

ORDINANCE NO. 3182

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE TITLE 19, SPECIFICALLY CHAPTER 19.36 (CENTRAL COMMERCIAL ZONE); SECTION 19.58.205 (UPDATE THE MIXED USE DEVELOPMENT STANDARDS); AND ADDING NEW SECTION 19.58.075 (BARS, COCKTAIL LOUNGES, NIGHT CLUBS)

RECITALS

A. Project Area

WHEREAS, the proposed amendments to the Central Commercial Zone and Mixed Use Development Standards, and addition of provisions for Bars, Cocktail Lounges, and Night Clubs which are the subject of this ordinance, are generally intended to allow Mixed Use (Commercial/Residential) projects by right in the Central Commercial Zone and bars, cocktail lounges and other drinking establishments proposed in the future within the Central Commercial Zone be allowed through the issuance of a Conditional Use Permit (Amendments); and

WHEREAS, the proposed Amendments are applicable to all properties and projects within the Central Commercial Zone in areas throughout the City without a Sectional Planning Area (SPA) Plan or Specific Plan; and

B. Project; City Initiated

WHEREAS, on December 13, 2005, the City of Chula Vista adopted the 2005 General Plan Update, referred to hereinafter as the General Plan; and

WHEREAS, the General Plan designated five "Areas of Change" located within the Southwest Area of Chula Vista, which are known as Palomar Gateway District, West Fairfield District, Main Street District, South Third Avenue District, and South Broadway District; and

WHEREAS, the General Plan contains a vision, objectives and policies for each of these areas; and

WHEREAS, the General Plan Southwest Area-Wide objectives include the revitalization and protection of stable residential neighborhoods from adverse land use impacts and provision of additional housing opportunities; and

WHEREAS, the General Plan District-specific objectives include Redevelopment of the South Third Avenue District and creation of a vibrant, mixed use area along Third Avenue, between Naples Street and Orange Avenue, and South Broadway between L Street and Anita Street; and

WHEREAS, the Amendments, which are the subject of this ordinance, are intended to implement the General Plan objectives mentioned above; and

WHEREAS, the Development Services Director has reviewed the proposed Amendments for compliance with the California Environmental Quality Act (CEQA) and has determined that the proposed Amendments were adequately covered in previously adopted General Plan Update Final Environmental Impact Report EIR 05-01. Thus no further environmental review or documentation is required. Subsequent individual development projects requiring discretionary approval and proposed pursuant to the new zoning regulations will be subject to CEQA review; and

C. Planning Commission Record on Application

WHEREAS, the Planning Commission set the time and place for an advertised public hearing on said Amendments, and notice of said hearing, together with its purpose, was given by its publication of a Display Ad in a newspaper of general circulation in the City, and its mailing to property owners of the subject parcels, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held an advertised public hearing on the Amendments on December 22, 2010, at 6 p.m. in the City Council Chambers at 276 Fourth Avenue, and after hearing staff presentation and public testimony, voted 5-1-0-1 to recommend that the City Council approve the Amendments, in accordance with the findings listed below; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on this project held on December 22, 2010, and the minutes and resolution resulting therefrom, are hereby incorporated into the record of this proceeding; and

D. City Council Record on Application

WHEREAS, a duly called and noticed public hearing on the Amendments was held before the City Council of the City of Chula Vista to receive the recommendations of the Planning Commission and to hear public testimony with regard to the same; and

WHEREAS, the City Council held an advertised public hearing on the project on January 18, 2011, at 4:00 p.m. in the Council Chambers at 276 Fourth Avenue and heard the staff presentation and public testimony.

NOW, THEREFORE, BE IT ORDAINED that the City Council does hereby find and determine as follows:

SECTION I. ENVIRONMENTAL DETERMINATION

The proposed Amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA) and the City Council has determined that the proposed Amendments were adequately covered in previously adopted General Plan Update Final Environmental Impact Report EIR 05-01. Thus no further environmental review or documentation is required. Subsequent individual development projects requiring discretionary approval and proposed pursuant to the new zoning regulations will be subject to CEQA review.

SECTION II. CONSISTENCY WITH GENERAL PLAN

The Amendments provided for herein are consistent with the City of Chula Vista General Plan, public necessity, convenience and the general welfare and good zoning practice support the Amendments to the Municipal Code. The proposed amendments to the Central Commercial Zone and Mixed Use Development Standards are intended to allow Mixed Use (Commercial/Residential) projects by right in the Central Commercial Zone and bars, cocktail lounges and other drinking establishments proposed in the future within the Central Commercial Zone be allowed through the issuance of a Conditional Use Permit. The revisions to the Mixed Use Development Standards will facilitate the establishment of commercial and residential uses to be sited next to each other and will prevent potential conflicts between the two joint uses.

BE IT FURTHER ORDAINED that the City Council of the City of Chula Vista does hereby approve the Amendments to CVMC Title 19, specifically Section 19.36 (Central Commercial Zone); Section 19.58.205 (Updates to the Mixed Use Development Standards); and adding new Section 19.58.075 (Bars, Cocktail Lounges, Night Clubs) as follows:

SECTION III (A). ORDINANCE REVISIONS TO:

Chapter 19.36 C-C – CENTRAL COMMERCIAL ZONE

Sections:

- 19.36.010 Purpose.
- 19.36.020 Permitted uses.
- 19.36.030 Conditional uses.
- 19.36.040 *Repealed.*
- 19.36.050 Height regulations.
- 19.36.060 Area, lot coverage and yard requirements.
- 19.36.070 Enclosures required for all uses – Exceptions.
- 19.36.080 Setbacks from residential zone -- Landscaping required.
- 19.36.090 Landscaping.
- 19.36.100 Employee activity restrictions.
- 19.36.110 Site plan and architectural approval required.
- 19.36.120 Off-street parking and loading facilities.
- 19.36.130 Trash storage areas.
- 19.36.140 Outdoor storage.
- 19.36.150 Wall requirements.
- 19.36.160 Performance standards.

19.36.010 Purpose.

The purpose of the C-C zone is to stabilize, improve and protect the commercial characteristics of the community's business centers and commercial corridors, and integrate mixed use development (commercial with residential) to increase the urban vibrancy of these areas. The C-

C zone designation shall only be applied in the general location of such business centers and commercial corridors, as well as in Mixed Use Residential (MUR) areas as designated in the Chula Vista General Plan. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1212 § 1, 1969; prior code § 33.509(A)).

19.36.020 Permitted uses.

Principal permitted uses in the C-C zone are as follows:

A. Stores, shops and offices supplying commodities or performing services for residents of the City as a whole or the surrounding community such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises;

B. Restaurants, and sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental with the sale of food;

C. Bona fide antique shops, but not including secondhand stores or junk stores;

D. Parking structures and off-street parking lots, subject to the provisions of CVMC 19.58.230;

E. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;

F. Any other retail business or service establishment which the Commission finds to be consistent with the purpose of this title and which will not impair the present or potential use of adjacent properties;

G. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC 19.20.030(F)(1) through (9);

H. Agricultural uses as provided in CVMC 19.16.030.

I. Mixed commercial-residential projects, if designated by the Chula Vista General Plan as MUR, subject to the provisions of CVMC 19.58.205.

(Ord. 3153 § 2 (Exh. A), 2010; Ord. 2273 § 5, 1988; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(B)).

19.36.030 Conditional uses.

The following uses shall be permitted in the C-C zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. Car washes, subject to the provisions of CVMC 19.58.060;

- B. Automobile rental and towing services;
- C. Social and fraternal organizations (nonprofit), subject to the provisions of CVMC 19.58.100;
- D. Trailer rentals;
- E. Veterinarian clinics, subject to the provisions of CVMC 19.58.050;
- F. Automobile service stations, subject to the provisions of CVMC 19.58.280, and automobile maintenance and repair (minor);
- G. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
- H. Recycling collection centers, subject to the provisions of CVMC 19.58.345;
- I. Mixed commercial-residential projects, in those areas not designated MUR by the Chula Vista General Plan subject to the applicable findings (CVMC 19.14.080) and subject to the provisions of CVMC 19.58.205.

The following uses shall be permitted in the C-C zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

- J. Skating rinks, subject to the conditions of CVMC 19.58.040;
- K. Billiard parlors subject to the provisions of CVMC 19.58.040;
- L. Bowling alleys, subject to the provisions of CVMC 19.58.040;
- M. Cardrooms;
- N. Bars, cocktail lounges and night clubs subject to the provisions of CVMC 19.58.075. Businesses with dance floors are also subject to the provisions of CVMC 19.58.115 and CVMC Chapter 5.26.
- O. Restaurants with dance floors or areas designated for live entertainment. Businesses with dance floors are also subject to the provisions of CVMC 19.58.115 and CVMC Chapter 5.26. Businesses with areas set aside for live entertainment are also subject to the provisions of CVMC Chapter 9.13.
- P. Unclassified uses, see CVMC Chapter 19.54 (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2633 § 4, 1995; Ord. 2295 § 1, 1989; Ord. 2252 § 5, 1988; Ord. 2233 § 5, 1987; Ord. 2160 § 1, 1986; Ord.

2152 § 2, 1986; Ord. 2108 § 1, 1985; Ord. 1757 § 1, 1977; Ord. 1746 § 1, 1977; Ord. 1571 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(C)).

19.36.040 Sign regulations.

Repealed by Ord. 2924 § 3, 2003. (Ord. 2309A § 8, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1295 § 1, 1970; Ord. 1251 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.509(D)).

19.36.050 Height regulations.

None, except that no building shall exceed three and one-half stories or 45 feet in height when located adjacent to any C-O or residential zone. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(E)).

19.36.060 Area, lot coverage and yard requirements.

The following minimum area, lot coverage and yard requirements shall be observed in the C-C zone, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080 and where increased for conditional uses:

Lot Area* (sq. ft.)	Setbacks in Feet		
	Front and Exterior* Side Yards	Side	Rear
5,000	10 feet	None, except when abutting an R zone, then not less than 15 feet	None, except when abutting an R zone, then not less than required for said R zone

*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1251 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.509(F)).

19.36.070 Enclosures required for all uses – Exceptions.

All uses in the C-C zone shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, off-street parking and loading facilities, and other open uses specified under conditional use permits as determined by the Planning Commission. Permanent and temporary outside sales and display shall be subject to the provisions of CVMC

19.58.370. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1436 § 1, 1973; Ord. 1212 § 1, 1969; prior code § 33.509(G)(1)).

19.36.080 Setbacks from residential zone – Landscaping required.

In any C-C zone directly across a street or thoroughfare (excluding a freeway) from any R zone, the parking and loading facilities shall be distant at least 10 feet from said street, and the buildings and structures at least 20 feet from said street and said space permanently landscaped. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1212 § 1, 1969; prior code § 33.509(G)(2)).

19.36.090 Landscaping.

The site shall be landscaped in conformance with the landscaping manual of the City and approved by the Director of Planning. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(3)).

19.36.100 Employee activity restrictions.

In the C-C zone, not more than five persons shall be engaged in the fabrication, repair and other processing of goods in any establishment, except when permitted by conditional use permit. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1212 § 1, 1969; prior code § 33.509(G)(4)).

19.36.110 Site plan and architectural approval required.

Site plan and architectural approval is required for all uses in the C-C zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1212 § 1, 1969; prior code § 33.509(G)(5)).

19.36.120 Off-street parking and loading facilities.

Off-street parking and loading facilities are required for all uses in the C-C zone, as provided in 19.62.010 through 19.62.140. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(6)).

19.36.130 Trash storage areas.

Trash storage areas shall be provided in the C-C zone, subject to the conditions of CVMC 19.58.340. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(7)).

19.36.140 Outdoor storage.

Outdoor storage of merchandise, material or equipment shall be permitted in the C-C zone only when incidental to a permitted or accessory use located on the premises; and provided, that:

A. Storage area shall be completely enclosed by walls, fences, or buildings, and shall be part of an approved site plan;

B. No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1212 § 1, 1969; prior code § 33.509(G)(8)).

19.36.150 Wall requirements.

Zoning walls shall be provided in the C-C zone subject to the conditions in CVMC 19.58.150 and 19.58.360. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(9)).

19.36.160 Performance standards.

All uses in the C-C zone shall be subject to initial and continued compliance with the performance standards set forth in CVMC Chapters 19.66 and 19.68. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(H)).

SECTION III (B). ORDINANCE REVISIONS TO:

Chapter 19.58
USES

19.58.010 Purpose of provisions

The purpose of these special provisions is to establish clear and definite terms and conditions governing the development of certain uses, possessing unique characteristics or problems, which will enable diverse uses to be accommodated harmoniously within the City, to prevent future nuisance activities in a particular geographic area by imposing conditions aimed at mitigating those effects, and to provide uniform standards and guidelines for such development.

19.58.205 Mixed commercial-residential projects in the C-C zone.

Mixed commercial-residential projects may be allowed in the C-C zone either by right or upon the issuance of a conditional use permit depending upon the land use designation of the Chula Vista General Plan. Any mixed commercial- residential project shall be subject to the following additional standards and guidelines:

A. The commercial and residential components shall be planned and implemented together;

B. Mixed use projects shall be developed to be internally compatible between the different land uses, and may include restrictions on commercial uses and/or business hours in order to avoid conflicts with residential uses. Mixed use projects shall comply with the performance standards set forth in CVMC Chapters 19.66 (Performance Standards) and 19.68 (Performance Standards and Noise Control);

C. The maximum allowable residential density shall be governed by the provisions of the R-3 zone based on the total project area, less any area devoted exclusively to commercial use,

including commercial parking and circulation areas. The approved density may be significantly less than the maximum allowable density depending on site-specific factors, including the density and relationship of surrounding residential areas, if any;

D. Parking, access and circulation shall be largely independent for the commercial and residential components of the project. Each use component shall provide off-street parking in accordance with City standards, as provided in CVMC Chapter 19.62;

E. The residential component shall at a minimum meet the private and common usable open space requirements of the R-3 H zone. For residential developments with studio and/or one-bedroom units (only), the usable open space or courtyards in commercial areas which are fully accessible to residents may be used by the residents and counted towards the open space requirements; however open space intended for use by the residents shall not be accessible to the commercial area;

F. Front yard setbacks may be reduced from the minimum standard provided in 19.36.060 to allow storefronts along street frontages to maintain a pedestrian orientation at the street level and/or reduce effects on adjacent residential uses. The reduction in front yard setback will be determined through evaluation of the site design and approved by the decision making body for the permit;

G. Side and Rear yard setbacks shall be a minimum of 10 feet and may be increased to provide a sensitive transition where adjacent to single family residential neighborhoods. The increase in side and/or rear yard setback will be determined through evaluation of the site design and approved by the decision making body for the permit. Where such yard is contiguous and parallel with an alley, one-half the width of such alley shall be assumed to be a portion of such yard;

H. Additional design standards may be required to mitigate adjacency issues, and may include:

1. A six-foot high solid or decorative metal fence may be required pursuant to CVMC Section 19.58.150 and CVMC Section 19.58.360, as may be applicable. If the fence is solid, it shall have design treatment and be articulated every six to eight feet to avoid presenting a blank wall to the street or adjacent property.

2. All exterior lighting shall focus internally and shall be kept within the property lines to decrease the light pollution onto the neighboring properties.

3. Screening and/or buffers shall be required to obscure features such as dumpsters, rear entrances, utility and maintenance structures and loading facilities.

4. Building orientation and design shall be cognizant of adjacent low-density uses, i.e. balconies shall stepback a minimum of 10 feet to avoid overlooking rear yards of adjacent residential uses. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2295 § 1, 1989).

SECTION III (C). ORDINANCE REVISIONS - ADDITION OF:

Section 19.58.075 Bars, cocktail lounges, and nightclubs.

A. All bars, cocktail lounges and nightclubs identified as conditional uses, shall not be granted a conditional use permit unless the zoning administrator or other issuing authority finds in his or her sole discretion, and based on substantial evidence in view of the entire record, that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (i) the number and location of existing facilities in the surrounding area; (ii) non-compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (iii) the impact of the proposed facility on crime; and/or (iv) the impact of the proposed facility on traffic volume, traffic flow and parking. The police department or other appropriate city departments may provide evidence at the hearing.

B. Applicants for such businesses shall comply with the provisions of CVMC Chapter 5.09 (Alcohol Beverages Licenses).


C. A permit to operate may be restricted by any reasonable conditions including, but not limited to, limitations on hours of operation.

D. Such uses shall be in compliance with the provisions of CVMC Chapters 19.66 (Performance Standards) and 19.68 (Performance Standards and Noise Control)

SECTION IV. EFFECTIVE DATE

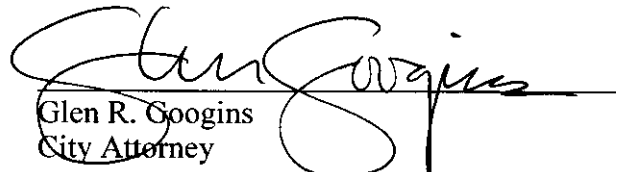
This ordinance shall take effect and be in full force on the thirtieth day from and after its second reading.

Presented by



Gary Halbert, P.E., AICP
Assistant City Manager/Development
Services Director

Approved as to form by



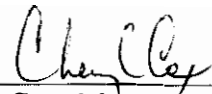
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of January 2011, by the following vote:

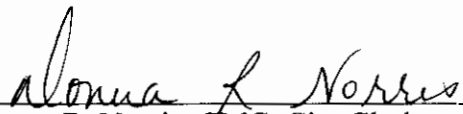
AYES: Councilmembers: Aguilar, Castaneda, Ramirez and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: Bensoussan


Cheryl Cox, Mayor

ATTEST:


Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3182 had its first reading at a regular meeting held on the 18th day of January 2011 and its second reading and adoption at a regular meeting of said City Council held on the 25th day of January 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

February 1st, 2011
Dated


Donna R. Norris, CMC, City Clerk