

ORDINANCE NO. 2715

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING SECTION 19.34.030 OF THE CHULA VISTA MUNICIPAL CODE TO ALLOW DRIVE-THROUGH RESTAURANTS IN THE C-N NEIGHBORHOOD COMMERCIAL ZONE SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT

WHEREAS, the C-N Neighborhood Commercial zone does not presently allow for drive-through restaurants as a permitted or conditional use; and

WHEREAS, Kelton Title Corporation has submitted a request to amend the Municipal Code to allow for drive-through restaurants in the C-N zone upon the issuance of a conditional use permit; and

WHEREAS, drive-through restaurants can be considered a use which provides a convenient service for residents of the surrounding neighborhood, and the conditional use permit process ensures the evaluation of such proposals on a case-by-case basis to ensure compatibility with the surrounding neighborhood; and

WHEREAS, the Environmental Review Coordinator conducted an Initial Study, IS-98-09, of potential environmental impact associated with the proposal and has concluded that there would be no significant environmental impacts, and recommends adoption of the Negative Declaration issued on IS-92-12; and

WHEREAS, on November 5, 1997 the Planning Commission voted unanimously (5-0) to recommend that the City Council enact the amendment in accordance with its Resolution PCA-98-04; and

WHEREAS, the City Clerk set the time and place for a hearing on said 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 20 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely November 18, 1997 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 will be no significant impacts resulting from the project, and does hereby adopt the Negative Declaration issued on IS-98-09.

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

SECTION III: That Section 19.34.030 of the Chula Vista Municipal Code is hereby amended to add Subsection J to read as follows:

Sec. 19.34.030 Conditional Uses.

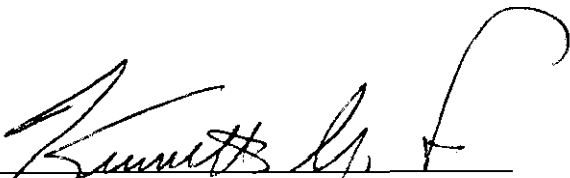
J. Drive-through restaurants, those fast food facilities offering drive-through lanes in which food is both ordered and picked up from the vehicle, and taken off-site for consumption; but not including "drive-in" restaurants, those at which food is ordered from and consumed in the parked car on the premises.

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

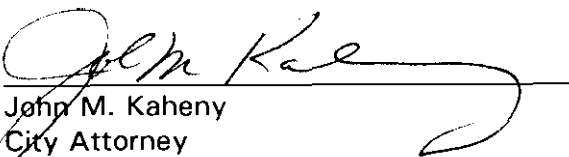
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of November, 1997.

Presented by

Approved as to form by



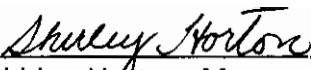
Kenneth G. Lee
Planning Director



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of November, 1997, by the following vote:

AYES:	Councilmembers:	Moot, Padilla, Rindone, and 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. 2715 had its first reading at a regular meeting held on the 18th day of November, 1997 and its second reading and adoption at a regular meeting of said City Council held on the 25th day of November, 1997.

Executed this 25th day of November, 1997.



Beverly A. Authelet, City Clerk