

ORDINANCE NO. 2790

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
VARIOUS SECTIONS OF THE CHULA VISTA MUNICIPAL CODE
RELATING TO TITLE DESIGNATIONS DUE TO DEPARTMENTAL
REORGANIZATION

The City Council of the City of Chula Vista does hereby ordain as follows: That the following sections of the Chula Vista Municipal Code are hereby amended to read:

1.04.010 Definitions and rules of construction.

In the construction of this code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

"Abatement" means an act or combination of actions designed to correct a nuisance. Abatement includes, but is not limited to: removal, demolition or repair of structures; removal of weeds, rubbish and debris; reconstruction of structures to code; restoration of drainage ways or courses, grading or regrading and filling of illegally graded or developed land; revegetation; vacating of illegal or non-conforming structures; removing barriers improperly blocking off public access; removal of encroaching structures onto public property; and other action which is reasonable related to the correction or mitigation of nuisances under this code or state law;

"City" or "this city" means and shall be construed as if followed by the words "of Chula Vista;"

"City Manager" means an officer appointed by the city council as the city manager, and includes those officers and employees he or she designates to perform certain functions. The term "city manager" includes a director, as defined herein, except in those proceedings where an appeal to the city manager is taken from the order of a director;

"Code" or "this code" means the municipal code of the City of Chula Vista, California;

"Code Enforcement Officer" means a person, other than a police officer, designated by the city manager or a director, to enforce violations of the municipal code. A code enforcement officer is authorized to issue notices of violation and administrative citations pursuant to Chapter 1.41. A code enforcement officer is authorized to issue misdemeanor citations or to arrest a person without a warrant for a misdemeanor committed in his or her presence which is a violation of state law or an ordinance which the code enforcement officer has a duty to enforce. A code enforcement officer may exercise all powers of arrest pursuant to California Penal Code §836.5. A code enforcement officer is not a peace officer within the definition of Penal Code Sections 830 through 832.8;

"Computation of time." The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a legal holiday and then it is also excluded;

"Council" whenever used in this code means the city council of the city;

"County" or "this county" means the county of San Diego;

"Day" means the period of time between any midnight and the midnight following;

"Daytime" and "nighttime." "Daytime" means the period of time between sunrise and sunset.

"Nighttime" means the period of time between sunset and sunrise;

"Director" means the chief of police, fire chief, city engineer, director of planning and building, director of finance, director of parks and recreation, director of public works, director of community development and the employees designated by them, or assigned by job function to perform code enforcement functions and duties. It also includes the county health officer or director of public health for public health and sanitation;

"Gender." The masculine gender includes the feminine and neuter;

"In the city" means and includes all territory over which the city now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers;

"Joint authority." All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;

"Month" means a calendar month;

"Notice" means a written document which informs a person of the time, date and place for a hearing, the nature of a penalty or corrective action required of that person, and the Municipal Code section(s) applicable to the proceeding. Service of notice is covered in Section 1.40.030;

"Nuisance" is as defined under California Civil Code §3480, and includes a condition upon or use of real property within Chula Vista that violates the municipal code or state law. It may also include dilapidation or disrepair of structures; the maintenance of a structure in which illegal drug, gambling or prostitution activity occurs; or, a structure on private property which encroaches into public property;

"Number." The singular number includes the plural and the plural the singular;

"Oath" means and includes an affirmation;

"Officers, departments, etc." Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the city, unless the context clearly indicates otherwise;

"Official time." Whenever certain hours are named in this code, they shall mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the city;

"Or," "and." "Or" may be read "and," and "and" may be read "or," if the sense requires it;

"Owner," applied to a building or land, means and includes any part owner, joint owner, Tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land;

"Person" means and includes any person, firm, association, organization, partnership, business trust, corporation or company;

"Personal property" means and includes every species of property, except real property, as defined in this section;

"Preceding" and "following." The words "preceding" and "following" mean next before and next after, respectively;

"Process" means and includes a writ or summons issued in the course of judicial Proceedings of either a civil or criminal nature;

"Property" means and includes real and personal property;

"Real property" means and includes land, improvements and structures on land, tenements and hereditaments;

"Responsible Party" means individually and collectively: the owner(s) of real property upon which a violation of this code or state law exists; or, a tenant or occupant in possession, licensee or any other person who has caused, created, or continues to allow a condition to occur or exist upon real property constituting a violation of this code or state law. A "Responsible Party" can be a natural person or a corporation;

"Shall" and "may." "Shall" is mandatory and "may" is permissive;

"Signature or subscription by mark." "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto;

"State" or "this state" shall be construed to mean the state of California;

"Tenant or occupant," applied to a building or land, includes any person holding a written or an oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others;

"Tenses." The present tense includes the past and future tenses, and the future includes the present;

"Week." A week consists of seven consecutive days;

"Writing" means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language, unless it is expressly provided otherwise;

"Year" means a calendar year, except where otherwise provided.
(Ord 2718§1 (part), 1998; prior code §1.2).

2.05.010 Unclassified positions established.

In addition to those unclassified positions specifically delineated in Section 500 of the charter of the city, there are established the unclassified positions entitled deputy city manager, assistant to the city manager, deputy city clerk, assistant fire chief, assistant chief of police, assistant director of finance, assistant director of human resources, assistant, director of planning and building, city engineer, director of management services and information services, redevelopment coordinator, housing coordinator, transit coordinator, assistant director of community development, deputy director of public works/city engineer, public information coordinator, traffic engineer, deputy director of public works/operations, budget manager, revenue manager, assistant director of management services and information services, assistant library director, police captain, special planning projects manager, assistant to the mayor and council, border environmental business cluster manager and administrative assistant/office manager and California border alliance group executive director, California border alliance group analyst and California border alliance group secretary.

(Ord 2721 §1, 1998; Ord 2699 §2, 1997; Ord 2685 §1, 1996; Ord 2640 §1, 1995; Ord 2637 §1, 1995; Ord 2619 §2, 1994; Ord 2540 §1, 1993; Ord 2497 §1, 1992; Ord 2480 §1, 1991; Ord 2450 §1, 1991; Ord 2272 §1, 1988; Ord 2236§1, 1987; Ord 2121, 1985; Ord 1907 §1, 1980; Ord 1719 §1, 1976; Ord 1636 §1, 1975).

2.26.020 Purpose and Intent.

It is the purpose and intent of the city council in establishing the Board of Appeals and Advisors to create an advisory body which would serve as a resource to advise and make recommendations to the city council, the city manager, the building official and the fire chief on matters relating to building construction.

Another purpose of the Board is to act as administrative appellate review of decisions of such officers to abate public nuisances arising out of application of Uniform Codes.

(Ord 2439 §2 (part), 1991; Ord 1465 §1, 1973; Ord 1235 §1 (part), 1969; Ord 1002 §1 (part), 1966; prior code §2.91(a)).

2.26.030 Functions and Duties.

The function and duties of the Board of Appeals and Advisors shall be as follows:

- A. Create a forum for city-wide discussions, research, and analysis of critical issues of building construction, including plumbing, mechanical and electrical installations.
- B. Where authorized by a Uniform Code adopted by the city to do so, investigate and advise as to the suitability of alternate materials, types of construction, and interpretation of said adopted Uniform Code.
- C. Conduct public hearings and recommend to the city council, the passage of new legislation pertaining to the design and construction of buildings.

- D. Act as an alternative administrative appellate body, at the option of the city manager, to hear appeals relating to determinations by the city manager, code enforcement officer, fire chief or building official, pursuant to city-adopted Uniform Codes, that conditions or circumstances are public nuisances and should be abated. Such codes include, but are not limited to the Uniform Building, Uniform Mechanical, Uniform Fire, Uniform Housing, Uniform Plumbing and National Electrical Codes as adopted from time to time by the city council. Hearings of the Board shall be conducted in accordance with the procedures set forth in such Uniform Codes and particularly the Uniform Code for the Abatement of Dangerous buildings or the provisions of Chapters 1.30 and 1.40. the decision of the Board shall be final.
(Ord 2718 §1 (part), 1998; Ord 2439 §2 (part), 1991; Ord 1235 §1 (part), 1969; Ord 1002 §1 (part), 1966; prior code §2.91(b)).

2.27.020 Definition.

The following terms shall be interpreted and construed as set forth herein:

- A. "Disabled" shall be as defined in the 1990 Americans with Disabilities Act.
- B. "Building Official" shall be the assistant director of planning and building.
(Ord 2605 §1 (part), 1994).

5.36.130 License or permit-Issuance prerequisites-Appeal of denial- Transferability.

- A. Any applicant for a permit pursuant to these provisions shall present to the police department the application containing the aforementioned and described information. The chief of police shall have a reasonable time in which to investigate the application and the background of the applicant. Based on such investigation, the chief of police, or his representative, shall render a recommendation as to the approval or denial of the permit to the city manager or his designee.
- B. The department of planning and building, the fire department and the county health officer shall inspect the premises proposed to be devoted to the massage establishment and shall make separate recommendations to the city manager or designee concerning compliance with the foregoing provisions.
- C. The city manager, or his designee, after receiving the aforementioned and described recommendations, shall grant a permit to the establishment if all requirements for a massage establishment described herein are met, and shall issue a permit to all persons who have applied to perform massage services unless it appears that any such person has deliberately falsified the application or unless it appears that the record of any such person reveals a conviction of a felony or a crime of moral turpitude. The city manager or designee may recommend to the city council that an individual business establishment shall be subject to a public hearing and council approval, when in his judgment any such business establishment has an effect upon the public health, safety or welfare of the community.
- D. Any person denied a permit by the city manager or his designee pursuant to these provisions shall be notified pursuant to Chapter 1.40 regarding an appeal why the permit should be granted. The decision pursuant to Chapter 1.40 shall be final upon

the applicant. Also, the city council may elect on its own motion to review any determination of the city manager granting or denying a permit, in which case, that decision shall then constitute the exhaustion of administrative remedy.

- E. All permits issued hereunder are nontransferable; provided however, a change of location of a massage establishment may be permitted pursuant to the provisions herein.
(Ord 2718 §1 (part) 1998; Ord 1312 §2 (part), 1970; prior code §9.42).

6.08.080 Kennels, catteries and pet shops-Permit prerequisites.

No health permit for the activities included in this chapter shall be valid unless it shall have been certified by the director of planning and building as not being in conflict with ordinances and local regulations concerning planning and zoning.
(Ord 774 §1 (part), 1961; prior code §4.8(G)).

9.40.030 Application for conversion or discontinuance of mobilehome or trailer park.

- A. Application for Conversion or Discontinuance. Prior to the approval of any rezoning, subdivision map, or the issuance of any permit including a building permit, which would allow the use of any properties presently or hereinafter utilized for mobilehome or trailer parks to be used for any purpose other than a mobilehome or trailer park, or prior to the cessation of use of all or any part of a mobilehome or trailer park, an application to convert from such use or to discontinue must be filed with the community development department. The requirements of this section shall be applicable whether or not the mobilehome or trailer park is:

1. Located within an exclusive mobilehome park zone;
2. Located within a zone subject to conditional use permit; or
3. Is entitled to be used as a mobilehome or trailer park based on nonconforming rights.

B. Application Requirements.

The following information or documentation shall constitute application for conversion or discontinuance of an existing mobilehome or trailer park.

1. A relocation plan which shall make adequate provision for the relocation of the mobilehome or trailer owner/occupant who will be displaced by the discontinuance of the use of the property for a mobilehome or trailer park;
2. A profile of the existing park, including:
 - a. Number of spaces,
 - b. Names and addresses of all mobilehome or trailer owner/occupants,
 - c. Date of manufacture of each home,

- d. Replacement value of each home
 - e. Estimated cost of relocation of each home
 - f. Length of tenancy of each mobilehome or trailer owner/occupant,
 - g. Estimated income and age of each mobilehome or trailer owner/occupant;
3. A timetable for vacating the existing park;
 4. Evidence satisfactory to the community development director that agreements satisfying the relocation assistance requirements of this chapter have been offered to eligible mobilehome or trailer owner/occupants. Such evidence may include, but is not limited to the following:
 - a. Written agreements to relocate mobilehomes or trailers owned by low and moderate income mobilehome or trailer owner/occupants,
 - b. Assistance for low and moderate income mobilehome or trailer owner/occupants in the form of payment by the park owner of seventy-five percent, up to a maximum of \$3,000, of the cost of relocating the mobilehome or trailer to another mobilehome or trailer park within one hundred miles;
 5. Evidence that the park owner has informed all mobilehome or trailer owner/occupants in writing of alternative sites available to them;
 6. Evidence that the park owner has agreed to purchase those homes of low and moderate income mobilehome or trailer owner/occupants which are determined to be not relocatable due to age and/or condition. Such purchases shall be based on standard insurance replacement criteria;
 7. Evidence that the displaced residents have been provided right of first refusal to purchase, lease or rent any dwelling units or mobilehome or trailer spaces which may be built on the subject property;
 8. A narrative summary of planned new use of property to be converted or reason for nonuse;
 9. As an alternative to subsection B4b of this section, evidence that the park owner has given the mobilehome or trailer owner/occupants a three-year notice to vacate, said notice being pursuant to Section 798.56(f) of the Civil Code. If such a three-year notice is given, the applicant must assist all low and moderate income displaced mobilehome or trailer owner/occupants in accordance with the following schedule:

**If Mobilehome or Trailer Owner/Occupant Portion of Up to Vacates Before Expenses Paid
Maximum End Of by Owner of**

First year	75%	\$3,000
Second year	50%	\$2,000
Third year	25%	\$1,000

C. Submittal to and Decision of the Community Development Director. All of the above application information shall be submitted to the community development director. The community development director shall make his decision in the following manner:

1. If the community development director determines that the application is complete and conforms with all regulations, policies and guidelines, and that the relocation plan or other commitments by the park owner mitigate the impact of conversion or discontinuance on the health, safety and general welfare of persons residing in the mobilehome or trailer park, he shall grant the application for conversion.
2. If the community development director determines that the application is not complete or it does not conform with all regulations, policies and guidelines, or that the relocation plan or other commitments by the park owner do not mitigate the impact of conversion or discontinuance on the health, safety or general welfare of persons residing in the mobilehome or trailer park, he shall deny the application for conversion.
3. The community development director may establish the date on which the resolution of conversion or discontinuance will become effective. Such date shall not be more than three years from the date of decision of the community development director, or such earlier date as the applicant has complied with the provisions of an approved relocation plan and submitted evidence thereof to the community development director.
4. In granting or denying the application for conversion or discontinuance of the mobilehome or trailer park, the community development director shall make a written finding in rendering the decision and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.
5. A copy of this written finding of facts shall be filed with the city clerk, and the director of Planning and Building, and shall be mailed to the applicant and to the mobilehome or trailer owner/occupants of the mobilehome or trailer park.
6. The decision of the community development director shall be final on the fifteenth day following the mailing of the decision to the applicant and the mobilehome or trailer owner/occupants required in Section C.5, except when appeal is taken to the city council as provided in subsection D of this section.

D. Appeal from the Decision from the Community Development Director.

1. An appeal from the decision of the community development director on an application for conversion or discontinuance of a mobilehome or trailer park may be taken to the city council within fifteen days following the decision of the community development director. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within

the city or any resident of the city. The appeal shall be in writing on a prescribed form and filed with the city clerk. The appeal shall specify wherein there was an error in the decision of the community development director. If

an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the city council.

2. Upon the filing of the appeal, the community development director shall set the matter for public hearing before the city council at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this code. Notice of time and place and purpose of such hearing shall be given as follows:
 - a. By at least one publication in the official newspaper of the city, not less than ten days prior to the date of the hearing;
 - b. By mailing notices at least ten days prior to the date of such hearing to the mobilehome or trailer park owner and to all mobilehome or trailer owner/occupants of the mobilehome or trailer park.
3. Upon the hearing of the appeal, the city council may by resolution affirm, reverse or modify in whole or in part any determination of the community development director, subject to the same limitations as are placed upon the community development director by law and the provisions of this code. The resolution must contain a finding of fact showing wherein the proposed development meets or fails to meet the requirements herein.
4. The decision of the city council shall be final unless appealed to a court of competent jurisdiction.

E. Waiver.

The community development director may recommend to the city council the acceptance of other mitigating actions by the park owner in lieu of the specific provisions herein if extreme economic hardship would result for the park owner, or if other proposed mitigating actions have recommending benefit.

F. Notification Requirements.

In addition to any notification requirements under the California Civil Code, the following notification requirements shall apply to any application for conversion or discontinuance of mobilehome or trailer park use:

1. A minimum of ten calendar days prior to an applicant filing an application for conversion or discontinuance of the mobilehome or trailer park, the applicant shall give written notice to each mobilehome or trailer owner/occupant of the mobilehome or trailer park of the proposed change. Such notice shall be subject to the prior approval of the community development director.
 2. No public hearing required hereunder to consider an application for conversion
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or discontinuance of a mobilehome or trailer park use shall be held unless and until the applicant submits to the community development director an affidavit approved as to form by the city attorney declaring that the applicant has given the notice required by this provision.

G. Penalty.

Violation of any provision of this chapter by the owners of mobilehome or trailer parks shall be deemed to be a misdemeanor subject to the penalties as established by state law for misdemeanors. In addition thereto, any mobilehome or trailer owner/occupant in a mobilehome or trailer park where conversion to other uses or discontinuance has been sought or accomplished, and in which violations of the terms and provisions of this chapter have occurred, may seek civil remedies for damages in accordance with the relocation provisions contained herein no later than one year from the date of lease cancellation or eviction from the mobilehome or trailer park.

(Ord 2368 §2, 1990; Ord 2299 §1, 1989).

10.84.035 Citation authority.

The planning and building director, code enforcement officers and other employees designated by the planning and building director shall have the authority to enforce Chapters 10.52, 10.84 and 19.62 of the Chula Vista Municipal Code by issuing written notice of the violation.

(Ord 2670 §1, 1996; Ord 2176 §4 (part), 1986).

12.48.040 Exiting buildings-Occupant duty to obtain number.

It shall be the duty of the lessee, occupant, or owner of any existing building to obtain the proper building number from the director of planning and building and to place this number on said building within thirty days from July 18, 1969.

(Ord 1205 §2 (part), 1969; prior code §27.106(A)(1)).

12.48.050 New buildings-Occupant to place number on building when.

It shall be the duty of the lessee, occupant or owner of any new building to place the number assigned by the director of planning and building on said building on or before the day final inspection is made by the building inspector.

(Ord 1205 §2 (part), 1969; prior code §27.106(A)(2)).

12.48.060 Enforcement-Notice required-Occupant compliance required.

- A. If the director of planning and building finds any building upon which the proper number has not been properly placed as required by this chapter, he may order the applicant, lessee, occupant or owner to obtain and properly place such number within ten days.
- B. The posting of a notice upon the entrance door of such building shall meet the requirements of this section for legal service of such notice or order.
- C. It shall be the duty of the lessee, occupant and/or owner of said building to comply with said order.

(Ord 1205 §2 (part), 1969; prior code §27.106(B)).

13.04.010 Definition.

Unless otherwise defined herein, terms relating to water and wastewater shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

The meaning of other various terms as used in this ordinance shall be as follows:

- A. "Agent" shall mean any person duly authorized by the city to perform specific work upon sewerage facilities under permit or under contract.
- B. "Applicant" shall mean a person, partnership, entity, firm, association, corporation, or public agency applying for connection to a public sewer, approval of plans to construct or to modify wastewater facilities, or for a permit for industrial wastewater discharge.
- C. "Building" shall mean a structure containing one or more fixtures and separated from any other structure.
- D. "Building sewer" shall mean a privately maintained sewer which extends across private property from a building to a sewer lateral, public sewer, or private sewer.
- E. "City manager" shall mean the city manager of the City of Chula Vista.
- F. "Director" shall mean the director of public works or designee.
- G. "Discharger" shall mean any person who discharges or causes a discharge of wastewater directly or indirectly into the city's wastewater system or facilities.
- H. "Domestic wastewater" shall mean the liquid and waterborne wastes derived from the ordinary living processes in a dwelling unit, said wastes being of such character as to permit satisfactory disposal, without special treatment, into a public sewer.
- I. "Fixture" shall mean any plumbing or wastewater outlet requiring a trap or vent.
- J. "Food establishment" shall mean a food establishment as defined in Health and Safety Code section 27520, as it may be amended from time to time.
- K. "Grease pretreatment device" shall mean a device conforming to the Uniform Plumbing Code requirements for grease interceptors and/or grease traps approved by the director and the director of planning and building and designed to remove grease from wastewater before it enters the building sewer.
- L. "Industrial wastewater" shall mean all wastewater, including all wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other operation, including food establishments, which are required to be controlled by federal, State of California or local regulations or which interfere with the operation and maintenance of the wastewater system or facilities. These exclude domestic

wastewater, but may also include wastes of human origin similar to domestic wastewater.

- M. "Mass emission rate" shall mean the weight of a specific material discharged to the public sewer during a given time interval.
- N. "Parcel" shall mean a piece of land as described or shown upon current records of the county recorder of San Diego County.
- O. "Person" shall mean any individual, partnership, entity, firm, association, corporation or public agency including the State of California and the United States of America.
- P. "Public sewer" shall mean a sewer owned and operated by the city which is tributary to treatment or reclamation facilities operated or utilized by the City of Chula Vista.
- Q. "Private sewer" shall mean a privately maintained sewer constructed from its connection with a public sewer across public and/or private property to provide sewer service to two or more individual parcels of record, and for which a written agreement pursuant to Section 13.08.090 has been filed with the director.
- R. "Sewage" shall have the same meaning as "wastewater".
- S. "Sewer connection" shall mean the physical facilities involved and/or the act of construction of a viable juncture between a building sewer or private sewer, and sewer lateral or the public sewer system.
- T. "Sewer lateral" shall mean a four or six inch diameter privately maintained sewer constructed from its connection with a public sewer across public property to the boundary of such public property so as to provide sewer service to buildings or structures situated upon an individual parcel of record.
- U. "Sewer service" shall mean the service and benefits derived through utilization of the public sewer system.
- V. "Standard methods" shall mean procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- W. "Suspended solids" shall mean any insoluble material contained as a component of wastewater and capable of separation from the liquid portion of said wastewater by laboratory filtration as determined by the appropriate testing procedure and standard methods.
- X. "Treatment facilities" shall mean facilities owned or utilized by the city in the treatment of wastewater or for the reclamation of wastewater.
- Y. "Waste" shall mean any and all waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, processing, institutional, commercial, service, agricultural, food preparation or other operation.

- Z. "Wastewater" shall mean waste and water, whether treated or untreated, discharged directly or indirectly into or permitted to enter a public sewer. "Wastewater" includes both domestic and industrial wastewater
- AA. "Wastewater constituents and characteristics" shall mean the individual chemical, physical, bacteriological or radiological parameters, including volume, flow rate and such other parameters that define, classify or measure the quality and quantity of wastewater.
- BB. "Wastewater system or facilities" shall mean any and all public facilities used by the city for collecting, conveying, pumping, treating, disposing and reclaiming wastewater. (Ord 2466 §7 (part), 1991).

13.08.110 Occupancy of Premises with Unapproved Sewer Lateral.

It is unlawful for any person to use or occupy any building until the sewer lateral and building sewer serving such building has been inspected and approved by the director and the building official, or their duly authorized representatives, and a certificate of occupancy or final inspection approval has been issued. (Ord 2466 §7 (part), 1991).

14.20.030 Definitions.

When used in this chapter, the following terms shall have the meanings ascribed to them in this section:

- A. "Basin Plan" shall mean the "Comprehensive Water Quality Control Plan for the San Diego Basin" adopted by the Regional Water Quality Control Board, San Diego Region (July 1975) and approved by the State Water Resources Control Board, together with subsequent amendments.
 - B. "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable, the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - C. "Building Permit" shall mean a permit issued by the building official pursuant to Chapter 15.20.
 - D. "California Ocean Plan" shall mean the "California Ocean Plan: Water Quality Control Plan for Ocean Waters of California" adopted by the State Water Resources Control Board in September 1991, and any subsequent amendments.
 - E. "Clean Water Act" shall mean the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 95-117 (33 USCA Section 1251 et seq.), and any subsequent amendments.
 - F. "County Health Officer" shall mean the health officer of the County of San Diego Department of Public Health or designee.
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G. "Development" shall mean:

1. The placement or erection of any solid material or structure on land, in water, or under water;
2. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
3. The grading, removing, dredging, mining, or extraction of any materials;
4. A change in the density or intensity of the use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (Government Code Section 66410, et seq.) and any other division of land, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. A change in the intensity of the use of water, or of access thereto;
6. The construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal entity; and,
7. The removal or harvesting of major vegetation other than for agricultural purposes.

As used in this definition, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Source: Government Code Section 65927).

H. "Employee Training Program" shall mean a documented employee training program for all persons responsible for implementing a storm water pollution prevention plan. The employee training program shall include, but is not limited to, the following topics:

1. Laws, regulations, and local ordinances associated with storm water pollution prevention, and an overview of the potential impacts of polluted storm water on the receiving waters of the San Diego region.
2. Proper handling of all materials and wastes to prevent spillage.
3. Mitigation of spills including spill response, containment and cleanup procedures.
4. Visual monitoring of all effluent streams to ensure that no illegal discharges enter the storm water conveyance system.
5. Discussion of the differences between the storm water conveyance system and the sanitary sewer system.
6. Identification of all on-site connections to the storm water conveyance system.
7. Preventive maintenance and good housekeeping procedures.

8. **Material management practices employed by the facility to reduce or eliminate pollutant contact with storm water discharge.**
- I. **"Enforcement Agency" shall mean the city of Chula Vista or its authorized agents charged with ensuring compliance with this chapter.**
- J. **"Enforcement Official" shall mean the director of public works or his or her designee.**
- K. **"Hazardous Materials" shall mean any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat or other means, if such a substance or mixture of substances may cause substantial injury, serious illness or harm to humans, domestic livestock, or wildlife.**
- L. **"Illicit Connection" shall mean any un-permitted or undocumented physical connection to the storm water conveyance system which has not been approved by the city of Chula Vista, or which drains illegal discharges either directly or indirectly into the storm water conveyance system.**
- M. **"Illegal Discharge" shall mean any non-permitted or non-exempt discharge to the storm water conveyance system that is not composed entirely of storm water, or is expressly prohibited by federal, state, or local regulations, laws, codes, or ordinances, or degrades the quality of receiving waters in violation of basin plan or California ocean plan standards.**
- N. **"Land Development Permit" shall mean a permit issued by the director of public works pursuant to Chapter 15.04 of the Chula Vista Municipal Code.**
- O. **"Maximum Extent Practicable" shall mean, with respect to Best Management Practices (BMPs), an individual BMP or group of BMPs which address a pollutant of concern, which have a cost of implementation reasonably related to the pollution control benefits achieved, and which are technologically feasible.**
- P. **"National Pollution Discharge Elimination System (NPDES) Permit" shall mean a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5, Division 7 of the California Water Code, to control discharges from point sources to waters of the United States, including, but not limited to:**
1. **California Regional Water Quality Control Board, San Diego Region, Order No. 90-42 (NPDES No. CA 0108758) NPDES Municipal Permit -- Waste Discharge Requirements for Storm Water and Urban Runoff from the County of San Diego, the incorporated cities of San Diego County, and the San Diego Unified Port District;**
 2. **NPDES general permit for storm water discharges associated with industrial activities;**
 3. **NPDES general permit for storm water discharges associated with construction activity; and**
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4. California Regional Water Quality Control Board, San Diego Region, general de-watering permits (Order Numbers 91-10 and 90-31).

Q. "NPDES general permit" shall mean a permit issued by the State Water Resources Control Board, including, but not limited to:

1. NPDES general permit for storm water discharges associated with industrial activities; and
2. NPDES general permit for storm water discharges associated with construction activity.

R. "Non-Storm Water" shall mean any water conveyed to the storm water conveyance system that is not entirely composed of storm water (also see definition of "Storm Water").

S. "Order Number 90-42", dated July 16, 1990, shall mean San Diego Regional Water Quality Control Board Order Number 90-42, which constitutes NPDES Permit Number CA0108758, together with all amendments, and which is on file in the office of the city clerk as Document Number CO90-287.

T. "Parking Lot" shall mean an open area, other than a street or other public way, used for the parking of motorized vehicles, whether for a fee or free, to accommodate clients or customers or to accommodate residents of multi-family dwellings (i.e., apartments, condominiums, townhomes, mobile homes, dormitories, group quarters, etc.).

U. "Person" shall mean any individual, organization, business trust, company, partnership, entity, firm, association, corporation, or public agency, including the State of California and the United States of America.

V. "Pollutant" may include but is not limited to solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged soil, rock, sand, sediment, industrial waste, and any organic or inorganic contaminant whose presence degrades the quality of the receiving waters in violation of Basin Plan or California Ocean Plan standards. "Pollutant" includes, but is not limited to, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon (VOC), surfactants, oil and grease, petroleum hydrocarbons, total organic carbon (TOC), lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides.

A "pollutant" also includes any substance defined as a pollutant under 40 CFR Section 122.2 and any contaminant which degrades the quality of the receiving waters in violation of basin plan or California ocean plan standards by altering any of the

following parameters: pH, total suspended and settleable solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, and temperature.

W. "Premises" shall mean any building, lot, parcel, real estate, land, or portion of land whether improved or unimproved.

- X. "Receiving Waters" shall mean surface bodies of water, as described in Order Number 90-42, which serve as discharge points for the storm water conveyance system, including creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays, and the Pacific Ocean.
- Y. "Significant Quantities" shall mean the volume, concentrations, or mass of a pollutant in a discharge that can cause or threaten to cause pollution, contamination, or nuisance; or adversely impact human health or the environment; or, cause or contribute to a violation of any water quality standards applicable to the receiving water.
- Z. "Storm Water" shall mean surface runoff and drainage associated with storm events and snow melt prior to contact with urban areas, agricultural areas, and/or other areas in which the natural environment has been significantly disturbed or altered, either directly or indirectly, as a result of human activity (also see definition for "Non-Storm Water").

For the purposes of this chapter, storm water runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of pollutants naturally appearing in the runoff have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered "unpolluted" and shall satisfy the definition of "storm water" in this chapter.

- AA. "Storm Water Conveyance System" includes, but is not limited to, those municipal facilities within the city of Chula Vista by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, and watercourses.
- BB. "Storm Water Pollution Prevention Plan" shall mean a document which describes the on-site program activities to utilize BMPs by the owner or operator of a business to eliminate or reduce pollutant discharges to the storm water conveyance system to the maximum extent practicable.

A storm water pollution prevention plan prepared and implemented pursuant to any NPDES permit shall meet the definition of a storm water pollution prevention plan for the purposes of this chapter.

- CC. "Watercourse" shall mean any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash, in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel and a bed or banks. A channel is not limited to land covered by minimal or ordinary flow but also includes land covered during times of high water. "Watercourse" does not include any surface drainage prior to its collection in a stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash.
- DD. "Watercourse Permit" shall mean a permit issued by the director of public works pursuant to Chapter 14.08 of the Chula Vista Municipal Code.
- EE. "Wetlands" shall mean areas that are inundated or saturated by surface or ground

waters at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord 2597 §11 (part), 1994).

18.12.140 Expiration of tentative map and extension of time for filing final map--Application required--Public hearing.

- A. The approved or conditionally approved tentative map shall expire in thirty-six months in accordance with the total authorized period of the present or as amended requirements of Section 66452.6 of the Subdivision Map Act unless it is extended in accordance with the provisions of this section. Within such time period or the period of any extension thereof, the subdivider may cause a final map to be prepared and submitted to the city council for approval or disapproval in accordance with the tentative map as approved or conditionally approved and in accordance with the Subdivision Map Act and the provisions of this title.

- B. The subdivider may request an extension of the approved or conditionally approved tentative map by written application to the director of planning. Such application shall be filed at least thirty and not more than ninety days before the approval or conditional approval is due to expire. The application shall state the reasons for the requested extension and at any time within ninety days of the expiration of the map. The director of planning and building shall determine whether a public hearing is required based on changing conditions in the area. After conducting a public hearing or reviewing the requested extension, the planning commission may approve or deny the requested extension. An extension shall not exceed thirty-six months as provided in Section 66452.6 of the Subdivision Map Act. In the event the planning commission denies a subdivider's application for extension or refuses to extend the tentative map for the full period as authorized by the Subdivision Map Act, the subdivider may within fifteen days appeal to the city council. Following the meeting or the hearing on an appeal from the decision of the planning commission, the city council shall grant or deny the extension.
(Ord 2100 §1 (part), 1985; Ord 2008 §1, 1982; Ord 1369 (part), 1971; prior code §28.208).

Chapter 18.54

FLOODPLAIN REGULATIONS

Sections:

- 18.54.010 Purpose and intent.**
 - 18.54.015 Lands to which this chapter applies.**
 - 18.54.020 Basis for establishing the areas of special flood hazards.**
 - 18.54.030 Definitions.**
 - 18.54.040 Floodplain development--Permits required.**
 - 18.54.050 Floodplain development--Review by city engineer.**
 - 18.54.060 Floodplain development--Review by director of planning and building.**
 - 18.54.070 Floodplain development--City engineer action.**
 - 18.54.080 New water and sewage systems.**
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- 18.54.090** Alteration or relocation of watercourses.
- 18.54.100** Exceptions granted by board of appeals.
- 18.54.110** Ordinance supersedes any conflicting statutes.

8.54.010 Purpose and Intent.

In order to allow the city to participate in the Federal Flood Insurance Program (National Flood Disaster Protection Act of 1973), it is required that the city adopt regulations controlling the development of property within identified flood plains pursuant to the direction of said Act. The city council, therefore, assigns to the director of planning and building and to the city engineer certain added responsibilities, and they are authorized and directed to enforce all the provisions of this chapter and all other ordinances of the city now in force or hereafter adopted, relating to zoning, subdivision, or building codes. (Ord 2100 §1 (part), 1985; Ord 1842 §1 (part), 1978).

18.54.040 Floodplain development--Permits required.

- A. No person, firm or corporation shall erect, construct, enlarge or improve any building or structure within areas of flood hazard in the city or cause the same, including the placement of manufactured homes, to be done without first obtaining a building permit for each such action.
- B. To obtain such a building permit, the applicant shall first file an application therefor in writing with the building official on a form furnished for that purpose. Every such application shall:
 - 1. Identify and describe the work to be covered by the permit for which application is made;
 - 2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building of work;
 - 3. Indicate the use or occupancy for which the proposed work is intended;
 - 4. Be accompanied by necessary plans and specifications for the proposed construction;
 - 5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - 6. Be accompanied by elevations (in relation to sea level) of the lowest floor (including basement) or in the case of flood proofed (as defined in this chapter) nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the building official.
 - 7. Be accompanied by a certification, submitted by a licensed civil engineer, structural engineer, or architect, that the plans and specifications for the proposed building or structure comply with the flood proofing requirements of the National Flood Insurance Program as revised. Said licensed civil engineer,

structural engineer or architect, subsequent to construction of the proposed building or structure but prior to final approval for use or occupancy thereof, shall certify that such building or structure has been so flood proofed. He shall also specify the elevation to which such floodproofing is effective. This provision is not applicable to manufactured homes.

8. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding.
 9. Give such other information as reasonably may be required by the building official.
- C. In the coastal zone, development in floodplains shall also be required to obtain a coastal development permit consistent with the applicable provisions of the certified Local Coastal Program.
(Ord 2248 §2, 1988; Ord 2197 §1 (part), 1987; Ord 2100 §1 (part), 1985; Ord 1842 §(part), 1978).

18.54.060 Floodplain development--Review by building official.

The director of planning and building in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments (as defined in this chapter) shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the official map meet the following standards:

- A. Residential structures and substantial improvements of residential structures shall meet the following standards: The lowest floor elevation (to include basement) of new residential structures shall be elevated to a minimum of one foot above the regulatory flood elevation; except that in zone AO the lowest floor (including basement) shall be as high as the depth number in feet above the highest adjacent grade or two feet if no depth number is specified.
- B. Standards for manufactured homes:
 1. All manufactured homes that are placed on or substantially improved within a special flood hazard area as identified on the city's flood insurance rate map and which are:
 - a. Outside of a manufactured home park or subdivision; or
 - b. In a new manufactured home park or subdivision, or
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision within which a manufactured home has incurred "substantial damage" as the result of

a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within a special flood hazard area and not subject to the provisions of Section 18.54.060.B.1 shall be elevated so that either:
 - a. The lowest floor of the manufactured home is at least one foot above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

C. Nonresidential structures shall meet the following standards:

1. The lowest floor elevation (to include basement) of nonresidential structures be elevated or floodproofed to a minimum of one foot above the regulatory flood elevation; except that in zone AO the lowest floor (including basement) shall be as high as the depth number in feet above the highest adjacent grade or two feet if no depth number is specified; or together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 2. Require the use of construction materials and utility equipment that are resistant to floodwater damage;
 3. Require the use of construction methods and practices that will minimize flood damage;
 4. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding;
 5. Assure that in regard to manufactured homes, specific anchoring requirements include:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations. Manufactured homes less than fifty feet long require only one additional tie per side.
 - b. Frame ties be provided at each corner of the home with five additional
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ties per side at intermediate points. Manufactured homes less than fifty feet long require only four additional ties per side.

- c. Each required tie of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds.
- d. Any additions to mobile homes shall be similarly anchored;

6. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Chapter.

- D. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
(Ord 2386 §4, 1990; Ord 2248 §3, 1988; Ord 2197 §1 (part), 1987; Ord 2100 §1 (part), 1985; Ord 2039 §1 (part), 1983; Ord 1842 §1 (part), 1978).

19.09.050 Requirement for Public Facilities Finance Plans, Air Quality Improvement Plans, and Water Conservation Plans.

A. Public Facilities Financing Plans.

No application for a SPA plan, or, if a SPA plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

- 1. It is accompanied by an PFFP which has been approved by the city; or
- 2. An PFFP which includes the project has already been initiated; or
- 3. The applicant initiates the preparation of an PFFP.

The PFFP may be waived by the city council upon a showing that there are no public service, facility or phasing needs warranting the preparation of an PFFP.

B. Air Quality Improvement Plans.

No application for an SPA plan, or, if an SPA plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an Air Quality Improvement Plan which has been approved by the city; or
2. An Air Quality Improvement Plan which includes the project has already been initiated; or
3. The applicant initiates the preparation of an Air Quality Improvement Plan in such form and/or containing such information including maps, drawings, diagrams, etc., as the city director of planning and building shall require.

C. Water Conservation Plans.

No application for an SPA plan, or, if an SPA plan is not required, no application for a Tentative Map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a Water Conservation Plan which has been approved by the city; or
2. A Water Conservation Plan which includes the project has already been initiated; or
3. The applicant initiates the preparation of a Water Conservation Plan in such form and/or containing such information including maps, drawings, diagrams, etc., as the city director of planning and building shall require.

- D.** No SPA plan, nor any tentative subdivision map shall be approved or deemed approved, without an approved PFFP, an approved Air Quality Improvement Plan and a Water Conservation Plan. To provide consistency and implementation of said Plans, the city council may impose any condition to the approval of a SPA plan or tentative subdivision map necessary to implement the PFFP, the Air Quality Improvement Plan, the Water Conservation Plan, the Growth Management Program, or the Master Facility Plans.
- E.** No final map shall be approved until all the conditions of the PFFP, the Water Conservation Plan and the Air Quality Plan have been met, or the project applicant has provided adequate security to the city that said plans will be implemented.
- F.** No other discretionary planning approvals shall be granted unless the city council finds that the Project is consistent with an approved PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan.
- G.** No building permit shall be issued unless the permit is consistent with any applicable PFFP, the Air Quality Improvement Plan and the Water Conservation Plan and all applicable fees, including but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or other development fees adopted by the city council have first been paid or provision for their payment has been made to the satisfaction of the city council.
- H.** No development shall occur in a PFFP area if the demand for any public facilities and services exceeds capacity and it is not feasible to increase capacity prior to completion
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of development unless means, schedule and financing for increasing the capacity is established through the execution of a binding Agreement providing for installation and maintenance of such facilities or improvements in advance of city's phasing schedule. (Ord 2448 §2 (part), 1991).

19.09.060 Public Facilities Finance Plan Contents.

- A. A PFFP shall contain a complete description of the proposed development project and a complete description of all public facilities included within the boundaries of the plan as defined by the director of planning. The plan shall contain a description of the individual and cumulative impacts of the proposed development on the community as it relates to the Growth Management Program, the specific facility master plans and the Threshold Standards.
- B. The PFFP shall consist of maps, graphs, tables, and narrative text and shall be based upon the General Plan and zoning applicable within the area of impact. The PFFP shall be consistent with the Growth Management Program and Threshold Standards and shall implement the Growth Management Program within the area.
- C. The boundaries of the PFFP shall be established by the city at the time a SPA Plan or Tentative Map is submitted by the applicant. The boundaries shall be based upon the impact created by the Project on existing and future need for facilities. The project boundaries will correlate the proposed development project with existing and future development proposed for the area of impact to provide for the economically efficient and timely installation of both onsite and offsite facilities and improvements required by the development. In establishing the boundaries for the PFFP, the city shall be guided by the following considerations:
 - 1. Service areas or drainage or sewer basins which serve the project;
 - 2. Extent to which facilities or improvements are in place or available;
 - 3. Ownership of property;
 - 4. Project impact on public facilities relationships, especially the impact on the city's planned major circulation network;
 - 5. Special district service territories;
 - 6. Approved fire, drainage, sewer, or other facilities or improvement master plans.
- D. The boundaries shall be established by resolution after a public hearing notice of which is given pursuant to Section 19.12.070.
- E. The PFFP shall show how and when the facilities and services necessary to accommodate development within the area will be installed or financed:
 - 1. Police
 - 2. Fire/EMS

3. Schools
4. Libraries
5. Parks and Recreation
6. Water
7. Sewer
8. Drainage
9. Traffic
10. Civic Facilities
11. Corporation Yard

F. The PFFP shall include the following information with regard to each facility and service listed in subsection E:

1. List of Facilities and Services

A list or schedule of facilities and service requirements correlated to individual development projects within the area.

2. Inventory

An inventory of present and future requirements for each facility and service based upon the Threshold Standards. The inventory shall include Life Cycle Cost ("LCC") projections for each element in 19.09.060(E) above as they pertain to city fiscal responsibility. The LCC projections shall be for estimated life cycle for each element analyzed. The model used shall be able to identify and estimate initial and recurring life cycle costs for the above elements. Because requirements for certain facilities and services may overlap plan boundaries, the plan shall address the need for coordination and shall propose a coordination plan for facilities and services extending from one project boundary area to another. Cost estimates for funding public facilities and services directly related to the impact created by the project as well as for proposals for funding existing deficiencies required by the project prior to the phasing schedule set forth in the Growth Management Program shall be included. It must be shown that development in the area will not reduce the existing facilities or services capabilities within the Project boundaries or create facilities or improvements shortages in other areas or reduce capability in any area below the Threshold Standard which is established pursuant to Section 19.09.040. The growth inducing impact of the out of area improvements shall be assessed and mitigation provided, if appropriate, to the satisfaction of the city council.

3. Phasing Schedule

A phasing schedule, which complies with the adopted development phasing policy as

set forth in the Growth Management Program and the Threshold Standards which establishes the timing for installation or provision for facilities and services required by the project. The phasing schedule shall ensure that development of one area will not utilize more than the area's prorata share of facility or service capacity within the projected service area of a facility unless sufficient capacity is ensured for other areas at the time of development. The phasing schedule shall include a schedule of development within the area and a cash flow analysis for financing of facilities and services for the PFFP area. The phasing schedule shall identify periods where the demand for facilities and improvements may exceed the capacity and provide a plan for eliminating the shortfall. If a project cannot demonstrate consistency with the phasing schedule, the PFFP must demonstrate to the city's satisfaction, how facilities required for the project in advance of the phasing schedule as set forth in the Master Plan will be provided. If no facility master plan or Threshold Standards exists for a particular facility, the PFFP for the project must demonstrate, how that facility will be provided and financed in a phased and timely manner.

4. Financing Plan

A financing plan establishing specific methods of funding each facility and service identified in the PFFP which allocates the cost to the various properties within the plan area. The plan shall identify those facilities and services which would otherwise be provided as a requirement of processing a development project (i.e. requirements imposed as a condition of a development permit) or provided by the developer in order to establish consistency with the General Plan, Growth Management Program, facility master plans or this section, and those facilities and improvements for which new funding methods which shall be sufficient to ensure that funds are available to construct or provide facilities or services when required by the phasing schedule for the project. Where facilities or services are required for property within the PFFP area, other than the project, the phasing plan shall identify those other properties and the PFFP for each property shall be coordinated. Coordination, however, shall not require identical funding methods.

- G. The PFFP shall establish the proportionate share of the cost of facilities and services identified in the Growth Management Program and the Master Facilities Plans attributable to the development of each property in the PFFP area.
- H. In the event that an applicant provides private financing for public facilities or services to service a project in advance of the normal time frame for constructing such facilities, the approval of credits against any city fees for such advanced private financing may be postponed until the estimated time of such construction as specified in the specific facility master plan or the city's capital improvement program budget. In lieu of a facility master plan phasing schedule, such determination shall be made by the city council after reviewing information from the director of planning and building, city engineer, finance director, and Deputy city manager. In no event shall a developer receive interest on funds for providing public facilities or services in advance of the city's schedule. The developer shall also become responsible for the maintenance and operation costs associated with the early construction of said facility. No repayment will be made to the developer for the funds provided for maintenance and operational costs. All repayments will be considered in accordance with the city's projected construction dates for said facilities.

- I. Assessment districts requested by the developer shall not be given credit for facility fees when a facility is constructed above the standards established by the respective facility master plan or standards imposed as conditions on the approval of the project by the city council.
- J. A fiscal analysis/economic impact report shall be provided identifying capital budget impacts on the city as well as maintenance and operation costs for each proposed phase of development. The report shall include an analysis of the Project impact on school districts and water agencies as well as the life cycle analysis set forth in Section F.2. Each year during the development of the Project, the director of planning may require the applicant to provide the city with an updated fiscal impact report reflecting the actual revenue and expenditure impacts based upon the development of the Project. The project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.
- K. Developer contributions shall not be required as a source of funding for that proportion of the cost of any facility or service that is needed to reach Threshold Standards due to the demands created by existing development.
(Ord 2448 §2 (part), 1991).

19.09.70 Public Facilities Finance Plan Preparation.

- A. An PFFP, an Air Quality Improvement Plan, and a Water Conservation Plan may be processed concurrently with the SPA plan or tentative map.
- B. A PFFP may be initiated by filing an application with the director of planning and building. The applicant shall pay a deposit at the time any application for a PFFP is accepted.
- C. A PFFP for a project shall be prepared by the city, or a consultant selected by the city, according to the procedures established by this section.
- D. The cost of PFFP preparation shall be advanced to the city by the applicant and any participating owner or owners prior to PFFP preparation.
(Ord 2448 §2 (part), 1991).

19.09.080 Public Facilities Finance Plan Review.

- A. PFFP's shall be reviewed according to the following procedure:
 - 1. A completed PFFP complying with this chapter, and accompanied by a processing fee in an amount established by city council resolution, may be submitted to the director of planning and building for processing. If the director of planning and building determines that the plan complies with the provisions of this chapter, the director shall accept the PFFP for review. Once the PFFP has been reviewed and complies with the provisions of this chapter, it shall be set for public hearing before the planning commission together with the accompanying development plan.

2. The hearing shall be noticed according to the provisions of Section 19.12.070. A staff report containing recommendation on the PFFP shall be prepared and furnished to the public, the applicant, and the planning commission prior to the hearing.
3. The planning commission shall hear and consider the application and shall by resolution prepare recommendations and findings for the city council. The action of the Commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.
4. When the planning commission action is filed with the city clerk, the Clerk shall set the matter for public hearing before the city council. The hearing shall be noticed according to the provisions of Section 19.12.070.
5. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may approve, conditionally approve, or deny the plans. The city council may include in the resolution adopting the PFFP any fees or facilities improvement requirements provided for in city ordinances in order to implement the Growth Management Program, the Master Facility Plans and the PFFP.
6. A PFFP may be amended following the same procedures for the original adoption.
(Ord 2448 §2 (part), 1991).

19.14.090 Conditional use permit-Public hearing procedure-Finding of facts.

The planning commission or the zoning administrator shall make a written finding which shall specify acts relied upon in rendering said decision and attaching such conditions and safeguards as deemed necessary and desirable not more than ten days following the decision of the commission or the zoning administrator, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section and Section 19.14.080. A copy of this written finding of facts shall be filed with the city clerk, with the, director of planning and building and mailed to the applicant. The decision of the planning commission or zoning administrator shall be final on the eleventh day following its filing in the office of the city clerk, except where appeal is taken as provided herein.

(Ord 2374 §2 (part), 1990; Ord 1212 §1 (part), 1969; prior code §33.1305(B)).

19.14.020 Zoning administrator-Creation of position.

In order to relieve the planning commission of certain routine functions necessary to the proper administration of this chapter, a zoning administrator is created who shall be the director of planning and building or his authorized deputy, with such authority as is granted to him by this chapter.

(Ord 1212 §1 (part), 1969; prior code §33.1302(A)).

19.14.190 Variance-Prerequisites for granting.

The zoning administrator shall grant a variance only when the following facts are found:

- A. That a hardship peculiar to the property and not created by any act of the owner exists. Said hardship may include practical difficulties in developing the property for the needs of the owner consistent with the regulations of the zone; but in this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors;
- C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest;
- D. That the authorizing of such variance will not adversely affect the General Plan of the city or the adopted plan of any governmental agency.
- E. In the coastal zone, granting of variances is consistent with and implements the certified Local Coastal Program, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources as specified in the zones included in this chapter, and that the variance implements the purposes of the zones adopted in implementation of the local coastal program.

The director of planning and building or planning commission may grant a variance to a regulation prescribed by this chapter only with respect to fences, walls, hedges, screening, or landscaping; site area, width, frontage or depth; front, rear, or side yards; basic floor area; height of structures; or distances between structures, courts or usable open space as the variance was applied for, or in modified form, if, on the basis of the application and the evidence submitted, the director of planning makes findings of fact that establish that the circumstances prescribed in subsections (a) through (c) of this subsection apply:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the ordinance deprives such property of privileges enjoyed by other property owners in the same land use classification in the coastal zone.
- 2. That the strict application of the specified provision would deprive the applicant of privileges enjoyed by the owners of other property classified in the same use classification in the coastal zone; and
- 3. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same use classification in the coastal zone.

(Res. 11903, 1985; Ord 1212 §1 (part), 1969; prior code §33.1308(E)).

19.14.270 Procedures for enforcing conditional use permits and variances.

- A. The director of planning and building shall investigate evidence presented to him or her to determine whether probable cause exists that any of the following has occurred or is substantially likely to occur regarding any variance or conditional use permit:
1. **Fraud:** That the variance or conditional use permit approval was obtained by fraud;
 2. **Non-Use:** That the uses and privileges authorized by the variance or conditional use permit have not been initiated in the manner and within the twelve months specified in Section 19.14.260, and no extension of time has been granted;
 3. **Abandonment:** That the property or any structure thereon subject to the variance or conditional use permit has been abandoned or the use authorized has ceased for a period exceeding twelve months;
 4. **Violation of Conditions:** That the variance or conditional use permit is being or has been exercised contrary to the conditions of said permit, or in violation of any applicable licenses, permits, regulations or laws;
 5. **Violation of Use:** That the variance or conditional use permit is being or has been exercised in excess of the use right granted.
 6. **Public Health, Safety and Welfare:** That the use for which the variance or conditional use permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance.

If the director of planning and building has probable cause to believe that any of the foregoing has occurred or is substantially likely to occur, he/she shall issue a recommendation as to what action should be taken. The recommendation shall be submitted to the individual or body which issued the conditional use permit or variance (hereinafter referred to as "permitting authority").

- B. The permitting authority shall hold a public hearing to consider the director of planning and building's recommendation regarding the conditional use permit or variance.
- C. Notice of any public hearing to consider violations of variances and conditional use permits shall be given consistent with the procedures set forth in Section 19.12.070. The notice shall contain the following information:
1. The date, time, and place of the public hearing;
 2. The identity of the permitting authority;
 3. A general explanation of the matter to be considered including the nature of the director of planning and building's recommendation;
 4. A general description, either in text or by diagram, of the location of the property.

- D. **Procedures for public hearing:** The following procedures shall be followed for public hearings provided for in this section:
1. **Recommendation and reports:** The director of planning and building's recommendation and any accompanying staff reports, if any, shall be made available to the public prior to commencement of the public hearing provided for herein.
 2. **Recordation:** The public hearing may, at the written request of an interested party, be recorded by either a recording device or stenographer.
 3. **Testimony:** Any witness offering evidence or testimony may be placed under oath and subject to cross-examination at the request of the permitting authority or any party interested in the matter which is the subject of the hearing.
 4. **Relevancy:** Evidence or testimony must be relevant or material to the fact or facts at issue. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which would otherwise make improper the admission of such evidence in civil actions. All irrelevant and unduly repetitious evidence may be excluded.
 5. **Hearsay:** Hearsay evidence shall be admissible, but the fact that evidence is hearsay may affect the weight given to the evidence in reaching any determination of any question of fact. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may not be sufficient by itself to support a decision unless it would be admissible over objection in civil actions.
 6. **Privileges:** The rules regarding privileges shall be effective to the extent they are raised and otherwise required by law to be recognized at the hearing.
 7. **Procedural Compliance:** The hearing need not be conducted under rules relating to evidence. Failure of the permitting authority to strictly enforce rules of evidence and reject certain matters which may be irrelevant or immaterial shall not be sufficient to constitute reversible error on the part of the permitting authority if basic procedural due process is granted to all affected parties and a fair hearing has been conducted. Errors which do not affect substantial rights will be disregarded and no presumption of prejudicial error is raised by the failure to strictly adhere to procedural requirement
- E. The permitting authority, after public hearing, shall make a finding or findings whether any or all of the factors articulated in Subsection A apply to a conditional use permit or variance.
- F. Based on its findings, the permit authority may do any one or a combination of the following:
1. Maintain the existing variance or conditional use permit without modification;

2. Modify or delete any provision or condition of the variance or conditional use permit;
 3. Establish any new condition or provision;
 4. Revoke the variance or conditional use permit;
 5. Establish any fine or charge which may be paid in lieu of revocation, modification, or imposition of a condition.
- G. **Written Decision:** The permitting authority must issue a written decision explaining the factual basis for its decision. Notice of the permitting authority's written decision and action shall be mailed to the affected party and any interested party requesting such notice consistent with Section 19.12.070. Said notice shall be filed with the city clerk.
- H. **Right of Appeal:** Within ten days after the notice of the written decision is filed, unless the date is waived by the appellate body upon a showing of good cause, any interested party who participated in the public hearing or the director of planning and building may appeal the written decision to the appropriate appellate body as follows:
1. If the permitting authority is the zoning administrator, appeal shall be filed with the planning commission;
 2. If the permitting authority is the planning commission, appeal shall be filed with the city council;
 3. If the permitting authority is the city council no further appeal is available.
- I. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.
- J. After an appeal is filed and accepted, the appellate body shall hold a public hearing consistent with the provisions set forth in this section. The appellate body may, in its discretion, consider additional evidence not presented at the public hearing.
- K. The appellate body may reverse, uphold, or modify in any manner a written decision or take any action consistent with this section, after public hearing, upon a written appellate decision. Notice of the written appellate decision shall be mailed to the affected party and any interested party requesting such notice consistent with Section 19.12.070. Said notice shall be filed with the city clerk.
- L. **Appeal to city council:** If the appellate body is not the city council, an appeal may be filed by any interested party who participated in the appeal or by the director of planning and building who may request an appeal to the city council within ten days after the notice of the written appellate decision is filed, unless waived by the city council upon a showing of good cause. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.
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The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

- M. Any written decision regarding an appeal shall be final on the eleventh day after its filing, unless an appeal is timely filed, if such an appeal is available to an issuing body or a waiver is obtained. All written decisions issued by the city council shall become final when notice of such written decision is filed.
- N. After the written decision becomes final, it shall be filed with the director of planning and building, and a copy may be filed with the County Recorder of San Diego County. Uses and structures must be brought into compliance with the final decision or otherwise brought into compliance with the underlying zone. Where a variance or conditional use permit is revoked, it shall become void.
(Ord 2520 §1, 1992).

19.14.480 Site plan and architectural approval-Zoning permit issuance prerequisite-Building inspector authority-Appeals.

- A. Following site plan and architectural approval by the zoning administrator as provided in this chapter, and provided all other applicable requirements of this chapter have been met, the building official shall issue a zoning permit, as provided in Sections 19.14.500 through 19.14.550, and shall ensure that development is undertaken and completed in conformity to the approved plans. A copy of the decision resolution of the zoning administrator shall be filed with the director of planning and building and mailed to the applicant. Appeals from determinations by the zoning administrator shall be to the planning commission, upon written request for a hearing before the Commission. In the absence of such request being filed within seven days after determination by the Administrator, the determination shall be final.
 - B. The appeal shall be filed with the director of planning and building in the form required by the director of planning and building, and be accompanied by the non-refundable Required Fee therefor. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the zoning administrator. Upon the proper filing of the appeal, the director of planning and building shall cause the matter to be set for public hearing, giving the same notice as required in Sections 19.12.070 and 19.12.080.
 - C. Upon the hearing of an appeal, the planning commission may by resolution, affirm, reverse or modify, in whole or in any part, any determination of the zoning administrator. The resolution shall contain findings of facts showing wherein the project meets or fails to meet any applicable site plan and architectural principles in Section 19.14.470, the provisions of the Design Manual or any Design Standards required for the project, or other non-conformity with the requirements of this Chapter. A copy of the decision resolution of the planning commission shall be filed with the city clerk and mailed to the applicant. The decision of the planning commission shall be final on the eleventh day after its filing, except where further appeal is taken as provided herein.
 - D. The applicant or other interested person may appeal the decision of the planning commission granting or denying site plan and architectural approval to the city council
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within ten days after said decision is filed with the city clerk. Said appeal shall be filed with the city clerk in writing upon forms provided by the director of planning and building and be accompanied by the non-refundable Required Fee therefore. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing. If a proper appeal is filed within the time limits specified, it automatically stays proceedings in the matter until a determination is made by the city council on the appeal.

- E. Upon the filing of the appeal, the city clerk shall set the matter for public hearing, giving the same notice as required in Sections 19.12.070 and 19.12.080. The city clerk shall send the director of planning and building a duplicate copy of the appeal and who shall transmit to the city council the minutes of the hearing before the planning commission and/or zoning administrator (if any), and all other evidence, maps, papers and exhibits upon which the planning commission made its decision.
- F. After hearing the appeal, the city council may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the zoning administrator or the planning commission. The Council resolution by which the appeal is decided shall contain findings of facts showing wherein the project meets or fails to meet the applicable site plan and architectural principles in Section 19.14.470, the provisions of the Design Manual, any Design Standards required for the project, or other non-conformity with the requirements of this Chapter. A copy of the decision resolution of the city council shall be filed with the city clerk and mailed to the applicant.
(Ord 2587 §1, 1994; Ord 1212 §1 (part), 1969; prior code §33.1313(A)(6)).

19.52.040 Procedures following planning commission decision-Appeals.

- A. After decision by the planning commission, copies thereof shall be mailed to the applicant and to any party filing a written notice therefor with the secretary of the commission or the director of planning and building, and the application and any supporting documents, together with the written decision of the planning commission shall be forwarded to the city clerk, who shall cause same to be placed upon the agenda of a regular meeting of the city council within fifteen days after receipt thereof.
- B. If the applicant or any other interested party is dissatisfied with the decision of the planning commission, such person may file a notice of appeal within ten days from the date such notification of the planning commission's decision was mailed to the applicant. Such notice of appeal shall be filed with the city clerk. Such appeal shall be in writing and shall state wherein the appellant feels the planning commission's decision was in error, and his reasons therefor.
(Ord 1281 §2 (part), 1970; Ord 1212 §1 (part), 1969; prior code §33.530(C)).

19.58.042 Carnivals and Circuses.

Carnivals and circuses shall be subject to the following development standards:

- A. Carnivals shall be restricted to locations where the ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards and provide adequate parking;

- B. Adequate controls or measures shall be taken to prevent offensive noise, vibration, dust and glare from any indoor or outdoor activity onto adjacent property or uses;
- C. The time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. The frequency of operation at a particular location shall be a consideration in determining whether or not to grant the permit. Carnivals and circuses shall have adequate insurance, pursuant to city council Policy, to indemnify the city from liability. A business license shall be required.
- D. The site shall be cleared of weeds and obstructions. Fire regulations shall be met as established by the Fire Marshal including inspection prior to opening. Security guards as required by the Police Department shall be provided. Uniformed parking attendants to be determined by the Traffic Engineer. The number of sanitary facilities shall be as determined by the Department of Planning and Building. All electrical installations shall be inspected and approved by the Department of Planning and Building.
- E. The zoning administrator has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.
- F. A bond shall be posted to cover any work and compliance with conditions to be done once the carnival is over. Any violation of the above regulations which has been substantial shall be sufficient grounds for the zoning administrator to revoke the conditional use permit and require removal of the circus or carnival from the property. (Ord 2074 §4, 1984).

19.58.090 Club, country-Golf course.

Country club and golf course regulations are as follows:

- A. No building shall be located within twenty feet of any property line.
- B. Facilities, such as restaurants and bars, may be permitted when conducted and entered from within the building.
- C. Swimming pools, tennis courts, and the like shall be located not less than twenty-five feet from any property line, and, when adjoining property in an R or C zone, shall be effectively landscaped, subject to the approval of the director of planning and building. (Ord 1356 §1 (part), 1971; Ord 1212 §1 (part), 1969; prior code §33.901(B)(8)).

19.58.320 Tract office, temporary.

Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing zone may be used as follows:

- A. One building for a temporary real estate sales office, and not more than six dwellings for temporary demonstration or model home purposes may be provided. In addition, a subdivision containing more than sixty lots may use up to ten such lots for model home purposes. Such temporary uses shall be made only in conjunction with the sale or rental of land or buildings within such subdivisions and such use or uses shall

terminate two years after the filing in the office of the county recorder of the final subdivision map thereon, or sixty days after the sale of the last house, whichever comes first. After the time limit has expired all commercial activity shall cease and the temporary office building, if any, shall be converted to a conforming use or removed at the owner's expense. At the termination of such office use, all necessary alterations to convert the temporary office to residential use or removal of said building shall be made.

- B. If alterations are needed in the initial conversion from a house to a temporary office, the following shall be done: A two hundred and fifty dollar penal bond shall be filed with the city clerk to assure said work will be completed. Upon a recommendation from the director of planning and building or his authorized deputy, he shall approve or reject the final alteration work.
- C. The zoning administrator shall determine the need for off-street parking, based on the location of model homes in relationship to adjoining subdivisions; the size of the subdivision; character of the street; and the expected duration of model home area use.
(Ord 1356 §1 (part), 1971; Ord 1212 §1 (part), 1969; prior code §33.901(B)(32)).

19.58.330 Trailers.

(See Definitions, Section 19.04.298).

- A. It is unlawful to use a camping trailer, motor home, camper, or travel trailer for living or sleeping purposes except when parked within a licensed recreation vehicle park or mobile home park, as provided elsewhere in this title, or when used on a temporary basis not to exceed a period of seven days by guests or visitors of residents of the city and said vehicle is parked upon the property of the resident.
 - B. It is unlawful to use a trailer, excluding commercial coach units, as a business office in any zone, except that a general contractor and/or property owner or lessee may obtain a temporary permit for the parking of one or more mobile homes, motor homes, campers or travel trailers for watchmen, supervisory or other special personnel, or for use as a temporary office at or immediately adjoining a major construction site upon commencement of such construction. Any such permit shall be issued only by the director of planning and building of the city after an application, in writing, is submitted by the general contractor specifying:
 - 1. The number and type of such vehicles;
 - 2. The reasons their presence is necessary at the site at times other than normal work hours;
 - 3. The period for which the permit is sought;
 - 4. The vehicles for which a permit was issued shall be removed from the premises ten days after final inspection.
 - C. Commercial coach units may be utilized for a maximum of twenty-five percent of the total industrial and/or commercial floor area available to a particular use; provided, that if visible from a public street or from adjoining properties, the coach units shall be
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made architecturally compatible with and complementary to the balance of the structures on the same and adjacent sites.

- D. Commercial coach units may be utilized as temporary building space in conjunction with public or quasi-public uses located in residential zones, and in conjunction with public, quasi-public, and private uses, such as banks, insurance offices, savings and loan institutions, public utility offices, and similar public-service-based uses in commercial and industrial zones, provided that a conditional use permit is procured for each commercial coach so utilized. All conditional use permits granted for the utilization of commercial coaches as temporary building space shall be limited to a period of not more than two years; provided, however, that the permittee may apply to the planning commission for an extension of time, which the commission may grant for a maximum of one additional year.
- E. A mobile home, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (U.S.C. Section 5401 et seq.), may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:
1. It may be occupied only as a residential use;
 2. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and
 3. The foundation is in compliance with all applicable building regulations. (Ord 1941 §1 (part), 1981; Ord 1711 §2, 1976; Ord 1518 §1, 1974; Ord 1356 §1 (part), 1971; Ord 1212 §1 (part), 1969; prior code §33.901(B)(33)).

19.58.400 Recreational vehicle storage yards.

An application to establish a recreational vehicle (RV) storage yard (storage area for motor homes, camping trailers, boats and other recreation equipment) shall address the following issues: (1) height limit for stored items, (2) screening (landscaping and fencing), (3) surfacing, (4) access to the site, (5) office facilities, (6) customer parking, (7) lighting, (8) hours of operation, (9) security, (10) signing, (11) surrounding land uses and structures. The application shall also be accompanied by a comprehensive list of items which would be eligible for storage. Any subsequent additions to the list shall be subject to the approval of the director of planning and building.

The approval of an RV storage yard judged by the commission to represent an interim use of land based upon zoning, development patterns, and/or pending plans in the area shall be subject to a review and report filed each year by the owner with the city zoning administrator. Failure to file the report or abide by the conditions of approval shall cause the matter to be set for a rehearing before the commission to consider revocation of the permit or other appropriate corrective action. Permits for interim RV storage yards shall be granted for a maximum period of five years with extensions subject to rehearing before the commission. (Ord 2169 §2, 1986).

19.60.041 Signs-Prohibited on public rights of way.

No person shall paint, mark or write on or post or otherwise affix any sign within the public right of way, which includes but is not limited to, the following: sidewalk, crosswalk, curb,

curbstone, street, lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or pole or telephone or telegraph or trolley wire or pole or wire apparatus thereof or upon any fixture or upon any lighting system, street sign or traffic sign. If a sign is posted in violation of this section, the director of planning and building may cause removal of the sign and assess a charge for the cost of removal to the person or entity responsible for placement of the sign, or on his behalf the sign was placed. A sign removed pursuant to this section is subject to immediate removal and destruction and is not subject to the storage requirements of Section 19.60.080, or to the notice requirements of Section 19.60.580. (Ord 2389 §1, 1990).

19.60.580 Political signs-Removal authorized when.

The procedure for the removal of political signs is as follows:

- A. With the exception of signs posted in the public right-of-way, which may be removed without notice, the director of planning and building or his or her designee is hereby authorized, after giving twenty-four hours notice to the owner of the sign, to remove any political signs that do not conform to the standards herein provided. The notice shall specify the provision of the sign ordinance being violated, and shall inform the owner that removal charges will be assessed. The owner may, within twenty-four hours, request a hearing before the director planning and building to appeal the decision to remove the sign. If the owner so requests, the sign shall not be removed until the hearing has been held and a final decision rendered.
- B. If the owner cannot be located after reasonable effort to do so, the sign may be treated as abandoned property and removed.
(Ord 2389 §4, 1990; Ord 2228 §2, 1987; Ord 1575 §1 (part), 1974; Ord 1414 §1 (part), 1972; Ord 1356 §1 (part), 1971; Ord 1212 §1 (part), 1969; prior code §33.950(I)(2)(d)).

19.62.200 Enforcement of this chapter.

The planning and building director, code enforcement officers and other employees designated by the planning and building director shall have the authority to enforce this chapter in accordance with the procedures as set forth in Chapters 1.40 and 1.41. Any violation of this chapter shall constitute an infraction, and the administrative citation provisions contained in Chapter 1.41 of this code shall be applicable.

(Ord 2718 §1 (part), 1998; Ord 2176 §7 (part), 1986).

19.64.150 Non-residential structures -Replacement restrictions.

Any non-residential nonconforming building damaged more than sixty percent of it value, as established by the director of planning and building, 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. (Ord 2708, 1997; Ord 2599 §2, 1994; Ord 1356 §1 (part), 1971; Ord 1212 §1 (part), 1969; prior code §33.1102(D)(6)).

19.68.030 Exterior noise limits.

- A. Maximum permissible sound levels by receiving land use.**
- 1. The noise standards for the various categories of land use as presented in Table III and set forth in terms defined in the city land use code set forth in Chapter 19.04, shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table III. Where two or more dissimilar land uses occur on a single property, the more restrictive noise limits shall apply.**
 - 2. Additional land use classifications may be added by action of the city council to reflect both lower and higher existing ambient levels than those shown.**
 - 3. Where doubt exists when making identification of receiving land use, the director of planning and building may make an interpretation.**
 - 4. No person shall operate or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level to exceed the environmental and/or nuisance interpretation of the applicable limits given in Table III.**
 - a. Environmental noise shall be measured by the equivalent sound level (Leq) for any hour.**
 - b. Nuisance noise shall be measured as a sound level not to be exceeded at any time.**
 - c. Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected.**
 - d. Fixed location public utility distribution or fixed transmission facilities, located on or adjacent to a property line shall be subject to noise level limits of this section measured at or beyond six feet from the boundary of the easement upon which the equipment is located.**
- B. Corrections to exterior noise level limits.**
- 1. If the noise is continuous, the Leq for any hour will be represented by any lesser time period within that hour. Noise measurements of a few minutes only will thus suffice to define the noise level.**
 - 2. If the noise is intermittent, the Leq for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a representative number of noisy/quiet periods. A measurement period of not less than fifteen minutes is, however, strongly recommended when dealing with intermittent noise.**
 - 3. In the event the alleged offensive noise, as judged by the enforcement officer, contains a steady, audible sound such as a whine, screech or hum, or contains a repetitive impulsive noise such as hammering or riveting, the standard limits set forth in Table III shall be reduced by 5 dB.**

4. If the measured ambient level exceeds that permissible in Table III, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violations source is not operating.
(Ord 2101 §3 (part), 1985).

19.68.070 Exceptions.

- A. The city council is authorized to grant exceptions for any environmental noise provision of this title, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the city council determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities, nor shall it apply to nuisance noises.
- B. Any person seeking exceptions pursuant to this section shall file an application with the director of planning and building. The application shall be submitted and processed in the same manner as conditional use permits. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this title would constitute, an unreasonable hardship on the applicant, on the community, or on other persons.
(Ord 2101 §3 (part), 1985).

19.68.078 Enforcement.

- A. Violations and penalties.
 1. It is a violation for any property owner(s) and/or person(s) in control of property to permit, or cause, a noise disturbance to be produced upon property owned by them or under their control.
 2. It is a violation for any person or persons to create or allow the making of noise disturbance as provided by this title at any location in the city.
 3. The violation of this title by making or allowing an environmental noise disturbance shall be an infraction. Enforcement of environmental noise violations shall follow the procedures set forth in the land use code for zoning violations.
 4. The violation of this title by making or allowing a nuisance noise disturbance shall be an infraction. Subsection d. provides for the method of enforcement wherein noise may be in violation of both the environmental and nuisance noise disturbance provisions.
- B. Environmental noise.
 1. Classification of environmental noise. The enforcement officer shall determine that any given obtrusive noise condition that falls within the definition of environmental noise disturbance, pursuant to Section 19.66.072 is an environmental noise. The enforcement officer may use Appendix A, attached to ordinance codified in this title, as an aid in making such determinations. The

director of planning and building may make "determinations" classifying noise sources not specifically mentioned in Appendix A.

2. **Responsibility.** The planning and building director shall be responsible for investigation and enforcement of environmental noise disturbances.
3. **Guidelines.** The planning and building director may, from time to time, promulgate guidelines for administration and enforcement of the provisions of this title pertaining to noise violations.
4. **Abatement shall terminate enforcement action.** No complaint or further action shall be taken in the event that the cause of the violation has been removed, the condition abated or fully corrected within the time period specified in a notice of violation issued by the enforcement officer.

C. Nuisance noise.

1. **Classification of Nuisance Noise.** The chief of police shall determine that any given obtrusive noise condition that falls within the definition of nuisance noise disturbance, pursuant to Section 19.66.072 is a nuisance noise. The chief of police may use Appendix A, hereto, as an aid in making such determinations. At the request of the chief of police, the director of planning and building may make "determinations" for classifying nuisance noise sources not specifically mentioned in Appendix A.
2. **Responsibility.** The chief of police shall be responsible for investigation and enforcement of nuisance noise disturbances.
3. **Guidelines.** The chief of police may, from time to time, promulgate guidelines for administration and enforcement of the provisions of this title pertaining to nuisance noise violations.
4. **Abatement Order.** The officer responsible for enforcement of any provisions of this section may issue an order requiring abatement of a sound source alleged to be in violation within a reasonable time period and according to guidelines which the chief of police may prescribe. Such orders of abatement may be verbally administered. Failure to comply may be held as a violation of this title.

D. Enforcement of noise disturbances that are both environmental and nuisance.

1. Where investigation reveals that offending noise violates both the environmental noise regulations and the nuisance noise regulations, the offense shall be enforced as a nuisance noise violation unless the chief of police makes a specific finding that the environmental noise regulations more nearly apply, in which case the environmental noise regulations shall apply.
2. Nothing contained in this provision shall limit the city's ability to prosecute noise violations as both environmental and nuisance noise.

E. Violations: Additional remedies--Injunctions. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any

provision of this chapter which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this chapter is declared to be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Additionally, no provision of this title shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person or injury or damage arising from any violation of this title or from any other law.
(Ord 2101 §3 (part), 1985).

19.83.005 De Minimus Development.

The director of planning and building may issue a written waiver from the coastal development permit requirements of this article for any development that is de minimus. A proposed development is de minimus if the director of planning and building determines, based on a review of an application for a coastal development permit, that the development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with all applicable objectives, policies, and standards of the certified Local Coastal Program. The determination shall be made in writing and based upon factual evidence.

1. De minimus waivers shall be permitted only in the non-appealable area of the city's coastal development permitting jurisdiction when no local public hearing is required.
 2. The director of planning and building will consider the following types of projects for possible permit waivers:
 - a. Projects which would have been placed on the consent calendar without special conditions;
 - b. Projects fully consistent with the certified Local Coastal Program (LCP) and for which all applicable policies of the LCP are objective in nature, such that staff does not have to exercise its judgment as to satisfaction of subjective criteria;
 - c. Projects located in areas where similar projects have been approved as a routine matter without conditions or opposition.
 3. The following projects will not be considered for possible waivers:
 - a. Projects which involve questions as to conformity with the certified LCP, or which may result in potential impacts on coastal resources and public access;
 - b. Projects with known opposition or probable public controversy;
 - c. Projects which involve divisions of land including condominiums.
 4. If, upon review of the coastal development permit application, the director of planning and building determines that the development is de minimus, the applicant, shall post public notice of the de minimus waiver on the property for at least seven calendar days prior to the final decision granting the waiver. Notice of intent to issue a de minimus waiver shall also be made to the Coastal Commission and to persons known to be interested in the proposed development in the following manner:
-

Within ten calendar days of accepting an application for a de minimis waiver or at least seven calendar days prior to the decision on the application, the Director of Planning shall provide notice, by first class mail, of pending waiver of permit requirements. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site or for coastal decisions within the local jurisdiction, to all property owners and residents within one-hundred feet of the perimeters of the parcel on which the development is proposed, and to the coastal commission.

5. The notice shall contain the following information
 - a. A description of the proposed project and location;
 - b. A statement that the development is within the coastal zone;
 - c. The date of filing of the application and the name of the applicant;
 - d. The number assigned to the application;
 - e. The date of the hearing at which the waiver may become effective;
 - f. The general procedure concerning the submission of public comments either in writing or orally prior to the decision;
 - g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

The director of planning and building shall report to the city council at its next available public meeting those projects for which waivers are proposed, with sufficient description to give notice of the proposed development to the city council. A list of waivers issued by the director of planning and building shall be available for public inspection at the public counter of the community development department and at the city council meeting during which any waivers are reported. A waiver shall not take effect until after the director of planning and building makes his/her report to the city council. If one-third of the city council (two members) so request, such issuance shall not be effective and, instead, the application for a coastal development permit shall be processed in accordance with the provisions of this article. (Ord 2532, 1992; Res. 13957, 1989; Res. 11903, 1985).

19.85.008 Parking Requirements.

1. General Requirements:

The provisions of Chapter 19.62 of the Chula Vista Zoning Ordinance, Title 19 of the Chula Vista Municipal Code, shall be applicable to off-street parking and loading areas in the Bayfront area. These provisions generally control construction and development and design standards of off-street parking areas. The number of spaces required for designated uses shall be that designated below. In the event that there is no precise correspondence in the use classifications with the common names used in this section, the shall have the authority to designate the requirements and the common names for proposed uses shall generally be deemed to control.

2. Vehicle Parking Standards:

Business and professional offices: 1 space per 300 square feet of floor area; minimum of 4 spaces;

Dance, assembly, or exhibition halls without fixed seats: 1 space per 50 square feet of floor area used for dancing or assembly;

Dwellings, multiple: 1.5 spaces per studio or 1 bedroom unit; 2 spaces per two bedroom ; 2.5 spaces per three bedroom or larger unit (includes 0.3 space per unit guest parking);

Hotels, motels: 1 space for each living or sleeping unit, plus 1 space for every 25 rooms or portion thereof;

Manufacturing plants, research & testing laboratories: 1 space per 1.5 persons employed at any one time in the normal operation of the plant or 1 space per 800 square feet of floor area, whichever is greater;

Medical and dental offices, clinics: 1 space per 200 square feet of floor area; minimum of 5 spaces;

Public park/open space: 1 parking place for every 10,000 square feet of park or accessible open space;

Restaurants, bars, and night clubs: 1 space per 2.5 permanent seats, excluding and dance floor or assembly area without fixed seats which shall be calculated separately at 1 space per 50 square feet of floor area;

Restaurants - drive-in, snack stands or fast food: 15 spaces minimum, or 1 space per 2.5 permanent seats, whichever is greater;

Retail stores: 1 space per 200 square feet of floor area;

Sports arenas, auditoriums, theaters: 1 space per 3.5 seats of maximum seating capacity;

Wholesale establishments, warehouses, service and maintenance centers: 1 space per 1.5 persons employed at any one time in the normal operation of the plant or 1 space per 1000 square feet of floor area, whichever is greater;

Uses not listed: as required by Chula Vista Zoning Ordinance

3. Bicycle Parking Standards

Bicycle parking spaces shall be provided for developed uses according the following schedule. Only those uses listed below are required to provide bicycle parking. Bicycle parking facilities shall be fixed storage racks or devices designed to secure the frame and wheel of the bicycle.

Business and professional offices (over 20,000 square feet of gross floor area): 5 spaces;

Shopping center (over 50,000 square feet of gross floor area): 1 space per 33 automobile spaces required;

Fast food restaurant, coffee shop, or delicatessen: 5 spaces;

Other eating and drinking establishments: 2 spaces;

Commercial recreation: 1 space per 33 automobile spaces required

4. Shared Parking

Where uses have predictable time cycle parking demands and where supported by appropriate traffic/parking studies, shared parking may be utilized as a means to reduce total parking lot area. The criteria and standards provided in **Shared Parking** published by the Urban Land Institute (ULI) should be utilized to assess parking needs and formulate shared parking agreements. Any use which intends to meet its parking requirements using shared parking shall be subject to the approval of a Conditional Use Permit as provided for in Chapter 19.14 of the Chula Vista Zoning Ordinance, Title 19 of the Chula Vista Municipal Code, and shall be further guaranteed through the execution of a deed restriction and a long-term, binding agreement. The approval of

the Conditional Use Permit may, among other requirements, require a use, business, or activity to only operate within restricted hours.

5. Concealed Parking

Within the Central Resort District and the Residential High District of the Midbayfront Subarea 75 percent of the required parking shall be provided in subterranean or concealed parking structures. Concealed parking is when the parked vehicles can not be seen by the public using public streets, bike lanes and paths, pedestrian walkways, public parks, and public access open spaces.

6. Landscaped parking in SDG&E Right-of-way

Any landscaped parking in the SDG&E ROW north of Lagoon Drive shall be available on weekends and evenings for use by coastal visitors. The parking needed for visitors to the Nature Interpretive Center or for any park or public open space areas shall be provided in areas signed and exclusively reserved for such visitors. This restriction must be enforced during the operating hours of the Nature Interpretive Center and public parks. Public parks shall be open from dawn until 11 p.m. daily unless the operating hours are revised through the local coastal program amendment process. Parking for park and public open space use shall be provided at the rate of one space per each 10,000 square feet of park or open space area, excluding the National Wildlife Refuge.

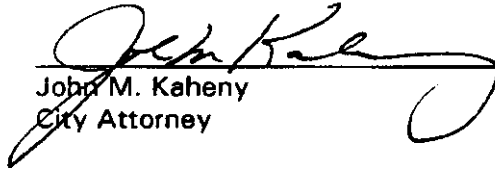
(Ord 2546, 1993; Ord 2532, 1992; Ord 2168 §1 (part), 1986; Res. 11903, 1985).

Presented by



Robert Leiter
Planning and Building Director

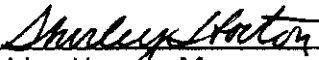
Approved as to form by



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 8th day of June, 1999, by the following vote:

AYES:	Councilmembers:	Davis, Moot, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Padilla
ABSTAIN:	Councilmembers:	None



Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No.2790 had its first reading at a regular meeting held on the 25th day of May, 1999 and its second reading and adoption at a regular meeting of said City Council held on the 8th day of June, 1999.

Executed this 8th day of June, 1999.



Susan Bigelow, City Clerk

