

ORDINANCE NO. 3279

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CERTAIN SECTIONS OF TITLE 19 (ZONING ORDINANCE) OF THE CHULA VISTA MUNICIPAL CODE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR THE SITING OF ELECTRICAL GENERATING FACILITIES WITHIN THE CITY OF CHULA VISTA

WHEREAS, the City of Chula Vista promotes the use of conservation technologies and sustainability practices that reduce or eliminate the use of non-renewable resources, including non-polluting and renewable energy as envisioned in the Chula Vista General Plan (GP), Land Use and Transportation Element Chapter 4, Theme 5 “Healthy and Sustainable Environment”; and

WHEREAS, it is an objective of the GP Environmental Element - E 6 to “Improve local air quality by minimizing the production and emission of air pollutants and toxic air contaminants, and limit the exposure of people to such pollutants”; and

WHEREAS, policies E 6.3, 6.4, 6.5, 6.6, 6.12, and 6.15 stipulate the importance of improving air quality, and minimizing dependency on fossil fuels and exposure of sensitive uses to toxic air contaminants from (generally fossil-fuel based) facilities such as Electrical Generating Facilities (EGFs); and

WHEREAS, in February 2010, the City Council directed staff to prepare amendments to the GP and Zoning Ordinance related to the establishing of requirements and regulations for the siting of EGFs; and

WHEREAS, the Development Services Department initiated a review of the City's GP and Zoning Ordinance to determine what sections needed to be amended; and

WHEREAS, the Development Services Department convened a team consisting of interested members of the original 2005 Chula Vista General Plan Update (GPU) Environment, Open Space, and Sustainable Development Subcommittee (the “EGF Working Group”); and

WHEREAS, the Development Services Department and the EGF Working Group have worked together to develop regulations and siting criteria for EGFs within Chula Vista including drafting a new EGF Council Policy to address the siting of EGFs (the “Project”); and

WHEREAS, the Development Services Department also convened a team consisting members of the industry and business community (“Industry Working Group”) to solicit input on the draft regulations and EGF Council Policy to gain a balanced perspective; and

WHEREAS, the Development Services Department convened a joint meeting with the Industry Working Group and EGF Working Group (“Joint Working Group”) to review the draft regulations and EGF Council Policy; and

WHEREAS, the Project represents the collective efforts of the Development Services Department and the EGF Joint Working Group, and provides necessary criteria and regulations for the siting of EGFs within the City of Chula Vista; and

WHEREAS, the proposed amendments to certain sections of Chula Vista Municipal Code Title 19 provide clear and comprehensive guidance and regulations for the siting of EGFs within the City of Chula Vista, and implements the Vision, Goals, Objectives and Policies of the Chula Vista Land Use and Transportation and Environmental Elements; and

WHEREAS, the Development Services Director has reviewed the proposed Amendments for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity, adopting a General Plan amendment and Zoning Code amendment may have a significant effect on the environment because the new General Plan policy and Zoning Code provisions will result in more stringent requirements for locating an Energy Generating Facility than currently exist. Therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required. Although environmental review is not Required for the General Plan Amendment and Zoning Code change, environmental review will be required for any Energy Generating Facilities that are proposed as part of the conditional use permit evaluation for that specific project; and

WHEREAS, the Resource Conservation Commission (RCC), upon review of the Project recommended that the City Council adopt the Project; and

WHEREAS, the City Council Energy Subcommittee, upon review of the Project recommended that the City Council adopt the Project; and

WHEREAS, the Planning Commission voted to recommend that the City Council approve an ordinance amending various sections of Chula Vista Municipal Code Title 19 (Zoning Ordinance) for the purpose of establishing regulations and requirements for the siting of EGFs within the City of Chula Vista.

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

There is no possibility the proposed Amendments activity, adopting a General Plan amendment and Zoning Code amendment may have a significant effect on the environment because the new General Plan policy and Zoning Code provisions will result in more stringent requirements for locating an Energy Generating Facility than currently exist. Therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary. Although environmental review is not necessary for the General Plan Amendment and Zoning Code change, environmental review will be required for any Energy Generating Facilities that are proposed as part of the conditional use permit evaluation for that specific project. The City Council further finds that no further environmental review is required.

Section II. Consistency with General Plan

That the approval of the proposed amendments to Chula Vista Municipal Code Title 19 are consistent with and follow the goals, objectives, and policies of the Chula Vista General Plan because the proposed amendments, in accordance with the GPU, provide clear and comprehensive regulations for the siting of EGFs within the City of Chula Vista, which will help to improve air quality, and minimize dependency on fossil fuels and exposure of sensitive uses to toxic air contaminants from (generally fossil-fuel based) EGF facilities.

Section III.

BE IT FURTHER ORDAINED, that the City Council of the City of Chula Vista does hereby approve an ordinance of the City of Chula Vista amending Chula Vista Municipal Code: Title 19 (Zoning Ordinance) Chapter 19.04 (Definitions), 19.22 – 19.28 (Residential Zones), 19.30 – 19.40 (Commercial Zones), 19.44 – 19.46 (Industrial Zones), 19.47 (Public/Quasi Public Zone), 19.48 (Planned Community Zone), and 19.58 (Uses) for the regulating and siting of EGFs as follows:

Chapter 19.04

1. Amend Chula Vista Municipal Code Chapter 19.04 Definitions section to add section 19.04.089-Electrical Generating Facilities by sub-type and add descriptions of each of the subtypes in 19.04.089.

19.04.089 Electrical generating facilities:

- A. Base load facility
- B. Peaking facility
- C. Private facility
- D. Back up & Emergency facility
- E. Residential-level facility

19.04.089 Electrical generating facilities.

“Electrical generating facilities” is a collective term of reference for each of the following individually defined sub-types:

A. Base Load Facility

A “Base Load Facility” means an electrical generating facility that is intended to run constantly at near capacity levels. This sub-type includes generating facilities that transmit electricity over transmission or distribution power lines using the public right of way and investor-owned utility transmission corridors right of way. Base Load Facilities serve multiple meters beyond the immediate contiguous parcels on which the facility is located.

B. Peaking Facility

A “Peaking Facility” means an electrical generating facility that is used to produce extra electricity during peak load times and is permitted to operate not more than 4,000 hours per year. This sub-type includes generating facilities that transmit electricity over transmission or distribution power lines using the public right of way and investor-owned utility transmission corridors. Peaking Facilities serve multiple meters beyond the immediate contiguous parcels on which the facility is located.

C. Private Facility

A “Private Facility” means an electrical generating facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose function is the provision of electricity to the permitted use(s) on a single or adjoining parcel(s) on which the facility is located or serves. The associated power load shall generally be up to 25 mega watts, or as determined by applicable State or other codes. A Private Facility can include District Heat & Power, and Combined Heat & Power types as defined in the City’s Electrical Generating Facilities (EGF) Policy.

D. Backup and Emergency Facility

A “Backup and Emergency Facility” means an electrical generating facility that is operated only during the interruption of electrical service from the distribution system or transmission grid due to circumstances beyond the operator’s control.

E. Residential-Level Facility

A “Residential-Level Facility” means an electrical generating facility whose function is the provision of electricity to serve an individual private residential dwelling unit(s).

2. Amend Chula Vista Municipal Code 19.04 Definitions section 19.04.190 to add “Public” to “Quasi- public” and expand the description of 19.04.190 Public/Quasi Public uses 19.04.190 as follows:

19.04.190 Public/Quasi-public.

“Public/Quasi-public” means used as public or seemingly public. For the purposes of this title, electrical substations, electrical generating facilities as defined in CVMC 19.04.089(A), (B), (C) and (D) only, water or wastewater treatment and storage facilities, education, civic, government offices, or other municipal, public agency or utility facilities, and others as listed in CVMC 19.47 shall be considered public/quasi-public uses, of a public service type.

Chapter 19.22 R-E – RESIDENTIAL ESTATES ZONE

1. Amend section 19.22.030 to add Residential-Level “Electrical Generating Facilities” as follows:

19.22.020 Permitted uses.

Principal permitted uses in the R-E zone include:

- A. One single-family detached dwelling on each lot or parcel;

B. Crop and tree farming.

19.22.030 Accessory uses and buildings.

- I. Residential-level Electrical Generating Facilities, as defined in CVMC 19.04.089(E). The siting and establishment of a Residential-Level Facility shall be subject to and governed by Chula Vista Municipal Code Chapter 15.

Chapter 19.24 R-1 – SINGLE-FAMILY RESIDENCE ZONE

1. Amend section 19.24.030 to add Residential-Level “Electrical Generating Facilities” as follows:

19.24.020 Permitted uses.

Principal permitted uses in the R-1 zone include:

- A. One single-family dwelling on any lot;
- B. Factory-built home/mobilehome on any lot, subject to the provisions of CVMC 19.58.145 and 19.58.330;
- C. All portions of the dwelling, factory-built home or mobilehome used for living or sleeping purposes shall be attached by common walls;
- D. Large family day care homes, subject to the provisions of CVMC 19.58.147.

19.24.030 Accessory uses and buildings.

- I. Residential-level Electrical Generating Facilities, as defined in CVMC 19.04.089(E). The siting and establishment of a Residential-Level Facility shall be subject to and governed by Chula Vista Municipal Code Chapter 15.

Chapter 19.26 -2 – ONE- AND TWO-FAMILY RESIDENCE ZONE

1. Amend section 19.26.030 to add Residential-Level “Electrical Generating Facilities” as follows:

19.26.020 Permitted uses.

The following are the principal permitted uses in an R-2 zone:

- A. One single-family dwelling on any lot;
- B. One duplex or two-family dwelling on any lot;
- C. Attached single-family dwelling units;
- D. Dwelling groups, subject to the provisions of CVMC 19.58.130;

E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of CVMC 19.58.020;

F. Agricultural uses as provided in CVMC 19.16.030.

19.26.030 Accessory uses and buildings.

D. Residential-level Electrical Generating Facilities, as defined in CVMC 19.04.089(E). The siting and establishment of a Residential-Level Facility shall be subject to and governed by Chula Vista Municipal Code Chapter 15.

Chapter 19.28 R-3 – APARTMENT RESIDENTIAL ZONE

1. Amend section 19.28.030 to add “Electrical Generating Facilities” as follows:

19.22.030 Accessory uses and buildings.

G. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E).
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F).

Chapter 19.30 C-O – ADMINISTRATIVE AND PROFESSIONAL OFFICE ZONE

1. Amend section 19.30.030 to add “Electrical Generation Facilities” as follows:

19.30.030 Accessory uses and buildings.

D. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

Chapter 19.34 C-N – NEIGHBORHOOD COMMERCIAL ZONE

1. Amend section 19.34.022 to add “Electrical Generation Facilities” as follows:

19.34.022 Accessory uses and buildings.

M. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)

2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

Chapter 19.36 C-C – CENTRAL COMMERCIAL ZONE

1. Amend section 19.36.022 to add “Electrical Generation Facilities” as follows:

19.36.022 Accessory uses and buildings.

- A. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

Chapter 19.38 C-V – VISITOR COMMERCIAL ZONE

1. Amend section 19.38.022 to add “Electrical Generation Facilities” as follows:

19.38.022 Accessory uses and buildings.

- A. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

Chapter 19.40 C-T – THOROUGHFARE COMMERCIAL ZONE

1. Amend section 19.40.022 to add “Electrical Generation Facilities” as follows:

19.40.022 Accessory uses and buildings.

- A. Private and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

Chapter 19.44 I-L – LIMITED INDUSTRIAL ZONE

1. Amend section 19.44.030 and 040 to add “Electrical Generating Facilities” as follows:

19.44.030 Accessory uses and buildings.

F. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

19.44.040 Conditional uses.

The following uses shall be permitted in the I-L 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:

O. Unclassified uses, as set forth in Chapter 19.54 CVMC;

P. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the City Council subsequent to its receipt of recommendations thereon from the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B).

Q. Baseload and Peaking Electrical Generating Facilities, as defined in CVMC 19.04.089(A) and (B) only, and subject to the standards set forth in CVMC 19.58.142.

Chapter 19.46 I – GENERAL INDUSTRIAL ZONE

1. Amend section 19.46.020 to delete “Electrical generating plants” as follows:

19.46.020 Permitted uses.

Permitted uses in an I zone are as follows:

C. Brick or pottery manufacturing and stone or monument works;

D. Trucking yards, terminals, and distributing operations;

E. Liquefied natural gas plants;

F. Temporary tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.600(E)(2);*

G. Any other use which is determined by the Commission to be of the same general character as the above uses.

2. Amend section 19.046.030 to add “Electrical Generating Facilities” as follows:

19.46.030 Accessory uses and buildings.

F. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

3. Amend section 19.46.040 to add “Electrical Generating Facilities” as follows:

19.46.040 Conditional uses.

The following uses shall be permitted in the I zone; provided, a conditional use permit is issued by the Zoning Administrator 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:

O. Unclassified uses, as set forth in Chapter 19.54 CVMC;

P. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the City Council subsequent to its receipt of recommendations thereon from the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B).

Q. Base-load and Peaking Electrical Generating Facilities, as defined in CVMC 19.04.089(A) and (B) only, and subject to the standards set forth in CVMC 19.58.142.

Chapter 19.47 P-Q – PUBLIC/QUASI-PUBLIC ZONE

1. Amend section 19.47.010 to expand the description of the purpose of the Public/Quasi-Public zone as follows:

19.47.010 Purpose.

The purpose of the public/quasi-public zone is to provide a zone with uses in appropriate locations which are maintained by public or publicly controlled agencies such as municipal and/or county agencies, civic, government offices, education, school districts, utility facilities, and utility companies (e.g., water, gas, electricity, etc.), including, but not limited to, uses such as the county landfill, electrical generation and transmission, telecommunications, water and wastewater treatment and storage facilities, and various water reservoir sites. The regulations of this district also provide for the appropriate closure of existing landfill sites.

2. Amend section 19.47.040 to add “Electrical Generating Facilities as follows:

19.47.040 Accessory uses and buildings.

- C. Private and Back Up and Emergency Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the following standards:

1. Private: The standards prescribed in CVMC 19.58.142(E)
2. Back Up and Emergency: The standards prescribed in CVMC 19.58.142 (F)

3. Amend section 19.47.040 to add “Electrical Generating Facilities” as follows:

19.47.040 Conditional uses.

The following uses shall be permitted in the P-Q zone; provided, a conditional use permit is issued by the Zoning Administrator 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:

J. Unclassified uses, as provided in Chapter 19.54 CVMC;

K. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the City Council subsequent to its receipt of recommendations thereon from the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B); and

L. Electrical Generating Facilities, as defined in CVMC 19.04.089(A) (B) only, and subject to the standards set forth in CVMC 19.58.142.

4. Amend section 19.47.060 to add siting standards for “All electrical generating facilities” as follows:

19.47.060 Siting standards.

The following standards shall govern the siting of facilities in the public/quasi-public zone:

A. All solid waste management operations within the P-Q zone shall comply with all applicable federal, state, and local regulations, including regulations of the State Water Resources Control Board, the California Waste Management Board, and the Department of Health Services.

B. The distance from the site to the nearest residential structure shall be in compliance with all of the state minimum standards for solid waste management. The distance of such sites to residences shall be sufficient to permit adequate control of noise levels, odor nuisances, traffic congestion, litter nuisances and vectors.

C. All electrical generating facilities within the P-Q zone shall comply with the requirements of CVMC 19.58.142, and all applicable federal, regional, and local regulations.

Chapter 19.48 P-C – PLANNED COMMUNITY ZONE

1. Amend to add section 19.48.151 “Electrical Generating Facilities” as follows:

19.48.151 Electrical Generating Facilities

Electrical generating facilities within the P-C zone shall comply with the requirements of CVMC 19.58.142 dependent upon the type of EGF and the type of land use district/zone in which it is located, and all applicable federal, regional, and local regulations. Residential-Level Electrical Generating Facilities are permitted within Residential zones except for “Higher-density” Apartment Residential zones, as defined in CVMC 19.04.089(E). Private and Back Up and Emergency Electrical Generating Facilities are Accessory Uses within Apartment Residential, Commercial, Public/Quasi-Public, Limited Industrial, Industrial, and Mixed-Use zones, as defined in CVMC 19.04.089(C) and (D) only. Baseload and Peaking Electrical Generating Facilities are permitted within Public/Quasi-Public, Limited Industrial and Industrial zones with a conditional use permit, as defined in CVMC 19.04.089(A) and (B) only.

Chapter 19.58 USES

1. Amend to add section 19.58.142 “Electrical generating facilities” and provide siting criteria and standards for each sub-type of EGF as follows:

19.58.142 Electrical generating facilities.

A. The purpose of this section is to provide standards for the siting and establishment of the various sub-types of electrical generating facilities in any zones in which they are permitted subject to issuance of a conditional use permit or as an accessory use, except for Residential-Level Facilities. Any of the electrical generating facility sub-types to be permitted must be found to be in compliance with the following standards and the City's "Electrical Generating Facilities Policy" and associated tables, as applicable to the particular sub-type, as well as any other local, regional, state and federal standards that are otherwise applicable to the facility.

- A. For the purposes of this section, electrical generating facility includes the following sub-types of power facilities which are further defined in CVMC 19.04.089: Base Load Facility; Peaking Facility; Private Facility; Back Up & Emergency Facility; and Residential-Level Facility.
- B. The siting and establishment of a Base Load Facility shall be subject to the following standards:
 - 1. The facility shall be limited to Natural Gas or Non-Fossil Fueled. Nuclear plants are prohibited as defined by the City's "Electrical Generating Facilities Policy."
 - 2. The facility shall be a minimum of 1,000 feet from only the following specifically identified sensitive receptors: residential communities, schools, hospitals, nursing homes or elder care facilities, residential care facilities, and child care centers as defined by the City's "Electrical Generating Facilities Policy." Measurement of the 1,000 foot minimum shall be made from the nearest property line of the parcel on which the nearest sensitive receptor is located, to the location of the emission source of the proposed EGF.
 - 3. The facility shall have an executed contract with the local utility or City for power use within the local Investor Owned Utility (e.g. SDG&E) service territory or City as defined by the City's "Electrical Generating Facilities Policy."
 - 4. The property shall be surrounded by a solid fence or walls not less than six feet in height consistent with the provisions of CVMC 19.58.150 and 19.58.360.
 - 5. The facility shall utilize the best available control technology and state of-the-art emissions technology as defined by the City's "Electrical Generating Facilities Policy."
 - 6. The applicant must have obtained required certification from the local, state or federal regulatory agencies.
 - 7. All buildings and equipment shall be required to observe the same site development standards and requirements applicable to the specific zone in which the facility is located, unless otherwise excepted pursuant to CVMC 19.16.040.
 - 8. In combination with landscaping, berming and/or other treatments, the facility shall be designed to sufficiently screen the use and reduce to the maximum extent practicable visual effects to nearby properties.
 - 9. The applicant shall demonstrate that any noise, dust, vibrations, and odors associated with the project are in compliance with the requirements of CVMC 19.66.

10. The sound pressure levels generated by all equipment and uses shall not exceed the applicable decibel levels pursuant to CVMC Chapter 19.68.
 11. The facility shall conform to the provisions for fuel types, offsets, performance criteria, and cumulative considerations as stipulated in the City's "Electrical Generating Facilities Policy."
 12. All development shall be subject to site plan and architectural approval through the Director of Development Services.
 13. Conditional use permits shall be reviewed every ten years to ensure that the facility is operating in compliance with the required standards, and to determine whether upgrades to the best available technology have been or need to be made pursuant to the process as outlined in section C.6 of the Council EGF Policy. In such instances that upgrades need to be made, the extent and timing of said upgrades shall be determined by the City in consultation with the applicant or successor, and to the satisfaction of the Director of Development Services or his/her designee. Said upgrades shall be made no later than five years from the determination of need. The review cycle shall begin from the date that the facility is commissioned for operation. The applicant or successor shall fund the conditional use permit and/or standards review in accordance with the City's latest Fee Schedule. .
- C. The siting and establishment of a Peaking Facility shall be subject to the following standards:
1. The standards prescribed in CVMC 19.58.142(C) 1-13 above.
- D. The siting and establishment of a Private Facility shall be subject to the following standards:
1. The standards prescribed in CVMC 19.58.142(C) 5-12 above.
 2. The periodic review for standards compliance and potential BACT upgrades under CVMC 19.58.142(C)13.
 3. Minimum distance from sensitive receptors shall be determined pursuant to the City's "Electrical Generating Facilities Policy."
 4. The facility shall be located within a fully enclosed structure, except for wind, solar or other renewables where enclosure is impractical.
- E. The siting and establishment of a permanent Back Up & Emergency Facility of 50 horsepower or greater shall be subject to the following standards:
1. The standards prescribed in CVMC 19.58.142(E) 1-2 above.
- G. The siting and establishment of a Residential-Level Facility shall be subject to and governed by Chula Vista Municipal Code Chapter 15.

Section IV. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of

Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section V. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

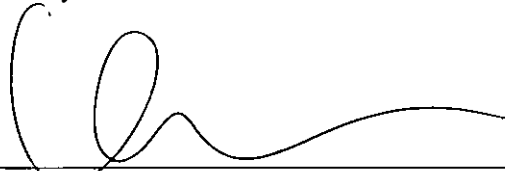
Section VI. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VII. Publication

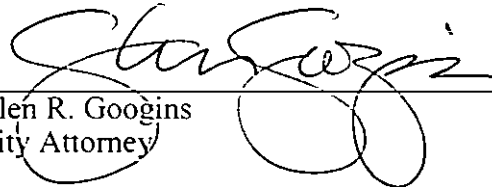
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by



Kelly G. Broughton, FASLA
Director of Development Services

Approved as to form by



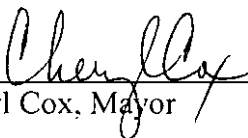
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 19th day of November 2013, by the following vote:


AYES: Councilmembers: Aguilar, Salas and Cox

NAYS: Councilmembers: Ramirez

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. 3279 had its first reading at a regular meeting held on the 15th day of October 2013 and its second reading and adoption at a regular meeting of said City Council held on the 19th day of November 2013; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

December 10, 2013
Dated


Donna R. Norris, CMC, City Clerk