

ORDINANCE NO. 3544

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.24 (REDEVELOPMENT AGENCY), TITLE 6 (ANIMALS), TITLE 9 (PUBLIC PEACE, MORALS, AND WELFARE), TITLE 10 (VEHICLES AND TRAFFIC), TITLE 12 (STREETS AND SIDEWALKS), TITLE 13 (SEWERS), TITLE 14 (WATERCOURSES), TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 17 (ENVIRONMENTAL QUALITY), TITLE 18 (SUBDIVISIONS), TITLE 19 (PLANNING AND ZONING), AND TITLE 21 (HISTORIC PRESERVATION)

WHEREAS, necessary amendments to the Chula Vista Municipal Code (“CVMC”) have been identified to help further streamline and clarify permit processes and regulations, fix outdated references, and comply with State Law; and

WHEREAS, in 2009, the Development Oversight Committee (“Oversight Committee”) was formed to work with staff in identifying areas within the Development Services Department needing improvement and assisting in developing workable solutions; and

WHEREAS, staff presented the draft code amendments to the Oversight Committee, which recommended adoption; and

WHEREAS, the Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act (“CEQA”) and determined that the action qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates, modifications, and organizational changes to the CVMC relating to City Department names and staff titles, section numbering, hearing and appeal processes for zoning decisions, additions of definitions, and Code enforcement processes and actions. The action of updating and modifying the CVMC with procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC. Based on an analysis of the nature and type of these procedural and clerical changes to the CVMC, the action will not have a significant effect on the environment; and

WHEREAS, the Planning Commission held an advertised public hearing on the subject Ordinance and voted 7-0-0 to adopt Resolution No. 2022-015, excluding Community Purpose Facilities and Family Day Care Homes, and thereby recommends that the City Council adopt the Ordinance; and

WHEREAS, the City Council set the time and place for a hearing on the subject CVMC amendments and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, at least ten (10) days prior to the hearing.

Ordinance No. 3544

Page No. 2

NOW, THEREFORE the City Council of the City of Chula Vista does hereby find and ordain as follows:

The City Council of the City of Chula Vista finds that the proposed amendments to the CVMC identified in this Ordinance No. 3544 qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates, modifications, and organizational changes to the CVMC relating to City Department names and staff titles, section numbering, hearing and appeal processes for zoning decisions, additions of definitions, and Code enforcement processes and actions. The action of updating and modifying the CVMC with procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC. Based on an analysis of the nature and type of these procedural and clerical changes to the CVMC, the action will not have a significant effect on the environment.

Section I. Revision of Outdated Department and Manager Titles. The Chula Vista Municipal Code is hereby amended as follows:

6.08.080 Kennels, catteries, and pet shops – Permit prerequisites.

No permit for the activities included in this chapter shall be valid unless it has been certified by the Director of Development Services, or designee, as not being in conflict with ordinances and local regulations concerning planning and zoning.

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 Development Services 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. 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 Director of Development Services, or designee, 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 75 percent, up to a maximum of \$3,000, of the cost of relocating the mobilehome or trailer to another mobilehome or trailer park within 100 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 non-use;

9. As an alternative to subsection (B)(4)(b) 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 Vacates Before End of | Portion of Expenses Paid by Owner | Up to a Maximum of |
|--|--|---------------------------|
| First year | 75% | \$3,000 |
| Second year | 50% | \$2,000 |
| Third year | 25% | \$1,000 |

C. Submittal to and Decision of the Director of Development Services, or designee. All of the above application information shall be submitted to the Director of Development Services, or designee. The Director of Development Services, or designee, shall make a decision in the following manner:

1. If the Director of Development Services, or designee, 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 Director of Development Services, or designee, 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 Director of Development Services, or designee, 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 Director of Development Services, or designee, or such earlier date as the applicant has complied with the provisions of an approved relocation plan and submitted evidence thereof to the Director of Development Services, or designee.

4. In granting or denying the application for conversion or discontinuance of the mobilehome or trailer park, the Director of Development Services, or designee, 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 Development Services, or designee, 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 Director of Development Services, or designee, 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 subsection (C)(5) of this section, except when appeal is taken to the City Council as provided in subsection (D) of this section.

D. Appeal from the Decision from the Director of Development Services, or designee.

1. An appeal from the decision of the Director of Development Services, or designee, on an application for conversion or discontinuance of a mobilehome or trailer park may be taken to the City Council within 15 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 Director of Development Services, or designee. 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 Director of Development Services, or designee, shall set the matter for a 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 10 days prior to the date of the hearing;
- b. By mailing notices at least 10 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 Director of Development Services, or designee, subject to the same limitations as are placed upon the Director of Development Services, or designee, 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.

Ordinance No. 3544

Page No. 6

4. The decision of the City Council shall be final unless appealed to a court of competent jurisdiction.

E. *Waiver.* The Director of Development Services, or designee, 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 10 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 Director of Development Services, or designee.

2. No public hearing required hereunder to consider an application for conversion or discontinuance of a mobilehome or trailer park use shall be held unless and until the applicant submits to the Director of Development Services, or designee, 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.

Section 10.84.035 Citation authority.

The Director of Development Services (or designee), code enforcement officers and other employees designated by the Director of Development Services shall have the authority to enforce Chapters 10.52, 10.84 and 19.62 CVMC by issuing written notice of the violation.

Section 12.48.050 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 Development Services, or designee, on said building on or before the day final inspection is made by the Building Inspector.

Section 12.48.060 Enforcement – Notice required – Occupant compliance required.

A. If the Director of Development Services, or designee, finds any building upon which the proper number has not been properly placed as required by this chapter, they may order the applicant, lessee, occupant or owner to obtain and properly place such number within 10 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.

Section 12.50.020 Authority.

California Penal Code Section 556 provides that signs may be temporarily placed in public rights-of-way only after the person placing the sign in the right-of-way has received the lawful permission of the City by permit and in accordance with the restrictions on signs set forth in this section. It shall be the responsibility of the Director of Development Services, or designee, to receive applications and fees, issue permit stickers, and monitor the temporary placement of portable signs.

Section 12.50.040 Permit issuance.

A. Except for signs allowed under Section VIII of City Council Policy 465-02, no sign shall be placed within any portion of the public right-of-way without first being issued a temporary public right-of-way sign permit from the City of Chula Vista. To obtain a permit, the requestor/permittee shall:

1. Complete and sign an application form as required by the Director of Development Services, or designee.
2. Indemnify and hold the City, its officers, employees, and representatives harmless from all liability for damage or claims for damage for personal injury, including death, and claims for property damage, which may arise from the direct or indirect operations of the permittees, agents, employees, or other persons acting on the permittees' behalf for all damages and claims for damages suffered or alleged to have been suffered by reason of the obligations referred to in the permit, regardless of whether or not the City approved plans or specifications or inspected any of the signs erected pursuant to this permit.

3. Provide proof of and maintain in force policies or certificates of insurance, of comprehensive public liability insurance in a combined single limit amount of at least \$1,000,000. Such insurance shall be procured from an insurer authorized to do business in California, shall provide primary and not excess coverage, and shall name the City of Chula Vista as additional insured. Lapse of valid insurance shall immediately render void any permit issued pursuant to this section.

4. Remit the permit fee. Permit stickers are issued on a calendar year basis and are not prorated. The fee for the permit shall be set by the City Council. Two permit stickers numbered alike shall be issued for each fee paid so that a permit is visible on each side of every sign.

B. Permits are issued to an individual, business, or group and shall not be reassigned or transferred.

Section 13.04.010 Definitions.

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 Development Services, or designee, and designed to remove grease from wastewater before it enters the building sewer.

Section 14.18.250 Duties of the Director of Development Services.

The duties and responsibilities of the Director of Development Services, or designee, shall include, but not be limited to, assuring that the General Plan is consistent with floodplain management objectives in this chapter.

Section 15.18.040 Section 201.1 amended to remove designation of Assistant Director of Planning and Building from the Building Official.

Section 201.1 of the Uniform Code for the Abatement of Dangerous Buildings, as it applies in Chula Vista, shall read as follows:

Section 201.1 Administration. The building official is hereby authorized and directed to enforce all the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

Section 15.18.050 Section 205.1 amended to reclassify the designation of Assistant Director of Planning and Building to Building Officials within the Board of Appeals.

Section 205.1 of the Uniform Code for the Abatement of Dangerous Buildings, and the title precedent thereto, as it applies in Chula Vista, is hereby amended to read as follows:

Board of Appeals and Advisors.

Section 205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there is hereby established a board of appeals and advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction, use and occupancy. The building official shall be an ex-officio member who shall not be entitled to vote and who shall act as secretary to the board. The board of appeals and advisors shall be appointed by the mayor and confirmed by the city council. The board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Appeals to the board shall be processed in accordance with the provisions contained in Chapter 5 of this code or in accordance with such procedures as may be prescribed by the city attorney of the city of Chula Vista. The decision of the board is final. The board of appeals and advisors shall recommend to the city council such new legislation deemed necessary to govern construction, use and occupancy of structures in the city of Chula Vista.

Section 15.20.025 Section 201.1 amended to remove the designation of Assistant Director of Building and Housing from the Building Official.

Section 201.1 of the Uniform Housing Code, as it applies in Chula Vista, shall read as follows:

Section 201.1 Authority. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purpose, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

Section 15.20.035 Section 203.1 amended to remove the designation of Assistant Director of Building and Housing from the Building Official, regarding serving as Advisor to the Housing Advisory and Appeals Board.

Section 203.1 of the Uniform Housing Code, and the title precedent thereto, as it applies in Chula Vista, is hereby amended to read as follows:

Board of Appeals and Advisors.

Section 203.1 General. In order to provide for reasonable interpretation of the provisions of this code, to mitigate specific provisions of the code which create practical difficulties in their enforcement and to hear appeals provided for

hereunder, there is hereby established a board of appeals and advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction, use and occupancy of residential structures. The building official shall be an ex-officio member who shall not be entitled to vote and who shall act as secretary to the board. The board of appeals and advisors shall be appointed by the mayor and confirmed by the city council. The board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of this code or in accordance with such procedures as may be prescribed by the city attorney of the city of Chula Vista. The decision of the board is final. The board of appeals and advisors shall recommend to the city council such new legislation deemed necessary to govern construction, use and occupancy of residential structures, in the city of Chula Vista.

Section 15.38.040 Subsection (a) of Section 104.1 amended to reclassify the designation of Assistant Director of Planning and Building to Building Official within the Board of Appeals.

Subsection (a) of Section 104.1 of the Urban-Wildland Interface Code, and the title precedent thereto, as it applies in Chula Vista, is hereby amended to read as follows:

Board of Appeals and Advisors.

Section 104.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there is hereby established a Board of Appeals and Advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction, use and occupancy. The building official and the fire marshal shall be ex-officio members who shall not be entitled to vote. The building official shall act as secretary to the Board. The Board of Appeals and Advisors shall be appointed by the mayor and confirmed by the city council. The Board shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Appeals to the Board shall be processed in accordance with the procedures as may be prescribed by the City Attorney of the City of Chula Vista. The decision of the Board is final. The Board of Appeals and Advisors shall recommend to the city council such new legislation deemed necessary to govern construction, use and occupancy of structures, in the City of Chula Vista.

Section 15.04.017 Other required permits.

Prior to the City's issuance of a land development permit or clearing and grubbing permit, the applicant shall show compliance with a habitat loss and incidental take (HLIT) permit issued pursuant to Chapter 17.35 CVMC, for areas that contain sensitive biological resources, as defined by CVMC 17.35.030, and are within:

- A. Development areas outside of covered projects, as defined by CVMC 17.35.030;
- B. Seventy-five (75) to 100 percent conservation areas, as defined by CVMC 17.35.030; or

C. One hundred (100) percent conservation areas, as defined by CVMC 17.35.030.

Prior to the City's issuance of a land development permit or clearing and grubbing permit for areas that contain sensitive biological resources, as defined by CVMC 17.35.030, and are within the development areas of covered projects, as defined by CVMC 17.35.030, the applicant shall show compliance with all applicable provisions of previous project entitlements issued by the City and with any applicable conditions of coverage listed in the Chula Vista MSCP subarea plan, as determined by the Director of Development Services or designee.

Prior to the City's issuance of a land development permit or clearing and grubbing permit for areas that will result in impacts to wetlands or to listed noncovered species, as defined by CVMC 17.35.030, the applicant shall obtain, and show compliance with, all applicable federal and/or state permits.

Section 15.04.060 Landscaping and irrigation system.

All cut and fill slopes shall be planted and irrigated in accordance with an approved plan. Said plan shall be prepared in accordance with the City landscape manual and shall be approved by the City landscape architect, and the Director of Development Services or designee, as necessary.

Section 15.04.100 Building construction – Land development permit required – Prerequisite to building permit.

A. An owner of land desiring to do land development work incidental to and in connection with the construction of a building or structure shall present an application and obtain a land development permit or clearing and grubbing permit. The City Engineer may require an on-site field inspection of the rough grading phase of the work between representatives of the City's Development Services Department and the permittee; civil engineer; soil engineer; biologist, as defined by CVMC 17.35.030; and engineering geologist, as appropriate, before the issuance of a building permit. The permittee shall request a field inspection of the rough grading phase, if required, five working days prior to the inspection. The rough grading phase of the land development work described on form PW-E-106B shall be completed prior to the issuance of a building permit except as provided below. The City may suspend any building permit where it is found that land development work is being done or has been done without a land development permit or clearing and grubbing permit until a land development permit or clearing and grubbing permit is issued. The City may not certify to the completion of the building where land development work has been done until a land development permit is obtained and certified as complete.

Section 15.04.140 Completion of work – Final reports.

E. A final biology report, if determined necessary by the Director of Development Services or designee, which includes an assessment of the impacts on sensitive biological resources affected by the land development work.

Section 15.04.145 Notification of completion.

The permittee shall notify the City Engineer when the land development work is ready for final inspection. They shall also notify the City Landscape Architect and the Director of Development Services or designee, when planting and irrigation are completed. Final approval shall not be given until all work, including installation of all drainage structures and facilities, sprinkler irrigation systems, planting and all protective devices, has been completed and any required planting established and all as-built plans and reports have been submitted. The City Engineer may accept in writing the completion of all work, or any portion of the work, required by the permit issued in accordance with this chapter and thereupon accept said work or portion thereof.

Section 15.04.150 Exemptions from applicability designated.

D. Excavation for foundations of buildings, structures, basements, cellars, swimming pools or basins which are authorized by appropriate permits obtained from the Development Services Department;

K. Clearing and grubbing in an area located entirely within a mapped development area, as defined by CVMC 17.35.030, where it has been demonstrated to the satisfaction of the Director of Development Services, or designee, that no sensitive biological resources, as defined by CVMC 17.35.030, exist;

Section 15.04.155 Contractor – Qualifications required.

Every person doing land development work shall meet such qualifications as may be determined by the City Engineer and/or Director of Development Services, or designee, to be necessary to protect the public interest. The City Engineer and/or Director of Development Services, or designee, may require an application for qualification which shall contain all information necessary to determine the person's qualifications to do the land development work.

Section 15.04.180 Private contract performance bond – Required when – Issuance conditions generally.

Persons performing private contract work under a permit issued in accordance with this chapter shall furnish a bond/bonds or cash deposit or instrument of credit executed by the owner or his agent, or both, as principal in accordance with the provisions codified in this section through CVMC 15.04.215.

The performance bond/bonds shall be issued by a surety company authorized to do business in the state and shall be approved as to form by the City Attorney. The bond/bonds shall be in favor of the City and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this chapter and the conditions prescribed by the permit. Slope planting and irrigation bonds will be separate from the performance bond requirements for appurtenant structures and grading. They will be held with the Development Services Department until satisfactory compliance with landscaping and irrigation has been accepted.

Section 15.04.270 Permits – Application – Detailed plans and specifications required.

11. An erosion control plan may be required by the City Engineer, or, the Director of Development Services, or designee.

Section 15.04.305 Fees – To be doubled in certain cases – Effect of imposition.

In the event that land development work is commenced without a land development or clearing and grubbing permit, the City Engineer shall cause such work to be stopped until a permit is obtained. The permit fee, in such instance, shall then be the normally required permit fee, plus \$500.00. The payment of the increased permit fees shall not relieve any person from fully complying with the requirements of this chapter in the performance of the work. Such fee shall defray the expense of enforcement of the provisions of this chapter in such cases.

When land development work commences without a permit and results in damage to sensitive biological resources, as defined by CVMC 17.35.030, restoration requirements (including maintenance and monitoring) shall be imposed at the sole discretion of the Director of Development Services, or designee, and the full cost of the restoration shall be borne by the property owner.

When land development work is inconsistent with a permit issued pursuant to Chapter 17.35 CVMC and results in damage to sensitive biological resources, as defined by CVMC 17.35.030, restoration requirements (including maintenance and monitoring) shall be imposed at the sole discretion of the Director of Development Services, or designee, and the full cost of the restoration shall be borne by the property owner. The payment of such fees or penalties as described above shall not prevent the imposition of any penalty prescribed or imposed by this chapter, Chapter 1.41 CVMC, or other federal or state law.

Section 17.35.030 Definitions.

“Biologist” means a person meeting the qualifications as established by the Director of Development Services, or designee, and approved by the same. At a minimum, the person shall have at least a four-year college degree in biology, zoology, botany, wildlife management, or other closely related field, with at least two years’ experience conducting field investigations in San Diego County.

“Project area” means an area considered for development and shall include the entire contiguous land under the same ownership or like property interest, or in the case of development proposed by a public agency, the area required for development as determined by the Director of Development Services, or designee.

17.35.060 Application for HLIT permit.

A. *General Submittal Requirements.* The following are general submittal requirements for all HLIT permits:

1. Submit a completed application form to the City of Chula Vista Development Services Department.

3. For project areas located in 100 percent conservation areas, 75 to 100 percent conservation areas, development areas outside of covered projects with indicators or the presence of narrow endemic species or wetlands, or as otherwise deemed necessary by the biological survey as determined by the Director of Development Services, or designee, the applicant shall prepare and submit an opportunities and constraints analysis to evaluate the proposed development and its relationship to the sensitive biological resources. The opportunities and constraints identified shall be used to determine the portions of the project area that are most suitable for development and those that should be conserved for biological purposes. The opportunities and constraints analysis shall include:

d. Map of the project area at a suitable scale, which includes and clearly delineates, to the satisfaction of the Director of Development Services, or designee, the following information:

4. Any other requirements deemed necessary by the Director of Development Services, or designee, for consideration of the proposed HLIT permit application.

(B)(1)f. Any other requirements deemed necessary by the Director of Development Services, or designee, for consideration of the proposed HLIT permit application.

(C)(1)f. Any other requirements deemed necessary by the Director of Development Services, or designee, for consideration of the proposed HLIT permit application.

Section 17.35.070 Permit process.

B. The HLIT permit may be approved, approved with conditions, or denied by the Director of Development Services, or designee, without a public hearing in accordance with CVMC 19.14.030, in the following circumstances:

C. For all other HLIT permit applications, the Director of Development Services or designee, may approve, conditionally approve, or deny such permit at a public hearing noticed in accordance with CVMC 19.14.180. The decision may be appealed to the City Council in accordance with CVMC 19.14.110 and 19.14.130.

Section 17.35.080 Required findings for issuance of an HLIT permit.

(C)1. Prior to issuance of a land development permit or clearing and grubbing permit, the project proponent will be required to obtain any applicable state and federal permits, with copies provided to the Director of Development Services, or designee.

Section 17.35.110 Mitigation.

(A)4. Mitigation for permanent impacts to narrow endemic species populations shall be determined on a case-by-case basis by the Director of Development Services, or designee, and may include such measures as management, enhancement, restoration and/or transplantation. Mitigation shall be in-kind and mitigation ratios for such measures shall be required at a 1:1 to 3:1 ratio depending on the sensitivity of the species and population size and in accordance with Section 5.2.3 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time and the MSCP implementation guidelines.

(B)2. Mitigation for impacts to narrow endemic species populations shall be determined on a case-by-case basis by the Director of Development Services, or designee, and may include such measures as management, enhancement, restoration and/or transplantation. Mitigation shall be in-kind and mitigation ratios for such measures shall be at a 1:1 to 3:1 ratio depending on the sensitivity of the species and population size and in accordance with Section 5.2.3 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time, and the MSCP implementation guidelines.

(C)2. Mitigation for permanent impacts to narrow endemic species populations shall be determined on a case-by-case basis by the Director of Development Services, or designee, and may include such measures as management, enhancement, restoration and/or transplantation. Mitigation shall be in-kind and mitigation ratios for such measures shall be at a 1:1 to 3:1 ratio depending on the sensitivity of the species and population size and in accordance with Section 5.2.3 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time, and the MSCP implementation guidelines.

Section 17.35.140 Emergencies.

A. If the emergency work involves only temporary impacts to sensitive biological resources, a HLIT permit is not required, provided the sensitive biological resources are restored to their natural state in accordance with a revegetation plan approved by the Director of Development Services, or designee. The revegetation plan shall be submitted to the City within 60 days of completion of the emergency work.

Section 17.35.180 Local coastal program.

Prior to issuance of an HLIT permit for any project located within the Chula Vista local coastal plan (LCP) area, the applicant shall obtain a determination of project consistency with the Chula Vista LCP from the Director of Development Services, or designee. If the project cannot be deemed consistent with the LCP, an LCP amendment must be completed prior to issuance of the HLIT permit.

Section 19.04.002 Definitions and construction of terms generally.

Unless the context requires otherwise, the definitions codified in this chapter shall be used in the interpretation and construction of this title; and words used in the present tense include the future, the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “used” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or “intended to be used”; and the word “shall” is mandatory and not directionary.

Whenever any of the following terms is used, it shall mean the corresponding officer, department, board or commission of Chula Vista, herein referred to as the City: “Assessor,” “City Council” (or “Council”), “City Planning Commission” (or “Commission”), “Director of Public Works,” “Director of Development Services,” “Zoning Administrator,” or “Building Inspector.” In each case, the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as its representative or agent.

Section 19.14.270 Procedures for enforcing conditional use permits and variances.

(C)3. A general explanation of the matter to be considered including the nature of the recommendation by the Director of Development Services, or designee;

Section 19.14.577 Precise plan approval – Modifications of the precise plan.

Requests for modifications shall be submitted to the Development Services Director in written form and shall be accompanied by the required filing fee(s) and such additional maps, statements or other information as may be required to support the modification. If the proposed modification is deemed by the Development Services Director to be insignificant in nature, the changes may be approved by the Director subject to the filing of a written report to the Planning Commission and City Council. If, in the opinion of the Director of Development Services, or designee, the proposed changes are significant in scope, the applicant will be notified within 10 days of the written request that a new application and hearing will be required.

Section 19.14.830 Initiation application process.

C. *Materials and Information.* The City Manager shall maintain a list specifying the materials and information to be submitted with each initiation application for a land use plan amendment or a rezone. The list may be revised on a quarterly basis or as needed to comply with revisions to local, state, or federal law, regulation, or policy. The subject list shall be available at the Development Services Department and shall apply to all applications submitted.

Section 19.28.160 Landscaping.

All landscaping in the R-3 zone shall conform to the requirements as specified in the landscaping manual of the City and as approved by the Director of Development Services, or designee.

Section 19.30.150 Landscaping.

All landscaping in the C-O zone shall conform to the requirements as specified in the landscape manual and approved by the Director of Development Services, or designee. Any parking visible from the street shall be screened with an appropriate screen not less than four feet in height or a masonry wall of three and one-half feet in height.

Section 19.34.210 Landscaping.

The site shall be landscaped in conformance with the landscape manual of the City, and approved by the Director of Development Services or designee.

Section 19.36.090 Landscaping.

The site shall be landscaped in conformance with the landscaping manual of the City and approved by the Director of Development Services or designee.

Section 19.38.080 Landscaping.

The site shall be landscaped in conformance with the landscaping manual of the City, and approved by the Director of Development Services or designee.

Section 19.40.080 Landscaping.

The site shall be landscaped in conformance with the landscaping manual of the City, and approved by the Director of Development Services or designee.

Section 19.46.120 Landscaping.

The site shall be landscaped in conformance with the landscaping manual of the City, and approved by the Director of Development Services or designee.

Section 19.48.040 Application – General development plan required – Contents required.

(B)(6)d. Where recreational facilities are proposed to be located in CPF land use districts, a CPF master plan is required. The master plan shall show the specific boundaries of said plan which may be the SPA, GDP or planned community boundaries (or more than one GDP as deemed appropriate by the Director of Development Services, or designee); the distribution of existing and proposed CPF designated parcels within the master plan area; and the tabulation of individual sites acreages which shall be prepared and incorporated into the planned community's sectional planning area (SPA) plan and into the general development plan (GDP) if the CPF master plan involves more than one SPA plan. The incorporation of the CPF master plan into the SPA or GDP shall be done through a SPA or GDP amendment/adoption pursuant to CVMC 19.48.090 and 19.48.130.

Section 19.48.090 Sectional planning areas and sectional planning area plans – Requirements and content.

(C)1. A site utilization plan of the sectional planning area at a scale of one inch equals 200 feet minimum or as determined by the Director of Development Services, or designee. The plan shall extend a minimum of 300 feet beyond the boundaries of the sectional planning area and show the following:

Section 19.52.020 Permitted uses – Approval required – Application – Planning Commission and City Council action.

B. An application for approval shall be filed with the Planning Department in a manner prescribed by the Planning Commission and shall contain sufficient data and information to assure a full presentation of the proposed use and the type of improvements and structures to be constructed. The Director of Development Services, or designee, shall, at the earliest possible date, forward the application to the Planning Commission and thereafter to the City Council. Failure of the Planning Commission and the City Council to act on said application within 20 days of the submission date shall be deemed approved of the application as submitted. The Planning Commission and the City Council may approve, conditionally approve, or disapprove such applications. No continuance or extension of time beyond the periods set forth herein shall be permitted except upon the stipulation of the applicant.

Section 19.56.230 H hillside modifying district – Method for computing average natural slope – Formula.

Using a scale and contour interval deemed appropriate by the Director of Development Services, or designee, the applicant shall show the boundaries of his site, proposed land uses and acreages of each land use, and the average natural slope of the residential acreage of the site, using the following formula:

Section 19.58.042 Carnivals and circuses.

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 are to be determined by the Traffic Engineer. The number of sanitary facilities shall be as determined by the Development Services Department. All electrical installations shall be inspected and approved by the Development Services Department.

Section 19.58.055 Auctions of vehicles, heavy machinery and equipment.

E. All areas shall be properly paved, striped and improved to City standards, and screened to the satisfaction of the City Engineer and the Director of Development Services, or designee).

Section 19.58.090 Club, country – Golf course.

C. Swimming pools, tennis courts, and the like shall be located not less than 25 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 Development Services or designee.

Section 19.58.130 Dwelling groups.

J. Development proposed on existing natural topography having an average natural slope of 10 percent or greater, and with less than 10 percent of the site to be graded, shall be subject to the approval of the Director of Development Services or designee, who shall consider whether such development will adversely affect adjacent properties or development.

N. The development shall be subject to site plan and architectural approval of the Director of Development Services or designee.

Section 19.58.142 Electrical generating facilities.

(B)12. All development shall be subject to site plan and architectural approval through the Director of Development Services or designee.

Section 19.58.178 Hazardous waste facilities.

D. *Notice of Intent To Apply – Application for a Land Use Decision – Completeness of Application.*

1. Pursuant to the provisions of State Health and Safety Code Section 25199.7(a) and (b), at least 90 days before filing an application for a conditional use permit for a hazardous waste facility, the applicant shall file with the Planning Department and with the Office of Permit Assistance in the State Office of Planning and Research a notice of intent (NOI) to make the application. The NOI shall be on such form as

approved by the Director of Development Services, or designee, and shall specify the project location to which it applies, and contain a complete description of the nature, function, and scope of the project.

5. Within 30 days of the filing of the NOI, the applicant shall schedule a preapplication conference with the Planning Department to be held not later than 45 days thereafter, at which time the applicant and the Planning Department shall discuss information and materials necessary to evaluate the application. Within 30 days after this meeting, the Director of Development Services, or designee, shall inform the applicant, in writing, of all submittals necessary in order to deem the conditional use permit application complete.

6. The applicant may not file an application for a conditional use permit unless the applicant has first complied with the above items, and presented the required application fee. Furthermore, said application shall not be considered and acted upon until it is deemed complete as provided by CVMC 19.14.070, and until all materials necessary to evaluate the application as set forth by the Director of Development Services, or designee, pursuant to subsection (D)(5) of this section have been received and accepted as to content.

Section 19.58.320 Tract office, temporary.

B. If alterations are needed in the initial conversion from a house to a temporary office, the following shall be done: a \$250.00 penal bond shall be filed with the City Clerk to assure said work will be completed. Upon a recommendation from the Director of Development Services, or designee, they shall approve or reject the final alteration work.

Section 19.58.330 Trailers.

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 mobilehomes, 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 Development Services, or designee, after an application, in writing, is submitted by the general contractor specifying:

Section 19.58.340 Recycling and solid waste storage.

A. All subdivisions or any new construction requiring a building permit and costing more than \$20,000 to construct (“qualifying project”) shall include adequate, accessible, and convenient areas dedicated for the accumulation, temporary storage and removal of designated recyclables and solid waste. These recycling and solid waste areas shall be enclosed within a minimum five-foot-high masonry wall or higher if deemed necessary by the Director of Development Services, or designee, to adequately screen the area, built to

standards adopted by the City for a freestanding wall (No. 4 steel and fully grouted) and shall be designed to accommodate the containers used by the recycling and solid waste service company contracted with the City. A wooden enclosure may be substituted for a wall in the C-O zone and multiple-family zones by the Director of Development Services, or designee.

D. The precise location of any recycling and solid waste area shall be approved by the Director of Development Services, or designee, upon review of the site plan. Recycling and solid waste areas shall be accessible and convenient to both the occupants and franchise hauler and shall only be used for the temporary storage, collection and loading of solid waste and recyclables.

Section 19.58.350 Commercially zoned double frontage lots.

B. A six-foot-high decorative masonry wall shall be constructed across the entire width of the parcel at a minimum of 10 feet behind the edge of the sidewalk or as otherwise designated by the Zoning Administrator. The design of the wall shall be uniform throughout the area in which located, and such design shall be subject to the approval of the Director of Development Services, or designee.

C. The area between the wall and the edge of the sidewalk shall be permanently landscaped. Such landscaped area shall be provided with an automatic irrigation system and shall be permanently maintained and kept free of debris. A landscape plan shall be submitted to the Director of Development Services, or designee, for approval prior to any planting.

F. If new or enlarged commercial development occurs adjacent to the existing dwelling units which face a local street, a fence separating the property shall also be constructed on the side lot line, the length of such fence to be determined by the Director of Development Services, or designee. Such a fence may be of wood construction.

Section 19.58.370 Outside sales and display – Permanent and temporary.

(B)(1)i. Only merchandise customarily sold on the premises shall be considered for temporary outside sales and display; provided, that all other requirements of this section are met, the Director of Development Services, or designee, shall make an exception for temporary holiday sales (e.g., Christmas tree and pumpkin patch lots).

Section 19.58.400 Recreational vehicle storage yards.

An application to establish a recreational vehicle (RV) storage yard (storage area for motorhomes, 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 Development Services, or designee.

Section 19.60.060 Definitions.

“Director” means the City of Chula Vista Director of Development Services, or such Director’s designee.

Section 19.60.810 Processing of applications.

B. *Completeness.* The Zoning Administrator shall determine whether the application contains all the information and items required by this chapter. If it is determined that the application is not complete, the applicant shall be notified in person or in writing within 30 days of the date of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall then have 30 calendar days to submit additional information to render the application complete; failure to do so within the 30-day period shall render the application void. Within 30 days following the receipt of an amended application or supplemental information, the Director, or designee, shall again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification shall occur as provided above until such time as the application is found to be complete (the “application date”).

F. *Decisions.* Where an application is denied by the Zoning Administrator, or the Planning Commission or City Council on appeal, the applicant shall be informed in writing of the changes necessary in order to approve the application. If the applicant chooses to amend the application to reflect said changes, the Zoning Administrator shall grant the permit within 30 days of when a complete and conforming application is submitted.

I. *Multiple Sign Applications.* When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, the Director or their designee’s written notice of determination shall specify the grounds for such denial.

J. *Revocation or Cancellation.* The Director, or designee, shall revoke any approval upon refusal of the holder thereof to comply with the provisions of this chapter after written notice of noncompliance and at least 15 days’ opportunity to cure.

Section 19.66.030 Applicability and scope of provisions.

Only those uses specified in the industrial zones as subject to performance standards, and uses accessory thereto, are subject to performance standards review procedures specified in this chapter in obtaining a zoning permit, unless either the Building Inspector, or, the Director of Development Services, or designee, has reasonable grounds to believe that any other proposed use, regardless of zone, is likely to violate performance standards, in which event the applicant shall comply with the performance standards procedures.

Section 19.68.030 Exterior noise limits.

(A)3. Where doubt exists when making identification of receiving land use, the Director of Development Services, or designee, may make an interpretation.

Section 19.68.070 Exceptions.

B. Any person seeking exceptions pursuant to this section shall file an application with the Director of Development Services, or designee. 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 chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons.

Section 19.68.078 Enforcement.

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 CVMC 19.68.020, is an environmental noise. The enforcement officer may use Appendix A in CVMC 19.68.090, as an aid in making such determinations. The Director of Development Services, or designee, may make determinations classifying noise sources not specifically mentioned in Appendix A.

2. *Responsibility.* The Director of Development Services, or designee, shall be responsible for investigation and enforcement of environmental noise disturbances.

3. *Guidelines.* The Director of Development Services, or designee, may, from time to time, promulgate guidelines for administration and enforcement of the provisions of this chapter pertaining to noise violations.

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 CVMC 19.68.020, is a nuisance noise. The Chief of Police may use Appendix A as an aid in making such determinations. At the request of the Chief of Police, the Director of Development Services, or designee, may make determinations for classifying nuisance noise sources not specifically mentioned in Appendix A.

Section 19.69.090 Financial assurances for reclamation.

E. Revisions to financial assurances shall be submitted to the Director of Development Services, or designee, each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

Section 19.69.110 Modification to approved surface mining operation.

An approved conditional use permit, reclamation plan, or any conditions thereof, may be revised or modified in the same manner as provided for a new application, including the requirement for environmental impact review. Requests for minor modifications may be submitted to the Director of Development Services, or designee. If in the Director's sole determination the requested modification is in substantial conformance with approved plans, the Director may approve said modification.

Section II. Removal of Committees No Longer in Existence. The Chula Vista Municipal Code is hereby amended as follows:

Section 19.14.020 Zoning Administrator – Creation of position – Authority.

A. In order to relieve the Planning Commission of certain routine functions necessary to the proper administration of this chapter, a Zoning Administrator is created.

Section 19.14.070 Conditional use permit – Application – Fee – Public hearing.

B. In the case of hazardous waste facilities as defined in CVMC 19.04.107, applications for conditional use permits or modifications thereto shall be made pursuant to CVMC 19.58.178, and shall be considered by the Planning Commission, with a recommendation to be forwarded to the City Council for final review and action. The requirements of CVMC 19.14.090 shall apply to the Planning Commission, recommendation and the City Council resolution, with the following modifications:

(B)2. The decision of the Planning Commission, shall constitute a recommendation only, and shall neither be a final decision nor subject to appeal.

Section 19.14.080 Conditional use permit – Prerequisites for granting.

After the public hearing, the Zoning Administrator, or as the case may be, Planning Commission, may, by resolution, grant a conditional use permit if it finds from the evidence presented at said hearing that all of the following facts exist:

Section 19.14.090 Conditional use permit – Public hearing procedure – Finding of facts.

Not more than 10 business days following the decision, the decision maker, whether Zoning Administrator or Planning Commission, shall make a written finding specifying the acts relied upon in rendering said decision, fully setting forth the facts and circumstances that fulfill or fail to fulfill the requirements of this section and CVMC 19.14.080, and, in situations where approval was granted, the conditions and safeguards deemed necessary and desirable for such approval. A copy of this written finding of facts shall be filed with the Development Services Director and mailed to the applicant. The decision shall become final on the eleventh day following the decision, except where appeal is taken as provided herein.

Section 19.14.260 Conditional use permit or variance – Time limit for utilization – Void when – Extensions – Validity.

C. *Application for an Extension.* Prior to the expiration of a permit, the appropriate decision maker, whether the Zoning Administrator or the Planning Commission, whichever heard the original application, may grant an extension of time contained in a then-current and valid variance or conditional use permit without a public hearing upon written request of the property owner; provided, that:

Section 19.14.270 Procedures for enforcing conditional use permits and variances.

(H)2. If the permitting authority is the Planning Commission, an appeal shall be filed with the City Council;

Section 19.20.040 Conditional uses.

The following uses shall be permitted in the A zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.22.040 Conditional uses.

The following uses shall be permitted in the R-E zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.24.040 Conditional uses.

The following uses shall be permitted in the R-1 zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.26.040 Conditional uses.

The following uses shall be permitted in the R-2 zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020.

Section 19.28.040 Conditional uses.

The following uses shall be permitted in the R-3 zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.34.030 Conditional uses.

The following uses shall be permitted in the C-N zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.36.030 Conditional uses.

The following uses shall be permitted in the C-C zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.38.030 Conditional uses.

The following uses shall be permitted in the C-V zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.40.030 Conditional uses.

The following uses shall be permitted in the C-T zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.42.040 Conditional uses.

The following uses shall be permitted in the I-R zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.44.040 Conditional uses.

The following uses shall be permitted in the I-L zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.46.040 Conditional uses.

The following uses shall be permitted in the I zone; provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 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 Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

Section 19.60.510 Commercial – Administrative and professional office (C-O) zone.

F. The Zoning Administrator may reduce sign areas and height below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.530 Neighborhood commercial (C-N) zone.

E. The Zoning Administrator may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.540 Central commercial (C-C) zone.

E. The Zoning Administrator may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.550 Visitor commercial (C-V) zone.

E. The Zoning Administrator may reduce sign areas below those authorized based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.560 Commercial thoroughfare (C-T) zone.

G. The Zoning Administrator may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.570 Industrial research (I-R) zone.

E. The Zoning Administrator may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.580 Limited industrial (I-L) zone.

E. The Zoning Administrator may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.590 General industrial (I) zone.

D. The Zoning Administrator may reduce sign areas below those authorized consideration of the graphic design of the copy or message displayed on the sign.

Section 19.60.810 Processing of applications.

D. *Method of Review.* The method of review is standard compliance review. The Zoning Administrator, Planning Commission or City Council on appeal, shall determine whether approval shall be granted for any sign based on its conformance with the regulations and design standards set forth herein and in the City design manual, without consideration of the graphic design of the copy or message displayed on the sign.

F. *Decisions.* Where an application is denied by the Zoning Administrator, Planning Commission or City Council on appeal, the applicant shall be informed in writing of the changes necessary in order to approve the application. If the applicant chooses to amend the application to reflect said changes, the Zoning Administrator shall grant the permit within 30 days of when a complete and conforming application is submitted.

19.62.100a Parking areas – Surfacing requirements – Waiver permitted when.

Any off-street parking areas shall be surfaced in accordance with CVMC 19.62.100b, Surfacing standards for private vehicular areas, so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles. The Planning Commission, may

by resolution, waive or modify the standards for any use within the agricultural zone, or any use deemed as temporary (operating for a maximum of one year); provided, however, such temporary use shall be done in accordance with the surfacing standards noted in CVMC 19.62.100b(A).

19.62.100b Surfacing standards for private vehicular areas.

Areas upon private property which are required to be surfaced per the various City regulations, or pursuant to conditional approval of the Planning Commission, shall be surfaced in accordance with the requirements contained herein and with the standard specifications for public works construction and any amendments or supplements thereto, including the San Diego regional supplement amendments and the City of Chula Vista standard special provisions. Such requirements shall apply to all areas to be surfaced for the movement, parking or storage of vehicles except as specifically noted.

19.62.130 Waiver or modification of provisions permitted when.

The Planning Commission may, by resolution, waive or modify the provisions as herein set forth, establishing required parking areas for such uses as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses requiring a very limited number of persons as compared to the number of persons required by the usual industry of comparable size expressed in square footage.

Section III. Addition of the Juneteenth Parking Holiday. The Chula Vista Municipal Code is hereby amended as follows:

Section 10.08.110 Holidays.

“Holidays,” within the meaning of this chapter, are:

- A. January 1st, known as New Year’s Day.
- B. The third Monday in January, known as Dr. Martin Luther King, Jr. Day.
- C. February 12th, known as Lincoln’s birthday.
- D. The third Monday in February, known as Washington’s birthday.
- E. March 31st, known as Cesar Chavez Day.
- F. The last Monday in May, known as Memorial Day.
- G. June 19th, known as Juneteenth.
- H. July 4th, known as Independence Day.

Ordinance No. 3544

Page No. 30

- I. The first Monday in September, known as Labor Day.
- J. September 9th, known as Admission Day.
- K. November 11th, known as Veterans Day.
- L. The fourth Thursday in November, known as Thanksgiving Day.
- M. The fourth Friday in November, the day after Thanksgiving Day.
- N. December 25th, known as Christmas Day.

Section IV. Removal of Individual Section Numbers for Zoning-Related Definitions.

The Chula Vista Municipal Code is hereby amended as follows:

Chapter 19.04 (DEFINITIONS)

Sections:

19.04.002 Definitions and construction of terms generally.

Access.

Accessory use or structure.

Adult bookstore. *Repealed.*

Adult motion picture theater. *Repealed.*

Adult mini-motion picture theater. *Repealed.*

Agent of owner.

Agriculture.

Alley.

Amusement facility.

Apartment, efficiency. *Repealed.*

Auction.

Automobile or trailer sales area.

Automobile repair, major.

Automobile maintenance and repair, minor.

Automobile service station.

Basement.

Beginning of construction.

Block.

Boardinghouse or lodginghouse.

Bootel.

Body painting studio. *Repealed.*

Building.

Building, height of.

Building, high rise.

Building line map.

Building, main.
Bulkhead.
Carnival.
Carport.
Cabaret. *Repealed.*
Cellar.
Chula Vista General Plan.
Coin-operated adult entertainment facility. *Repealed.*
Commission.
Communication equipment building or use.
Community purpose facility.
Council.
Court.
Crop and tree farming.
Dance floor.
Day nursery.
Day spa.
Development unit.
Distance between residential structures.
Dock.
Driveway.
Dwelling.
Dwelling group.
Dwelling, single-family.
Dwelling, two-family or duplex.
Dwelling, multiple.
Dwelling, townhouse.
Dwelling unit.
Dwelling, accessory dwelling unit.
Efficiency living unit.
Electrical generating facilities.
Emergency shelter.
Essential services.
Family. *Repealed.*
Family day care.
Family day care home, large.
Family day care home, small.
Filling station.
Floor area ratio (residential).
Full-time foster home.
Garage, private.
Garage, public.
General development plan.
Guest house.
Hazardous waste facility.
Home occupation.

Ordinance No. 3544

Page No. 32

Hospital.
Hotel/motel.
Houseboat.
Junkyard.
Kennel.
Kitchen or kitchenette.
Landscape manual.
Landscaping.
Lot.
Lot area.
Lot, corner.
Lot Coverage.
Lot depth.
Lot, interior.
Lot line, front.
Lot line, interior.
Lot line, rear.
Lot line, side.
Lot line, street or alley.
Lot lines.
Lot of record.
Lot, through.
Lot width.
Massage parlor.
Mobilehome.
Model studio. *Repealed.*
Motor hotel, including motel and hotel. *Repealed.*
Narcotic or drug paraphernalia shop.
Nonconforming structure.
Nonconforming use.
Nursing home.
Off-shore.
On-shore.
Open space, usable.
Park.
Parking area, private.
Parking area, public.
Parking space.
Performance standards.
Permitted use.
Pet shop.
Pharmacy, prescription.
Planned development permit.
Poultry farm.
Prescription pharmacy.
Public/quasi-public.

Qualified employee housing.
Recreation, commercial.
Recreation, private, noncommercial.
Recreation, public.
Religious institution.
Residence, single room occupancy (SRO).
Residential facility.
Salvage yard.
Satellite dish antenna.
School.
Senior housing development.
Service station.
Setback.
Sexual encounter studio. *Repealed.*
Sexually explicit material. *Repealed.*
Shoreline.
Specified anatomical area. *Repealed.*
Specified sexual activity. *Repealed.*
Stable, private.
Stable, riding.
Story.
Story, first.
Story, half.
Story, mezzanine.
Street.
Street, private.
Structural alteration.
Structure.
Supportive housing.
Surface mining operations.
Tideland.
Townhouses.
Trailer camp, trailer park or mobilehome park.
Trailers.
Transitional housing.
Underwater land.
Usable open space.
Unified control.
Waterfront land.
Yard, front.
Yard, front, least depth.
Yard, front, least depth – How measured.
Yard, rear.
Yard, rear, least depth.
Yard, side.
Yard, side, least width.

Yard, side, least width – How measured.

Zone.

Zoning map.

Zoning permit.

Zoning wall or fence.

Whenever any of the following terms is used, it shall mean the corresponding officer, department, board or commission of Chula Vista, herein referred to as the City: “Assessor,” “City Council” (or “Council”), “City Planning Commission” (or “Commission”), “Director of Public Works,” “Director of Development Services,” “Zoning Administrator,” or “Building Inspector.” In each case, the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as his or its representative or agent.

Access.

“Access” means an opening in a fence, wall or structure, or a walkway or driveway, permitting pedestrian or vehicular approach to or within any structure or use. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Accessory use or structure.

“Accessory use or structure” means a use or structure subordinate to the principal use of a building on the same lot, and serving a purpose customarily incidental to the use of the principal building. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Adult bookstore. *Repealed by Ord. 3316 § 2, 2014.*

Adult motion picture theater. *Repealed by Ord. 3316 § 2, 2014.*

Adult mini-motion picture theater. *Repealed by Ord. 3316 § 2, 2014.*

Agent of owner.

“Agent of owner” is any person who can show certified written proof that he is acting for the property owner. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Agriculture.

“Agriculture” means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, animal husbandry (excluding swine); incidental to other agricultural uses; and the necessary accessory uses for storing produce and qualified employee housing; provided, however, that the operation of any such accessory use shall be secondary to that of primary uses and shall not include stockyards or the commercial feeding of garbage or offal to animals. (Ord. 3442 § 2(B), 2018; Ord. 1212 § 1, 1969; prior code § 33.1401).

Alley.

“Alley” means a public or private way not more than 30 feet wide, which affords only secondary access to abutting property. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Amusement facility.

“Amusement facility” means a place of amusement or entertainment wherein are found games, rides (animal or mechanical), coin-operated or token-operated machines or devices (e.g., video and pinball), shooting galleries, movies or entertainment machines and other games of skill or chance offered to the public. This definition does not include vending, photocopying, laminating and photo machines.

A. “Amusement arcade or center” means a facility wherein are found games, coin-operated or token-operated machines or devices (e.g., video and pinball machines) of skill, chance or entertainment offered to the public.

B. “Amusement park” means an amusement facility encompassing several acres of land and may include other commercial activities such as restaurants, retail stores and services.

C. “Amusement games or machines as accessory uses” means not more than three coin-operated or token-operated machines, rides or devices (e.g., video, pinball, mechanized rides and other electronic games) within any commercial retail or service establishment, and provided they do not constitute more than five percent of the floor area of the establishment. (Ord. 2053 § 1, 1983).

Apartment, efficiency. *Repealed by Ord. 3442 § 2(B), 2018.*

Auction.

“Auction” means the auctioning and sale of merchandise and equipment to the highest bidder, but excluding auction rooms and livestock auctioning. (Ord. 2584 § 3, 1994).

Automobile dismantling.

For “automobile dismantling,” see “junkyard”. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Automobile or trailer sales area.

“Automobile or trailer sales area” means an open area, other than a street or an alley, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Automobile repair, major.

“Major automobile repair” means general repair, rebuilding, and reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender repair; and overall painting. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Automobile maintenance and repair, minor.

“Minor automobile maintenance and repair” means general lubrication services, engine tune-up, and replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including other operations named under “automobile repair, major” or similar thereto as determined by the Commission. (Ord. 2633 § 3, 1995; Ord. 1212 § 1, 1969; prior code § 33.1401).

Automobile service station.

“Automobile service station” means an establishment engaged in the sale of motor fuel dispensing devices directly into motor vehicles. In addition, other services may be performed such as tube and tire repair, battery charging, storage of merchandise to be sold on the premises as permitted herein, lubricating of automobiles, and automobile washing, not including mechanical wash, and minor repairs. (Ord. 2162 § 1, 1986; Ord. 1212 § 1, 1969; prior code § 33.1401).

Basement.

“Basement” means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground, as distinguished from a “cellar” which is a story where more than one-half of its floor-to-ceiling height is below the average level of the adjoining ground. A basement, when usable as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Beginning of construction.

“Beginning of construction” means the demolition, elimination and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Block.

“Block” means a tract of land bounded by streets, dead-ends of streets, railroad rights-of-way, watercourses, large tracts of land in uses such as parks and golf courses, or a City boundary. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Boardinghouse or lodginghouse.

“Boardinghouse or lodginghouse” means a dwelling or part thereof (not including rest homes, convalescent homes, bed care, supervision and other special care, such as counseling), where meals and/or lodging are provided (but not separate cooking facilities) for compensation and with not more than five guest rooms and 10 persons total. (Ord. 2034 § 1, 1983; Ord. 1697 § 1, 1976; Ord. 1212 § 1, 1969; prior code § 33.1401).

Boatel.

“Boatel” means any hotel or motor hotel provided with landing facilities to accommodate boats or other vessels. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Body painting studio. *Repealed by Ord. 3316 § 2, 2014.*

Building.

“Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Building, height of.

“Height of building” means the vertical distance from the average contact ground level of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gambrel roofs. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Building, high rise.

“High rise building” means any structure which is five stories or more in height . (Ord. 1689 § 1, 1976).

Building line map.

The front yards of all lots and side yards along the street side of a reversed corner lot are shown upon a map on file in the Planning Department, and made a part of this title, being designated as the “building line map,” and such map and all notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth by such map were all fully described herein. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Building, main.

“Main building” means a building in which is conducted the principal use of the building site on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the building site on which it is located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Bulkhead.

“Bulkhead” means a structure, including riprap or sheet piling, constructed to separate land and water and establish a permanent shoreline. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Carnival.

“Carnival” means a traveling enterprise offering amusements with organized entertainment or exhibits and includes mechanical rides. (Ord. 2075 § 1, 1984).

Carport.

“Carport” means a private garage, as defined herein, which is designed to be open on one or more sides. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Cabaret. *Repealed by Ord. 3316 § 2, 2014.*

Cellar.

“Cellar” means a story where more than one-half of its floor-to-ceiling height is below the average contact ground level of the adjoining ground. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Chula Vista General Plan.

“Chula Vista General Plan” means the General Plan for the City, as adopted by the City Council on September 22, 1964, and as amended from time to time. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Coin-operated adult entertainment facility. *Repealed by Ord. 3316 § 2, 2014.*

Commission.

“Commission” means the City Planning Commission of Chula Vista. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Communication equipment building or use.

“Communication equipment building or use” means a building or lot housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel. For the purpose of this title, a communication equipment building or use shall be considered a quasi-public use, where such use is referred to in the zoning regulations. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Community purpose facility.

“Community purpose facility” means a land use designation in a planned community intended for nonprofit and certain for-profit land uses as listed in CVMC 19.48.025(C). (Ord. 2883 § 5, 2002; Ord. 2830 § 5, 2001; Ord. 2732 § 5, 1998; Ord. 2452A § 1, 1991).

Council.

“Council” means the City Council of Chula Vista. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Court.

“Court” means a yard on the same lot with a building which is bounded on two or more sides by the exterior walls of buildings on the same lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Crop and tree farming.

“Crop and tree farming” means the raising for commercial purposes of any truck, field or orchard crops or wholesale nurseries or greenhouses, including necessary buildings incidental to such crop and qualified employee housing. (Ord. 3442 § 2(B), 2018; Ord. 1212 § 1, 1969; prior code § 33.1401).

Dance floor.

“Dance floor” shall mean a defined floor area located within a business establishment designed for the purpose of dancing by patrons of the establishment. (Ord. 3316 § 3, 2014).

Day nursery.

“Day nursery” means day nurseries for working mothers; nursery schools for children under the minimum age of admission to public schools; parent-cooperative nursery schools; play groups for preschool children; programs giving afterschool care to school children; and all other types of group day care programs. The term “day nursery” does not include family day care homes; facilities offering 24-hour care; or regular elementary schools which offer educational programs only. (Ord. 1494 § 6, 1973; prior code § 33.1401).

Day spa.

“Day spa” means a business which provides a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments. Treatments may include foot and body massage; facials; waxing; body wraps; salt scrubs; manicures; pedicures; aromatherapy; moxibustion; ear candling; and guasha (scraping), or other similar treatments. (Ord. 3316 § 3, 2014).

Development unit.

“Development unit” means that portion, along with the uses contained therein, of a planned community district which is proposed for development at one time and under one planned development permit. Development units may consist of portions of a planned community district or of the entire district. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Distance between residential structures.

“Distance between residential structures” means the shortest horizontal distance between the vertical walls of two residential structures as herein defined. Location of points of measurement are subject to the exceptions contained in CVMC 19.16.060. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dock.

“Dock” means a landing pier for boats; a wharf; or a structure supported by pilings or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Driveway.

“Driveway” means a private road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling.

“Dwelling” means any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including a hotel/motel, tent, cabin, trailer or mobile home. (Ord. 3442 § 2(B), 2018; Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling group.

“Dwelling group” means a group of two or more detached buildings used for dwelling purposes located on a parcel of land in one ownership and having any yard or court in common. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling, single-family.

“Single-family dwelling” means a building designed for or used exclusively for residence purposes by one family or housekeeping unit. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling, two-family or duplex.

“Two-family or duplex dwelling” means a building designed for or used exclusively for residence purposes by two families or housekeeping units, living independently of one another. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling, multiple.

“Multiple dwelling” means a building or portions thereof designed for or used exclusively for residence purposes by three or more families or housekeeping units, living independently of one another. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling, townhouse.

“Townhouse dwelling” means an attached or semi-attached building containing a single dwelling unit and located or capable of being located on a separate lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling unit.

“Dwelling unit” means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Dwelling, accessory dwelling unit.

“Accessory dwelling units or junior accessory dwelling units” are independent living facilities of limited size that provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling. This includes efficiency units and manufactured homes, in conformance with the requirements for such units as defined in State Government Code Section 65852.2. (Ord. 3423 § 2, 2018; Ord. 2897 § 1, 2003).

Efficiency living unit.

“Efficiency living unit” means a dwelling unit for occupancy, which has a minimum floor area of 150 square feet and a maximum floor area of 450 square feet and which may also have partial kitchen or bathroom facilities and shall have the same meaning as “Efficiency Unit” as defined in Section 17958.1 of the California Health and Safety Code. (Ord. 3442 § 2(B), 2018; Ord. 1212 § 1, 1969; prior code § 33.1401).

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 megawatts, or as determined by applicable state or other codes. A private facility can include district heat and power, and combined heat and 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). (Ord. 3279 § 3, 2013).

Emergency shelter.

“Emergency shelter” means housing with minimal supportive services for homeless persons, with occupancy limited to a six-month term or less by homeless persons. Emergency shelter shall have the same meaning as defined in Section 50801(e) of the California Health and Safety Code. (Ord. 3442 § 2(A), 2018).

Essential services.

“Essential services” means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including any buildings, electric substations, or water storage tanks. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Family. *Repealed by Ord. 3442 § 2(B), 2018.*

Family day care.

“Family day care” means regularly provided care, protection and supervision of 14 or fewer children in the state-licensed provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away; provided, that the licensee of such family day care home who rents or leases their home shall notify the property owner or landlord in writing that they are operating a family day care home in the rented or leased property. (Ord. 2710 § 3, 1997; Ord. 2111 § 1, 1985).

Family day care home, large.

“Family day care home, large” means a family day care home, as defined by CVMC 19.04.093, which provides family day care to nine to 14 children, inclusive, including children who reside at the home. (Ord. 2710 § 3, 1997; Ord. 2111 § 1, 1985).

Family day care home, small.

“Family day care home, small” means a family day care home, as defined by CVMC 19.04.093, which provides family day care to eight or fewer children, including children who reside at the home. (Ord. 2710 § 3, 1997; Ord. 2111 § 1, 1985).

Filling station.

For “filling station,” see “automobile service station.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

Floor area ratio (residential).

“Floor area ratio (residential)” means the numerical value obtained by dividing the total area of all the floors of a building or buildings included within the surrounding walls, by the total area of the premises. (Ord. 2144 § 1, 1986).

Full-time foster home.

“Full-time foster home” means a family residence in which 24-hour care is provided for not more than six children, including children of the foster family. (Ord. 1494 § 6, 1973; prior code § 33.1401).

Garage, private.

“Private garage” means a detached, fully enclosed accessory building or a portion of the principal building used only for the storage of passenger vehicles, boats or trailers by the persons resident or employed upon the premises; provided, that such garage, when in a residential zone or incidental to a residential use, shall not be used for the storage of more than one commercial vehicle of one and one-half tons or greater rated capacity per family residence upon the premises. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Garage, public.

“Public garage” means a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of self-propelled vehicles or trailers. (Ord. 1212 § 1, 1969; prior code § 33.1401).

General development plan.

“General development plan” means a description of the development proposed within a particular planned community zone consisting at a minimum of a map and written statement setting forth, in general, the regulations governing, and the location and arrangement of, all proposed uses and improvements to be included in the development. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Guest house.

“Guest house” means detached living quarters of a permanent type of construction, without kitchen or cooking facilities and intended for use by occasional guests of the occupants of the main building, but not to exceed 90 days for any one guest over a one-year period. A guest house shall not be separately rented, let, or leased, whether compensation is direct or indirect. (Ord. 2145 § 1, 1986).

Hazardous waste facility.

“Hazardous waste facility” means, as applicable, a hazardous waste facility project, specified hazardous waste facility, specified hazardous waste facility project, or land disposal facility as defined in Section 25199.1 of the California Health and Safety Code, and shall include any structures, other appurtenances, and improvements on the land, and all contiguous land, used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. (Ord. 2542 § 1, 1993).

Home occupation.

“Home occupation” means a commercial activity conducted in a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes, and in accordance with CVMC 19.14.490. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Hospital.

“Hospital” means an institution in which patients are given medical or surgical care and which is licensed by the state to use the title “hospital” without qualifying descriptive word. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Hotel/motel.

“Hotel/motel” means a building or group of buildings comprised of six or more guestrooms or suites of rooms, where a majority of such rooms are occupied, intended or designed for occupancy by guests for temporary lodging or sleeping purposes for less than 30 consecutive calendar days, and is held out as such to the public (not including hospitals, residential facilities, qualified employee housing, boarding or lodging houses or single room occupancy residences). (Ord. 3442 § 2(B), 2018; Ord. 2034 § 1, 1983; Ord. 1212 § 1, 1969; prior code § 33.1401).

Houseboat.

“Houseboat” means any vessel used or intended to be used primarily as a dwelling unit, in contrast to a vessel used or intended to be used primarily for carrying persons or goods. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Interested Party.

“Interested party” means any person who, in person or through a representative, appeared at a public hearing of the City of Chula Vista in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing with the City of the nature of their concerns or who for good cause was unable to do either. “Interested party” shall also include the applicant for a permit.

Junkyard.

“Junkyard” means a place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, stored or abandoned, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, and not including sale of used cars in operable condition, or salvaged materials incidental to manufacturing operations. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Kennel.

“Kennel” means a place kept for the purpose of the boarding, breeding, raising, selling or exchanging of dogs. (Ord. 2267 § 3, 1988; Ord. 1212 § 1, 1969; prior code § 33.1401).

Kitchen or kitchenette.

“Kitchen or kitchenette” means any room or part of a room which is designed, built, used or intended to be used for food preparation and dishwashing, but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Landscape manual.

“Landscape manual” refers to the landscape manual adopted by the City Council of Chula Vista. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Landscaping.

“Landscaping” means planting, including trees, shrubs, lawn areas, and ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, decorative rock or other paved surfaces are considered as elements of landscape development. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot.

“Lot” means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, and having frontage on a public or an approved private street. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot area.

“Lot area” means the computed area contained within the lot lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot, corner.

“Corner lot” means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street right-of-way lines is the “corner.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot Coverage.

“Lot coverage” means the percent of the total site area covered by structures other than those excepted in this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot depth.

“Lot depth” means the mean horizontal distance between the front and the rear lot lines, or between the front lot line and the intersection of the two side lines if there should be no rear lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot, interior.

“Interior lot” means a lot other than a corner lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot line, front.

“Front lot line” means the line separating the lot from the street. In the case of a corner lot, the front lot line is the shorter of any two adjacent street lot lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot line, interior.

For “interior lot line,” see “lot line, side.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot line, rear.

“Rear lot line” means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

A. For a triangular or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; or

B. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; or

C. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot line, side.

“Side lot line” means any lot line other than a front or rear lot line which intersects a front lot line. A side lot line separating a lot from a street is called a “side street lot line.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot line, street or alley.

“Street or alley lot line” means a lot line separating the lot from a street or alley. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot lines.

“Lot lines” means the property lines bounding the lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot of record.

For “lot of record,” see CVMC 19.16.020. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot, through.

“Through lot” means a lot having frontage on two parallel or approximately parallel streets. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Lot width.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Massage parlor.

“Massage parlor” means a massage establishment as defined in CVMC 5.36.030. (Ord. 1855 § 2, 1979).

Mobilehome.

For “mobilehome,” see “trailers.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Model studio. *Repealed by Ord. 3316 § 2, 2014.*

Motor hotel, including motel and hotel. *Repealed by Ord. 3442 § 2(B), 2018.*

Narcotic or drug paraphernalia shop.

“Narcotic or drug paraphernalia shop” or “head shop” means any business establishment or a portion of the premises of any business establishment wherein devices, contrivances, instruments or paraphernalia for smoking, sniffing or injection of marijuana, hashish, cocaine, PCP or any controlled substance is displayed or offered for sale. (Ord. 1954 § 1, 1981).

Nonconforming structure.

“Nonconforming structure” means a structure which was lawfully erected prior to July 8, 1969, but which, under the provisions herein, does not conform to the standards of coverage, yards, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Nonconforming use.

“Nonconforming use” means a use of a structure or land which was lawfully established and maintained prior to July 8, 1969, but which, under the provisions herein, does not conform with the use regulations for the district in which it is located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Nursing home.

“Nursing home” means any premises with sleeping rooms where persons are lodged and furnished with meals and nursing care, not including persons suffering from contagious disease, mental diseases, alcoholism or drug addiction. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Off-shore.

“Off-shore” means land below “mean higher high water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

On-shore.

“On-shore” means land above “mean higher high water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Open space, usable.

“Usable open space” means any portion of a lot which is landscaped and/or developed for recreational and leisure use, and is conveniently located and accessible to all the units. (See CVMC 19.28.090.) (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Park.

“Park” means the land and easements owned or leased by the City of Chula Vista which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of sports and public recreation. The term shall include the buildings, parking lots, streets and sidewalks within the territorial boundaries establishing the park. (Ord. 3316 § 3, 2014).

Parking area, private.

“Private parking area” means an open area for the same uses as a private garage. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Parking area, public.

“Public parking area” means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Parking space.

“Parking space” means a permanently surfaced area of a size defined by Planning Commission resolution, within a structure or in the open, excluding area necessary for access under the provisions of this title, designed or used for the parking of a motor vehicle. When the long dimension of a parking space adjoins a wall or fence more than six inches in height, the width of such parking space shall be not less than 10 feet. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Performance standards.

“Performance standards” are the regulations for the control of “dangerous or objectionable elements” as defined in CVMC 19.66.080 through 19.66.150. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Permitted use.

For the purpose of this title, a “permitted use” in any zone shall include any use listed as a “principal permitted use” or “accessory use” and shall further include a “conditional use” as listed for the particular zone, provided a conditional use permit is obtained. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Pet shop.

“Pet shop” means an establishment involved in selling or exchanging (but excluding boarding, breeding or raising) any birds, dogs or other pets, all of which for the purpose of this chapter are called “pets.” (Ord. 2267 § 4, 1988).

Pharmacy, prescription.

For “pharmacy, prescription,” see “prescription pharmacy.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Planned development permit.

“Planned development permit” means a permit issued by the City Planning Commission, authorizing the actual development and construction within a planned community zone. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Poultry farm.

“Poultry farm” means any premises on which the primary use is the breeding, raising or maintaining of poultry for sale of eggs or poultry, or where the primary income from the premises is derived from the aforesaid occupation. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Prescription pharmacy.

“Prescription pharmacy” means an establishment whose primary function is the sale of pharmaceutical drugs and prescriptions as well as medicinal supplies and goods. The incidental sales of toilet goods, toiletries, cosmetics, confections, tobacco and accessories, newspapers and magazines is also permitted. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

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 Chapter 19.47 CVMC shall be considered public/quasi-public uses, of a public service type. (Ord. 3279 § 3, 2013; Ord. 1212 § 1, 1969; prior code § 33.1401).

Qualified employee housing.

“Qualified employee housing” means accommodations for employees as defined in Section 17008 of the California Health and Safety Code, as may be amended, which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act (Health and Safety Code Section 17000 et seq.). (Ord. 3442 § 2(A), 2018).

Recreation, commercial.

“Commercial recreation” means recreation facilities operated as a business and open to the general public for a fee. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Recreation, private, noncommercial.

“Private, noncommercial recreation” means clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Recreation, public.

“Public recreation” means publicly owned or operated recreation facilities. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Religious institution.

“Religious institution” means an institution that people regularly attend to participate in or hold religious services and incidental religious education, but not including private schools as defined in this chapter. (Ord. 3316 § 3, 2014).

Residence, single room occupancy (SRO).

“Residence, single room occupancy (SRO)” means a rooming unit or efficiency living unit located in a building containing six or more such dwellings that are offered for occupancy by residential tenants for at least 30 consecutive days. Kitchen and bathroom facilities may be wholly or partially included in each living space or may be fully shared. (Ord. 3442 § 2(A), 2018).

Residential density.

“Residential density” means the average number of families living on one acre of land in a given area. “Net residential density” is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the area that are used for residential and accessory purposes. “Gross residential density” is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks and local shopping facilities into the total number of families in said area. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Residential facility.

“Residential facility” means any family home, group care facility, or similar facility, licensed by the state of California, for 24-hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. (Ord. 3442 § 2(A), 2018).

Salvage yard.

For “salvage yard,” see “junkyard.” (Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Satellite dish antenna.

“Satellite dish antenna” is a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh or bar configured structure, typically eight to 12 feet in diameter, in the shape of a shallow dish or parabola. (Ord. 2108 § 1, 1985).

School.

“School” means any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. (Ord. 3316 § 3, 2014).

Senior housing development.

“Senior housing development” means a residential project which may exceed the maximum density permitted for families in the zones in which it is located, and which is established and maintained for the exclusive use of low- or moderate-income senior residents. (Ord. 1878 § 1, 1979).

Sexual encounter studio. *Repealed by Ord. 3316 § 2, 2014.*

Sexually explicit material. *Repealed by Ord. 3316 § 2, 2014.*

Shoreline.

“Shoreline” means the boundary between land above and land below the “mean higher high water,” as defined by the latest U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Specified anatomical area. *Repealed by Ord. 3316 § 2, 2014.*

Specified sexual activity. *Repealed by Ord. 3316 § 2, 2014.*

Stable, private.

“Private stable” means an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling, and where no horses are kept for hire or sale. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Stable, riding.

“Riding stable” means any stable where horses are kept for hire. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Story.

“Story” means that portion of a building included between the surface of any floor and the floor or ceiling next above it. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Story, first.

“First story” means the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except, that any basement or cellar used for residential purposes shall be deemed the first story. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Story, half.

“Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for one or more dwelling units shall be deemed a full story. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Story, mezzanine.

“Mezzanine story” means a story which covers one-third or less of the area of the story directly underneath it. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Street.

“Street” means a public right-of-way, more than 30 feet in width, which provides a public means of access to abutting property. The term “street” includes “avenue,” “drive,” “circle,” “road,” “parkway,” “boulevard,” “highway,” “thoroughfare,” or any other similar term. The term shall include the total width of the dedicated right-of-way. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Street, private.

“Private street” means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Structural alteration.

“Structural alteration” means any change in the structural members of a building, such as walls, columns, beams or girders. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Structure.

“Structure” means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (Section 65582(g) of the State Government Code). “Target population” means persons with low incomes who have one or more disabilities as described in Section 65582(i) of the State Government Code. (Ord. 3442 § 2(A), 2018).

Surface mining operations.

“Surface mining operations” means all, or part of, the process involved in the mining of minerals on mined lands, as defined in Chapter 19.69 CVMC, by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). (Ord. 2921 § 1, 2003).

Tideland.

“Tideland” means lands between the “mean higher high water” and the “mean lower low water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Townhouses.

“Townhouses” means attached or semi-attached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Trailer camp, trailer park or mobilehome park.

“Trailer camp, trailer park or mobilehome park” means any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more camp trailers or mobilehomes occupied as a residence. (Ord. 1941 § 1, 1981; Ord. 1212 § 1, 1969; prior code § 33.1401).

Trailers.

A. “Camping trailer” means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at a campsite to provide temporary living quarters.

B. “Motorhome” means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, primarily designed to provide temporary living quarters.

C. “Camper (slide in)” means a portable unit, consisting of a roof, floor and sides designed to be loaded into and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters.

D. “Cargo trailer” means a vehicle designed to be drawn by a motor vehicle for the purpose of transporting cargo, including a boat or livestock.

E. “Travel trailer” means a vehicular portable unit mounted on wheels of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle and primarily designed and constructed to provide temporary living quarters.

F. “Mobilehome” means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units, and shall not include a recreational vehicle, commercial coach or factory-built housing.

G. “Commercial coach” means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall not include mobilehomes. Such coaches shall bear the State Division of Housing’s insignia of approval as a commercial coach. (Ord. 1941 § 1, 1981; Ord. 1518 § 2, 1974; Ord. 1212 § 1, 1969; prior code § 33.1401).

Transitional housing.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (Section 65582(j) of the State Government Code). (Ord. 3442 § 2(A), 2018).

Underwater land.

“Underwater land” means land below the “mean lower low water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Unified control.

“Unified control” means the written consent or agreement of all property owners. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Waterfront land.

“Waterfront land” means any lot above the “mean higher high water” as defined by the U.S. Coast and Geodetic Survey having frontage directly upon the shoreline, as defined herein. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, front.

“Front yard” means an open space extending the full width of the lot measured between the building closest to the front lot line, which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, front, least depth.

“Front yard, least depth” means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the front lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, front, least depth – How measured.

Such depth shall be measured from the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City (“plan line procedure”) differs from that of the existing street, then the required front yard, least depth, shall be measured from the right-of-way line of such street as adopted; or said building shall comply with the official setback lines as adopted by the City. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, rear.

“Rear yard” means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, rear, least depth.

“Rear yard, least depth” means the shortest distance, measured horizontally, between any part of a principal building, other than parts hereinafter excepted, and the rear lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, side.

“Side yard” means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an “exterior side yard.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, side, least width.

“Side yard, least width” means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Yard, side, least width – How measured.

Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City differs from that of the existing street, then the required side yard, least width, shall be measured from the right-of-way of such street as adopted; or said building shall comply with any applicable official setback lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Zone.

“Zone” means a portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Zoning map.

“Zoning map” means the zoning map or maps of Chula Vista, together with all amendments subsequently adopted. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Zoning permit.

“Zoning permit” means a document issued by the Building Inspector authorizing buildings, structures or uses consistent with the terms of this title, and for the purpose of carrying out and enforcing its provisions. (Ord. 1212 § 1, 1969; prior code § 33.1401).

Zoning wall or fence.

“Zoning wall or fence” means a wall or fence erected along the property line or zoning boundary to separate any commercial or industrial zones or uses from adjacent residential zones and a fence to separate multiple-family zones from single-family zones. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Ordinance No. 3544

Page No. 56

Section V. Removal of Outdated Labels for Specific Population Groups. The Chula Vista Municipal Code is hereby amended as follows:

Section 19.54.020 Designated – Limitations and standards.

H. Hospitals, including, but not limited to, emergency, general, convalescent, rest homes, nursing homes, psychiatric, etc.: See CVMC 19.58.110.

Further, approval shall not be granted until the following findings can be made:

Section VI. Small and Large Family Day Care Homes. The Chula Vista Municipal Code is hereby amended as follows:

Section 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;
- C. Notwithstanding subsection (A) of this section, two-unit residential developments pursuant to CVMC 19.58.450;
- D. Small and Large Family Daycare Homes

Section 19.22.030 Accessory uses and buildings.

- D. Full-time foster homes, as defined in CVMC 19.04.098;
- G. Accessory dwelling units, subject to the provisions of CVMC 19.58.022;
- H. 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 CVMC Title 15.

Section 19.24.020 Permitted uses.

- D. Small and Large family day care homes.

Section 19.24.030 Accessory uses and buildings.

- D. Full-time foster homes, as defined in CVMC 19.04.098;
- J. Accessory dwelling units, subject to the provisions of CVMC 19.58.022;

K. 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 CVMC Title 15.

Section 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;
- G. Small and Large Family Daycare Homes.

Section 19.26.040 Conditional uses.

The following uses shall be permitted in the R-2 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. Off-street parking areas, subject to the provisions of Chapter 19.62 CVMC;
- B. Professional offices (for additional provisions, see CVMC 19.58.244).

The following uses shall be permitted in the R-2 zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020.

- C. Electrical substations and gas regulators, subject to the provisions of CVMC 19.58.140;
- D. Unclassified uses, see Chapter 19.54 CVMC.

Section 19.28.020 Permitted uses.

Principal permitted uses in the R-3 zone are as follows:

- A. Dwellings, multiple: R-3 zone;

Ordinance No. 3544

Page No. 58

- B. Dwellings, multiple, low-rise: R-3-G zone;
- C. Dwellings, multiple, medium-rise: R-3-M zone;
- D. Dwellings, multiple, high-rise: R-3-H zone;
- E. Dwellings, townhouses: R-3-T zone;
- F. Duplexes;
- G. Agricultural uses as provided in CVMC 19.16.030;
- H. Residence, single room occupancy (SRO);
- I. Boarding or lodging houses;
- J. Small and Large Family Daycare Homes.

Section 19.28.040 Conditional uses.

The following uses shall be permitted in the R-3 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. Except in R-3-T, day nurseries;
- B. Except in R-3-T, incidental services, such as restaurants and retail sales to serve residents; provided, there is no exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building;
- C. Commercial parking garages and off-street parking lots, in accordance with the provisions of CVMC 19.62.010 through 19.62.130;
- D. Private, noncommercial recreational facilities, such as swimming pools, tennis courts, and clubhouses (for additional provisions, see CVMC 19.58.100 and 19.58.270);
- E. Professional offices (for additional provisions, see CVMC 19.58.244);

The following uses shall be permitted in the R-3 zone, provided, a conditional use permit is issued by the Planning Commission, or for unclassified uses as defined in CVMC 19.54.020:

- F. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

G. Unclassified uses, see Chapter 19.54 CVMC.

Section 19.84.005 Residential zones.

(A)2. *Permitted Uses.* The following uses are permitted:

- a. Dwellings, multiple, mid-rise;
- b. Dwellings, multiple, high-rise;
- c. Short-term vacation rentals;
- d. Retail commercial uses at street level;
- e. Incidental services, such as restaurants, retail sales, fitness clubs, and other such services, provided such activities are conducted in spaces that are integral parts of a main building;
- f. Small and Large Family Daycare Homes;
- g. Private, noncommercial recreational facilities, such as swimming pools, tennis courts, and clubhouses (for additional provisions, see CVMC 19.58.100 19.58.270); and
- h. Day care/nursery facilities; and
- i. Accessory uses and buildings including:
 - i. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;
 - ii. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the provisions of CVMC 19.58.020;
 - iii. Full-time foster homes as defined in CVMC 19.04.098;
 - iv. Satellite dish antennas per the provisions of CVMC 19.22.030(F);
 - v. Accessory dwelling units pursuant to the provisions of CVMC 19.58.022.

3. *Conditionally Permitted Uses.* The following uses may be allowed subject to the approval of a conditional use permit:

- a. Commercial parking garages and off-street parking lots, in accordance with the provisions of CVMC 19.62.010 through 19.62.130; and
- b. Unclassified uses; see Chapter 19.54 CVMC; and

Ordinance No. 3544

Page No. 60

Section VII. Massage Parlors. The Chula Vista Municipal Code is hereby amended as follows:

Section 19.36.020 Permitted uses.

F. Massage parlors, subject to the provisions of CVMC 5.36;

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

H. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC 19.22.030(F)(1) through (9);

I. Agricultural uses as provided in CVMC 19.16.030;

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

Section 19.40.020 Permitted uses.

Q. Upholstery shops;

R. Massage parlors, subject to the provisions of CVMC 5.36.

Section VIII. Design Review Permit Requirements. The Chula Vista Municipal Code is hereby amended as follows:

Section 19.14.582 Design review approval.

A. Plans for the establishment, location, expansion or alteration of 1) multifamily structures in all multifamily residential zones, and 2) non-residential structures in all commercial and industrial zones, shall require design review by the Planning Commission.

Section IX. Height Standards Within the R-3 (Apartment-Residential) Zoning Designation. The Chula Vista Municipal Code is hereby amended as follows:

Section 19.28.060 Height regulations.

A. Height regulations in the R-3 zone and R-3-M, R-3-T and R-3-G classifications are as follows: No principal building shall exceed 54 feet in height and no accessory building shall exceed 25 feet in height, except as provided in CVMC 19.16.040 and 19.58.022.

B. Height regulations in the R-3-H and R-3-L classifications are as follows: No principal building shall be less than 55 feet in height and no accessory building shall exceed 25 feet in height, except as provided in CVMC 19.16.040.

Section X. Addition of New Zoning-Related Definitions. The Chula Vista Municipal Code is hereby amended as follows:

Chapter 19.04 (DEFINITIONS)

Sections:

19.04.002 Definitions and construction of terms generally.

Access.

Accessory use or structure.

Adult bookstore. *Repealed.*

Adult motion picture theater. *Repealed.*

Adult mini-motion picture theater. *Repealed.*

Agent of owner.

Agriculture.

Alley.

Amusement facility.

Apartment, efficiency. *Repealed.*

Auction.

Automobile or trailer sales area.

Automobile repair, major.

Automobile maintenance and repair, minor.

Automobile service station.

Basement.

Beginning of construction.

Block.

Boardinghouse or lodginghouse.

Boatel.

Body painting studio. *Repealed.*

Building.

Building, height of.

Building, high rise.

Building line map.

Building, main.

Bulkhead.

Carnival.

Carport.

Cabaret. *Repealed.*

Cellar.

Chula Vista General Plan.

Coin-operated adult entertainment facility. *Repealed.*

Commission.

Communication equipment building or use.

Ordinance No. 3544

Page No. 62

Community purpose facility.
Council.
Court.
Coverage.
Crop and tree farming.
Dance floor.
Day nursery.
Day spa.
Development unit.
Distance between residential structures.
Dock.
Driveway.
Dwelling.
Dwelling group.
Dwelling, single-family.
Dwelling, two-family or duplex.
Dwelling, multiple.
Dwelling, townhouse.
Dwelling unit.
Dwelling, accessory dwelling unit.
E-Commerce.
Efficiency living unit.
Electrical generating facilities.
Emergency shelter.
Essential services.
Family. *Repealed.*
Family day care.
Family day care home, large.
Family day care home, small.
Filling station.
Floor area ratio (residential).
Fulfillment Center.
Full-time foster home.
Garage, private.
Garage, public.
General development plan.
Guest house.
Hazardous waste facility.
Home occupation.
Hospital.
Hotel/motel.
Houseboat.
Junkyard.
Interested Party.
Kennel.
Kitchen or kitchenette.

Landscape manual.
Landscaping.
Lot.
Lot area.
Lot, corner.
Lot depth.
Lot, interior.
Lot line, front.
Lot line, interior.
Lot line, rear.
Lot line, side.
Lot line, street or alley.
Lot lines.
Lot of record.
Lot, through.
Lot width.
Massage parlor.
Mobilehome.
Model studio. *Repealed.*
Motor hotel, including motel and hotel. *Repealed.*
Narcotic or drug paraphernalia shop.
Nonconforming structure.
Nonconforming use.
Nursing home.
Off-shore.
On-shore.
Open space, usable.
Park.
Parking area, private.
Parking area, public.
Parking space.
Performance standards.
Permitted use.
Pet shop.
Pharmacy, prescription.
Planned development permit.
Poultry farm.
Prescription pharmacy.
Public/quasi-public.
Qualified employee housing.
Recreation, commercial.
Recreation, private, noncommercial.
Recreation, public.
Religious institution.
Residence, single room occupancy (SRO).
Residential facility.

Ordinance No. 3544

Page No. 64

Salvage yard.
Satellite dish antenna.
School.
Self-Storage Facility.
Senior housing development.
Service station.
Setback.
Sexual encounter studio. *Repealed.*
Sexually explicit material. *Repealed.*
Shoreline.
Specified anatomical area. *Repealed.*
Specified sexual activity. *Repealed.*
Stable, private.
Stable, riding.
Story.
Story, first.
Story, half.
Story, mezzanine.
Street.
Street, private.
Structural alteration.
Structure.
Supportive housing.
Surface mining operations.
Tideland.
Townhouses.
Trailer camp, trailer park or mobilehome park.
Trailers.
Transitional housing.
Underwater land.
Usable open space.
Unified control.
Warehousing Facility.
Warehousing, Logistics and Distribution Facility.
Warehousing Sales, Retail.
Warehousing Sales, Wholesale.
Waterfront land.
Yard, front.
Yard, front, least depth.
Yard, front, least depth – How measured.
Yard, rear.
Yard, rear, least depth.
Yard, side.
Yard, side, least width.
Yard, side, least width – How measured.
Zone.

Zoning map.

Zoning permit.

Zoning wall or fence.

E-Commerce (Electronic Commerce).

“E-Commerce (Electronic Commerce)” includes commercial activities involving the sale of goods or services for profit, where those sales occur on virtual platforms including but not limited to, the internet and applications within smartphones or other similar mobile cellular devices.

Fulfilment Center.

“Fulfilment Center” is a facility where a building is primarily used to receive, process, and fulfill numerous consumer orders associated with electronic commerce ("e-commerce") or similar high capacity and high frequency orders and deliveries. The use includes the indoor storage of goods, products, and similar items and is typically characterized by a high intensity and a high frequency of truck traffic and may include multiple shifts of employees.

Interested Party.

“Interested party” means any person who, in person or through a representative, appeared at a public hearing of the City of Chula Vista, or made written comments via US Mail, e-comment or electronic mail (e-mail) to the City, in connection with a decision or action appealed. “Interested party” shall also include the applicant for a permit.

Self-Storage Facility.

“Self-storage facility” is a structure(s) containing separated storage spaces of varying sizes, leased or rented on an individual basis, may include recreational vehicles storage.

Warehousing, Logistics and Distribution Facility.

“Warehousing, logistics and distribution facility” is one used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials and includes bulk storage of materials, which are flammable, or explosive or create hazardous or commonly recognized offensive conditions) before their distribution to retail locations or other warehouses. Warehouse/distribution centers generally are generally greater than 200,000 square feet in size, with a land coverage ratio of approximately 40 to 60 percent; have dock-high loading doors that also could be located on opposing sides of the building (cross dock facility); significant movement and storage of products, materials, or equipment; truck activities frequently outside of the peak hour of the adjacent street system; and freeway access, including:

- Freight yards/forwarding terminals
- Warehousing distribution/high cube distribution centers
- Moving agencies
- Parcel delivery terminals

- Railroad freight stations
- Shipping/receiving yards
- Truck terminals

Warehousing Facility.

“Warehousing facility” means the use of a building primarily for the storage of goods of any type (i.e.: cold storage) by one or two businesses and used for the sale or distribution of those goods to their direct customers (excluding bulk storage of materials which are flammable or explosive or which create hazardous or commonly recognized offensive conditions). Typically, 200,000 square feet or less in size with a land coverage ratio of approximately 45 to 55 percent with dock high and/or ground level loading doors on one side of the building only.

Warehousing Sales, Retail.

“Warehousing sales, retail” means the use of a building or buildings primarily for the internal storage of goods of any type, which includes the selling of such goods both directly to the ultimate consumer and includes incidental wholesaling. Generally, sales tax is collected from the ultimate consumer.

Warehousing Sales, Wholesale.

“Warehousing sales, wholesale” means the use of a building or buildings primarily for the internal storage of goods of any type, which includes the selling of such goods to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, and specifically excluding sales of goods directly to the ultimate consumer. Generally, sales tax is not collected from businesses purchasing such goods.

Section XII. Scheduling of Public Hearings Related to Project Appeals. The Chula Vista Municipal Code is hereby amended as follows:

Section 10.84.020 Parking prohibited on portions of private property.

D. When parking is not available under subsections (A) through (C) of this section, then consideration shall be given by the Zoning Administrator to select a parking area on the opposite side of the lot or other appropriate locations on the property as per CVMC 19.62.110. Any interested party may appeal the decision of the Zoning Administrator to the Planning Commission. The appeal shall be filed in writing with the Development Services Department within 10 days of the Administrator’s action, and accompanied by the required appeal fee(s). Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application’s filing date. The decision of the Planning Commission shall be final.

Section 12.24.110 Installation of public improvements – Appeal of Director of Development Services’ ruling – Application and fees.

If the Director of Development Services denies the request for a waiver of obligation to install improvements, a written application shall be filed with the Development Services Department to appeal such denial; the appeal shall be heard by the Planning Commission. Said application must be filed within 10 days of the date on which the Director of Development Services made their ruling, be accompanied by the required appeal fee, and include a written statement describing the basis of the appeal.

Following the filing of a complete application, including all associated fees, the Development Services Department shall take no longer than thirty (30) calendar days to set a hearing before the Planning Commission at a regularly-scheduled meeting. The meeting date shall also be no more than sixty (60) calendar days from the application’s filing date. The decision of the Planning Commission shall be final.

Section 12.40.060 Appeal – Decision authority.

Upon receipt of such appeal, the City Clerk shall take no longer than thirty (30) calendar days to place the matter upon the agenda of a regularly scheduled meeting of the City Council. The meeting date shall also be no more than sixty (60) calendar days from the application’s filing date.. The decision of the City Council shall be final.

Section 15.04.260 Appeals – Time limit for filing – Form.

An interested party may appeal to the Planning Commission from any decision of the City Engineer within ten (10) business days after said decision. Appeals shall be in writing and shall state the specific nature of the appeal. Appeals shall be filed with the Development Services Department. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application’s filing date. The decision of the Planning Commission shall be final.

Section 17.28.040 Lighting plans – Approval required when.

All lighting plans in multiple-family, commercial and industrial zones shall be submitted to the Zoning Administrator for approval prior to installation thereof. Should the City disapprove of the plans, a written appeal by an interested party may be filed to the Development Services Department . Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for a public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application’s filing date. The decision of the Planning Commission shall be final.

Section 17.35.070 Permit process.

B. The HLIT permit may be approved, approved with conditions, or denied by the Zoning Administrator, or designee, without a public hearing in accordance with CVMC 19.14.030, in the following circumstances:

1. Any planned facility project listed in Table 6-1 of the Chula Vista MSCP subarea plan that only impacts natural vegetation and does not impact habitat occupied by covered species, listed noncovered species, narrow endemic species, or wetlands.
2. Any future facility project listed in Table 6-2 of the Chula Vista MSCP subarea plan associated with a covered project that only impacts natural vegetation and does not impact habitat occupied by covered species, listed noncovered species, narrow endemic species or wetlands.

C. For all other HLIT permit applications, the Zoning Administrator, or designee, may approve, conditionally approve, or deny such permit at a public hearing noticed in accordance with CVMC 19.14.180. The Zoning Administrator decision may be appealed to the Planning Commission in accordance with CVMC 19.14.110 and 19.14.130. The decision of the Planning Commission shall be final.

Section 18.12.125 Appeals from determinations – Procedure.

In the event that an interested party is dissatisfied with a determination of the Planning Commission, they may appeal to the City Council by filing a written statement with the City Clerk stating the reasons for appeal within ten (10) business days following the determination. Once a valid application for appeal has been filed, the City Clerk shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Council meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the City Council shall be final.

Section 18.16.220 Approval – Appeal.

The decision of the Director of Development Services and the City Engineer may be appealed by an interested party to the Planning Commission. A written notice of appeal must be filed with the Development Services Department within ten (10) business days of the date the Planning Commission was noticed that the final map was under review for final approval. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

Section 18.18.090 Appeals from determinations – Procedure.

If an interested party is dissatisfied with any determination of the City Engineer as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions which they seek to impose, they may then appeal the determination within ten (10) business days to the Planning Commission by filing a written statement with the Development Services Department stating the reasons for appeal. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

Section 18.18.120 Tentative parcel map – Waiver – Appeal.

An interested party is provided the opportunity to appeal the decision in writing to the Development Services Department within ten (10) business days of decision of the City Engineer. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. Any application for a tentative parcel map waiver shall be filed as outlined in the subdivision manual. The decision of the Planning Commission shall be final.

Section 18.20.210 Approval – Appeal – Procedure.

If an interested party is dissatisfied with any determination of the City Engineer as to whether the property division qualifies as a parcel map division, or, as to any requirements or conditions imposed, they may then appeal the determination within ten (10) business days to the Planning Commission by filing a written statement with the Development Services Department stating the reasons for appeal. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

Section 19.14.050 Public hearing – Mandatory when – Consolidation of public hearings for multiple permit applications.

B. An interested party who disagrees with the ruling of the Zoning Administrator may appeal such ruling to the Planning Commission. In such cases, a public hearing as provided herein shall be mandatory. Once a valid, written application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

Section 19.14.120 Conditional use permit – Appeals of Planning Commission decision – City Clerk duties.

Once a valid application for appeal has been filed, the City Clerk shall take no longer than thirty (30) days to set the matter for public hearing at a regularly scheduled Council meeting, and, giving the same notice as required in CVMC 19.12.060 through 19.12.080. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The City Clerk shall send the Development Services Department a duplicate copy of the appeal and request the Planning Commission to transmit to the City Council a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the Planning Commission made its decision. The decision of the City Council shall be final.

Section 19.14.240 Variance – Appeals – Procedure generally – Effect of filing – Public hearing.

An interested party may appeal the decision of the Zoning Administrator to the Planning Commission, within ten (10) business days from the date on which said decision was made. Said appeal shall be written and filed with the Development Services Department on forms provided by said Department, and shall specify therein that the decision of the Zoning Administrator was in error and identify the facts and circumstances on which claim of error is based. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting, and, in compliance with noticing requirements set forth herein in CVMC 19.12.070 and 19.12.080. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

Where an application for a variance is included in a consolidated hearing and is neither approved nor denied by the Planning Commission, due to failure to achieve a majority vote, the applicant shall have the right to a rehearing at the next Planning Commission. All other proceedings pertaining to appeals shall continue to apply.

Section 19.14.480 Site plan and architectural approval – Building Inspector authority – Appeals.

A. Following site plan and architectural approval by the Zoning Administrator as provided in this chapter, a copy of the decision resolution of the Zoning Administrator shall be filed with the Development Services Director and mailed to the applicant. Appeals from determinations by the Zoning Administrator shall be sent in writing by an interested party to the Development Services Department for a hearing before the Planning Commission. In the absence of such request being filed within ten (10) business days after determination by the Zoning Administrator, the determination shall be final.

B. A written appeal shall be filed by the applicant or an interested party with the Development Services Department on a form required by the Development Services Director, and, to be accompanied by the nonrefundable 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. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) days to set the matter for public hearing at a regularly-scheduled Planning Commission meeting, and, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date.

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 CVMC 19.14.470, the provisions of the design manual or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the Planning Commission shall be filed with the Development Services Director, and mailed to the applicant. The decision of the Planning Commission shall be final.

Section 19.14.486 Landscape plan approval – Application – Accompanying documents – Fee.

B. *Appeal.* The Zoning Administrator shall approve, conditionally approve or deny landscape plans. An interested party may appeal a denial or conditions imposed upon approval by filing a written appeal to the Development Services Department, in accordance with CVMC 19.14.050, within 10 business days of receipt of notification of denial or conditional approval from the Zoning Administrator. Such shall be in writing on the form promulgated by the Director of Development Services, accompanied by the required fee, and shall specify wherein the action of the Zoning Administrator is inconsistent with the landscape manual and/or other applicable ordinances, manuals or policies of the City. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The Planning Commission may grant, conditionally grant, or deny the appeal. The decision of the Planning Commission shall be final, and shall be based upon the landscape manual, and/or other applicable ordinances, manuals, or policies of the City.

Section 19.14.490 Home occupations – Permit required when – Restrictions and requirements – Revocation when – Appeals.

D. Permit any external display of products, merchandise, or any sign to identify the home occupation.

A home occupation permit shall be revoked by the Director of Development Services upon violation of any requirement of this chapter, or of any conditions or limitation of any permit issued, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this section or of the conditions of such permit.

In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, an interested party may then appeal the determination within ten (10) business days to the Planning Commission by filing a written statement with the Development Services Department, stating the reasons for appeal. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing in front of the Planning Commission. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date.

Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Director of Development Services. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the Planning Commission shall be final.

Section 19.14.588 Design review – Appeal procedure.

A. An interested party may file an appeal from the decision of the Zoning Administrator to the Planning Commission within ten (10) business days after the decision is made. The appeal shall be in writing and filed with the Development Services Department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Planning Commission. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date.

Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Zoning Administrator. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the Planning Commission shall be final.

B. An interested party may file an appeal from the decision of the Planning Commission to the City Council within ten (10) business days after the decision is made. The appeal shall be in writing and filed with the City Clerk on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Planning Commission. Once a valid application for appeal has been filed, the City Clerk shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled City Council meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Commission or Zoning Administrator for minor projects. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.

Upon the hearing of such appeal, the City Council may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the City Council shall be final.

Section 19.48.060 P-C zone – Planning Commission action.

Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the City Council for approval or modified approval of a proposed P-C zone, and shall also adopt a resolution recommending that the City Council adopt the general development plan as submitted or as modified. Such recommendation and the recommended general development plan shall be forwarded to the City Council for its consideration. If unable to make the required findings, the Planning Commission shall deny said application, and, forward that recommendation to the City Council.

Section 19.58.430 Liquor stores in the C-N zone.

Establishments that include the sale of alcoholic beverages for off-site use or consumption may be allowed in the C-N zone upon issuance of a conditional use permit. The Zoning Administrator shall hold a public hearing in accordance with CVMC 19.14.060 through 19.14.090 upon giving notice thereof in accordance with CVMC 19.12.070 and 19.12.080. A conditional use permit shall not be granted 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 all of the facts required by CVMC 19.14.080 exist, and that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (A) the number and location of existing facilities; (B) compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (C) the impact of the proposed facility on crime; and (D) the impact of the proposed facility on traffic volume and traffic flow. The Police Department or other appropriate City departments may provide evidence at the hearing. A permit to operate may be restricted by any reasonable conditions including, but not limited to, limitations on hours of operation. The decision of the Zoning Administrator may be appealed.

Such appeal shall be directed to the Planning Commission and must be filed in writing with the Development Services Department within ten (10) business days after the decision is made, as provided in CVMC 19.14.100. If a valid appeal application is received within the time limit, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The Planning Commission must make the same written findings required of the Zoning Administrator herein in order to grant the permit, and, the decision of the Planning Commission shall be final. .

Section 19.60.810 Processing of applications.

G. *Appeals.* All sign permit applications shall be initially reviewed by the Zoning Administrator. An interested party may appeal any sign related decision to the Planning Commission. A written notice of appeal must be filed with the Development Services Department within ten (10) business days of when the decision was delivered or sent to applicant and all known concerned persons, or, the last day on which a decision could have been timely rendered. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The appellate body must conduct a hearing and consider evidence, and render a written decision. The hearing must follow normal procedures for agendaing and giving public notice. The decision of the Planning Commission shall be final. Unless time is waived by the applicant, any permit or approval on which the City does not render a definite decision within the required time shall be deemed denied, and the time for appeal or filing judicial review shall commence on the last date on which the City could have issued a decision.

Section 19.66.220 Appeals of determinations.

The Zoning Administrator's action with respect to the performance standards procedures may be appealed to the Planning Commission within ten (10) business days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final. If a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The decision of the Planning Commission shall be final.

Section 19.89.080 Abandonment.

B. *Notice, Appeal and Hearing.* A written notice of the determination of abandonment, as noted in subsection (A) of this section, shall be sent by certified first class mail, return receipt requested, or personally delivered to the operator of the wireless telecommunications facility at said operator's business address on file with the City or the operator's agent for service of process on file with the California Secretary of State. Service shall be effective on the date the notice was signed for or received. If the mailed notice is returned unsigned, service shall be deemed effective three business days after the mailing of a duplicate notice by regular first-class mail. The notice shall explain the consequences of failing to remove the facility and identify all hearing/appeal rights.

The operator may appeal in writing to the Development Services Department the determination of abandonment within ten (10) business days of being served with the notice. 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. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing at a

regularly scheduled Planning Commission meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The operator may present at the hearing any relevant evidence on the issue of abandonment. The Planning Commission may affirm, reverse, or modify with or without conditions the determination of abandonment and shall make written findings in support of its decision. The decision of the Planning Commission shall be final.

Section 21.12.030 Appeals.

An interested party may appeal in writing the decision of the Zoning Administrator to the Development Services Department within ten (10) business days after the date of the decision. Once a valid application has been received, the Development Services Department shall take no longer than thirty (30) calendar days to set the matter for public hearing and placed on an agenda for a regularly scheduled HPC meeting. The meeting date shall also be no more than sixty (60) calendar days from the application's filing date. The appeal shall address in writing each of the findings for denial on a form prescribed by the City and shall submit a fee pursuant to CVMC 21.12.020, for appeals of historic preservation matters. All appeals shall be considered by the Planning Commission, and the decision shall be final.

Section XIII. Short-Term Rental Licenses. The Chula Vista Municipal Code is hereby amended as follows:

Section 5.68.050 Eligibility requirements.

H. An active-duty member of the military who is currently deployed shall be eligible to operate their Dwelling as a Short-Term Rental. Proof of ownership within the City for at least one year prior to the date(s) of deployment, documented to the satisfaction of the Director of Development Services, shall be included as part of the application submittal.

I. The Dwelling Unit shall not have been developed or converted as part of a two-unit residential development or Urban Lot Split Parcel Map pursuant to CVMC 19.58.450.

Section 5.68.070 Permit application requirements.

I. The Director of Development Services shall approve an application for a Short-Term Rental Permit, provided that:

1. At the time of submission of the application, or at any time during the processing of the application, the Dwelling Unit and the Applicant meet the eligibility requirements of CVMC 5.68.050, and the application meets the conditions of permit issuance pursuant to this section, including payment of the required fees.
2. Such approval shall be conditioned upon and subject to compliance with the conditions identified by the Director of Development Services in the renewal, the operational requirements of CVMC 5.68.110, and with all other terms, conditions, and requirements of this chapter and the code.

J. The Director of Development Services shall deny an application and decline to issue a Short-Term Rental Permit for any of the following reasons, in their discretion:

1. Failure to meet the eligibility requirements.
2. Failure to meet the conditions of permit issuance, including payment of the required fees.
3. Failure to resolve violations of applicable codes regarding fire, building and safety, health and safety, and other relevant laws, regulations, and ordinances applicable to residential uses and the underlying zone, as more fully described in CVMC Section 5.68.110(A). The notice will set forth the reasons for denial and the procedures for an appeal of the Director of Development Services' determination.
4. Determination that the Applicant has made a false, misleading, or fraudulent statement or omission of fact in the application or in the application process.
5. Determination that the Applicant, Owner, or Agent has been adversely sanctioned, or penalized by the City, or any other city, county, or state, for a violation of applicable laws or regulations related to STR operations.
6. Determination that the Applicant, Owner, or Agent has conducted, facilitated, caused, aided, abetted, suffered, or concealed unlawful STR activity in the City or any other jurisdiction.

Additionally, if a Short-Term Rental Permit application is denied, the Director of Development Services shall notify the Applicant in writing of the determination. The notice will set forth the reasons for denial and the procedures for an appeal of the determination.

K. The Director of Development Services' determination on the issuance or denial of a Short-Term Rental Permit in response to a pending application or a renewal of a duly issued Short-Term Rental Permit may be appealed in accordance with the appeal procedures of CVMC 5.68.180.

L. Upon issuance of a Short-Term Rental Permit in response to a permit application, the Permittee shall comply with all requirements of the business license provisions and transient occupancy tax provisions of this code for the Short-Term Rental Unit.

Section 5.68.170 Procedure for imposition of modification, suspension and/or revocation of short-term rental permit.

A. In addition to any other penalty authorized by law, a Short-Term Rental Permit may be modified, suspended, or revoked for any violation of this chapter or federal, state, or local law in accordance with the provisions of this section, including the following:

1. The Applicant or Agent for, and/or Owner of, the Short-Term Rental has been adversely sanctioned or penalized by the City, or any other city, county, or state, for a material violation of State or local laws or regulations related to Short-Term Rentals.

The Applicant or Agent for, and/or Owner of, the Short-Term Rental has conducted, facilitated, caused, aided, abetted, suffered, or concealed unlawful activity in the City.

Section XIV. Enforcement and/or Abatement of Violations Occurring Within the Public Right-of-Way. The Chula Vista Municipal Code is hereby amended as follows:

Chapter 12.04

GENERAL PROVISIONS

Sections:

12.04.010 Short title.

12.04.020 Plans, maps and studies applicable – Scope – Drainage facility defined.

12.04.025 Enforcement – Generally.

12.04.030 Enforcement – Lien procedure.

12.04.040 Exemptions from fee payment and insurance designated – Liability agreement required.

Section 12.04.025 Enforcement – Generally.

The general enforcement of this Title, including the abatement of violations and non-compliance with an issued Permit, shall fall within the following purview: 1) Public Works and/or Code Enforcement, for any violation occurring within the area of public right-of-way between the property line and curb; 2) Police Department, for any violation occurring within the street area of the public right-of-way.

Section 19.08.010 Conformance to regulations required – Officers authorized for enforcement duty.

All Department officials and public employees of the City vested with the duty or authority to issue permits shall conform to the provisions of this title, and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions contained herein; and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void. It shall be the duty of the Building Inspector, the Zoning Administrator and the Police Department to enforce the provisions of this title, pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure and the use of any land, building or premises. Additionally, Public Works and/or Code Enforcement staff shall enforce and subsequently abate any violations under this Title that are located within the section of the public right-of-way from the property line to the curb.

Section XVII. 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.

Ordinance No. 3544

Page No. 78

Section XVIII. 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 XIX. Effective Date

This Ordinance shall take effect and be in force on the thirtieth (30th) day after its final passage.


Section XX. 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.

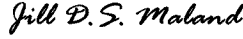
[SIGNATURES ON THE FOLLOWING PAGE]

Presented by

Approved as to form

DocuSigned by:

 68970191600C4C4...

 Laura C. Black, AICP
 Director of Development Services

DocuSigned by:

 EFB949DC9B5747E...
 By: _____
 Jill D.S. Maland
 Lounsbury Ferguson Altona & Peak
 Acting City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 7th day of March 2023, by the following vote:

AYES: Councilmembers: Cardenas, Chavez, Gonzalez, Preciado, and McCann
 NAYS: Councilmembers: None
 ABSENT: Councilmembers: None

DocuSigned by:

 7804EC23B90B473...

 John McCann, Mayor

ATTEST:

DocuSigned by:

 3074D104EAF342E...

 Kerry K. Bigelow, MMC, City Clerk

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

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3544 had its first reading at a regular meeting held on the 21st day of February 2023, and its second reading and adoption at a regular meeting of said City Council held on the 7th day of March 2023 and was duly published in summary form in accordance with the requirements of state law and the City Charter.

3/13/2023

 Dated

DocuSigned by:

 3074D104EAF342E...

 Kerry K. Bigelow, MMC, City Clerk