

ORDINANCE NO. 2642

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING SECTION 19.68.020 T.1, TITLE 19 OF THE MUNICIPAL CODE TO CLARIFY THAT NOISE NORMALLY ASSOCIATED WITH A CONDITIONALLY PERMITTED LAND USE IS TO BE CONSIDERED THE SAME AS NOISE NORMALLY ASSOCIATED WITH A PERMITTED LAND USE

WHEREAS, Bitterlin Brice Development Partners, Agents for MCA Concerts, Inc., has submitted a request to amend the Municipal Code in order to clarify that noise normally associated with a conditionally permitted land use is to be considered the same as noise normally associated with a permitted land use, i.e., environmental rather than nuisance noise under the definition of Section 19.68.020 T.1, Noise Disturbance -- Environmental; and

WHEREAS, the Municipal Code could be considered ambiguous as related to noise produced by conditionally permitted land uses; and

WHEREAS, the Environmental Review Coordinator has concluded that the amendment is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act; and

WHEREAS, on September 6, 1995 the Planning Commission voted 6-0 to recommend that the City Council adopt the amendment to the Municipal Code in accordance with Resolution No. PCA-96-01; and

WHEREAS, the City Clerk set the time and place for a hearing on said amendment 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 ten days prior to the hearing; and

WHEREAS, the hearings were held at the time and place as advertised, namely September 26, 1995, October 3, 1995, and November 7, 1995 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 there are no potential significant environmental impacts associated with the amendment.


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

SECTION III: That Section 19.68.020 T.1, Title 19 of the Municipal Code is hereby amended to read as follows:

"Noise Disturbance--Environmental. Those noise disturbances resulting from land use activity normally permitted under the City's land use code or permitted by a conditional use permit issued by the City, but which exceed the noise level limits set by this code for that particular land use. Environmental noise sources are specified in, but not limited by the list in Appendix A."

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

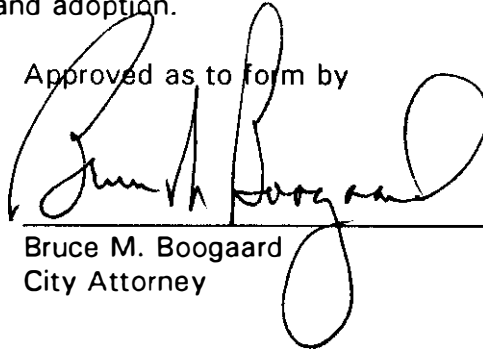
Presented by



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Robert A. Leiter  
Planning Director

Approved as to form by



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Bruce M. Boogaard  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 14th day of November, 1995, by the following vote:

AYES: Councilmembers: Alevy, Moot, Padilla, Rindone, Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

  
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Shirley Horton, Mayor

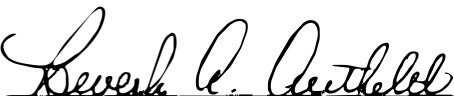
ATTEST:

  
\_\_\_\_\_  
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. 2642 had its first reading at a regular meeting held on the 7th day of November, 1995 and its second reading and adoption at a regular meeting of said City Council held on the 14th day of November, 1995.

Executed this 14th day of November, 1995.

  
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Beverly A. Authelet, City Clerk