

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTIONS 17.10.050, 19.14.485, 19.14.030 AND 19.14.486
OF THE MUNICIPAL CODE RELATING TO THE REVISED
LANDSCAPE MANUAL AND APPROVAL OF LANDSCAPE PLANS

WHEREAS, Assembly Bill 325 (1990), the Water Conservation in Landscaping Act, requires cities and counties to adopt a water efficient landscape ordinance or be governed by a Model Code developed by the State Department of Water Resources; and,

WHEREAS, the Planning Department and Parks and Recreation Department have prepared amendments to the City Landscape Manual which would implement the water conservation measures called for by AB 325, include specifications and requirements unique to Public Works projects; and which would also update the Manual to current practice from its last revision in 1978; and,

WHEREAS, such amendments are so extensive it is desirable to completely replace the existing Manual with a Revised Landscape Manual; and,

WHEREAS, said amendments to the Landscape Manual require certain technical and procedural amendments to the Municipal Code; and,

WHEREAS, the Environmental Review Coordinator has determined that the amended Landscape Manual is exempt from environmental review as a regulatory measure designed to enhance the quality of the environment (Class 8 exemption under CEQA), and a Notice of Exemption was filed with the County Clerk on August 5, 1994; and,

WHEREAS, on July 21, 1994, the Parks and Recreation Commission voted 6-0 to recommend approval of the public landscaping section of the Manual; and,

WHEREAS, on July 25, 1994, the Resource Conservation Commission voted 5-0 to recommend approval of the amended Manual and associated code amendments; and,

WHEREAS, on September 28, 1994, the City Planning Commission voted 6-0 to recommend that the City Council adopt the revised Landscape Manual, enact the associated amendments to the Municipal Code, and repeal Council Policy #476-04 in accordance with Resolution PCM-94-20/PCA-94-02; and,

WHEREAS, the City Clerk set the time and place for a hearing on said revised Landscape Manual and associated amendments to the Municipal Code, 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 6:00 p.m., November 8, 1994, 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 justify the amendments, and that the amendments are consistent with the City of Chula Vista General Plan.

SECTION II: That Section 17.10.050 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 17.10.050 Park Development Improvements - Specifications - Appeal.

In addition to the dedication of land as required in Section 17.10.040, it shall be the responsibility of the subdivider to develop all or a portion of such land for neighborhood or community park purposes to the satisfaction of the Director of Parks and Recreation. All parks shall include, to the satisfaction of the City, the following elements, meet the following minimum standards and will be designed, developed, and maintained in accordance with the requirements of the City Landscape Manual.

- A. Grading shall be in accordance with the Grading Ordinance, street design manual and the City Landscape Manual.
- B. Improvements that may be required by the City may include:
 1. Drainage system.
 2. Street improvements.
 3. Parking lot with lighting.
 4. Concrete circulation system.
 5. Security lighting system.
 6. Park fixtures, including but not limited to, identification and informational signage, picnic tables, benches, trash receptacles, hot ash containers, **drinking** fountains and bike racks shall be provided and installed.
 7. Landscaping, including trees, shrubs, ground cover, and turf
 8. Automatic irrigation system
 9. Restroom/maintenance facility
 10. Play areas, with equipment for pre-schoolers and primary school-age children shall be installed. Disabled individual accessible surfacing shall be installed.
 11. One large scale picnic shelter shall be provided for every 1,000 people.

12. The following sports facilities (night lighting may be required for all of the following):

- a. One tennis court shall be provided for every 2,000 people.
- b. One baseball/softball field shall be provided for every 5,000 people.
- c. One basketball court shall be provided for every 5,000 people.
- d. One soccer field shall be provided for every 10,000 people.

C. All utilities shall be extended to the property line.

D. In addition to those items listed above, the following facilities shall be required in a community park:

1. One 50 meter swimming pool with related facilities, such as locker rooms, shall be provided for every 20,000 people.
2. One community center and gymnasium, 20,000 square feet minimum, shall be provided for every 24,000 people.
3. One lighted softball field shall be provided for every 5,000 people.
4. A restroom/maintenance facility sized appropriately to accommodate facilities located in the community park and may be constructed in neighborhood parks.

SECTION III: That Section 19.14.485 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 19.14.485 Landscape plan approval-Purpose-Required when.

The purpose of landscape plan approval is to determine compliance with this title and the provisions of the landscape manual of the city. Landscape plan approval shall be required for the following projects: Multiple-family, commercial, industrial, planned unit development, unclassified uses, remodeling over twenty thousand dollars for the above uses, developments with precise plans, parking lots with five or more stalls and graded slopes.

SECTION IV: That Section 19.14.486 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 19.14.486 Landscape plan approval-Application-Accompanying documents-Fees-Appeal.

- A. Applications for landscape plan approval shall be made to the zoning administrator, and shall be accompanied by the drawings and information prescribed by the landscape manual. Each application shall also be accompanied by the Required Filing Fee(s).

B. Appeal.

The Zoning Administrator, shall approve, conditionally approve or deny Landscape Plans. The applicant may appeal a denial or conditions imposed upon approval, by filing a written appeal to the Planning Commission in accordance with section 19.14.050, within ten (10) days of receipt of notification of denial or conditional approval from the Zoning Administrator. Such appeal shall be in writing on the form promulgated by the affected Director, accompanied by the Required Fee, and shall specify wherein the action of the Zoning Administrator is inconsistent with the Landscape Manual and/or other applicable ordinances, manuals or policies of the City. The Planning Commission may grant, conditionally grant, or deny the appeal. The decision of the Planning Commission is final, and shall be based upon the Landscape Manual, and/or other applicable ordinances, manuals, or policies of the City.

SECTION V: That Section 19.14.030 of the Chula Vista Municipal Code is 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.

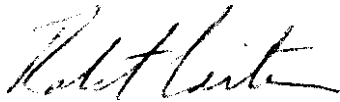
- B. Variances: The Zoning Administrator shall be authorized to grant variances for limited relief in the case of:
 - 1. Modification of distance or area regulations;
 - 2. Additions to structures which are nonconforming as to side yard, rear yard, or lot coverage, providing the additions meet the requirements 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, architectural, and landscape plan approvals. The Zoning Administrator shall be empowered to grant site plan, architectural plan and landscape plan 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.

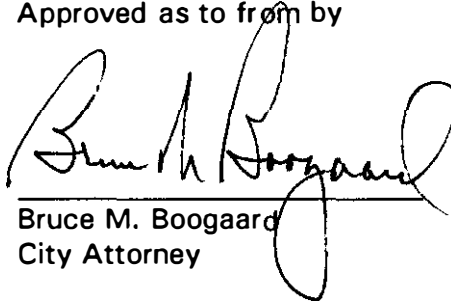
SECTION VII: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by



Robert 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 6th day December, 1994, by the following vote:

AYES: Councilmembers: Fox, Padilla, Rindone, Horton

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None



Shirley Horton, 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. 2616 had its first reading on November 22, 1994, and its second reading and adoption at a regular meeting of said City Council on the 6th day of December, 1994.

Executed this 6th day of December, 1994.



Beverly A. Authelet, City Clerk