

ORDINANCE NO. 2599

ORDINANCE OF THE CITY OF CHULA VISTA CITY COUNCIL
AMENDING SECTION 19.64.150 OF THE CHULA VISTA
MUNICIPAL CODE AND ADDING SECTION 19.64.155 TO
MODIFY THE NONCONFORMING USES REGULATIONS
PERTAINING TO THE REPLACEMENT OF RESIDENTIAL
CONDOMINIUMS

WHEREAS, a duly verified application for an amendment to the Municipal Code was filed with the City of Chula Vista on May 9, 1994 by the City of Chula Vista; and,

WHEREAS, said application requests approval of an amendment to the Municipal Code to allow the reconstruction of residential condominium units more than 60% damaged which are nonconforming with respect to density; and,

WHEREAS, the Environmental Review Coordinator determined that the proposed amendments are exempt from environmental review as a Class 2 exemption, replacement or reconstruction of existing structures or facilities; and,

WHEREAS, on July 27, 1994, the Planning Commission voted 6-0 to adopt Resolution No. PCA-94-04 and thereby recommend that the City Council enact the proposed amendments to the Municipal Code; and,

WHEREAS, the City Clerk set the time and place for a hearing on said application and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City at least 10 days prior to the hearing; and,

WHEREAS, the hearing was held at the time and place as advertised, namely August 16, 1994 at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council and said hearing was thereafter closed.

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

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

SECTION II: That Section 19.64.150 is amended to read as follows:

Sec 19.64.150 Damaged or Destroyed Uses - Replacement Restrictions.

Any nonconforming building damaged more than sixty percent of its value, as established by the director of building and housing inspection, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God,

shall not be restored or reconstructed and used as before such happening except as provided in Section 19.64.155; but if less than sixty percent damaged, it may be restored, reconstructed or used as before, provided that such be initiated within six months and be substantially completed within twelve months of such happening.


SECTION III: That Section 19.64.155 is added as follows:

Sec 19.64.155 Condominium Units - Replacement Permitted.

Any residential condominium unit which is nonconforming with respect to density shall be allowed to be reconstructed in the event of destruction of greater than sixty percent of the property's improvement as defined in Section 19.64.150, provided such be initiated within six months and be substantially completed within twelve months of such happening. Said reconstruction shall meet all application code requirements in place at the time of reconstruction and, with respect to any increase in area, the owner shall comply with any appropriate financial or other mechanism sponsored by the Chula Vista Elementary School District and the Sweetwater Union High School District, as may be approved by the City, to mitigate impacts to school facilities.

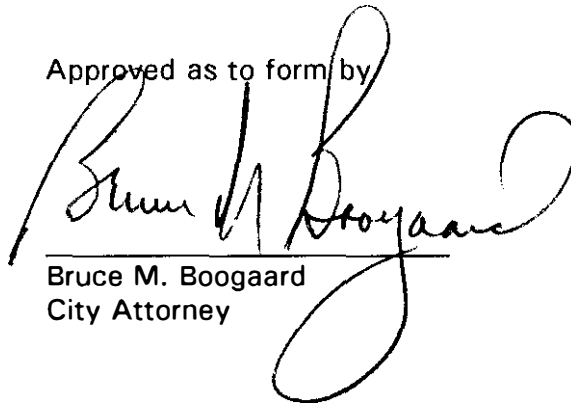
SECTION IV: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by



Robert A. Leiter
Director of Planning

Approved as to form by



Bruce M. Boogaard
City Attorney

EXHIBIT "A"

Section 19.64.150 Damaged or Destroyed Uses - Replacement Restrictions.

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Section 19.64.155 Condominium Units - Replacement Permitted.

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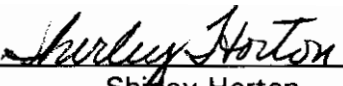
PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 23rd day August, 1994, by the following vote:

AYES: Councilmembers: Horton, Moore, Rindone

NOES: Councilmembers: None

ABSENT: Councilmembers: Fox

ABSTAIN: Councilmembers: Nader



Shirley Horton
Mayor, Pro-Tempore

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. 2599 had its first reading on August 16, 1994, and its second reading and adoption at a regular meeting of said City Council on the 23rd day of August, 1994.

Executed this 23rd day of August, 1994.



Beverly A. Authelet, City Clerk