Chapter 12.48
STREET NUMBERS

Sections:

12.48.040 Existing buildings – Occupant duty to obtain number.

It shall be the duty of the lessee, occupant, or owner of any existing building to obtain the proper building number from the Director of Development Services or their designee~~Planning and Building~~ and to place this number on said building within 30 days from the date of approval ~~July 18, 1969~~. (Ord. 2790, 1999; Ord. 1205 § 2, 1969; prior code § 27.106 (A)(1)).

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

It shall be the duty of the lessee, occupant or owner of any new building to place the number assigned by the Director of Development Services or their designee~~Planning and Building~~ on said building on or before the day final inspection is made by the Building Inspector. (Ord. 2790, 1999; Ord. 1205 § 2, 1969; prior code § 27.106 (A)(2)).

12.48.060 Enforcement – Notice required – Occupant compliance required.

A. If the Director of Development Services or their designee~~Planning and Building~~ finds any building upon which the proper number has not been properly placed as required by this chapter, they~~he~~ 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. (Ord. 2790, 1999; Ord. 1205 § 2, 1969; prior code § 27.106(B)).

Chapter 12.50
TEMPORARY PLACEMENT OF SIGNS IN DESIGNATED PORTIONS OF THE PUBLIC RIGHTS-OF-WAY

Sections:

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 their designee ~~Planning and Building or his or her designee~~ to receive applications and fees, issue permit stickers, and monitor the temporary placement of portable signs. (Ord. 3082 § 1, 2007).

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 their designee ~~Planning and Building~~.

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. (Ord. 3082 § 1, 2007).

Chapter 14.18
FLOODPLAIN REGULATIONS*

Sections:

***** Prior legislation: Ords. 1842, 2039, 2100, 2170, 2197, 2248, 2386, 2506, 2790, and 2889.

14.18.250 Duties of the Planning Director.

The duties and responsibilities of the ~~Planning~~ Director of Development Services or their designee shall include, but not be limited to, assuring that the General Plan is consistent with floodplain management objectives in this chapter. (Ord. 3477 § 1, 2019; Ord. 3210, 2011; Ord. 3097, 2007).

Chapter 15.18
ABATEMENT OF DANGEROUS BUILDINGS CODE

Sections:

15.18.020 Section 201.1 amended to designate Assistant Director of Planning and Building as 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. The building official shall be the assistant director of planning and building.

(Ord. 2783-B § 1, 1999; Ord. 2649 § 1, 1995).

15.18.030 Section 205.1 amended to designate Board of Appeals and Advisors as 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 assistant director of planning and building 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 assistant director of planning and building 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.

(Ord. 2783-B § 1, 1999; Ord. 2649 § 1, 1995).

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.

(Ord. 2783-B § 1, 1999; Ord. 2649 § 1, 1995).

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.

(Ord. 2783-B § 1, 1999; Ord. 2649 § 1, 1995).

Chapter 15.20
HOUSING CODE*

Sections:

***** For statutory authority for cities to adopt codes by reference, see Gov. Code § 50022.1, et seq.; for statutory adoption of building codes and other codes to apply as housing construction regulations throughout the State, see Health and Safety Code § 17922.

Prior legislation: Prior code §§ 16A.1, 16A.3, 16A.5, 16A.6 and 16A.7; Ords. 1357, 1594, 1606, 1735 and 1817.

15.20.001 Severability.

It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter. (Ord. 3041 § 1, 2006).

15.20.002 Definitions.

For the purpose of this chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Guestroom" means a sleeping room in a hotel/motel designed and intended to be used as lodging for transient visitors to the City as documented by the City Building Official or his designee;

B. "Hotel/motel" means any 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 house or single room occupancy residences);

C. "Residential rental unit" means an apartment house, single room occupancy residence, boarding or lodging house, or dwelling that is not owner occupied;

D. "Single room occupancy residence (SRO)" means a rooming unit or efficiency living unit located in a building containing six or more dwelling units 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;

E. "Toilet room" means a room that can be made private by locking a door that contains a toilet and shall comply in all ways with the California Building Codes in effect upon its construction. Toilet rooms may also contain lavatories, bathtubs or showers;

F. "Transient" as defined in CVMC 3.40.020. (Ord. 3443 § 2(A), 2018; Ord. 3041 § 1, 2006).

15.20.010 California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition adopted by reference.

There is hereby adopted by reference that certain document known and designated as the California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition as copyrighted by the International Conference of Building Officials. Said document is hereby adopted as the housing code of the City of Chula Vista, California, providing for the issuance of housing permits and providing the minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings in the City of Chula Vista, and the regulations, provisions, penalties, conditions and terms of said California Housing Code 1998 Edition and Uniform Housing Code 1997 Edition are hereby referred to, adopted, and made a part hereof, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended. (Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; Ord. 2046 § 1, 1983).

15.20.020 Section 201.1 amended to designate Assistant Director of Building and Housing as 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. The building official shall be the assistant director of planning and building.

(Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2439 § 6, 1991; Ord. 2344 § 1, 1989; Ord. 2046 § 1, 1983).

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.

(Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2439 § 6, 1991; Ord. 2344 § 1, 1989; Ord. 2046 § 1, 1983).

15.20.030 Section 203.1 amended to designate Board of Appeals and Advisors as 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 assistant director of planning and building 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 assistant director of planning and building 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.

(Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989).

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.

(Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989).

15.20.040 Section 304 added to require annual housing permit.

Section 304, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

> Annual Housing Permit.
>
> Section 304.1 It shall be unlawful for any person, firm, partnership, or corporation, either for himself or itself, or for any other person, firm, partnership, or corporation to own or operate an apartment house, boarding or lodging house, hotel/motel, or single room occupancy residence without first obtaining a housing permit therefor.
>
> Section 304.2 The annual housing permit provided for in this code shall be due and payable to the city of Chula Vista on the first day of January of each year in advance. The housing permit fee shall be paid concurrently with the business license fee.
>
> Section 304.3 If any person, firm, partnership or corporation commences the operation of an apartment house, boarding or lodging house, hotel/motel, or single room occupancy residence during the calendar year, the housing permit shall be prorated on a quarterly pro rata basis for the calendar year.
>
> Section 304.4 A permit to operate and maintain an apartment house, boarding or lodging house, hotel/motel, or single room occupancy residence is not transferable.

(Ord. 3443 § 2(B), 2018; Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; Ord. 2046 § 1, 1983).

15.20.050 Section 305 added to require housing permit fees to be set by City's master fee schedule.

Section 305, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Housing Permit Fees – Residential Rental Units, Apartment Houses, Boarding or Lodging Houses, Hotels/Motels, or Single Room Occupancy Residences.

Section 305.1 The fee for a housing permit required by Section 304 of this code shall be as presently designated, or as it may hereafter be amended, as set forth in the master fee schedule of the City of Chula Vista.

For the purpose of this section, a "unit" shall mean each rental dwelling in an apartment house or single room occupancy residence, each sleeping room in a hotel, motel, and boarding or lodging house, and each rental dwelling unit and each hotel/motel sleeping room in a building containing both apartments and hotel/motel sleeping rooms.

Separate residential rental dwelling units and separate hotel/motel buildings, or combination thereof, located upon a single parcel of land or contiguous parcels of land, under the same ownership, shall be treated as one residential rental building, or hotel/motel, for the purpose of computing the fee prescribed by this section.

Section 305.2 Penalty for Delinquent Payment. If the housing permit is not paid on or before the thirtieth day of the month following the date when it became due, then a penalty in an amount equal to twenty-five percent of the permit fee due and payable shall be added thereto, and no such permit shall be issued until such penalty has been paid.

Section 305.3 The building Development Services Director shall cause to be made such inspections, at such intervals, as shall be deemed necessary to insure compliance with the provisions of this code.

(Ord. 3443 § 2(C), 2018; Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992; Ord. 2344 § 1, 1989; Ord. 2159 § 1, 1986; Ord. 2046 § 1, 1983).

15.20.060 Section 306 added to require suspension or revocation of annual housing permit where operation is nonconforming.

Section 306, and the title precedent thereto, is added to the Uniform Housing Code, as it applies in Chula Vista, which section shall read as follows:

Suspension and Revocation of Housing Permit.

Section 306 Whenever it is found that any apartment house, boarding or lodging house, hotel/motel, or single room occupancy residence is not being conducted in conformity with this code, the annual housing permit to operate shall be subject to revocation or suspension by the building official.

(Ord. 3443 § 2(D), 2018; Ord. 3041 § 1, 2006; Ord. 2784-B § 1, 1999; Ord. 2645 § 1, 1995; Ord. 2510 § 1, 1992).

15.20.070 Hotel/motel – Permit to operate.

In addition to the requirements of CVMC 15.20.060, hotel/motels must have a permit to operate as required by Chapter 5.39 CVMC. (Ord. 3041 § 1, 2006).

15.20.080 Hotel/motel – Guestroom – Minimum requirements.

No person or hotel/motel may offer for rent, use, or occupancy any guestroom that does not meet or exceed the following minimum equipment and amenities:

A. An American standard double-size mattress or larger made with 100 percent new material resting on a box spring and supported on a frame or pedestal and maintained in a sanitary, nondefective condition;

B. Clothes closet with clothes rod;

C. Luggage rack or luggage support counter;

D. Toilet room;

E. Lavatory;

F. Bathtub or shower;

G. Heating and air conditioning under guest control;

H. Mirror securely attached to a wall and with minimum dimensions of 12 inches by 12 inches;

I. Security deadbolt on the entry door incorporating no special knowledge panic release hardware and in compliance with California Code of Civil Procedures Section 1941.3;

J. Solid core entry door securely mounted within its frame;

K. Doorguard constructed of solid brass or stainless steel;

L. Door viewer with 160-degree view in all directions installed in the guestroom entry door;

Exception:

1. Sidelight or window in close proximity to the door is also acceptable.

M. Twenty-four (24) hour free emergency telephone access to the front desk and to 911 services;

N. A rate schedule for services posted in each guestroom in a conspicuous place in compliance with California Code of Civil Procedures Section 1863;

O. Insect screens on all operable windows;

P. Functional locking mechanisms on all operable windows and sliding glass doors in compliance with California Code of Civil Procedures Section 1941.3;

Q. Window coverings on each transparently glazed window that provide for complete privacy when closed and that are free of holes, tears, and frayed areas, defined as in excess of a one-inch square combined total area, and that meet the California Title 19 requirements for fire safety. (Ord. 3041 § 1, 2006).

Chapter 15.38
URBAN-WILDLAND INTERFACE CODE

Sections:

15.38.010 Urban-Wildland Interface Code, 2000 Edition, adopted by reference.

There is hereby adopted by reference that certain document known and designated as the Urban-Wildland Interface Code, 2000 Edition, as copyrighted by the International Fire Code Institute. Said document is hereby adopted as the urban-wildland interface code of the City of Chula Vista, California, for the purpose of prescribing regulations mitigating the hazard to life and property from intrusion of fire from wildland fire exposures, fire exposures from adjacent structures and prevention of structure fires from spreading to wildland fuels. That certain code known as the Urban-Wildland Interface Code, 2000 Edition, is hereby referred to, adopted, and made a part hereof, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended. (Ord. 2879 § 1, 2002; Ord. 2789-B § 1, 1999).

15.38.030 Subsection (a) of Section 104.1 amended to designate Board of Appeals and Advisors as 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 assistant director of planning and building and the fire marshal shall be ex-officio members who shall not be entitled to vote. The assistant director of planning and building 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 assistant director of planning and building 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.

(Ord. 2879 § 1, 2002; Ord. 2789-B § 1, 1999).

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.

(Ord. 2879 § 1, 2002; Ord. 2789-B § 1, 1999).

Chapter 17.35
HABITAT LOSS AND INCIDENTAL TAKE

Sections:

17.35.010 Purpose and intent.

The purpose of the habitat loss and incidental take (HLIT) regulations is to protect and conserve native habitat within the City of Chula Vista and the viability of the species supported by those habitats. These regulations are intended to implement the City of Chula Vista multiple species conservation program (MSCP) subarea plan by placing priority on the preservation of biological resources within the planned and protected preserve. These regulations are intended to assure that development occurs in a manner that protects the overall quality of the habitat resources, encourages a sensitive form of development, and retains biodiversity and interconnected habitats. The habitat-based level of protection achieved through implementation of the MSCP is intended to meet the conservation obligations of the covered species identified therein. These regulations are also intended to protect the public health, safety, and welfare while being consistent with sound resource conservation principles and the rights of private property owners. (Ord. 3004 § 1, 2005).

17.35.020 General authorization.

As a participating jurisdiction in the MSCP subregional planning effort, the City of Chula Vista is promulgating these regulations to implement the Chula Vista MSCP subarea plan as a condition of receiving an incidental take permit to be issued to the City pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act and take authorization to be issued to the City pursuant to Section 2835 of the California Fish and Game Code. (Ord. 3004 § 1, 2005).

17.35.030 Definitions.

The following words and phrases, when used in this chapter, shall be construed as defined in this section:

"Seventy-five (75) to 100 percent conservation area" means lands for which hardline preserve boundaries have not yet been established, but where development or impact is limited to 25 percent or less of the mapped area and preserve will total between 75 percent and 100 percent of the mapped area and where the conserved portion will be managed for its biological resources. These mapped areas are shown on Figure 1-2 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"One hundred (100) percent conservation area" means lands within the City of Chula Vista for which hardline preserve boundaries have been established and where the conserved portion will be managed for its biological resources. These areas are shown on Figure 1-2 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"Agricultural operations" means soil disturbance activity for the preparation or maintenance of a site for the cultivation of crops or other agricultural purposes where the activity has occurred continuously within previous years, in compliance with all applicable regulations, and involves no intensification of the use.

"Appropriate managing facility" means the entity that manages any portion of the preserve, including, but not limited to, the City, a third-party under the direct control of the City, or the Otay Ranch preserve owner/manager.

"Biological and open space easement" means a permanent legal encumbrance to protect biological resources and dedicate land to the preserve. The biological and open space easement is also referred to as a conservation easement.

"Biological functional equivalency" means a modification to a preserve boundary, which results in a preserve configuration with a biological value, that is equal to or higher than the original preserve configuration. The comparison of biological value is based on the "like or equivalent" exchange concept for biological factors identified in Section 5.4.2 of the MSCP subregional plan.

"Biologist" means a person meeting the qualifications as established by the Director of Development Services or their designee,~~Planning and Building~~ 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.

"Candidate species" means those native species or subspecies of bird, mammal, fish, amphibian, reptile, or plant that the California Fish and Game Commission has formally noticed as being under review by CDFG for addition to either the list of endangered species or the list of threatened species, or a species for which the Fish and Game Commission has published a notice of proposed regulation to add the species to either list, pursuant to Section 2068 of the California Fish and Game Code.

"CDFG" means California Department of Fish and Game, a subdivision of the state of California charged with administering the California Endangered Species Act and the Natural Community Conservation Planning Act.

"CEQA" means the California Environmental Quality Act (California Public Resources Code Section 2100 et seq.), including all regulations promulgated pursuant to that act.

"Chula Vista covered species" means those covered species which are adequately conserved by the Chula Vista MSCP subarea plan, together with other subarea plans within the MSCP subregional plan area in effect during the duration of the City's Section 10(a)(1)(B) permit issued by the United States Fish and Wildlife Service (USFWS) and take authorization issued by CDFG, and including species adequately conserved. Adequate conservation for certain Chula Vista covered species shall include the measures contained in the findings for those species in Table 3-5 of the MSCP subregional plan.

"Clearing" means the cutting of natural vegetation by any means, without disturbance to the soil and root system.

"Clearing and grubbing permit" means a permit issued pursuant to this chapter that allows clearing and grubbing that is not in association with other land development work.

"Covered project" means those projects within the City of Chula Vista or annexed into the City in which hardline preserve boundaries have been established pursuant to the approved Chula Vista MSCP subarea plan and where conservation in those designated areas shall be consistent with the MSCP subregional plan and Chula Vista MSCP subarea plan and have or will be specified as binding conditions of approval in such projects' plans and approvals. Covered projects are identified on Table 5-1 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"Covered species" means those species within the MSCP subregional plan which will be adequately conserved by the MSCP when the MSCP is implemented through the subarea plans, and includes species adequately conserved and Chula Vista covered species.

"Development" means the uses to which land shall be put, including construction of buildings and structures and all alterations of the land incidental thereto, excluding agricultural operations.

"Development areas" means mapped areas planned for development pursuant to the Chula Vista MSCP subarea plan and within which the take of Chula Vista covered species is authorized by the Section 10(a)(1)(B) incidental take permit and Section 2835 permit. These mapped areas are shown on Figure 1-2 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"Endangered species" means a species listed as "endangered" under the Federal Endangered Species Act or the California Endangered Species Act.

"Future facilities" means facilities that are necessary to support City services or planned development in the future and are not specifically listed in the Chula Vista MSCP subarea plan as a planned facility.

"Grading" means any excavating or filling or combination thereof and shall include the land in its excavated or filled condition.

"Grubbing" means the removal of natural vegetation by any means, including removal of the root system.

"Land development permit" means a permit issued pursuant to Chapter 15.04 CVMC.

"Listed noncovered species" means a species listed as "threatened" or "endangered" under the Federal ESA or California Endangered Species Act, but for which a Section 10(a)(1)(B) incidental take permit or a Section 2835 take authorization has not been granted pursuant to the Chula Vista MSCP subarea plan.

"MSCP implementation guidelines" means guidelines formulated by the City of Chula Vista to aid in the interpretation and facilitate implementation of the Chula Vista MSCP subarea plan and HLIT ordinance. These guidelines are complementary to the Chula Vista MSCP subarea plan and HLIT ordinance and do not include new substantive information or requirements.

"MSCP subregional plan" means the multiple species conservation program plan, dated August 1998, which addresses multiple species' habitat needs and the preservation of native vegetation for a 900-square-mile area in southwestern San Diego County, California.

"MSCP subregional plan area" consists of approximately 900 square miles in southwestern San Diego County, California, referred to in the MSCP subregional plan as the "MSCP subregional plan study area."

"Narrow endemic species" means species that are highly restricted by their habitat affinities or other ecological factors. These species are listed in Table 5-4 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"Natural vegetation" means vegetation identified as Tier I, II or III on Table 5-3 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"NCCP Act" means the California Natural Community Conservation Planning Act of 1991, as amended (California Fish and Game Code Section 2800 et seq.), including all regulations promulgated pursuant to the act. Amendments to the NCCP Act enacted effective January 1, 2003 (Chapter 4, Sections 1 and 2 of California Statutes 2002 (S.B. 107)) expressly provide that the Chula Vista subarea plan will be solely governed in accordance with the NCCP Act as it read on December 31, 2001, and not by the substantive provisions of S.B. 107.

"Participating local jurisdiction" means any of the 12 local governments within the MSCP study area that may prepare a MSCP subarea plan and receive a Section 10(a)(1)(B) permit from the USFWS and Section 2835 permit from the CDFG.

"Planned facilities" means facilities that have been specifically identified by the City of Chula Vista to serve development approved by the City and specified in Table 6-1 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"Preserve" means areas within the City of Chula Vista incorporated limits which have been dedicated and accepted by the City for permanent MSCP conservation and which will be managed for their biological resources.

"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 their designee~~Planning and Building~~.

"Section 10(a)(1)(B) permit" means the permit issued by the USFWS to the City of Chula Vista under Section 10(a)(1)(B) of the Federal Endangered Species Act (16 U.S.C 1539 (a)(1)(B)) to allow the incidental take of species adequately conserved and/or Chula Vista covered species, as identified in the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time, to the extent take of such species is otherwise prohibited under Section 9 of the Act. The take of listed plant species is not prohibited under the ESA or authorized under the Section 10(a)(1)(B) permit. However, plant species adequately conserved by the Chula Vista subarea plan, or by the Chula Vista subarea plan in conjunction with other approved MSCP subarea plans, are listed in the Section 10(a)(1)(B) permit in recognition of the conservation measures and benefits provided for them under the approved subarea plans. Such plant species receive assurances pursuant to the USFWS "no surprises" rule.

"Section 2835 permit" means a permit issued by the CDFG to the City of Chula Vista under Section 2835 of the California NCCP Act to authorize the take of species adequately conserved and/or Chula Vista covered species, as identified in the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

"Sensitive biological resources" means lands that contain natural vegetation and/or wetlands, and/or habitat occupied by covered species, other listed noncovered species, and/or narrow endemic species.

"Species adequately conserved" means those species for which the Chula Vista MSCP subarea plan provides substantial conservation and for which the City of Chula Vista shall receive take authorization regardless of the participation or continued participation of any other participating local jurisdiction.

"Take authorization" means permit authority granted through a Section 10(a)(1)(B) permit pursuant to the ESA and/or the Section 2835 permit pursuant to the NCCP Act.

"Temporary impacts" means anticipated impacts that result during the course of construction but are not part of the permanent developed condition of a project area.

"Threatened species" means a species listed as "threatened" under the ESA or CESA.

"USFWS" means United States Fish and Wildlife Service, an agency of the United States Department of Interior, charged with administering the Federal Endangered Species Act.

Wetlands. "Wetlands" are generally defined as those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. For purposes of the Chula Vista MSCP subarea plan, wetlands are those lands which contain naturally occurring wetland communities listed on Table 5-6 of the Chula Vista MSCP subarea plan and further described in Appendix B of the Chula Vista MSCP subarea plan. Wetlands also include areas lacking wetland communities due to nonpermitted filling of previously existing wetlands.

"Wildlife agencies" means the USFWS and the CDFG. (Ord. 3004 § 1, 2005).

17.35.050 Exemptions.

The following are exempt from the requirements of this chapter:

A. Development of a project area that is one acre or less in size and located entirely in a mapped development area outside of covered projects.

B. Development of a project area which is located entirely within the mapped development area outside covered projects, and where it has been demonstrated to the satisfaction of the Director of Development Services~~Planning and Building~~, or their~~his/her~~ designee, that no sensitive biological resources exist on the project area.

C. Development that is limited to interior modifications or repairs and any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or accessory structure, that will not encroach into identified sensitive biological resources during or after construction.

D. Any project within the development area of a covered project.

E. Any project that has an effective incidental take permit from the wildlife agencies.

F. Continuance of agricultural operations.

G. Brush management activities conducted in accordance the City of Chula Vista MSCP subarea plan.

Where the City Fire Marshal determines that the general brush management guidelines will not achieve a sufficient level of fire protection intended by the application of the three MSCP management zones, additional fuel reduction may occur pursuant to the provisions described in the 1997 memorandum of understanding among the wildlife agencies, California Department of Forestry, the San Diego County Fire Chiefs' Association, and the Fire Districts Association of San Diego County and any amendments thereto or wholly new agreements that ~~supercede~~supersede the 1997 MOU. Exemptions for brush management activities performed in conjunction with the 1997 MOU shall be reviewed on a case-by-case basis, subject to the implementation guidelines provided therein. (Ord. 3151 § 1, 2010; Ord. 3004 § 1, 2005).

17.35.060 Application for HLIT permit.

The following are submittal requirements for projects that are not exempt from this chapter:

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~~Planning and Building Department – planning division~~.

2. Provide copies of a biological survey for the entire project area that is consistent with the MSCP implementation guidelines and prepared by a biologist. If the biological surveys are conducted outside the acceptable time of year for identifying covered narrow endemic

species, but the biologist identifies indicators that narrow endemic species could be present in the project area, then surveys for narrow endemic species must be conducted during the acceptable time of year in accordance with the MSCP implementation guidelines and must be conducted prior to consideration of issuance of an HLIT permit by the City. The HLIT permit application will be held in abeyance until the applicant submits subsequent surveys for narrow endemic species conducted during the acceptable time of year.

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~~Planning and Building~~, or their~~his/her~~ 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:

a. Written evaluation of such factors as biological resources, sensitive biological resources, historical resources, visual resources, public facilities needs, public safety issues, conserved sensitive biological resources on adjacent lands, and adjacent land uses;

b. For project areas in 75 to 100 percent conservation areas, written description of how the proposed project has been limited to the least environmentally sensitive portions of the mapped 75 to 100 percent conservation area within the project area in accordance with the MSCP implementation guidelines;

c. For project areas containing the siting of proposed planned or future facilities in 100 percent conservation areas and 75 to 100 percent conservation areas, a written analysis that demonstrates to the satisfaction of the decisionmaker that the facilities siting criteria in CVMC 17.35.100(A)(4)(c) have been met;

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 their designee~~Planning and Building~~, the following information:

i. Identification of sensitive biological resources;

ii. Limits of proposed development, including areas to be impacted on a temporary basis, if sensitive biological resources are avoided;

iii. Limits of the proposed development, including areas to be impacted on a temporary basis, if sensitive biological resources are impacted; and

iv. Limits of any mitigation area(s) proposed within the project area;

e. Written description of proposed mitigation, including:

i. How biological values of the mitigation area are equal to or greater than the impacted area;

ii. Biological and open space easement or other legal method proposed to ensure permanent conservation of the land for biological purposes;

iii. Long-term methods to ensure protection and management of the habitats and covered species, which may include but not be limited to funding; and

iv. Long-term biological viability of the proposed mitigation if it is not within or immediately adjacent to a 100 percent conservation area.

4. Any other requirements deemed necessary by the Director of Development Services or their designee~~Planning and Building~~ for consideration of the proposed HLIT permit application.

5. Payment of applicable fees and/or deposits in accordance with the City's master fee schedule.

B. *Additional Submittal Requirements for Project Areas That Contain Any Covered Narrow Endemic Species.*

1. In addition to the submittal requirements listed in subsection (A) of this section, the following written information shall be provided by the applicant when the biological survey identifies any narrow endemic species within the project area:

a. A graphic depiction of all covered narrow endemic species located in the project area;

b. A written biological description of the status of the covered narrow endemic species;

c. Quantification of both preservation of narrow endemic species and impacts to narrow endemic species associated with the project including direct and indirect effects on an area and individual plant basis;

d. Written report of the feasibility or infeasibility of total avoidance of narrow endemic species' population(s);

e. Written description of project design features that reduce indirect effects such as edge treatments, landscaping, elevation differences, minimization and/or compensation through restoration or enhancement;

f. Any other requirements deemed necessary by the Director of Development Services or their designee~~Planning and Building~~ for consideration of the proposed HLIT permit application.

2. When the applicant proposes to impact any narrow endemic species population within the project area in excess of the five percent threshold in 100 percent conservation areas, as identified in Section 5.2.3.4 of the Chula Vista MSCP subarea plan, and the 20 percent threshold in 75 to 100 percent conservation areas and development areas outside of covered projects, as identified in Sections 5.2.3.5 and 5.2.3.3, respectively, of the Chula Vista MSCP subarea plan, the applicant shall submit a written analysis that demonstrates the project would result in an overall preserve design and configuration biologically superior to that which would occur under a project alternative within the five percent or 20 percent threshold. The applicant shall submit to the City a written analysis addressing the following factors that demonstrates to the satisfaction of the City the proposed project is the biologically superior alternative:

a. Effects on conserved habitats;

b. Effects on covered species;

c. Effects on habitat linkages and function of preserve areas;

d. Effects on preserve configuration and management;

e. Effects on ecotones or other conditions affecting species diversity; and

f. Effects on listed noncovered species or other species of concern not covered by the Chula Vista MSCP subarea plan.

C. *Additional Submittal Requirements for Project Areas That Contain Wetlands.*

1. In addition to the submittal requirements listed in subsections (A) and (B) of this section, as applicable, the following written information shall be provided by the applicant when the biological survey identifies wetlands within the project area:

a. A graphic depiction of all wetlands located in the project area;

b. A written biological description of the status of the wetlands;

c. Quantification of proposed impacts to wetlands associated with the project;

d. Written analysis of the inability to avoid impacts to wetlands;

e. Written description of project design features that minimize impacts to wetlands;

f. Any other requirements deemed necessary by the Director of Development Services or their designee~~Planning and Building~~ for consideration of the proposed HLIT permit application. (Ord. 3004 § 1, 2005).

17.35.070 Permit process.

The HLIT permit shall be acted upon in one of the following manners:

A. When an applicant applies for more than one permit, map, or other approval for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decisionmaker. The decisionmaker shall act on the consolidated application at the highest level of authority for that development. The findings required for approval of each permit shall be considered individually, consistent with CVMC 17.35.080.

B. The HLIT permit may be approved, approved with conditions, or denied by the Director of Development Services~~Planning and Building~~, or their~~his/her~~ 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 Director of Development Services~~Planning and Building~~ or their~~, and or his/her~~ designee, may approve, conditionally approve, or deny such permit at a public hearing noticed in accordance with CVMC 19.14.180. The decision ~~Director of Planning and Building decision~~ may be appealed to the City Council in accordance with CVMC 19.14.110 and 19.14.130. (Ord. 3004 § 1, 2005).

17.35.080 Required findings for issuance of an HLIT permit.

A. In order to approve or conditionally approve a HLIT permit, all of the following written findings shall be made by the decisionmaker:

1. The proposed development in the project area and associated mitigation is consistent with the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time, the MSCP implementation guidelines, and the development standards set forth in CVMC 17.35.100.

2. The project area is physically suitable for the design and siting of the proposed development and the development results in minimum disturbance to sensitive biological resources, except impacts to natural vegetation in mapped development areas.

3. The nature and extent of mitigation required as a condition of the permit is reasonably related to and calculated to alleviate negative impacts created in the project area.

B. In order to approve or conditionally approve an HLIT permit where the project area contains narrow endemic species, all of the following additional written findings shall be made by the decisionmaker:

1. Narrow endemic species' populations within the project area have been avoided or total avoidance is infeasible.

2. If impacts to narrow endemic species have not been avoided, one of the following findings shall be made:

a. In cases where impacts to covered narrow endemic species' populations within the project area have been limited to five percent in 100 percent conservation areas, and 20 percent in 75 to 100 percent conservation areas and development areas outside of covered projects, the proposed project design, including mitigation, will result in conservation of the species that is functionally equivalent to its status without the project, including species numbers and area, and must ensure adequate preserve design to protect the species in the long-term; or

b. In cases where the five percent or 20 percent narrow endemic species impact threshold has been exceeded, the proposed project design, including mitigation, results in a preserve design for the narrow endemic species population within the project area that is biologically superior to the preserve design that would occur if the impact had been limited to five percent in 100 percent conservation areas or 20 percent in 75 to 100 percent conservation areas and development areas outside of covered projects.

C. In order to approve or conditionally approve an HLIT permit where the project area contains wetlands, all of the following additional written findings shall be made by the decisionmaker:

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~~Planning and Building~~, or their~~his/her~~ designee.

2. Where impacts are proposed to wetlands the following findings shall be made:

a. Impacts to wetlands have been avoided and/or minimized to the maximum extent practicable, consistent with the City of Chula Vista MSCP subarea plan Section 5.2.4; and

b. Unavoidable impacts to wetlands have been mitigated pursuant to CVMC 17.35.110. (Ord. 3004 § 1, 2005).

17.35.110 Mitigation.

Where mitigation for project impacts is required pursuant to this section, the level and type of mitigation shall be consistent with 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. The following mitigation standards shall be applied to impacts within 100 percent conservation areas, 75 to 100 percent conservation areas and development areas outside of covered projects:

A. The following mitigation standards shall be applied to 100 percent conservation areas:

1. Permanent impacts to Natural vegetation resulting from construction of planned facilities associated with covered projects shall not require mitigation. These impacts have already been considered in the project-specific conditions of coverage and/or mitigation for each covered project.

2. Permanent impacts to natural vegetation resulting from construction of future facilities associated with covered projects where the impact to sensitive biological resources is less than or equal to two acres and the 50-acre threshold identified in CVMC 17.35.100(A)(4)(d) has not been exceeded shall not require mitigation.

3. Permanent impacts to natural vegetation resulting from construction of future facilities not associated with covered projects shall be mitigated pursuant to the mitigation standards contained in Table 5-3 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

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~~Planning and Building~~, or their~~his/her~~ 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.

5. Impacts to wetlands shall be mitigated pursuant to Section 5.2.4 and Table 5-6 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

6. Temporary impacts to sensitive biological resources resulting from construction of planned and future facilities shall be revegetated pursuant to the MSCP implementation guidelines.

B. The following mitigation standards shall be applied to 75 to 100 percent conservation areas:

1. Impacts to natural vegetation shall not require mitigation. As a condition of permit issuance, natural vegetation outside the development area as determined by the HLIT permit shall be left in a natural state and uses shall be consistent with CVMC 17.35.100(A)(1) through (A)(3).

2. Mitigation for impacts to narrow endemic species populations shall be determined on a case-by-case basis by the Director of Development Services~~Planning and Building~~, or their~~his/her~~ 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.

3. Impacts to wetlands shall be mitigated pursuant to Section 5.2.4 and Table 5-6 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

C. The following mitigation standards shall be applied to development areas outside of covered projects:

1. Permanent impacts to natural vegetation shall be mitigated pursuant to the mitigation standards contained in Table 5-3 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time.

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~~Planning and Building~~, or their~~his/her~~ 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.

3. Impacts to wetlands shall be mitigated pursuant to Section 5.2.4 and Table 5-6 of the Chula Vista MSCP subarea plan, as adopted on May 13, 2003, and as may be amended from time to time. (Ord. 3004 § 1, 2005).

17.35.140 Emergencies.

Whenever development activity within sensitive biological resources, as identified in the City of Chula Vista MSCP subarea plan, is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

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~~Planning and Building~~, or their~~his/her~~ designee. The revegetation plan shall be submitted to the City within 60 days of completion of the emergency work.

B. If the emergency work results in permanent impacts to sensitive biological resources, a subsequent HLIT permit is required in accordance with all regulations of this chapter. The application for the HLIT permit shall be submitted within 60 days of completion of the emergency work. (Ord. 3004 § 1, 2005).

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 their designee~~Planning and Building~~. If the project cannot be deemed consistent with the LCP, an LCP amendment must be completed prior to issuance of the HLIT permit. (Ord. 3004 § 1, 2005).

Chapter 19.48
P-C – PLANNED COMMUNITY ZONE

Sections:

19.48.025 Community purpose facilities – Minimum acreage required – Permitted uses.

A. All land in each P-C zone, or any section thereof, shall provide adequate land designated as "community purpose facilities (CPF)," as defined in CVMC 19.04.055, to serve the residents of the planned community.

B. Applicant shall provide a total of 1.39 acres of net useable land (including setbacks) per 1,000 population in a graded, useable condition with necessary access and utilities available for CPF in the associated planned community, and such land shall be so designated for community purpose facilities and for CPF land uses in perpetuity in the sectional planning area (SPA) plan(s) and planned community district regulations of each planned community prior to the approval of the SPA plan. The total acreage requirement may be reduced only if the City Council determines, in conjunction with its adoption of an SPA plan, that:

1. *Availability of Shared Parking.* Based on availability of shared parking with other facilities, a lesser amount of land is needed. Such reduction in land shall not exceed the equivalent necessary for the number of parking spaces acquired through the shared parking arrangement. Any shared parking arrangements pursuant to this section shall be guaranteed regardless of any future changes in occupancy of facilities; or

2. *Extraordinary Public Benefit.* Subject to the discretion of the Director of Development Services or their designee ~~Director~~, and, recommendation from the Planning Commission, CPF acreage may be reduced subject to the following requirements:

a. The reduction in CPF acreage is accompanied by an extraordinary public benefit not otherwise obtained through the provision of CPF acreage.

b. The public benefit is similar in nature to and satisfies the goals of CPF requirement by providing the community with land on which a public service, determined by the City Council to be essential to part of the community fabric, for which land would not otherwise be available, is provided and made available to the community.

c. The extraordinary public benefit is guaranteed in perpetuity.

d. At the time of the consideration by the Planning Commission, the applicant has executed a binding agreement, reviewed and approved as to form by the City Attorney, which ensures the provision of the extraordinary benefit in perpetuity; or

3. *Alternative Compliance.* Subject to the discretion of the Director of Development Services or their designee, ~~Director~~ and, recommendation from the Planning Commission, an alternative compliance mechanism (e.g., providing square footage within a building that will accommodate CPF uses or constructing a facility for CPF use) may be approved, provided such alternative mechanism meets all of the following requirements:

a. The City Council finds that the alternative compliance mechanism proposed is equivalent to the provision of the CPF acreage otherwise required by this subsection (B).

b. The alternative meets the definition of a CPF use in subsection (C) of this section.

c. The alternative compliance mechanism is guaranteed in perpetuity.

d. At the time of the consideration by the Planning Commission, the applicant has executed a binding agreement, reviewed and approved as to form by the City Attorney, which ensures the availability of the alternative compliance mechanism in perpetuity.

C. The required CPF acreage shall have a CPF, community purpose facilities, land use designation. All of the following uses are permitted subject to approval of a conditional use permit:

1. Boy Scouts, Girl Scouts, and other similar organizations;

2. Social and human service activities, such as Alcoholics Anonymous;

3. Services for homeless. Emergency shelters for the homeless may be allowed subject to and in accordance with the provisions of CVMC 19.58.110 or 19.58.143, as may be applicable;

4. Services for military personnel during the holidays;

5. Senior care and recreation;

6. Worship, spiritual growth and development, and teaching of traditional family values;

7. Nonprofit or for-profit day care facilities that are ancillary to any of the above or as a primary use. For-profit facilities as primary use are subject to further requirements and additional criteria as outlined in subsection (F) of this section;

8. Private schools that are ancillary to any of the above;

9. Interim uses, subject to the findings outlined in subsection (E) of this section;

10. Recreational facilities, such as ball fields, for nonprofit organizations (including homeowners associations) serving the local community, subject to the requirements outlined in CVMC 19.48.040(B)(6)(d) and subject to the findings outlined in subsection (H) of this section.

D. Criteria outlining the siting, property development standards, and operational parameters such as location, building setbacks, maintenance and design, and hours of operation, shall be incorporated into the SPA's planned community district regulations.

E. *Findings.* Approval of interim uses on CPF-designated sites shall require that the approval authority make certain findings, as outlined herein:

1. *Conditional Interim Uses.* The City Council, with recommendations from the Planning Commission, may approve a conditional use permit for an interim use in accordance with the procedures for issuance of a said permit as outlined in Chapter 19.14 CVMC provided the following findings are made:

a. That the CPF land use designation was established at least three years prior to the consideration of any interim use, and the applicant agrees to continue marketing the site for permanent CPF use concurrent with the interim use.

b. That the interim use is not a residential use.

c. That the interim use is compatible with surrounding land uses.

d. That a community purpose facility (CPF) use is not imminent at the time the application for the conditional use permit is filed.

e. That the interim use will terminate within five years of issuance of said permit unless the City Council provides one year's notice of intent to terminate said conditional use permit.

f. That the denial of the interim use would constitute a hardship to the landowner.

g. That if the interim use structure is designed as a permanent building, the site design, floor plan and building design is planned as a conceptual component of a permanent, permitted CPF use complex.

F. *Findings.* Approval of for-profit day care facilities as a primary use shall be based upon evidence determined to be sufficient by the City indicating that the CPF site has been marketed for a period of five years for CPF land uses (other than for-profit day care) as defined in subsection (C) of this section. The ~~Director of Planning and Building~~Director of Development Services or their designee may waive this time restriction if the remaining CPF acreage within the same SPA plan consists of at least four contiguous acres.

G. *Review by City Council.* For each approved sectional planning area plan on which is designated one or more community purpose facility uses, the City Council shall review said plan annually for the purpose of determining the actual market interest in the purchase or lease of said land so designated and the marketing activity associated therewith.

H. *Findings.* Approval of recreational facilities shall be based upon evidence determined to be sufficient by the City that the proposed recreational facility meets the following minimum requirements:

1. The site should be no less than 0.5 usable acres in size (usable means level areas with maximum slope of 5:1).

2. The recreational facility is compatible with the surrounding land uses.

3. A recreational facility located on a parcel of less than one acre will contain the following recreational amenities:

a. One multi-purpose hard court;

b. Children play area;

c. Community gathering place;

d. An outdoor cooking facility; and

e. Level lawn area.

4. Recreational facilities located on one-acre parcels or larger will contain all the amenities listed in subsection (H)(3) of this section plus one or more of the following sport court/fields:

a. Tennis court;

b. Swimming pool;

c. Full size sport court/field; or

d. Other sport facilities determined to be suitable for the neighborhood this facility is intended to serve, all as determined by the Zoning Administrator.

Recreational facilities proposed for full or partial CPF credit shall either contain the facilities as set forth in this section or alternative recreational facilities as approved by the Zoning Administrator. (Ord. 3442 § 2(M), 2018; Ord. 3301 § 1, 2014; Ord. 2883 § 5, 2002; Ord. 2830 § 5, 2001; Ord. 2732 § 5, 1998).

19.48.040 Application – General development plan required – Contents required.

A. The application shall include a general development plan which shall consist of a plan diagram and text. The application shall be accompanied by the required fee(s). The plan diagram shall show the following:

1. The topographic character of the land;

2. Any major grading intended;

3. The general location of all existing and proposed uses of the land;

4. The approximate location of all traffic ways, except those solely serving abutting uses;

5. Any public uses, such as schools, parks, playgrounds, open space and undisturbed natural land; and

6. The approximate location of different residential densities of dwelling types.

B. The application shall include a text which indicates:

1. Description of the project, including the boundaries and names of proposed sectional planning areas;

2. The anticipated sequential development of each section of the development for which specific uses are intended or for which sectional planning area plans will be submitted;

3. The approximate area of each sectional planning area of the development and the area of each separate land use;

4. For residential development or residential areas of any P-C zone development:

a. The approximate number of dwelling units proposed by type of dwelling. This may be stated as a range with maximum and minimum number of units of each type,

b. The approximate total population anticipated in the entire development and in each sectional planning area. This may be stated as a range with a maximum and minimum number of persons,

c. The general criteria relating to height, open space, and building coverage,

d. The number of dwelling units per gross acre proposed for each sectional planning area of the development,

e. The approximate land area and number of sites proposed for public use of each type,

f. Where appropriate, the approximate retail sales area space in square feet and gross area in acres proposed for commercial development with standards of off-street parking and landscaping and circulation for vehicles and pedestrians;

5. For commercial or industrial areas of any proposed P-C zone:

a. Types of uses proposed in the entire area and each sectional planning area thereof,

b. *Anticipated employment in the entire development and in each sectional planning area thereof.* This may be stated as a range,

c. Methods proposed to control or limit dangerous or objectionable elements, if any, which may be caused or emitted by proposed uses. Such dangerous or objectionable elements may include fire, explosion, noise or vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electric or other disturbance, glare, liquid or solid refuse or waste, or other substance, condition or element which might adversely affect the surrounding area,

d. The approximate standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading proposed for the intended structures or uses;

6. For institutional, recreational or other nonresidential uses of any P-C zone:

a. Approximate types of uses proposed in the entire area and each sectional planning area thereof,

b. Significant applicable information with respect to enrollment, residence, employment, patients, attendance, and other pertinent social or economic characteristics of development,

c. The approximate standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, and off-street parking and loading proposed for the intended structures or uses,

d. Recreational facility land uses shall not utilize more than 35 percent of the overall CPF acreage required for CPF master plan area. Sites identified for recreational facilities in CPF land districts shall be a minimum one-half acre, and shall meet the minimum development criteria outlined in CVMC 19.48.025(H). Recreational facilities proposed for CPF credit will not receive park or open space credit.

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 Planning and Building~~Director of Development Services or their 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. (Ord. 2883 § 5, 2002; Ord. 2830 § 5, 2001; Ord. 2732 § 5, 1998; Ord. 2506 § 1, 1992; Ord. 2452A § 3, 1991; Ord. 1854 § 5, 1979; Ord. 1826 § 1, 1978; Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.520(C)(1)).

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

A. All P-C zones shall be divided into sectional planning areas, except as provided for in CVMC 19.48.160. These areas of subcommunities shall be depicted on the plan diagram of the general development plan of a P-C zone, and shall be addressed in the text thereof.

B. Sectional planning areas shall be composed of identifiable planning units, within which common services and facilities, a strong internal unity, and an integrated pattern of land use, circulation, and townscape planning are readily achievable. Where practicable, sectional planning areas shall have discernible physical boundaries.

C. Prior to any development within a sectional planning area, the developer shall submit a sectional planning area plan, accompanied by the required filing fee(s), and a completed, official application, to the Planning Commission for public hearing, consideration, and recommendatory action, unless such sectional planning area plans are not required by the text of an adopted general development plan. The sectional planning area plan shall include the following site utilization plan and documents:

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 their designee~~Planning~~. The plan shall extend a minimum of 300 feet beyond the boundaries of the sectional planning area and show the following:

a. The boundaries of the sectional planning area;

b. North arrow and scale;

c. Preliminary grading (including slope ratios and spot elevations where appropriate);

d. Existing and proposed streets (this shall include all public and private streets as well as their approximate grades and typical widths. The names of the existing streets shall be indicated);

e. Existing easements (identify);

f. Existing and proposed riding and hiking trails;

g. Existing and proposed bicycle routes;

h. Pedestrian walks;

i. Permanent physical features (i.e., water towers, transmission towers, drainage channels, etc.);

j. Land uses (include the acreage of each) for:

1. Parks,

2. Open space,

3. Schools (indicate type),

4. Public and quasi-public facilities (include type),

5. Residential:

    • Dwelling type (i.e., single-family, duplex, attached, etc.)

    • Lot lines

    • Lot size

    • Number of units (indicate density for each dwelling type)

    • Parking (covered or open parking and parking ratio)

    • Typical floor plans and site plans at a minimum scale of one inch equals 20 feet (the site plan shall include sufficient detail of adjacent development to determine the relationship of driveways, landscaping, walks, buildings, etc.)

    • The building elevations of each type of structure (including exterior colors and materials),

6. Commercial:

    • Location and proposed use of each structure

    • The building elevations and floor plans of each structure (include exterior colors and materials)

    • Retail floor area (square footage)

    • Landscaped areas

    • Circulation (vehicular and pedestrian)

    • Off-street parking (standards and ratio),

7. Industrial:

    • Location and proposed use of each structure

    • The building elevations and floor plans of each structure (include exterior colors and materials)

- Retail floor area (square footage)
- Landscaped areas
- Circulation (vehicular and pedestrian)
- Off-street parking (standards and ratio),

8. Community purpose facilities:

- Location and acreage of sites, in conformance with CVMC 19.48.020(B)
- A specific listing of types of uses to be included in this category which are compatible with the permitted uses in the planned community
- Property development standards, including minimum lot size, setbacks, and height limitations.

2. Development standards (i.e., permitted land uses, lot coverage, height and bulk requirements, signs, etc.) for each land use area and designation.

3. Development to occur in phases shall be so indicated on the plan. A skeletal plan shall be prepared for those areas indicated for future development. The skeletal plan shall indicate circulation, building locations, preliminary grading, areas devoted to landscaping, density and parking. The submission of each subsequent phase will require a new application and the required fee(s) for a modification of a sectional planning area plan, together with the required detail plans. (Ord. 2883 § 5, 2002; Ord. 2732 § 5, 1998; Ord. 2673, 1996; Ord. 2506 § 1, 1992; Ord. 2452A § 4, 1991; Ord. 1961 § 1, 1982; Ord. 1854 § 5, 1979; Ord. 1826 § 1, 1978).

Chapter 19.52
T – TIDELANDS ZONE

Sections:

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

A. The following uses, after review and approval by the Planning Commission and the City Council, may be permitted in the T zone:

1. All uses permitted in the commercial zone consistent with the tidelands trust concerning commerce, fisheries and navigation;

2. Recreational uses such as marinas, parks, golf courses, small boat harbors, aquatic playground equipment and similar recreational facilities;

3. All industrial uses consistent with the tidelands trust concerning commerce, fisheries and navigation.

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 their designee~~Planning~~ 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~~al~~ 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. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.530(A)).

Chapter 19.58
USES

Sections:

19.58.042 Carnivals and circuses.

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

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

B. Adequate controls or measures shall be taken to prevent offensive noise, vibration, dust and glare from any indoor or outdoor activity onto adjacent property or uses.

C. The time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. The frequency of operation at a particular location shall be a consideration in determining whether or not to grant the permit. Carnivals and circuses shall have adequate insurance, pursuant to City Council policy, to indemnify the City from liability. A business license shall be required.

D. The site shall be cleared of weeds and obstructions. Fire regulations shall be met as established by the fire marshal including inspection prior to opening. Security guards as required by the Police Department shall be provided. Uniformed parking attendants are to be determined by the Traffic Engineer. The number of sanitary facilities shall be as determined by the Development Services Department ~~of Planning and Building~~. All electrical installations shall be inspected and approved by the Development Services Department ~~of Planning and Building~~.

E. The Zoning Administrator has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.

F. A bond shall be posted to cover any work and compliance with conditions to be done once the carnival is over. Any violation of the above regulations which has been substantial shall be sufficient grounds for the Zoning Administrator to revoke the conditional use permit and require removal of the circus or carnival from the property. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 2074 § 4, 1984).

19.58.055 Auctions of vehicles, heavy machinery and equipment.

A. Subject use shall only be allowed by the issuance of a conditional use permit by the Planning Commission in the I-P (general industrial – precise plan) zone.

B. The applicant shall list specific items proposed to be auctioned. Said items shall meet the categories “vehicle, heavy machinery and equipment.” The conditional use permit, if issued, shall clearly specify the types of items authorized for auctioning as determined by the issuing authority (the Planning Commission, or City Council if appealed).

C. Auctions shall be limited to one per week with a minimum of one week between auctions.

D. Auctions shall only be held between the hours of 8:00 a.m. and 5:00 p.m.

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 their designee)~~Planning~~.

F. Outdoor loudspeakers shall be prohibited unless a noise study conducted by a certified acoustician determines that the proposal can meet the City's noise standards.

G. The on-site repair or dismantling of automobiles or equipment by purchasers is prohibited. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2584 § 5, 1994).

19.58.090 Club, country – Golf course.

Country club and golf course regulations are as follows:

A. No building shall be located within 20 feet of any property line.

B. Facilities, such as restaurants and bars, may be permitted when conducted and entered from within the building.

C. Swimming pools, tennis courts, and the like shall be located not less than 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 their designee~~Planning and Building~~. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(8)).

19.58.130 Dwelling groups.

A dwelling group as defined in CVMC 19.04.076 may be permitted; provided, that all of the following conditions and requirements are met:

A. The area of the lot devoted to each structure used for dwelling purposes shall be equal to the minimum lot size of the underlying zone exclusive of the access road and guest parking areas.

B. Each dwelling shall be connected to a gravity sewer or any other means approved by the City Engineer.

C. All on-site utilities shall be undergrounded.

D. No garage conversions shall be permitted.

E. All roadways, driveways and guest parking areas shall be paved with a minimum of five inches of portland concrete cement.

F. The minimum width of an access roadway serving one dwelling structure shall be 15 feet and 20 feet for two or more structures.

G. Guest parking shall be provided for those dwellings served by an access roadway. The number of spaces shall be as follows:

1. One dwelling structure, one space;

2. Two or more dwelling structures, one and one-half spaces per dwelling structure.

H. An on-site fire hydrant may be required by the Fire Department when it is deemed necessary.

I. If the property is graded to create a building pad for each dwelling structure, the minimum level pad area (no slope over five percent) of each pad shall be not less than 80 percent of the minimum lot size required for said dwelling, but in no case shall the minimum level area be less than 5,000 square feet.

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 ~~Planning~~ or their designee, who shall consider whether such development will adversely affect adjacent properties or development.

K. The following yards shall be based upon the front orientation of the structures:

1. Front yard, 15 feet from the access roadway and from any setback line set forth in this section. Any garage facing the access roadway shall be a minimum of 22 feet from the access roadway;

2. Side yard, not less than that required by the underlying zone;

3. Rear yard, not less than that required by the underlying zone upon initial construction.

L. In addition to the setbacks established in this section, the minimum separation between dwellings shall not be less than the combined total of the yards required by the underlying zone, except where the dwellings face each other, in which case an additional 20 feet shall be provided between dwellings.

M. All development permitted under this provision shall be subject to the regulations and requirements of this title except as otherwise regulated in this section.

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

O. The types of dwelling structures permitted under this provision shall be limited to those listed under the permitted uses of the underlying zone. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1874 § 1, 1979; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(13)(12)).

19.58.142 Electrical generating facilities.

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

A. For the purposes of this section, electrical generating facility includes the following sub-types of power facilities which are further defined in CVMC 19.04.089: base load facility; peaking facility; private facility; backup and emergency facility; and residential-level facility.

B. The siting and establishment of a base load facility shall be subject to the following standards:

1. The facility shall be limited to natural gas or non-fossil fueled. Nuclear plants are prohibited as defined by the City's "Electrical Generating Facilities Policy."

2. The facility shall be a minimum of 1,000 feet from only the following specifically identified sensitive receptors: residential communities, schools, hospitals, nursing homes or elder care facilities, residential care facilities, and child care centers as defined by the City's "Electrical Generating Facilities Policy." Measurement of the 1,000-foot minimum shall be made from the nearest property line of the parcel on which the nearest sensitive receptor is located to the location of the emission source of the proposed EGF.

3. The facility shall have an executed contract with the local utility or City for power use within the local investor-owned utility (e.g., SDG&E) service territory or City as defined by the City's "Electrical Generating Facilities Policy."

4. The property shall be surrounded by a solid fence or walls not less than six feet in height consistent with the provisions of CVMC 19.58.150 and 19.58.360.

5. The facility shall utilize the best available control technology and state-of-the-art emissions technology as defined by the City's "Electrical Generating Facilities Policy."

6. The applicant must have obtained required certification from the local, state or federal regulatory agencies.

7. All buildings and equipment shall be required to observe the same site development standards and requirements applicable to the specific zone in which the facility is located, unless otherwise excepted pursuant to CVMC 19.16.040.

8. In combination with landscaping, berming and/or other treatments, the facility shall be designed to sufficiently screen the use and reduce to the maximum extent practicable visual effects to nearby properties.

9. The applicant shall demonstrate that any noise, dust, vibrations, and odors associated with the project are in compliance with the requirements of Chapter 19.66 CVMC.

10. The sound pressure levels generated by all equipment and uses shall not exceed the applicable decibel levels pursuant to Chapter 19.68 CVMC.

11. The facility shall conform to the provisions for fuel types, offsets, performance criteria, and cumulative considerations as stipulated in the City's "Electrical Generating Facilities Policy."

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

13. Conditional use permits shall be reviewed every 10 years to ensure that the facility is operating in compliance with the required standards, and to determine whether upgrades to the best available technology have been or need to be made pursuant to the process as outlined in section C.6 of the Council EGF Policy. In such instances that upgrades need to be made, the extent and timing of said upgrades shall be determined by the City in

consultation with the applicant or successor, and to the satisfaction of the Director of Development Services or his/her designee. Said upgrades shall be made no later than five years from the determination of need. The review cycle shall begin from the date that the facility is commissioned for operation. The applicant or successor shall fund the conditional use permit and/or standards review in accordance with the City's latest fee schedule.

C. The siting and establishment of a peaking facility shall be subject to the following standards:

1. The standards prescribed in subsections (B)(1) through (B)(13) of this section.

D. The siting and establishment of a private facility shall be subject to the following standards:

1. The standards prescribed in subsections (B)(5) through (B)(12) of this section.

2. The periodic review for standards compliance and potential BACT upgrades under subsection (B)(13) of this section.

3. Minimum distance from sensitive receptors shall be determined pursuant to the City's "Electrical Generating Facilities Policy."

4. The facility shall be located within a fully enclosed structure, except for wind, solar or other renewables where enclosure is impractical.

E. The siting and establishment of a permanent backup and emergency facility of 50 horsepower or greater shall be subject to the following standards:

1. The standards prescribed in subsections (D)(1) and (D)(2) of this section.

F. The siting and establishment of a residential-level facility shall be subject to and governed by CVMC Title 15. (Ord. 3279 § 3, 2013).

19.58.178 Hazardous waste facilities.

A hazardous waste facility as defined in CVMC 19.04.107 may be considered for permitting only within an industrial zone which is also located within a general area identified in Section 5.5 of the public facilities element of the General Plan as an area appropriate for the acceptance and consideration of an application for such a facility. A hazardous waste facility may be allowed

within a location as indicated above upon the issuance of a conditional use permit, subject to the following standards and guidelines:

A. *Purpose and Intent.* It is the intent of this section to establish and clarify local requirements and procedures for the review and approval of conditional use permit applications for a hazardous waste facility, consistent with the provisions of Section 25199, et seq., of the California Health and Safety Code (Tanner Act), and with the objectives, policies, and criteria of the public facilities element of the General Plan regarding hazardous waste management planning, and the siting and permitting of hazardous waste facilities.

B. *Applicability.* Any conditional use permit granted for a hazardous waste facility pursuant to CVMC 19.14.060 through 19.14.130 shall comply with the applicable provisions of this section which are supplementary to, and in the event of conflict shall supersede, the regulations set forth in CVMC 19.14.070 through 19.14.130. Subsections (D), (E), (F), (G), (H), (I), (J), and (K) of this section shall apply to all hazardous waste facilities as defined in CVMC 19.04.107, and as herein defined.

C. *Definitions.*

1. "Hazardous waste" shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

   a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

   b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

In addition, "hazardous waste" shall include the following:

   a. Any waste identified as a hazardous waste by the State Department of Toxic Substances Control.

   b. Any waste identified as a hazardous waste under the Resource Conservation Recovery Act, as amended, 42 USC Section 6901, et seq., and any regulations promulgated thereunder.

   c. Extremely or acutely hazardous waste, which includes any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result

in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration, or chemical characteristics.

2. "Hazardous waste facility" means any facility used for the storage, transfer, treatment, recycling, and/or disposal of hazardous wastes or associated residuals as defined in CVMC 19.04.107.

3. "Land use decision" shall mean a discretionary decision of the City concerning a hazardous waste facility project, including the issuance of a land use permit or a conditional use permit, the granting of a variance, the subdivision of property, or the modification of existing property lines pursuant to Title 7 (commencing with Section 65000) of the California Government Code.

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 their designee~~Planning~~, and shall specify the project location to which it applies, and contain a complete description of the nature, function, and scope of the project.

2. The Planning Department shall provide public notice of the applicant's intent to apply for a conditional use permit, pursuant to the noticing procedure in CVMC 19.12.070, and by posting notices in the location where the proposed project is located.

3. Costs incurred by the City in processing said public notice shall be paid by the project proponent through establishment of a deposit account for such purposes with the Planning Department at the time the NOI is filed.

4. The NOI shall remain in effect for one year from the date it is filed, unless it is withdrawn by the proponent. However, a NOI is not transferable to a location other than that specified in the NOI, and in such instance the proponent proposes to change the

project location, a new NOI shall be prepared, and the procedure shall begin again for the new location.

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 their designee~~Planning~~ 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 their designee~~Planning~~ pursuant to subsection (D)(5) of this section have been received and accepted as to content.

7. An application is not deemed to be complete until the Planning Department notifies the applicant, in writing, that the application is complete. Said notification of completeness, or incompleteness, shall be provided within 30 days of the application submittal, or resubmittal, as applicable. After an application is determined to be complete, the Planning Department may request additional information where necessary to clarify, modify, or supplement previously submitted materials, or where resulting from conditions which were not known, and could not reasonably have been known, at the time the application was received.

8. The Planning Department shall notify the Office of Permit Assistance in the State Office of Planning and Research within 10 days after an application for a conditional use permit is accepted as complete by the Planning Department.

E. *Preapplication Public Meeting.*

1. Within 90 days after a NOI is filed with the Planning Department and Office of Permit Assistance in the State Office of Planning and Research pursuant to subsection (D)(1) of this section, the Office of Permit Assistance will, in cooperation with the Planning Department,

convene a public meeting ("preapplication meeting") in the City of Chula Vista for the express purpose of informing the public on the nature, function, and scope of the proposed project and the procedures that are required for approving applications for the project.

2. The City shall arrange a meeting location in a public facility near the proposed project site, and shall give notice of said meeting pursuant to the noticing procedures in CVMC 19.12.070 and by posting at the proposed project site.

3. All affected agencies, including, but not limited to, the State Department of Health Services/ Toxic Substance Control Program, regional water quality control board, county department of health services – hazardous materials management division, and the air pollution control district, shall send a representative who will explain to the public their agency's procedures for approving permit applications for the project, and outline the public's opportunities for review and comment on those applications.

F. *Local Assessment Committee – Formation and Role.*

1. At any time after filing of the NOI, but not later than 30 days after an application for a land use decision has been accepted as complete, the City Council shall appoint a seven member local assessment committee (LAC) to advise the City in considering the hazardous waste facility proposal.

2. The membership of the LAC shall be broadly constituted to reflect the makeup of the City, and shall include three representatives of the City at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of the LAC shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed project.

3. The LAC is solely an advisory committee, and is not empowered with any decision-making authority relative to the proposed project, nor with the legal standing to assert specific project conditions. Rather, the LAC provides a mechanism for direct input on matters of concern to the general public into the environmental review process, and presents the opportunity for framing questions that should be addressed in that process, as well as in seeing that these questions are addressed as early in the process as possible.

4. As such, the LAC shall, within the time period prescribed by the City Council, advise the City of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community, as follows:

a. Adopt rules and procedures which are necessary to perform its duties.

b. Enter into a dialogue with the project proponent to reach an understanding on:

i. The suggested terms, provisions and conditions for project approval and facility operation which would ensure protection of public health, safety and welfare, and the environment of the City of Chula Vista and adjacent communities, and

ii. The special benefits and remuneration the proponent will provide the City as compensation for all local costs and impacts associated with the facility and its operation. Such discussions shall address fair share concepts as set forth in Section 5.5 of the General Plan public facilities element, including the consideration of establishing intergovernmental agreements, and/or other compensation and incentive programs.

Said dialogue shall be responsive to the issues and concerns identified at the meeting described in subsection (G)(1) of this section.

c. With regard to subsection (F)(4)(b) of this section, any resulting proposed mitigation measures not already defined in the environmental review or permitting process would be subject to the negotiation process with the proponent, with the negotiation results forwarded as recommended terms of approval to the Planning Commission and City Council.

d. Represent generally, in meetings with the project applicant, the interests of the residents of the City of Chula Vista and the interests of adjacent communities, as principally made known through the post-application meeting.

e. Receive and expend, subject to the approval of the City Manager and authorization of the City Council, any technical assistance grants made available as described in subsection (J) of this section.

f. Advise the Planning Department, Planning Commission, and the City Council of the terms, provisions, and conditions for project approval which have been successfully

negotiated by the committee and the proponent, and any additional information which the committee deems appropriate. The Planning Department, Planning Commission, and City Council may use this advice for their independent consideration of the project.

5. The City shall allocate staff resources to assist the LAC in performing its duties, and the project proponent shall be responsible to pay the City's costs in establishing, convening, and staffing the LAC, through establishment of a deposit account for such purposes with the Planning Department at the time of filing an application for a land use decision.

6. The LAC shall cease to exist after final administrative action by state and local agencies has been taken on the permit applications for the project for which the committee was convened.

G. *Notice of Permit Application – Post-Application Meeting.*

1. Within 60 days after receiving the notice of a complete application as required by subsection (D)(8) of this section, the Office of Permit Assistance in the State Office of Planning and Research will convene a public meeting ("post-application meeting") in the City of Chula Vista of the lead and responsible agencies for the project, the proponent, the LAC, and the interested public for the purpose of determining the issues which concern the agencies that are required to approve the project, and the issues which concern the public. The Planning Department shall provide notice to the public of the date, time, and place of the meeting.

2. The issues of concern raised at the post-application meeting must include all environmental and permitting issues which will need to be addressed in the environmental document to ensure the document's adequacy in supporting the actions of all permitting and responsible agencies for the project.

3. The post-application meeting should be held as soon as an environmental initial study or notice of preparation is available for review and comment, so that adequate opportunity is provided for meeting input to be employed in the scoping of subsequent environmental review activities.

H. *Environmental and Health Risk Assessments.*

1. All hazardous waste facility proposals shall be required to undergo an environmental review and health risk assessment regardless of facility type, size, or proximity to populations or immobile populations.

2. As hazardous waste facilities may vary greatly in their potential public health and safety, and environmental risks, the depth and breadth of environmental review and health risk assessments must be tailored on a case-by-case basis.

3. The environmental review and health risk assessment shall serve as the primary vehicles for identifying community and involved agency concerns, and providing data to be used by the LAC and the City in negotiating project conditions. As such, within 30 days following the post-application meeting, the City shall:

a. Create an ad hoc technical committee to advise the City and the LAC on technical issues regarding the scoping and preparation of the environmental review and health risk assessment. The membership should consist of staff from each of the involved permitting or responsible agencies, an epidemiologist, a toxicologist, and any other technical experts deemed necessary or desirable.

b. Convene a meeting of involved City staff, the environmental document preparer, the LAC, the ad hoc technical committee, and the project proponent to establish the scope and content for the environmental document and health risk assessment, and the need for any other technical studies. The City Council shall review the meeting outcome, and approve a final scope for the environmental review and health risk assessment prior to the commencement of work.

4. A traffic/transportation study shall be required as part of the environmental review for all hazardous waste facility proposals, and at minimum shall account for all factors addressed under the safe transportation siting criteria contained in Section 5.5 of the public facilities element of the City General Plan.

5. Upon selection of a reasonable range of project alternatives under the California Environmental Quality Act, Public Resources Code Section 21000, et seq., the City, upon the advice of the LAC and ad hoc technical committee, shall establish a preferred hierarchy among those alternatives for the purpose of determining the level of qualitative and quantitative analysis that should be performed for the health risk assessment on those alternatives. In determining this preferred hierarchy and associated level of health risk

assessment, consideration shall be given to the relative feasibility of each alternative to attain the stated project objectives, and the relative merits of each alternative.

6. The health risk assessment shall serve as an evaluative and decision-making tool, and shall not be construed as providing definitive answers regarding facility siting.

7. The ad hoc technical committee shall remain intact to assist, as requested, the City and the LAC in the evaluation of the final health risk assessment and any technical studies to determine acceptable levels of risk, and/or to determine the extent and type of related conditions and mitigation measures which should be applied to the project.

8. The LAC shall not finalize its recommendations for forwarding for Planning Commission and City Council consideration until after the public review period for the draft environmental document has closed, and the LAC has had sufficient time to review any comments received.

9. Any costs associated to the formation or work of the ad hoc technical committee, in addition to any other consultant(s) the LAC deems necessary, including costs incurred in the preparation of any technical studies, shall be paid for through technical assistance grants as described in subsection (J) of this section.

I. *Initial Consistency Determination.*

1. At the request of the applicant, the City Council shall, within 60 days after the Planning Department has determined that an application for a conditional use permit is complete and after a noticed public hearing, issue an initial written determination on whether the proposed project is consistent with both of the following:

a. The applicable provisions of the City General Plan and zoning ordinances in effect at the time the application was accepted as complete.

b. The county hazardous waste management plan authorized by Article 3.5 (commencing with Section 25135) of the California Health and Safety Code, if such plan is in effect at the time of application.

2. The Planning Department shall send to the applicant a copy of the written determination made pursuant to subsection (I)(1) of this section.

3. The determination required by subsection (I)(1) of this section does not prohibit the City from making a different determination when the final decision to approve or deny the conditional use permit is made, if the final determination is based on information which was not considered at the time the initial determination was made.

J. *Technical Assistance Grants – Local Assessment Committee Negotiations.*

1. Following the post-application meeting, the LAC and the proponent shall meet and confer on the project proposal pursuant to the provisions of subsection (F) of this section.

2. Given that the rules, regulations, and conditions relative to hazardous waste facility projects are extremely technical in nature, as are the associated assessments of potential public health and environmental risks, the LAC may find that it requires assistance and independent advice to adequately review a proposed project and make recommendations. In such instance, the LAC may request technical assistance grants from the City to enable the hiring of a consultant(s) to do any, or all, of the following:

a. Assist the LAC in the review and evaluation of the project application, environmental documents, technical studies, and/or any other documents, materials and information required in connection with the project application.

b. Interpret the potential public health and safety and environmental risks associated with the project, and help to define acceptable mitigation measures to substantially minimize or eliminate those risks.

c. Advise the LAC in its meetings and discussions with the proponent to seek agreement on the terms and conditions under which the project will be acceptable to the community.

3. The proponent shall be required to pay a fee equal to the amount of any technical assistance grant authorized for the LAC. Said fee(s) shall be paid to the City, and deposited in an account to be used exclusively for the purposes set forth in subsection (J)(2) of this section.

4. If the local assessment committee and the applicant cannot resolve any differences through the meetings, the Office of Permit Assistance in the State Office of Planning and Research may be called upon to mediate disputes.

5. The proponent shall pay one-half of the costs of any mediation process which may be recommended or undertaken by the Office of Permit Assistance in the State Office of Planning and Research. The remaining costs will be paid, upon appropriation by the legislature, from the State General Fund.

K. *Additional Findings Required for Hazardous Waste Facilities.* Before any conditional use permit for a hazardous waste facility may be granted or modified, in addition to the findings required by CVMC 19.14.080, it shall be found that the proposed facility is in compliance with the following:

1. The general areas policies of Section 5.5 of the public facilities element of the City General Plan.

2. The siting criteria as set forth in Section 5.5 of the public facilities element of the City General Plan.

3. The fair share principles established in Section 5.5 of the public facilities element of the City General Plan.

4. The county of San Diego hazardous waste management plan. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2542 § 6, 1993).

19.58.320 Tract office, temporary.

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

A. One building for a temporary real estate sales office, and not more than six dwellings for temporary demonstration or model home purposes, may be provided. In addition, a subdivision containing more than 60 lots may use up to 10 such lots for model home purposes. Such temporary uses shall be made only in conjunction with the sale or rental of land or buildings within such subdivisions, and such use or uses shall terminate two years after the filing in the office of the county recorder of the final subdivision map thereon, or 60 days after the sale of the last house, whichever comes first. After the time limit has expired, all commercial activity shall cease and the temporary office building, if any, shall be converted to a conforming

use or removed at the owner's expense. At the termination of such office use, all necessary alterations to convert the temporary office to residential use or removal of said building shall be made.

B. If alterations are needed in the initial conversion from a house to a temporary office, the following shall be done: a $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 their designee~~Planning and Building or his authorized deputy~~, ~~he~~they shall approve or reject the final alteration work.

C. The Zoning Administrator shall determine the need for off-street parking, based on the location of model homes in relationship to adjoining subdivisions, the size of the subdivision, the character of the street, and the expected duration of model home area use. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(32)).

19.58.330 Trailers.

(See definition in CVMC 19.04.298.)

A. It is unlawful to use a camping trailer, motor home, camper, or travel trailer for living or sleeping purposes except when parked within a licensed recreational vehicle park or mobilehome park, as provided elsewhere in this title, or when used on a temporary basis not to exceed a period of seven days by guests or visitors of residents of the City and said vehicle is parked upon the property of the resident.

B. It is unlawful to use a trailer, excluding commercial coach units, as a business office in any zone; except, that a general contractor and/or property owner or lessee may obtain a temporary permit for the parking of one or more 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 their designee ~~Planning and Building~~ of the City after an application, in writing, is submitted by the general contractor specifying:

1. The number and type of such vehicles;

2. The reasons their presence is necessary at the site at times other than normal work hours;

3. The period for which the permit is sought;

4. The vehicles for which a permit was issued shall be removed from the premises 10 days after final inspection.

C. Commercial coach units may be utilized for a maximum of 25 percent of the total industrial and/or commercial floor area available to a particular use; provided, that if visible from a public street or from adjoining properties, the coach units shall be made architecturally compatible with and complementary to the balance of the structures on the same and adjacent sites.

D. Commercial coach units may be utilized as temporary building space in conjunction with public or quasi-public uses located in residential zones, and in conjunction with public, quasi-public, and private uses, such as banks, insurance offices, savings and loan institutions, public utility offices, and similar public-service-based uses in commercial and industrial zones; provided, that a conditional use permit is procured for each commercial coach so utilized. All conditional use permits granted for the utilization of commercial coaches as temporary building space shall be limited to a period of not more than two years; provided, however, that the permittee may apply to the Zoning Administrator for an extension of time, which the Zoning Administrator may grant for a maximum of one additional year.

E. A mobilehome, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (USC Section 5401, et seq.), may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:

1. It may be occupied only as a residential use;

2. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and

3. The foundation is in compliance with all applicable building regulations. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 1941 § 1, 1981; Ord. 1711 § 2, 1976; Ord. 1518 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(33)).

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 their designee ~~Planning~~ 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 ~~Development Services~~ Director of Development Services or their designee.

B. A recycling and solid waste plan shall be submitted by the applicants of any qualifying project. Said plan shall be reviewed and approved by the City Manager or his/her designee. A plan must comply with City and state solid waste and recycling regulations/standards before it can be approved. Building permits may not be issued until the plan is approved.

C. A recycling and solid waste planning manual setting forth recycling and solid waste space allocation regulations, design standards, and guidelines shall be drafted by the City Manager and adopted by the City Council.

D. The precise location of any recycling and solid waste area shall be approved by the Director of Development Services or their designee~~Planning~~ 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.

E. Recycling and solid waste enclosures shall be permanently maintained; recycling and solid waste areas shall be kept neat and clean; and approved recycling and solid waste plans shall be adhered to and followed. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2993 § 1, 2005; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(34)).

19.58.350 Commercially zoned double frontage lots.

Any commercially zoned parcel which has double frontage, one such frontage being on a local street, across which street is residentially zoned land, shall observe the following regulations:

A. Vehicular access to the local street shall be discouraged and permitted only upon Planning Commission approval.

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 their designee~~Planning~~.

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 ~~Development Services~~ Director of Development Services or their designee for approval prior to any planting.

D. The wall and landscaping shall be provided prior to the final building inspection of any improvements to be constructed on the premises.

E. If any dwelling units which face the local street exist on such parcel, the dwelling units shall be removed prior to the new commercial development or enlarging of existing commercial development, unless such dwellings are converted for commercial purposes (this situation does not negate the other provisions of this section).

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 ~~Development Services~~ Director of Development Services or their designee. Such a fence may be of wood construction. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(35)).

19.58.370 Outside sales and display – Permanent and temporary.

A. *Permanent.* The permanent outside sales and display of merchandise, including vending machines of all types and coin-operated amusements, shall be permitted only when included as part of an approved site plan subject to the conditions herein. Service stations are subject to the provisions of CVMC 19.58.280.

1. The following items shall be considered for outside display:

   a. Vending machines of all types;

   b. Coin-operated amusements, excluding games such as pinball machines;

   c. Vehicles of all types, including boats;

   d. Magazines, newspapers and books;

   e. Flowers, including artificial;

   f. Art displays;

   g. Plants;

   h. Model storage buildings, patios and additions;

   i. Any other item which is determined by the Planning Commission to be of the same general character;

   j. Any other item specifically approved by the Planning Commission to be displayed in an area specifically designed for said merchandise.

2. *Conditions.*

   a. Vending machines and coin-operated amusements shall whenever possible be within an enclosed area or structure specifically designed to accommodate said items;

   b. The outside display shall not interfere with pedestrian or vehicular circulation;

   c. Model storage buildings, patios and additions shall not be located in any area facing a major or collector street, or at the main entrance to the building;

   d. Plants shall be the only items in a plant nursery visible from the street;

e. No outside display shall be of such size or quantity as to alter the architectural appearance of the building;

f. A 10-foot landscaped area shall be provided between vehicle display areas and the street. Any item not located within a building or solid enclosure shall be deemed to be outside display and subject to the conditions herein.

3. The following merchandise shall be expressly prohibited from outside display:

a. Furniture;

b. Clothing;

c. Appliances;

d. Play equipment;

e. Dry goods;

f. Soil additives;

g. Tires, excluding service station as provided herein;

h. Used goods, except as provided herein.

B. *Temporary.* Temporary outside sales and display of merchandise for a period of 24 days in any calendar year, but not exceeding seven consecutive days, may be permitted upon approval of a temporary outside sales permit by the Director of Development Services or their designee. Not more than six permits a year shall be issued to any one business or shopping complex. Notwithstanding the foregoing, the Director of Development Services or their designee shall allow temporary holiday sales (e.g., Christmas tree and pumpkin patch lots) to exceed seven consecutive days; provided, that all other requirements of this section are met. Each such permit shall be accompanied by the required filing fee(s) established by the master fee schedule.

Applications shall be submitted a minimum of 15 business days prior to the requested commencement date. The applicant shall submit a completed application and two site plans showing the location of the proposed outside sales or promotional display area. The plan shall include sufficient information to ensure that the display and sales will be conducted in a safe and proper manner and will not obstruct traffic or cause a hazardous condition based on the

standards adopted by the City. The permit shall designate the commencement and termination dates.

1. *Other Required Conditions.*

a. There shall be a minimum of 30 days between the commencement dates when multiple events are requested.

b. Temporary outside sales are prohibited in residential, C-O, C-N and C-V zones.

c. The sales area shall maintain a 25-foot setback from the street when within an area designated for parking. Promotional items shall not be located in the front setback.

d. The sales area may utilize a portion of required parking to a maximum of 20 percent.

e. The sales area shall not interfere with the internal circulation of the site.

f. Pennants may be used only for safety and precautionary purposes.

g. The sales area shall be kept in a neat and well-kept manner at all times.

h. Temporary promotional signs shall be regulated by CVMC 19.60.500(C).

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 their designee shall make an exception for temporary holiday sales (e.g., Christmas tree and pumpkin patch lots).

(Ord. 3256 § 1 (Exh. A), 2013; Ord. 3153 § 2 (Exh. A), 2010; Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982; Ord. 1436 § 3, 1972; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(37)).

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 ~~Development Services~~ Director of Development Services or their designee.

The approval of an RV storage yard judged by the Planning Commission to represent an interim use of land based upon zoning, development patterns, and/or pending plans in the area shall be subject to a review and report filed each year by the owner with the City Zoning Administrator. Failure to file the report or abide by the conditions of approval shall cause the matter to be set for a rehearing before the Planning Commission to consider revocation of the permit or other appropriate corrective action. Permits for interim RV storage yards shall be granted for a maximum period of five years with extensions subject to rehearing before the Planning Commission. (Ord. 3268 § 3, 2013; Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 2169 § 2, 1986).

Chapter 19.60
SIGNS

Sections:

19.60.060 Definitions.

As used in this chapter, the following words have the meanings given in this section. These definitions also apply to sign-related provisions of other chapters, unless a different definition is given for that chapter. In the case of an approved sign program, any definitions given therein shall apply within that sign program, unless such definition leads to a violation of any of the "standard provisions" stated in CVMC 19.60.050; for terms used in a sign program but not defined therein, these definitions also apply.

"Abandoned sign" means any sign remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing establishment, product, or service available on the premises where the display is located.

"Accessory use," in the context of this chapter, means a sign which is an accessory to, and clearly incidental to, the principal use on the same or adjoining parcel, lot, or property. In the context of commercial messages on signs, it means an on-site sign.

"Air activated signs" means those signs which are inflated or inflatable, as well as those which are activated by wind or forced air or gas.

"Animated sign" means any sign which is designed and constructed to call attention, or to give its message, through a sequence of progressive changes in lighting, or of parts, including flashing, rotating or revolving signs.

"Approved sign" means a sign for which a sign permit application has been received in accordance with CVMC 19.60.700 and approved by the City.

"Area," when used in reference to the size of a sign, means the area of the sign face or display, expressed in square feet.

"Auxiliary sign" means any sign whose primary function is to direct, inform, instruct or warn by stating objective facts about which there can be no meaningful debate. Examples: accessible parking, all deliveries in back, hours of operation, danger high voltage, etc.

"Background area" means an area in one continuous plane, and not interrupted by architectural features, lines or colors, upon which a sign's copy is applied.

"Balloon" means any rubber, plastic, Mylar or other material capable of being inflated with air or other gas.

"Banner" means a strip of cloth, fabric, nonrigid paper, plastic or similar flexible material, on which is displayed sign copy. Banners are typically hung or suspended from fences, walls, or posts or poles.

"Billboard" means a permanent structure sign, located on private property, on which is displayed off-site commercial messages, as well as any permanent structure which is a principal use (as opposed to an accessory use) of the property on which it is built, on which messages are displayed. A billboard may be freestanding or attached to other structures.

"Building frontage" means the total width of the elevation of a building that fronts on a private or public right-of-way or the building elevation along which the main entrance exits. For the purposes of calculating permitted sign area, every building has only one building frontage. For corner buildings or through lots the larger width shall be used in calculating permitted sign area. If more than one establishment or occupancy is located in a single building, then such area shall be limited to that portion which is occupied by each individual establishment or occupancy.

"Canopy sign" means visual display attached to the underside of a projecting canopy or marquee protruding over public or private sidewalks or rights-of-way.

"Changeable copy sign" means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign.

"Commercial mascot" means humans or animals used as advertising devices for commercial establishments, typically by the holding or wearing of insignia, masks or costumes associated with the commercial establishment. Includes sign twirlers, sign clowns, etc.

"Commercial sign" means any sign, wording, logo, picture, transparency, mechanical device or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

"Commercial zone" means one of the following types of zones: C-O, C-B, C-N, C-C, C-V, C-T, I-R, I-L, or I.

"Construction sign" means a sign erected and maintained within a construction project, typically used to identify those individuals or businesses directly connected with the construction project and information regarding direction, price or terms.

"Development sign" means a freestanding sign listing the architect, landscape architect, engineer, planner, contractor, or other person or firm participating in the development, construction or financing of the project on the site on which the sign is located.

"Directional sign" means a sign located adjacent to a driveway or mounted on a building designed to guide or direct pedestrian or vehicular traffic to uses on the same site.

"Director" means the City of Chula Vista Director of Development Services.~~Planning and Building or such Director's designee.~~

"Directory sign" means a sign listing the name and location of the tenants, departments or establishments of a building or shopping complex.

"Electronic message board sign" means a sign with a fixed or changing display composed of a series of lights, light emitting diodes (LED) or liquid crystal display (LCD) or functionally similar devices.

"Erect" (verb) means to build, construct, attach, hang, place, suspend or affix to or upon any surface.

"Establishment" means a legal, nonresidential use of land to conduct a commercial or noncommercial activity. By way of example and not limitation, "establishment" includes stores,

offices, churches, hospitals, manufacturing facilities, etc. Does not include home-based occupations or hobbies.

“Expired sign” means a sign whose message refers to an event or a particular date, and such date or event is more than 10 days in the past.

“Flag” means a piece of cloth or bunting varying in size, color and design, used as a symbol, standard, signal or emblem.

“Flashing sign” means any sign that is designed and constructed to call attention, or to give its message, through a sequence of changes in color or intensity of illumination.

“Freestanding sign” means a sign, including a billboard or pole sign, which is self-supporting in a fixed location and not attached to a building.

“Frontage” shall be considered that side of a lot or property fronting on a public right-of-way or other circulation area open to the general public such as a dedicated street, exclusive of alleys.

“General advertising” means the business of renting or otherwise providing display space to commercial advertisers located other than the place where the advertising will be displayed.

“Governmental signs” means those signs by which a governmental entity provides notice to the public. Such signs typically indicate traffic rules, directions and distances, and notices of public hearings, etc.

“Ground or monument sign” means a low-profile freestanding sign erected with its base on the ground.

“Hand held sign” means a sign that is held by or otherwise mounted on a person or animal.

“Identification sign” means a sign which serves to identify the name, address and lawful use of the premises upon which the sign is located. Includes signs indicating the name of residents on residential uses.

“Illegal sign” means: (a) any sign originally erected or installed without first complying with all structural, locational, design, building, and electrical regulations in effect at the time of its construction or installation; (b) any sign that is not maintained, or is not used to identify or advertise an ongoing establishment, occupancy, product, good or service available on the site of the sign for more than 90 days; (c) any unsafe sign; (d) any legal nonconforming sign that has

not been removed following the expiration of the 15-year amortization period provided for in this chapter; (e) any sign that is in violation of the provisions of this chapter; and (f) any sign that is in violation of Chapter 12.50 CVMC.

“Informational sign” means any sign displayed on private property, the purpose of which is to state a fact or attribute of that property which is of interest to the general public, such as the location of the restroom, the hours of operation, a security protection notice and similar facts, and which sign does not exceed an area of two square feet.

“Land owner’s consent” means the consent or permission of the owner of land for the display of a sign thereon. For purposes of this definition, land owner means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. In the case of personal property to which a sign is attached, the land owner’s consent means the permission of the owner of such personal property.

“Legal nonconforming sign” means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which does not conform to the provisions of this chapter.

“Legally required signs” means those signs which are required to be placed or displayed, by a body of law other than this chapter. By way of example only, such signs typically include notices of eviction or condemnation, notice of change of ownership, etc.

“Logo” means a trademark or symbol identifying the establishment, commercial or industrial service provided on the site. Logos shall be considered signs for the purposes of this chapter.

“Marquee sign” means any permanent architectural canopy projecting over the entrance to an establishment, and any signage or message display thereon.

“Monument or ground sign” means a low-profile freestanding sign erected with its base on the ground.

“Multiple establishment sign” means a sign upon which more than one establishment is displayed.

“Multisided sign” means signs constructed back-to-back, with faces in approximately parallel planes (such as on both sides of a single panel or V shape, provided the angle between the two faces does not exceed 45 degrees), which shall count as only one sign, both as to number and

area, i.e., only one side need be counted. Every other sign having multiple sides or faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be limited in total area as provided herein.

“Noncommercial sign” means a sign which does not name, advertise or call attention to a commercial or industrial establishment, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

“Noncommercial speech” or “noncommercial message” or “noncommercial sign” means a sign message which is not commercial in nature. Such messages typically relate to debatable matters of public concern, such as, by way of example and not limitation, advocacy on politics, religion, arts, science, philosophy, commentary on governmental policy, etc.

“Off-site sign” means a commercial sign not located on the site of the establishment or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs.

“On-site sign” means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be “on-site,” regardless of location.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, stick or pole whether individually or in a series, designed to move in the wind and draw attention to a sign, place, product and/or event.

“Permanent sign” means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building.

“Pole sign” means a sign which is supported by one or more columns, uprights or braces in or upon the ground.

“Portable sign” means any sign not permanently attached to the ground or another permanent structure, or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs.

“Principal identification sign” means an establishment sign used to identify only the name of the establishment and the principal product or service.

“Principal use” in the context of this chapter means that a sign is a principal, as opposed to an accessory, use on the parcel or lot where it is located, or proposed to be located.

“Professional sign” means a sign indicating the name or names and occupation or occupations of a professional person or group of associated professional persons occupying the premises.

“Projecting sign” means a sign that is mounted on and at an angle to the face of the wall of the building to which it is attached.

“Real estate sign” means a sign indicating that real property is available for sale, exchange, rent or lease. Such signs typically state that real property, or any interest therein, is for sale or exchange, or for lease or rent for a period longer than one week, and the names and contact information for persons involved in such economic transaction.

“Rear wall sign” means a wall sign placed on a building wall that is parallel to the front wall of a building, but located on the opposite, furthest end of the building.

“Roof line” means the upper edge of any building wall or parapet, or ridge line. If a building has both a parapet and a ridge line, the lower of the two will be considered the “roof line.”

“Roof sign” is a sign upon, on or above the roof line of a roof or parapet of any building or structure.

“Safety codes” means those codes which have been duly adopted by the City, and which are currently in effect, which regulate matters of safe development and construction, such as, by way of example and not limitation, grading, mechanical, building, electrical and plumbing codes.

“Search lights” means focused light producers designed to project a moving beam of light into the night sky for the purpose of attracting attention to an event or location. Search lights are considered signs.

"Sensitive zones" means agricultural, residential estate, R-1, R-2, R-3 and MHP zones.

"Side wall sign" means a wall sign placed on a building wall that is generally perpendicular to the front wall of a building.

"Sign" is any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. However, the following are not within the definition of a "sign" for regulatory purposes of this chapter:

1. Public property and public use property: Signs placed on land or other property owned by the City, or in which the City holds the present right of possession or control, or land which the City holds in trust, as well as all public rights-of-way. Said signs shall be regulated by an adopted City Council policy;

2. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);

3. Symbols embedded in architecture: Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;

4. Personal appearance: Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);

5. Manufacturers' marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;

6. Fireworks, etc.: The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;

7. Certain insignia on vehicles and vessels: On-street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages;

8. Grave stones or grave markers;

9. Newsracks and newsstands.

"Site" means the location of a sign. In the case of legal parcels containing only one legal use, that parcel is the site. For parcels containing more than one legal use, the site is the portion of the parcel on which each use is located.

Streamer. See "pennant."

"Street address sign" means a wall sign placed on the side of the building parallel to the front property line or main entrance, or parallel to the public right-of-way solely for the purpose of providing the street address for the site.

"Temporary public right-of-way sign permit" means the official self-adhesive serialized stickers, which contain the City logo and appropriate calendar year, issued by the City under Chapter 12.50 CVMC.

"Temporary sign" is any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time not to exceed 60 days.

"Unsafe sign" means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property on account of the condition of the physical structure of the sign or its mounting mechanism.

"Wall sign" is a sign, including a painted sign, attached to, painted on, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

"Window sign" means a sign that is painted on either the outside or inside surface of the glazed area (including glazed doors), and any sign that is posted or affixed to the inside surface of the glazed area, or is located in such a manner as to be visible through the glazed area. (Ord. 3083 § 1, 2007; Ord. 2924 § 2, 2003).

19.60.810 Processing of applications.

A. *Time.* Unless otherwise stated, all time periods in this section are calendar days.

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 ~~Planning~~ Director or their 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").

C. *Disqualification.* No sign application will be approved if:

1. The applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application;

2. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) which has not been cured at the time of the application;

3. The sign approval application is substantially the same as an application previously denied, unless: (a) 12 months have elapsed since the date of the last application, or (b) new evidence or proof of changed conditions is furnished in the new application; or

4. The applicant has not obtained any applicable required use permit or conditional use permit.

D. *Method of Review.* The method of review is standard compliance review. The Zoning Administrator, or the Design Review Committee, 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.

E. *Certain Signs Calling for Design Review.* Decisions under this standard shall be guided by the following principles and shall not be based on the graphic design of the copy or message displayed on the signs:

1. Fluorescent paints shall be avoided;

2. Sign copy should not extend beyond the edges of the background area on which it is applied;

3. The copy area of signs, including logos, emblems, crests and pictorial representations, should not exceed 50 percent of the background area on which it is applied;

4. The height of a pole sign should not be less than twice its width;

5. The height of the bottom of the signboard of a pole sign should be less than three times but more than twice the width of the signboard;

6. The two sides of a rectangular pole sign should have a ratio of three to five;

7. The base of each freestanding sign shall be landscaped in accordance with the landscaping manual of Chula Vista, 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, or the ~~Design Review Committee,~~ 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.

The Zoning Administrator shall render a decision on a sign permit within 30 days of the date of application.

G. *Appeals.* All sign permit applications shall be initially reviewed by the Zoning Administrator. The applicant or any concerned person may appeal any sign related decision in this order: Design Review Committee, Planning Commission and City Council. In each case, written notice of appeal must be filed with the City Clerk within 10 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. In each case, the appellate body must conduct a hearing and consider evidence, and render a written decision within 30 days. In the cases of appeal to the

Planning Commission and the City Council, the hearing must follow normal procedures for agendizing and giving public notice. 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.

H. *Judicial Review.* Following final decision by the City Council, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure Section 1094.8.

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 their 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.

K. *Permits Issued in Error.* Any approval or permit issued in error may be summarily revoked by the City upon written notice to the holder of the reason for the revocation. (Ord. 2924 § 2, 2003).

Chapter 19.68
PERFORMANCE STANDARDS AND NOISE CONTROL

Sections:

19.68.030 Exterior noise limits.

A. *Maximum Permissible Sound Levels by Receiving Land Use.*

1. The noise standards for the various categories of land use as presented in Table III, and set forth in terms defined in the City land use code set forth in Chapter 19.04 CVMC, shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table III. Where two or more dissimilar land uses occur on a single property, the more restrictive noise limits shall apply.

2. Additional land use classifications may be added by action of the City Council to reflect both lower and higher existing ambient levels than those shown.

3. Where doubt exists when making identification of receiving land use, the Director of Development Services or their designee~~Planning and Building~~ may make an interpretation.

4. No person shall operate, or cause to be operated, any source of sound at any location within the City or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level to exceed the environmental and/or nuisance interpretation of the applicable limits given in Table III.

a. Environmental noise shall be measured by the equivalent sound level (Leq) for any hour.

b. Nuisance noise shall be measured as a sound level not to be exceeded at any time.

c. Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected.

d. Fixed-location public utility distribution or fixed transmission facilities, located on or adjacent to a property line, shall be subject to noise level limits of this section measured at or beyond six feet from the boundary of the easement upon which the equipment is located.

B. *Corrections to Exterior Noise Level Limits.*

1. If the noise is continuous, the Leq for any hour will be represented by any lesser time period within that hour. Noise measurements of a few minutes only will thus suffice to define the noise level.

2. If the noise is intermittent, the Leq for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a representative number of noisy/quiet periods. A measurement period of not less than 15 minutes is, however, strongly recommended when dealing with intermittent noise.

3. In the event the alleged offensive noise, as judged by the enforcement officer, contains a steady, audible sound such as a whine, screech or hum, or contains a repetitive impulsive noise such as hammering or riveting, the standard limits set forth in Table III shall be reduced by five dB.

4. If the measured ambient level exceeds that permissible in Table III, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violations source is not operating.

TABLE III

EXTERIOR NOISE LIMITS[1, 2]

	Noise Level [dB(A)]	
Receiving Land Use Category	**10 p.m. to 7 a.m. (Weekdays)**	**7 a.m. to 10 p.m. (Weekdays)**
	10 p.m. to 8 a.m. (Weekends)	**8 a.m. to 10 p.m. (Weekends)**

All residential (except multiple dwelling)	45	55
Multiple dwelling residential	50	60
Commercial	60	65
Light industry – I-R and I-L zone	70	70
Heavy industry – I zone	80	80

[1]Environmental Noise – Leq in any hour.

[2]Nuisance Noise – Not to be exceeded any time. (Ord. 2790, 1999; Ord. 2276 § 2, 1988; Ord. 2101 § 3, 1985).

19.68.070 Exceptions.

A. The City Council is authorized to grant exceptions for any environmental noise provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the City Council determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities, nor shall it apply to nuisance noises.

B. Any person seeking exceptions pursuant to this section shall file an application with the Director of Development Services or their designee~~Planning and Building~~. The application shall be submitted and processed in the same manner as conditional use permits. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. (Ord. 2790, 1999; Ord. 2101 § 3, 1985).

19.68.078 Enforcement.

A. *Violations and Penalties.*

1. It is a violation for any property owner(s) and/or person(s) in control of property to permit, or cause, a noise disturbance to be produced upon property owned by them or under their control.

2. It is a violation for any person or persons to create or allow the making of noise disturbance as provided by this chapter at any location in the City.

3. The violation of this chapter by making or allowing an environmental noise disturbance shall be an infraction. Enforcement of environmental noise violations shall follow the procedures set forth in the land use code for zoning violations.

4. The violation of this chapter by making or allowing a nuisance noise disturbance shall be an infraction. Subsection (D) of this section provides for the method of enforcement wherein noise may be in violation of both the environmental and nuisance noise disturbance provisions.

B. *Environmental Noise.*

1. *Classification of Environmental Noise.* The enforcement officer shall determine that any given obtrusive noise condition that falls within the definition of environmental noise disturbance, pursuant to 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 their designee~~Planning and Building~~ may make determinations classifying noise sources not specifically mentioned in Appendix A.

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

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

4. *Abatement Shall Terminate Enforcement Action.* No complaint or further action shall be taken in the event that the cause of the violation has been removed, or the condition

abated or fully corrected, within the time period specified in a notice of violation issued by the enforcement officer.

C. *Nuisance Noise.*

1. *Classification of Nuisance Noise.* The Chief of Police shall determine that any given obtrusive noise condition that falls within the definition of nuisance noise disturbance, pursuant to 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 their designee~~Planning and Building~~ may make determinations for classifying nuisance noise sources not specifically mentioned in Appendix A.

2. *Responsibility.* The Chief of Police shall be responsible for investigation and enforcement of nuisance noise disturbances.

3. *Guidelines.* The Chief of Police may, from time to time, promulgate guidelines for administration and enforcement of the provisions of this chapter pertaining to nuisance noise violations.

4. *Abatement Order.* The officer responsible for enforcement of any provisions of this section may issue an order requiring abatement of a sound source alleged to be in violation within a reasonable time period and according to guidelines which the Chief of Police may prescribe. Such orders of abatement may be verbally administered. Failure to comply may be held as a violation of this chapter.

D. *Enforcement of Noise Disturbances That Are Both Environmental and Nuisance.*

1. Where investigation reveals that offending noise violates both the environmental noise regulations and the nuisance noise regulations, the offense shall be enforced as a nuisance noise violation unless the Chief of Police makes a specific finding that the environmental noise regulations more nearly apply, in which case the environmental noise regulations shall apply.

2. Nothing contained in this provision shall limit the City's ability to prosecute noise violations as both environmental and nuisance noise.

E. *Violations – Additional Remedies – Injunctions.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this

chapter, which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this chapter, is declared to be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Additionally, no provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from any other law. (Ord. 2790, 1999; Ord. 2101 § 3, 1985).

19.68.090 Appendices.

A. *Appendix A – Adoption.* Appendix A to this chapter, codified in subsection (B) of this section, is adopted concurrently with the adoption of the ordinance codified in this chapter.

B. *Appendix A – Designated.* APPENDIX A

CLASSIFICATION OF NOISE SOURCES

Environmental Noise	**Nuisance Noise**
Air-conditioning units (fixed)	Air-conditioning units (improperly maintained)
Animal shelters	Animals, pets
Auto and vehicle repairs in conjunction with permitted commercial or industrial activity	Auto and vehicle repairs on residential sites
	Carbide ignitors and similar devices producing impactive noise
Commercial activities normally found in connection with a permitted activity	Commercial activities, other than those permitted, which are causing a nuisance. Also, outdoor commercial sales activities
	Construction/demolition activities (of a temporary nature)
Industrial activities normally found in conjunction with a permitted activity	Industrial activities, other than environmental, and causing a nuisance

Loading and unloading in conjunction with permitted uses	Loading and unloading, other than environmental, and causing a nuisance
Loose shutters, squeaky gates, clattering drain covers, and other conditions resulting from inadequate property maintenance	
Machinery and compressors (fixed or maintained in conjunction with a permitted activity)	Machinery and compressors other than environmental
	Off-road vehicles
	Outcrying, shouting, screaming, whistling, and singing
	Powered model toys, devices, vehicles and equipment
Power tools normally found in conjunction with permitted uses	Power tools, other than environmental. Also, hobby activities
Lawn mowers	
Pumps – Same as machinery and compressors	Pumps – Same as machinery and compressors
	Private parties, gatherings, and assemblages of limited duration
Public address and public assembly, indoor and outdoor, as permitted use	Public address and public assembly, indoor and outdoor, as temporary use or as an assembly other than environmental
	Radios, stereos, T.V.'s sound amplifiers, musical instruments, and drums
Signaling devices (nonemergency), stationary: Outside phone bells School bells	Signaling devices (nonemergency), mobile: Utility truck radio speakers
	Emergency: Burglar alarms Auto theft alarms

Sound trucks

(Ord. 2101 § 3, 1985).

Chapter 19.69
SURFACE MINING OPERATIONS

Sections:

19.69.090 Financial assurances for reclamation.

A. Financial assurances shall be required to ensure compliance with elements of the reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

B. Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan.

C. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City may need to contract with a third-party commercial company for reclamation of the site.

D. Financial assurances shall be in a form and an amount satisfactory to the City Attorney and City Risk Manager and may include the following:

1. Surety bond issued by a California admitted surety insurer;

2. Irrevocable letter of credit.

E. Revisions to financial assurances shall be submitted to the Director of Development Services or their designee~~Planning and Building~~ 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.

F. The financial assurances shall remain in effect and shall be released when the City determines that reclamation has been completed in accordance with the approved reclamation plan. If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in full force and effect and shall be released by the City upon receipt of financial assurances from the new owner in a form and an amount satisfactory to the City Attorney and Risk Manager. (Ord. 2921 § 3, 2003).

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 their designee~~Planning and Building~~. If in the Director's sole determination the requested modification is in substantial conformance with approved plans, the Director may approve said modification. (Ord. 2921 § 3, 2003).

6.08.080 Kennels, catteries and pet shops – Permit prerequisites.

No permit for the activities included in this chapter shall be valid unless it shall have been certified by the Director of Development Services~~Planning and Building~~ or their designee, as not being in conflict with ordinances and local regulations concerning planning and zoning. (Ord. 3226 § 1, 2012; Ord. 2790, 1999; Ord. 774 § 1, 1961; prior code § 4.8(G)).

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

A. *Application for Conversion or Discontinuance.* Prior to the approval of any rezoning, subdivision map, or the issuance of any permit, including a building permit, which would allow the use of any properties presently or hereinafter utilized for mobilehome or trailer parks to be used for any purpose other than a mobilehome or trailer park, or prior to the cessation of use of all or any part of a mobilehome or trailer park, an application to convert from such use or to discontinue must be filed with the ~~Community Development~~ 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 ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their designee.* All of the above application information shall be submitted to the ~~Community Development~~ Director of Development Services or their designee. The ~~Community Development~~ Director of Development Services or their designee shall make ~~his~~a decision in the following manner:

1. If the ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their designee, or such earlier date as the applicant has complied with the provisions of an approved relocation

plan and submitted evidence thereof to the ~~Community Development~~ Director of Development Services or their designee.

4. In granting or denying the application for conversion or discontinuance of the mobilehome or trailer park, the ~~Community Development~~ Director of Development Services or their 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~~Planning and Building~~ or their 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 ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their designee.*

1. An appeal from the decision of the ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their designee shall set the matter for public hearing before the City Council at the earliest practicable date. The public hearing shall be noticed and held in accordance

with the provisions of this code. Notice of time and place and purpose of such hearing shall be given as follows:

a. By at least one publication in the official newspaper of the City, not less than 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 ~~Community Development~~ Director of Development Services or their designee, subject to the same limitations as are placed upon the ~~Community Development~~ Director of Development Services or their 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.

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

E. *Waiver.* The ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or their 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 ~~Community Development~~ Director of Development Services or

their 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. (Ord. 2790, 1999; Ord. 2368 § 2, 1990; Ord. 2299 § 1, 1989).

10.84.035 Citation authority.

The Director of Development Services (or their designee)~~Planning and Building Director~~, code enforcement officers and other employees designated by the Director of Development Services~~Planning and Building Director~~ shall have the authority to enforce Chapters 10.52, 10.84 and 19.62 CVMC by issuing written notice of the violation. (Ord. 2790, 1999; Ord. 2670 § 1, 1996; Ord. 2176 § 4, 1986).

13.04.010 Definitions.

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

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

A. "Agent" shall mean any person duly authorized by the City to perform specific work upon sewerage facilities under permit or under contract.

B. "Applicant" shall mean a person, partnership, entity, firm, association, corporation, or public agency applying for connection to a public sewer, approval of plans to construct or to modify wastewater facilities, or for a permit for industrial wastewater discharge.

C. "Building" shall mean a structure containing one or more fixtures and separated from any other structure.

D. "Building sewer" shall mean a privately maintained sewer which extends across private property from a building to a sewer lateral, public sewer, or private sewer.

E. "City Manager" shall mean the City Manager of the City of Chula Vista.

F. "Director" shall mean the Director of Public Works or designee.

G. "Discharger" shall mean any person who discharges or causes a discharge of wastewater directly or indirectly into the City's wastewater system or facilities.

H. "Domestic wastewater" shall mean the liquid and waterborne wastes derived from the ordinary living processes in a dwelling unit, said wastes being of such character as to permit satisfactory disposal, without special treatment, into a public sewer.

I. "Fixture" shall mean any plumbing or wastewater outlet requiring a trap or vent.

J. "Food establishment" shall mean a food establishment as defined in Health and Safety Code Section 27520, as it may be amended from time to time.

K. "Grease pretreatment device" shall mean a device conforming to the Uniform Plumbing Code requirements for grease interceptors and/or grease traps approved by the Director and the Director of Development Services, or their designee, ~~Planning and Building~~ and designed to remove grease from wastewater before it enters the building sewer.

L. "Industrial wastewater" shall mean all wastewater, including all wastewater from any producing, manufacturing, processing, institutional, commercial, service, agricultural, or other operation, including food establishments, which are required to be controlled by federal, state of California or local regulations or which interfere with the operation and maintenance of the wastewater system or facilities. These exclude domestic wastewater, but may also include wastes of human origin similar to domestic wastewater.

M. "Mass emission rate" shall mean the weight of a specific material discharged to the public sewer during a given time interval.

N. "Parcel" shall mean a piece of land as described or shown upon current records of the county recorder of San Diego County.

O. "Person" shall mean any individual, partnership, entity, firm, association, corporation or public agency including the state of California and the United States of America.

P. "Public sewer" shall mean a sewer owned and operated by the City which is tributary to treatment or reclamation facilities operated or utilized by the City of Chula Vista.

Q. "Private sewer" shall mean a privately maintained sewer constructed from its connection with a public sewer across public and/or private property to provide sewer service to two or more individual parcels of record, and for which a written agreement pursuant to CVMC 13.08.090 has been filed with the Director.

R. "Sewage" shall have the same meaning as "wastewater."

S. "Sewer connection" shall mean the physical facilities involved and/or the act of construction of a viable juncture between a building sewer or private sewer, and sewer lateral or the public sewer system.

T. "Sewer lateral" shall mean a four-inch or six-inch diameter, privately maintained sewer constructed from its connection with a public sewer across public property to the boundary of

such public property so as to provide sewer service to buildings or structures situated upon an individual parcel of record.

U. "Sewer service" shall mean the service and benefits derived through utilization of the public sewer system.

V. "Standard methods" shall mean procedures described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

W. "Suspended solids" shall mean any insoluble material contained as a component of wastewater and capable of separation from the liquid portion of said wastewater by laboratory filtration as determined by the appropriate testing procedure and standard methods.

X. "Treatment facilities" shall mean facilities owned or utilized by the City in the treatment of wastewater or for the reclamation of wastewater.

Y. "Waste" shall mean any and all waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, processing, institutional, commercial, service, agricultural, food preparation or other operation.

Z. "Wastewater" shall mean waste and water, whether treated or untreated, discharged directly or indirectly into, or permitted to enter, a public sewer. "Wastewater" includes both domestic and industrial wastewater.

AA. "Wastewater constituents and characteristics" shall mean the individual chemical, physical, bacteriological or radiological parameters, including volume, flow rate and such other parameters that define, classify or measure the quality and quantity of wastewater.

BB. "Wastewater system or facilities" shall mean any and all public facilities used by the City for collecting, conveying, pumping, treating, disposing and reclaiming wastewater. (Ord. 2790, 1999; Ord. 2466 § 7, 1991).

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 ~~Planning and Building~~ 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. (Ord. 3005 § 1, 2005).

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 ~~Planning and Building~~ or designee, as necessary. (Ord. 3005 § 1, 2005; Ord. 2678 § 2, 1996; Ord. 2128 § 3, 1985; Ord. 1797 § 1, 1978).

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~~within the City's Development Services Department ~~Engineering, Planning and Building Departments~~ 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.

B. Notwithstanding any provisions to the contrary in subsection (A) of this section, walls which are designed and constructed to retain earth and are also integral portions of buildings may be constructed under building permits concurrently with grading work within the project site. (Ord. 3005 § 1, 2005; Ord. 2128 § 4, 1985; Ord. 1877 § 2, 1979; Ord. 1797 § 1, 1978).

15.04.140 Completion of work – Final reports.

Upon completion of the work the following reports shall be filed with the City Engineer unless waived ~~by him~~ :

A. A written statement by the private engineer that all land development work and/or associated drainage facilities have been completed in conformance with CVMC 15.04.165 and 15.04.225.

B. An as-built plan of the completed work prepared by a civil engineer.

C. A final as-built soil engineer's report which shall include a written statement that inspections and tests were made during the grading, and that in his opinion all embankments and excavations are in accordance with the provisions of this chapter and the permit and are acceptable for their intended use. Soil-bearing capacity (except where the City Engineer determines such is inapplicable), summaries of field and laboratory tests and locations of tests if not previously submitted, and the limits of compacted fill on an as-built plan shall be included in the report. The report shall include reference to the presence of any expansive soil or other soil problems which, if not corrected, would lead to structural defects in buildings constructed on the site. If such report discloses the presence of such expansive soil or such other soil problems, it shall include recommended corrective action designed to prevent structural damage to each building proposed to be constructed upon the site. The final as-built report shall also contain a seepage statement or study as appropriate.

D. A final as-built engineering geology report by an engineering geologist based on the as-built plan, including specific approval of the grading as affected by geological factors. Where required by the City Engineer, the report shall include a revised geologic map and cross-sections and recommendations regarding building restrictions or foundation setbacks.

E. A final biology report, if determined necessary by the Director of Development Services~~Planning and Building~~ or designee, which includes an assessment of the impacts on sensitive biological resources affected by the land development work. (Ord. 3005 § 1, 2005; Ord. 1877 § 2, 1979; Ord. 1797 § 1, 1978).

15.04.145 Notification of completion.

The permittee shall notify the City Engineer when the land development work is ready for final inspection. ~~He~~They shall also notify the City Landscape Architect and the Director of Development Services~~Planning and Building,~~ (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. (Ord. 3005 § 1, 2005; Ord. 2678 § 3, 1996; Ord. 1797 § 1, 1978).

15.04.150 Exemptions from applicability designated.

No person shall do any land development work without first having obtained a land development permit or clearing and grubbing permit, except for the following:

A. The depositing of materials in any disposal area operated or licensed by the City;

B. The making of excavation on any site or contiguous sites held under one ownership, in which all of the following are characteristic of the work:

1. A cut slope having a maximum steepness of three horizontal to one vertical,

2. A cut having a maximum vertical depth of three feet at any point and a maximum average depth of 18 inches,

3. No adverse effect upon an existing drainage pattern,

4. A top of slope no closer than one foot from an exterior boundary line, and

5. The movement of less than 250 cubic yards of material;

C. The making of an embankment on any site or contiguous sites held under one ownership, in which all of the following are characteristic of the work:

1. None of the embankment exceeds three feet in vertical depth or has an average maximum depth in excess of 18 inches,

2. None of the embankment is placed on existing ground having a slope steeper than five horizontal to one vertical (5:1),

3. Proposed fill slopes are no steeper than three horizontal to one vertical (3:1),

4. The embankment does not change or adversely affect the existing drainage pattern,

5. Adequate provisions are proposed to protect the embankment from erosion,

6. The toe of the embankment is no closer than one and one-half feet to an exterior property line, and

7. The total volume of embankment does not exceed 250 cubic yards of material;

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~~Planning and Building Department~~;

E. Excavation or embankment performed by a governmental agency, franchise holder, or its contractor incidental to the construction of roadways, pipelines, or utility lines within its rights-of-way;

F. "Foundations," as referred to herein, shall not be construed to include foundations for retaining walls, drainage structures, or other structures appurtenant to the land development;

G. Routine maintenance of ornamental landscaping;

H. Agricultural operations, as defined pursuant to CVMC 17.35.030;

I. Maintenance of vegetation in accordance with an approved habitat management plan, or other such similar plan, if consistent with such plan, and prepared pursuant to the Chula Vista MSCP subarea plan;

J. Maintenance of vegetation in a designated fuel modification zone, consistent with the Chula Vista MSCP subarea plan;

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~~Planning and Building~~, or designee, that no sensitive biological resources, as defined by CVMC 17.35.030, exist;

L. Clearing and grubbing entirely located in a development area outside of a covered project, as defined by CVMC 17.35.030, in an area that is one acre or less in size, is not part of a larger contiguous clearing and grubbing project, and does not impact sensitive biological resources, wetlands or listed noncovered species, as defined by CVMC 17.35.030. (Ord. 3005 § 1, 2005; Ord. 1797 § 1, 1978).

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) ~~Planning and Building~~ to be necessary to protect the public interest. The City Engineer and/or Director of Development Services (or designee) s~~Planning and Building~~ may require an application for qualification which shall contain all information necessary to determine the person's qualifications to do the land development work. (Ord. 3005 § 1, 2005; Ord. 1797 § 1, 1978).

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~~in the office of the Director of Planning and Building~~ until satisfactory compliance with landscaping and irrigation has been accepted. (Ord. 3005 § 1, 2005; Ord. 1797 § 1, 1978).

15.04.270 Permits – Application – Detailed plans and specifications required.

A. Detailed plans and specifications for land development shall include, but not be limited to:

1. Those requirements listed in the subdivision manual;

2. A vicinity sketch or other data adequately indicating the site location;

3. A plot plan showing the location of the land development boundaries, lot lines, and public and private rights-of-way lines;

4. A contour map showing the present contours of the land and the proposed contours or grid elevations. Contours will extend beyond the limits of grading at least 100 feet;

5. The location of any buildings or structures within the land development boundaries, and the location of any building or structure on adjacent property which is within 15 feet of the land development boundary;

6. Typical sections showing details concerning proposed cut and fill slopes;

7. Adequate plans of all drainage devices, walk or other protective devices to be constructed in connection with, or as a result of, the proposed work, together with a map showing the drainage area of land tributary to the site and the estimated runoff of the area served by any drainage facilities and devices;

8. An estimate of the quantity of excavation and fill involved, quantities relative to construction of appurtenant structures, estimate of cost and estimated starting and completion dates;

9. A landscape and irrigation plan indicating the total landscaped square footage, plant quantity, spacing, type and location and the layout of the irrigation system, and an estimate of cost of the landscaping and irrigation facilities;

10. A map, prepared by a biologist, as defined by CVMC 17.35.030, illustrating the proposed land development work relative to sensitive biological resources in compliance with the applicable habitat loss and incidental take permit issued pursuant to Chapter 17.35 CVMC;

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

B. A soil investigation may be required to correlate surface and subsurface conditions with the proposed land development plan. The results of the investigation shall be presented in a soil report by a soil engineer which shall include, but not be limited to: location of faults; data regarding the nature, distribution, and strength of existing soil and rock on the site; the soil engineer's conclusion; recommendations for grading requirements, including the correction of weak or unstable soil conditions and treatment of any expansive soil that may be present; and his opinion as to the adequacy of building sites to be developed by the proposed land development operations. The soil engineer shall provide an engineering geology report by an engineering geologist when required by the City Engineer. A seepage statement or a study is required as a part of all soil reports. Whenever blasting is to be performed or bedrock is to be exposed, a seepage study must be performed to determine method of handling excess water infiltration.

C. The City Engineer may require other data or information as he deems necessary. He may eliminate or modify any of these requirements where, in his opinion, they will serve no practical purpose. (Ord. 3005 § 1, 2005; Ord. 1877 § 2, 1979; Ord. 1797 § 1, 1978).

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,~~Planning and Building~~ 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,~~Planning and Building~~ 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. (Ord. 3005 § 1, 2005; Ord. 2718 § 1, 1998; Ord. 1797 § 1, 1978).

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~~Planning~~," "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/her, or, its representative or agent. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.14.270 Procedures for enforcing conditional use permits and variances.

A. The Director of Development Services shall investigate evidence presented to him or her to determine whether probable cause exists that any of the following has occurred or is substantially likely to occur regarding any variance or conditional use permit:

1. *Fraud.* That the variance or conditional use permit approval was obtained by fraud;

2. *Non-Use.* That the uses and privileges authorized by the variance or conditional use permit have not been initiated in the manner and within the 36 months specified in CVMC 19.14.260, and no extension of time has been granted;

3. *Abandonment.* That the property or any structure thereon subject to the variance or conditional use permit has been abandoned or the use authorized has ceased for a period exceeding 12 months;

4. *Violation of Conditions.* That the variance or conditional use permit is being or has been exercised contrary to the conditions of said permit, or in violation of any applicable licenses, permits, regulations or laws;

5. *Violation of Use.* That the variance or conditional use permit is being or has been exercised in a manner other than or in excess of the right granted;

6. *Public Health, Safety and Welfare.* That the use for which the variance or conditional use permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance.

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

B. The permitting authority shall hold a public hearing to consider the Director of Development Services recommendation regarding the conditional use permit or variance.

C. Notice of any public hearing to consider violations of variances and conditional use permits shall be given consistent with the procedures set forth in CVMC 19.12.070. The notice shall contain the following information:

1. The date, time, and place of the public hearing;

2. The identity of the permitting authority;

3. A general explanation of the matter to be considered including the nature of the recommendation by the Director of Development Services ~~Planning Director's~~ or their designee ~~recommendation~~;

4. A general description, either in text or by diagram, of the location of the property.

D. *Procedures for Public Hearing.* The following procedures shall be followed for public hearings provided for in this section:

1. *Recommendation and Reports.* The Director of Development Services recommendation and any accompanying staff reports, if any, shall be made available to the public prior to commencement of the public hearing provided for herein.

2. *Recordation.* The public hearing may, at the written request of an interested party, be recorded by either a recording device or stenographer.

3. *Testimony.* Any witness offering evidence or testimony may be placed under oath and subject to cross-examination at the request of the permitting authority or any party interested in the matter which is the subject of the hearing.

4. *Relevancy.* Evidence or testimony must be relevant or material to the fact or facts at issue. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which would otherwise make improper the admission of such evidence in civil actions. All irrelevant and unduly repetitious evidence may be excluded.

5. *Hearsay.* Hearsay evidence shall be admissible, but the fact that evidence is hearsay may affect the weight given to the evidence in reaching any determination of any question of fact. Hearsay evidence may be used for the purpose of supplementing or explaining other

evidence, but may not be sufficient by itself to support a decision unless it would be admissible over objection in civil actions.

6. *Privileges.* The rules regarding privileges shall be effective to the extent they are raised and otherwise required by law to be recognized at the hearing.

7. *Procedural Compliance.* The hearing need not be conducted under rules relating to evidence. Failure of the permitting authority to strictly enforce rules of evidence and reject certain matters which may be irrelevant or immaterial shall not be sufficient to constitute reversible error on the part of the permitting authority if basic procedural due process is granted to all affected parties and a fair hearing has been conducted. Errors which do not affect substantial rights will be disregarded and no presumption of prejudicial error is raised by the failure to strictly adhere to procedural requirements.

E. The permitting authority, after public hearing, shall make a finding or findings whether any or all of the factors articulated in subsection (A) of this section apply to a conditional use permit or variance.

F. Based on its findings, the permitting authority may do any one or a combination of the following:

1. Maintain the existing variance or conditional use permit without modification;

2. Modify or delete any provision or condition of the variance or conditional use permit;

3. Establish any new condition or provision;

4. Revoke the variance or conditional use permit;

5. Establish any fine or charge which may be paid in lieu of revocation, modification, or imposition of a condition.

G. *Written Decision.* The permitting authority must issue a written decision explaining the factual basis for its decision. Notice of the permitting authority's written decision and action shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the City Clerk.

H. *Right of Appeal.* Within 10 business days after the notice of the written decision is filed, unless the date is waived by the appellate body upon a showing of good cause, any interested

party who participated in the public hearing or the Director of Development Services may appeal the written decision to the appropriate appellate body as follows:

1. If the permitting authority is the Zoning Administrator, appeal shall be filed with the City Council;

2. If the permitting authority is the Planning Commission or Chula Vista Redevelopment Corporation, appeal shall be filed with the City Council;

3. If the permitting authority is the City Council, no further appeal is available.

I. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

J. After an appeal is filed and accepted, the appellate body shall hold a public hearing consistent with the provisions set forth in this section. The appellate body may, in its discretion, consider additional evidence not presented at the public hearing.

K. The appellate body may reverse, uphold, or modify in any manner a written decision or take any action consistent with this section, after public hearing, upon a written appellate decision. Notice of the written appellate decision shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the City Clerk.

L. *Appeal to City Council.* If the appellate body is not the City Council, an appeal may be filed by any interested party who participated in the appeal or by the Director of Development Services who may request an appeal to the City Council within 10 business days after the notice of the written appellate decision is filed, unless waived by the City Council upon a showing of good cause. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

M. Any written decision regarding an appeal shall be final on the eleventh day after its filing, unless an appeal is timely filed, if such an appeal is available to an issuing body, or a waiver is obtained. All written decisions issued by the City Council shall become final when notice of such written decision is filed.

N. After the written decision becomes final, it shall be filed with the Director of Development Services and a copy may be filed with the county recorder of San Diego County. Uses and

structures must be brought into compliance with the final decision or otherwise brought into compliance with the underlying zone. Where a variance or conditional use permit is revoked, it shall become void. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2790, 1999; Ord. 2520 § 1, 1992).

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 their designee~~Planning~~, 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. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1632 § 2, 1975).

19.14.830 Initiation application process.

An initiation application for a land use plan amendment or rezone shall be filed with the City Manager, or designee, in accordance with the following requirements:

A. *Authority to File an Application.* The following persons are deemed to have the authority to file an application:

1. The record owner of the real property that is the subject of the land use plan amendment or rezone;

2. The property owner's authorized agent; or

3. Subject to the City Manager's approval, any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application.

B. *Submittal Requirements.* The application shall be made on a form provided by the City Manager and shall be accompanied by the materials, information, fees, and deposits that are required on the date the application is filed. The application shall be deemed complete when the department processing the application has determined that the application includes all of the information, materials, fees, and deposits required by this section. The City may, in the course of processing the application, request that the applicant clarify, simplify, or provide in alternate format or medium, the information required for the application.

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 ~~Division of the Planning~~ Department and shall apply to all applications submitted. (Ord. 3404 § 1 (Exh. 1), 2017).

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, ~~Planning~~ or their designee. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(L)(5)).

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 their designeePlanning. 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. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(8)).

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~~Planning~~ or their designee. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(G)(14)).

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 their designee~~Planning~~. (Ord. 3182 § 3(A), 2011; Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(3)).

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~~Planning~~ or their designee. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(G)(2)).

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 their designee.~~Planning.~~ (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511(G)(2)).

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 their designee.~~Planning.~~ (Ord. 3153 § 2 (Exh. A), 2010; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(H)(5)).

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 their designee~~Planning~~, 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:

S = 0.00229 x I x LA

Where:

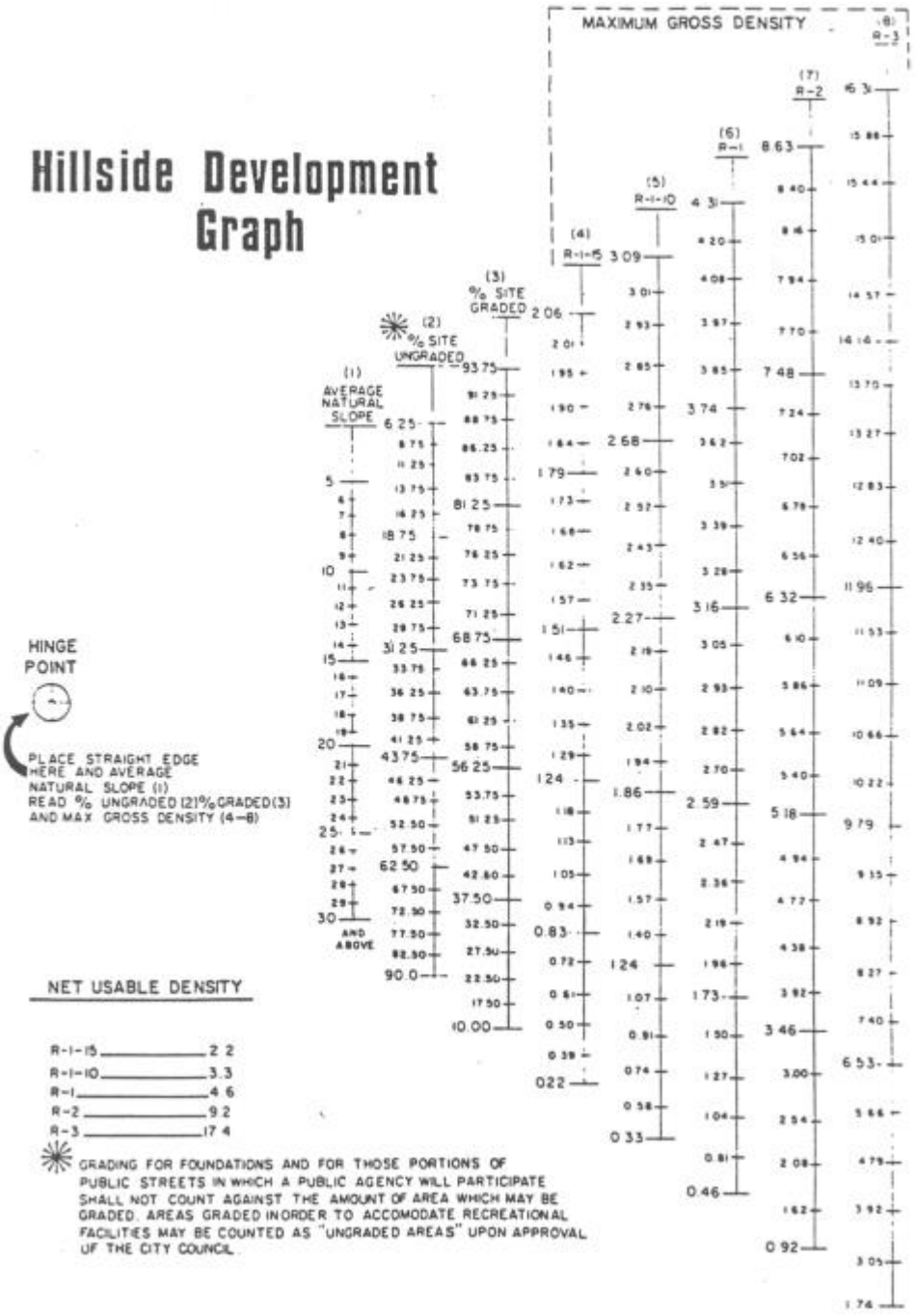
S = Average natural slope in percent

I = Contour interval in feet

L = Length of contours in feet

A = Acres of area being measured

0.00229 = Constant which converts square feet into acres and expresses slope in percent.



The average natural slope shall be certified by a registered civil engineer. Once the average natural slope has been determined, the preceding graph in Figure 1 shall be used to determine the maximum permitted density and the limitations which will be placed on grading. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(7)(a)(2)).

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 their designee,~~Planning~~ 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. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.702(1)).