

ORDINANCE NO. 3199

ORDINANCE OF THE CITY OF CHULA VISTA MODIFYING THE ZONING ADMINISTRATOR FUNCTIONS BY AMENDING MUNICIPAL CODE SECTION 19.14.020 ENTITLED ZONING ADMINISTRATOR – CREATION OF POSITION, AND SECTION 19.14.030 ENTITLED ZONING ADMINISTRATOR – ACTIONS AUTHORIZED WITHOUT PUBLIC HEARING, TO INCLUDE HISTORIC PRESERVATION AUTHORITY

WHEREAS, in 2007, City Council directed staff to develop a Historic Preservation Program that would qualify the City of Chula Vista for Certified Local Government Status; and

WHEREAS, to qualify as a Certified Local Government the City is required to have a qualified Historic Preservation Commission; and

WHEREAS, Chula Vista Municipal Code section 21.02.030 requires the creation of a Historic Preservation Commission; and

WHEREAS, the Historic Preservation Commission shall serve as the authority on historic preservation matters and will advise the City Council and other City Boards and Commissions, as needed, on historic preservation matters as is mandated by the Historic Preservation Program; and

WHEREAS, to relieve the Historic Preservation Commission of certain routine functions, the Zoning Administrator shall have authority as is granted herein; and

WHEREAS, the Zoning Administrator is authorized to act in the place of the Historic Preservation Commission in the case of Minor Alteration Certificates of Appropriateness (COA), pursuant to Chula Vista Municipal Code section 21.07.070; and

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for Class 31 and Class 8 Categorical Exemptions pursuant to Section's 15331 and 15308 (Historical Resource Restoration/Rehabilitation and Actions by Regulatory Agency for Protection of the Environment) of the State CEQA Guidelines because it is amending the duties of the City's Zoning Administrator that will assure the protection of historical resources in the City of Chula Vista. Thus, no further environmental review is required.

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

**Section I. Environmental Determination**

That the project qualifies for Class 31 and Class 8 Categorical Exemptions pursuant to Section's 15331 and 15308 (Historical Resource Restoration/Rehabilitation and Actions by Regulatory Agency for Protection of the Environment) of the California Environmental Quality Act (CEQA) Guidelines (Cal. Code of Regulations, Title 14, Division 6, Article 3, Chapter 3) because it is amending the duties of the City's Zoning Administrator that will assure the protection of historical resources in the City of Chula Vista. The City Council further finds that no further environmental review is required.

**Section II. Consistency with General Plan**

The City Council finds that the proposed amendments of Municipal Code Sections 19.14.020 and 19.14.030 are consistent with the City of Chula Vista General Plan. The proposed code amendments are based on sound planning principles and practices that will provide for the protection and conservation of historic resources.

**Section III. Consistency with Zoning Administrator Functions**

The amendments to these code sections allows for the Zoning Administrator to relieve the Historic Preservation Commission of certain functions.

BE IT FURTHER ORDAINED, that the City Council of the City of Chula Vista does hereby amend Municipal Code sections 19.14.020 and 19.14.030 of the City of Chula Vista, as follows:

**Section IV.**

**19.14.020 Zoning administrator – Creation of position.**

A. In order to relieve the Planning Commission, the Historic Preservation Commission or Chula Vista Redevelopment Corporation, within designated redevelopment project areas, of certain routine functions necessary to the proper administration of this chapter, a Zoning Administrator is created.

B. Authority. The Development Services Director or designee may serve as a Zoning Administrator. The Zoning Administrator shall have the authority to consider applications, preside at hearings, and make impartial decisions on permits, maps, or other matters based on the application, written materials prepared prior to the hearing, and information received at the hearing. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 1212 § 1, 1969; prior code § 33.1302(A)).

**19.14.030 Zoning administrator – Actions authorized without public hearing.**

The Zoning Administrator is authorized to consider and to approve, disapprove or modify applications on the following subjects, and/or issue the following required permits without setting the matter for a public hearing:

A. Conditional Use Permit. The Zoning Administrator shall be empowered to issue conditional use permits, as defined herein, in the following circumstances:

1. Where the use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question;
2. Where the use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof;
3. For signs, as defined herein, and temporary tract houses, as limited herein;
4. Carnivals and circuses;
5. Roof-mounted satellite dishes;
6. Recycling collection centers (small) in accordance with CVMC 19.58.345(B);
7. Cellular facilities (stealth) pursuant to CVMC 19.89.050.

B. Variances. The Zoning Administrator shall be authorized to grant variances for limited relief in the case of:

1. Modification of distance or area regulations;
2. Additions to structures which are nonconforming as to side yard, rear yard, or lot coverage, providing the additions meet the requirements of this title affecting the property;
3. Walls or fences to exceed heights permitted by ordinances.

Modifications requested in said applications for relief described under subsection (B)(1), (2) or (3) of this section shall be limited to deviations not to exceed 20 percent of the requirements imposed by ordinances.

C. Site, Architectural, and Landscape Plan Approvals. The Zoning Administrator shall be empowered to grant site plan, architectural plan and landscape plan approval as provided herein.

D. Large family day care homes in accordance with CVMC 19.58.147. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2616 § 5, 1994; Ord. 2526 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2290 § 1, 1989; Ord. 2075 § 2, 1984; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1302(B)).

E. Minor Alterations Certificate of Appropriateness (COA) in accordance with Chula Vista Municipal Code Section §21.07.070.

**19.14.035 Zoning Administrator – Application – Fee – Without a public hearing.**

A. Applications for actions authorized by the Zoning Administrator without a public hearing shall be made to the Development Services Director in writing on a form prescribed by the Development Services Director and shall be accompanied by plans and data sufficient to show the detail of the proposed use, building, or Alteration as defined in Chula Vista Municipal Code §21.03.002.

B. Fees. A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule, shall accompany each application for a variance or conditional use permit or modifications thereto considered by the Zoning Administrator without a public hearing. The Development Services Director shall cause the matter to be set for consideration by the Zoning Administrator in the manner required for setting zoning matters for hearing, pursuant to CVMC 19.12.070(B), (C), and (D), as if the matter were to be a hearing.


In the event objections or protests are received, the Zoning Administrator shall set the matter for public hearing as provided herein. (Ord. 3153 § 2 (Exh. A), 2010).

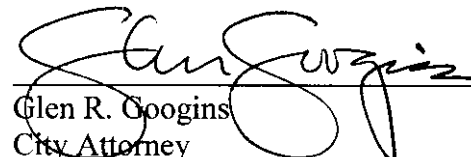
**Section V. Effective Date**

This ordinance shall take effect on the thirtieth day from and after its final adoption.

Presented by

Approved as to form by

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

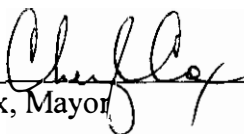
  
\_\_\_\_\_  
Glen R. Coogins  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 2nd day of August 2011, by the following vote:

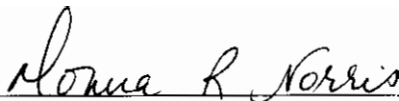
AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

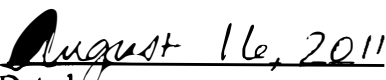
  
Cheryl Cox, Mayor

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. 3199 had its first reading at a regular meeting held on the 19th day of July 2011 and its second reading and adoption at a regular meeting of said City Council held on the 2nd day of August 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

  
Dated

  
Donna R. Norris, CMC, City Clerk