

ORDINANCE NO. 2708

AN ORDINANCE OF THE CITY OF CHULA VISTA CITY COUNCIL AMENDING SECTIONS 19.64.150 AND 19.64.155 OF THE CHULA VISTA MUNICIPAL CODE TO ELIMINATE DAMAGE PERCENTAGE RESTRICTIONS RELATED TO RECONSTRUCTION OF NONCONFORMING RESIDENTIAL UNITS WITHIN THE CITY OF CHULA VISTA.

WHEREAS, the current Zoning Ordinance allows residential units which are nonconforming due to current zoning and/or density to be reconstructed only if 60% or less of the value of the building is damaged/destroyed (except condominium units which are 100%); and

WHEREAS, the City Council requested staff to investigate the current restrictions governing the reconstruction of nonconforming residential units; and

WHEREAS, the City has initiated a request to amend the Municipal Code to residential units which are nonconforming due to current zoning and/or density to be reconstructed if 100% destroyed if outside of a industrial zoned property; and

WHEREAS, the Environmental Review Coordinator has determined that, as a procedural amendment, the project is exempt from the California Environmental Quality Act, (CEQA) under the General Rule Exemption Section 15061(b)(3); and

WHEREAS, the provisions as set forth in this Ordinance shall not apply to properties containing an industrial zoned designation; and

WHEREAS, on April 9, 1997, the City Planning Commission voted 6-0-1 to recommend that the City Council approve the Ordinance in accordance with Resolution PCA 97-03; and

WHEREAS, the City Clerk set the time and place for a hearing on said Municipal Code amendment application 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 property owners within 500 feet of the exterior boundaries of the property at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely March 22, 1997 at 7:00 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 amend Section 19.64.150 and 19.64.155 of the Chula Vista Municipal Code to read:

**19.64.150 Non-residential structures -Replacement restrictions.**

Any non-residential nonconforming building damaged more than sixty percent of its value, as established by the director of building and housing, 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; 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 beginning.

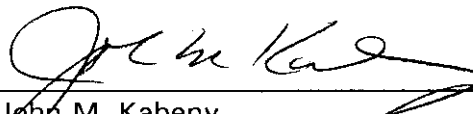
**Section 19.64.155 Residential - Replacement Permitted**

Any residential unit which was legally constructed and is nonconforming with respect to the current zoning and/or density of the property shall be allowed to be reconstructed in the event of any damage or destruction of the existing residential improvements as defined in Section 19.64.150, provided such be initiated within six months and be substantially completed within twelve months of such happening. This allowance shall not apply to industrial zoned properties. Said reconstruction shall meet all application applicable code requirements in place at the time of reconstruction and shall not be built beyond the existing building footprint.

Presented by

Approved as to form by

  
\_\_\_\_\_  
Robert A. Leiter  
Director of Planning

  
\_\_\_\_\_  
John M. Kaheny  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of May, 1997, by the following vote:

AYES: Councilmembers: Moot, Padilla, Rindone, Horton


NAYS: Councilmembers: None

ABSENT: Councilmembers: Salas

ABSTAIN: Councilmembers: None

  
\_\_\_\_\_  
Shirley Horton, Mayor

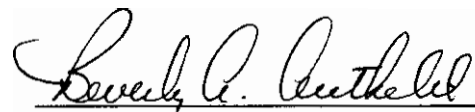
ATTEST:

  
\_\_\_\_\_  
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. 2708 had its first reading at a regular meeting held on the 6th day of May, 1997 and its second reading and adoption at a regular meeting of said City Council held on the 13th day of May, 1997.

Executed this 13th day of May, 1997.

  
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Beverly A. Authelet, City Clerk