII: That Section 19.62.050 of the Chula Vista Municipal Code is amended to read as follows:

"19.62.050 Number of spaces required for designated uses.

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, or in the opinion of the approving authority is not similar to any use found herein, the approving authority may apply a ratio based on a similar existing use not found herein. In computing parking requirements, a resultant fractional space of one-half shall count as a full space.

The number of off-street parking spaces required shall be as set forth in the following:

Businesses or use and number of spaces required

1. Auctions (See Sections 19.04.15 and 19.58.055):

At the time of application for a conditional use permit, applicant shall submit parking information justifying the amount of parking proposed to be provided and the parking ratio. The information must consist of data upon which the approving authority can reasonably

base a determination of adequacy, such as expected patronage or a comparison with the patronage of similar uses. Said parking ratio shall range from 1 space for each 50 square feet of net usable lot area to 1 space for each 4,000 square feet of net usable lot area;

NOTE: For purposes of this sub section, "net usable lot area" means the area of the parcel exclusive of setbacks, slopes, easements, required right-of-way dedication or other constraints which would preclude use of the land. If complaints are filed with the City regarding impacts related to off-site parking, the project shall be modified to add additional parking for employees and customers, and/or by reducing the auction and/or storage area, subject to the review and approval of the Director of Planning and City Engineer. Failure to resolve such off-site public parking problems by the owner of the property constitutes grounds for revocation of the conditional use permit.

2. Automobile sales facilities, new or used, (See Section 19.58.070):
 - 1 for each 400 sq. ft. of gross floor area, or 1/10 of the maximum car storage capacity, whichever is greater;
3. Automobile repair and service garages:
 - 1 for each 400 sq. ft. of floor area;
4. Banks and savings and loans:
 - 1 for each 200 sq. ft. of floor area; minimum of 5;
5. Bowling alleys:
 - 5 for each alley;
6. Business and professional offices:
 - 1 for each 300 sq. ft. of gross floor area; minimum of 4;
7. Car wash (coin-operated) self-service, or attendant-operated:
 - 3 for each stall, plus 1 for each employee;
8. Children's homes:
 - 1 for each 4 beds plus 1 for each employee;
9. Churches and private schools:
 - 1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater;
10. Dance halls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium, nonprofit clubs and lodges:
 - 1 for each 50 sq. ft. of floor area used for assembly or dancing;

11. Dwellings, single-family, duplex:

2 for each family or dwelling unit, both spaces shall be in a garage with a minimum area of 400 sq. ft. (See Chapter 19.22 for remodeling of garages.);

12. Dwellings, townhouses:

2 for each dwelling unit; both spaces shall be in a garage or carport, a minimum area of 400 sq. ft.;

13. Dwellings, multiple:

1-1/2 per unit for each studio or 1-bedroom apartment;

2 per unit for each 2-bedroom apartment;

2 per unit for each 3-bedroom or larger apartment;*

For every 10 parking spaces required, 1 of this total may be a "compact" space;

NOTE: No parking space shall be located within twenty feet of any curb return of intersection streets; or eight feet of any side property line, unless approved by the city traffic engineer.

14. Funeral homes, mortuaries:

1 for each 4 seats of the aggregate number of seats provided in all assembly rooms of the mortuary;

15. Furniture and appliance stores; household equipment or furniture repair shop:

1 for each 600 sq. ft. of floor area;

16. Hospitals:

1-1/2 for each bed;

17. Nursing homes and convalescent hospitals and homes for aged:

1 for each three beds;

18. Houseboats:

See dwellings, subsection 9 above;

19. Hotels, motels, motor hotels:

1 space for each living or sleeping unit, plus 1 space for every 25 rooms or portion thereof to be provided on the same lot as use;

20. Machinery sales and service garages:

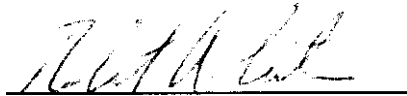
1 for each 400 sq. ft. of floor area;

21. Manufacturing plants, research or testing laboratories, bottling plants:
1 for each 1-1/2 persons employed at any one time in the normal operation of the plant or 1 for each 800 sq. ft., whichever is greater;
22. Medical and dental clinics or offices:
1 for each 200 sq. ft. of gross floor area; minimum of 5;
23. Mobilehome parks:
2 spaces on each pad, 1/3 guest space per mobilehome located within 400 feet of the farthest unit, and at the community center-1 space for each 5 pads up to 50 pads and 1 space for each 10 pads thereafter;
24. Restaurants, bars and night clubs:
1 for each 2-1/2 permanent seats, excluding any dance floor or assembly area without fixed seats which shall be calculated separately as one space per 50 sq. ft. of floor area;
25. Restaurants - Drive-in, take-out, snack stands:
15 spaces (minimum);
26. Retail stores, shops, etc., except as provided for furniture stores, in 13 above:
1 for each 200 sq. ft. of floor space;
27. Rooming and lodging houses:
1 for each bedroom;
28. Schools:
Elementary - 1 per teacher or employee, plus 5 spaces,
Jr. High - 1 per teacher or employee, plus 5 spaces,
High - 1 per 4 students;
29. Sports arenas, auditoriums, theaters, assembly halls and meeting rooms:
1 for each 3-1/2 seats of maximum seating capacity;
30. Wholesale establishments, warehouses, service and maintenance centers, communication equipment buildings:
1 for each 1-1/2 persons employed at one time in the normal operation of the establishment, or 1 for each 1,000 sq. ft., whichever is greater."

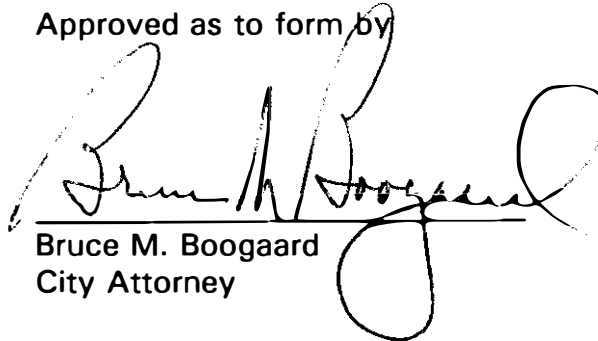
SECTION VIII: This Ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



Robert A. Leiter
Director of Planning



Bruce M. Boogaard
City Attorney

PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 18th day of January, 1994, by the following vote:

AYES: Councilmembers: Fox, Horton, Rindone, Nader

NOES: Councilmembers: None

ABSENT: Councilmembers: Moore

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. 2584 had its first reading on January 11, 1993, and its second reading and adoption at a regular meeting of said City Council held on the 18th day of January, 1994.

Executed this 18th day of January, 1994.



Beverly A. Authelet, City Clerk