ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA COMPREHENSIVELY AMENDING CHULA VISTA MUNICIPAL CODE TITLE 8 (HEALTH AND SANITATION), TITLE 12 (STREETS AND SIDEWALKS), TITLE 13 (SEWERS), TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 18 (SUBDIVISIONS), AND TITLE 19 (PLANNING AND ZONING).

WHEREAS, necessary amendments to the Chula Vista Municipal Code ("CVMC") have been identified to further streamline and clarify permit processes and regulations; and

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

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

WHEREAS, the Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act ("CEQA") and determined that the action qualifies for the "common sense" exemption under State CEQA Guidelines Section 15061(b)(3). The action involves only updates and modifications to the CVMC, including relating the addition of findings of approval for certain discretionary permits, creating additional standards for home occupations, changing the permitting authority of permits governing the public right-of-way, and streamlining processing procedures for certain discretionary permits. Furthermore, the action of updating and modifying the CVMC with procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated. Based on an analysis of the nature and type of these procedural and clerical changes to the CVMC, there is a certainty that there is no possibility that the action may have a significant effect on the environment; and

WHEREAS, the Planning Commission held an advertised public hearing on the subject Ordinance on May 8, 2024, and voted 6-0-0 to adopt Resolution No. 2024-009, and thereby recommends that the City Council adopt the Ordinance; and

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

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

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

Section I. Addition of Electric Vehicle Sales and Services Definition and Permit Process. The Chula Vista Municipal Code is hereby amended as follows:

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 meant as general guidance.

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

"Access" means an opening in a fence, wall or structure, or a walkway or driveway, permitting pedestrian or vehicular approach to or within any structure or use.

"Accessory use or structure" means a use or structure subordinate to the principal use of a building on the same lot, and serving a purpose customarily incidental to the use of the principal building.

"Agent of owner" is any person who can show certified written proof that he is acting for the property owner.

"Agriculture" means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, animal husbandry (excluding swine); incidental to other agricultural uses; and the necessary accessory uses for storing produce and qualified employee housing; provided, however, that the operation of any such accessory use shall be secondary to that of primary uses and shall not include stockyards or the commercial feeding of garbage or offal to animals.

"Alley" means a public or private way not more than 30 feet wide, which affords only secondary access to abutting property.

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

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

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

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

"Auction" means the auctioning and sale of merchandise and equipment to the highest bidder, but excluding auction rooms and livestock auctioning.

Automobile Dismantling. For "automobile dismantling," see "junkyard."

Automobile Maintenance and Repair, Minor. "Minor automobile maintenance and repair" means general lubrication services, engine tune-up, and replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including other operations named under "automobile repair, major" or similar thereto as determined by the Commission.

"Automobile or trailer sales area" means an open area, other than a street or an alley, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Repair, Major. "Major automobile repair" means general repair, rebuilding, and reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender repair; and overall painting.

"Automobile service station" means an establishment engaged in the sale of motor fuel dispensing devices directly into motor vehicles. In addition, other services may be performed such as tube and tire repair, battery charging, storage of merchandise to be sold on the premises as permitted herein, lubricating of automobiles, and automobile washing, not including mechanical wash, and minor repairs.

"Basement" means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground, as distinguished from a "cellar" which is a story where more than one-half of its floor-to-ceiling height is below the average level of the adjoining ground. A basement, when usable as a dwelling, shall be counted as a story for purposes of height measurement, and as a half story for purposes of side yard determination.

"Beginning of construction" means the demolition, elimination and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.

"Block" means a tract of land bounded by streets, dead-ends of streets, railroad rights-of-way, watercourses, large tracts of land in uses such as parks and golf courses, or a City boundary.

"Boardinghouse or lodginghouse" means a dwelling or part thereof (not including rest homes, convalescent homes, bed care, supervision and other special care, such as counseling), where meals and/or lodging are provided (but not separate cooking facilities) for compensation and with not more than five guest rooms and 10 persons total.

"Boatel" means any hotel or motor hotel provided with landing facilities to accommodate boats or other vessels.

"Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

Building, Height of. "Height of building" means the vertical distance from the average contact ground level of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building, High Rise. "High rise building" means any structure which is five stories or more in height.

Building Line Map. The front yards of all lots and side yards along the street side of a reversed corner lot are shown upon a map on file in the Planning Department, and

made a part of this title, being designated as the "building line map," and such map and all notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth by such map were all fully described herein.

Building, Main. "Main building" means a building in which is conducted the principal use of the building site on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the building site on which it is located.

"Bulkhead" means a structure, including riprap or sheet piling, constructed to separate land and water and establish a permanent shoreline.

"Carnival" means a traveling enterprise offering amusements with organized entertainment or exhibits and includes mechanical rides.

"Carport" means a private garage, as defined herein, which is designed to be open on one or more sides.

"Cellar" means a story where more than one-half of its floor-to-ceiling height is below the average contact ground level of the adjoining ground. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes.

"Chula Vista General Plan" means the General Plan for the City, as adopted by the City Council on September 22, 1964, and as amended from time to time.

"Commission" means the City Planning Commission of Chula Vista.

"Communication equipment building or use" means a building or lot housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel. For the purpose of this title, a communication equipment building or use shall be considered a quasi-public use, where such use is referred to in the zoning regulations.

"Community purpose facility" means a land use designation in a planned community intended for nonprofit and certain for-profit land uses as listed in CVMC 19.48.025(C).

"Council" means the City Council of Chula Vista.

"Court" means a yard on the same lot with a building which is bounded on two or more sides by the exterior walls of buildings on the same lot.

"Crop and tree farming" means the raising for commercial purposes of any truck, field or orchard crops or wholesale nurseries or greenhouses, including necessary buildings incidental to such crop and qualified employee housing.

"Dance floor" shall mean a defined floor area located within a business establishment designed for the purpose of dancing by patrons of the establishment.

"Day nursery" means day nurseries for working mothers; nursery schools for children under the minimum age of admission to public schools; parent-cooperative nursery schools; play groups for preschool children; programs giving afterschool care to school children; and all other types of group day care programs. The term "day nursery" does not include family day care homes; facilities offering 24-hour care; or regular elementary schools which offer educational programs only.

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

"Development unit" means that portion, along with the uses contained therein, of a planned community district which is proposed for development at one time and under one planned development permit. Development units may consist of portions of a planned community district or of the entire district.

"Distance between residential structures" means the shortest horizontal distance between the vertical walls of two residential structures as herein defined. Location of points of measurement are subject to the exceptions contained in CVMC 19.16.060.

"Dock" means a landing pier for boats; a wharf; or a structure supported by pilings or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier.

"Driveway" means a private road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which located.

"Dwelling" means any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including a hotel/motel, tent, cabin, trailer or mobilehome.

Dwelling, Accessory Dwelling Unit. "Accessory dwelling units or junior accessory dwelling units" are independent living facilities of limited size that provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling. This includes efficiency units and manufactured homes, in conformance with the requirements for such units as defined in State Government Code Section 65852.2.

"Dwelling group" means a group of two or more detached buildings used for dwelling purposes located on a parcel of land in one ownership and having any yard or court in common.

Dwelling, Multiple. "Multiple dwelling" means a building or portions thereof designed for or used exclusively for residence purposes by three or more families or housekeeping units, living independently of one another.

Dwelling, Single-Family. "Single-family dwelling" means a building designed for or used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Townhouse. "Townhouse dwelling" means an attached or semi-attached building containing a single dwelling unit and located or capable of being located on a separate lot.

Dwelling, Two-Family or Duplex. "Two-family or duplex dwelling" means a building designed for or used exclusively for residence purposes by two families or housekeeping units, living independently of one another.

"Dwelling unit" means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

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

"Efficiency living unit" means a dwelling unit for occupancy, which has a minimum floor area of 150 square feet and a maximum floor area of 450 square feet and which may also have partial kitchen or bathroom facilities and shall have the same meaning as "Efficiency Unit" as defined in Section 17958.1 of the California Health and Safety Code.

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

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

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

3. *Private Facility.* A "private facility" means an electrical generating facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose function is the provision of electricity to the permitted use(s) on a single or adjoining parcel(s) on which the facility is located or serves. The associated power load shall generally be up to 25 megawatts, or as determined by applicable state or other codes. A private facility can include district heat and power, and combined heat and power types as defined in the City's Electrical Generating Facilities (EGF) Policy.

4. *Backup and Emergency Facility.* A "backup and emergency facility" means an electrical generating facility that is operated only during the interruption of electrical service from the distribution system or transmission grid due to circumstances beyond the operator's control.

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

Electric Vehicle ("EV") Service and Sales. The leasing or sales of electric vehicles (EV), parts or services for EV's, and minor repairs/service including minor body work, replacement parts (excluding paint booths), where all activities occur within a building, office space, or commercial store front, with limited outdoor storage. Sales are limited to EV, hybrid vehicles and related service/parts sales.

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

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

"Family day care" means regularly provided care, protection and supervision of 14 or fewer children in the state-licensed provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away; provided, that the licensee of such family day care home who rents or leases their home shall notify the property owner or landlord in writing that they are operating a family day care home in the rented or leased property.

"Family day care home, large" means a family day care home, as defined by this section, which provides family day care to nine to 14 children, inclusive, including children who reside at the home.

"Family day care home, small" means a family day care home, as defined by this section, which provides family day care to eight or fewer children, including children who reside at the home.

Filling Station. For "filling station," see "automobile service station."

"Floor area ratio (residential)" means the numerical value obtained by dividing the total area of all the floors of a building or buildings included within the surrounding walls, by the total area of the premises.

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

"Full-time foster home" means a family residence in which 24-hour care is provided for not more than six children, including children of the foster family.

Garage, Private. "Private garage" means a detached, fully enclosed accessory building or a portion of the principal building used only for the storage of passenger vehicles, boats or trailers by the persons resident or employed upon the premises; provided, that such garage, when in a residential zone or incidental to a residential use, shall not be used for the storage of more than one commercial vehicle of one and one-half tons or greater rated capacity per family residence upon the premises.

Garage, Public. "Public garage" means a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of self-propelled vehicles or trailers.

"General development plan" means a description of the development proposed within a particular planned community zone consisting at a minimum of a map and written statement setting forth, in general, the regulations governing, and the location and arrangement of, all proposed uses and improvements to be included in the development.

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

"Hazardous waste facility" means, as applicable, a hazardous waste facility project, specified hazardous waste facility, specified hazardous waste facility project, or land

disposal facility as defined in Section 25199.1 of the California Health and Safety Code, and shall include any structures, other appurtenances, and improvements on the land, and all contiguous land, used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste.

"Home occupation" means a commercial activity conducted in a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes, and in accordance with CVMC 19.14.490.

"Hospital" means an institution in which patients are given medical or surgical care and which is licensed by the state to use the title "hospital" without qualifying descriptive word.

"Hotel/motel" means a building or group of buildings comprised of six or more guestrooms or suites of rooms, where a majority of such rooms are occupied, intended or designed for occupancy by guests for temporary lodging or sleeping purposes for less than 30 consecutive calendar days, and is held out as such to the public (not including hospitals, residential facilities, qualified employee housing, boarding or lodging houses or single room occupancy residences).

"Houseboat" means any vessel used or intended to be used primarily as a dwelling unit, in contrast to a vessel used or intended to be used primarily for carrying persons or goods.

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

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

"Kennel" means a place kept for the purpose of the boarding, breeding, raising, selling or exchanging of dogs.

"Kitchen or kitchenette" means any room or part of a room which is designed, built, used or intended to be used for food preparation and dishwashing, but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

"Landscape manual" refers to the landscape manual adopted by the City Council of Chula Vista.

"Landscaping" means planting, including trees, shrubs, lawn areas, and ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, decorative rock or other paved surfaces are considered as elements of landscape development.

"Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, and having frontage on a public or an approved private street.

"Lot area" means the computed area contained within the lot lines.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street right-of-way lines is the "corner."

"Lot coverage" means the percent of the total site area covered by structures other than those excepted in this title.

"Lot depth" means the mean horizontal distance between the front and the rear lot lines, or between the front lot line and the intersection of the two side lines if there should be no rear lot line.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot Line, Front. "Front lot line" means the line separating the lot from the street. In the case of a corner lot, the front lot line is the shorter of any two adjacent street lot lines.

Lot Line, Interior. For "interior lot line," see "lot line, side."

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

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

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

3. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

Lot Line, Side. "Side lot line" means any lot line other than a front or rear lot line which intersects a front lot line. A side lot line separating a lot from a street is called a "side street lot line."

Lot Line, Street or Alley. "Street or alley lot line" means a lot line separating the lot from a street or alley.

"Lot lines" means the property lines bounding the lot.

Lot of Record. For "lot of record," see CVMC 19.16.020.

Lot, Through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines.

"Massage parlor" means a massage establishment as defined in CVMC 5.36.030.
Mobilehome. For "mobilehome," see "trailers."

"Narcotic or drug paraphernalia shop" or "head shop" means any business establishment or a portion of the premises of any business establishment wherein devices, contrivances, instruments or paraphernalia for smoking, sniffing or injection of marijuana, hashish, cocaine, PCP or any controlled substance is displayed or offered for sale.

"Nonconforming structure" means a structure which was lawfully erected prior to July 8, 1969, but which, under the provisions herein, does not conform to the standards of coverage, yards, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located.

"Nonconforming use" means a use of a structure or land which was lawfully established and maintained prior to July 8, 1969, but which, under the provisions herein, does not conform with the use regulations for the district in which it is located.

"Nursing home" means any premises with sleeping rooms where persons are lodged and furnished with meals and nursing care, not including persons suffering from contagious disease, mental diseases, alcoholism or drug addiction.

"Off-shore" means land below "mean higher high water" as defined by the U.S. Coast and Geodetic Survey.

"On-shore" means land above "mean higher high water" as defined by the U.S. Coast and Geodetic Survey.

Open Space, Usable. "Usable open space" means any portion of a lot which is landscaped and/or developed for recreational and leisure use, and is conveniently located and accessible to all the units. (See CVMC 19.28.090.)

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

Parking Area, Private. "Private parking area" means an open area for the same uses as a private garage.

Parking Area, Public. "Public parking area" means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

"Parking space" means a permanently surfaced area of a size defined by Planning Commission resolution, within a structure or in the open, excluding area necessary for access under the provisions of this title, designed or used for the parking of a motor vehicle. When the long dimension of a parking space adjoins a wall or fence more than six inches in height, the width of such parking space shall be not less than 10 feet.

"Performance standards" are the regulations for the control of "dangerous or objectionable elements" as defined in CVMC 19.66.080 through 19.66.150.

Permitted Use. For the purpose of this title, a "permitted use" in any zone shall include any use listed as a "principal permitted use" or "accessory use" and shall further include a "conditional use" as listed for the particular zone, provided a conditional use permit is obtained.

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

Pharmacy, Prescription. For "pharmacy, prescription," see "prescription pharmacy."

"Planned development permit" means a permit issued by the City Planning Commission, authorizing the actual development and construction within a planned community zone.

"Poultry farm" means any premises on which the primary use is the breeding, raising or maintaining of poultry for sale of eggs or poultry, or where the primary income from the premises is derived from the aforesaid occupation.

"Prescription pharmacy" means an establishment whose primary function is the sale of pharmaceutical drugs and prescriptions as well as medicinal supplies and goods. The incidental sales of toilet goods, toiletries, cosmetics, confections, tobacco and accessories, newspapers and magazines is also permitted.

"Public/quasi-public" means used as public or seemingly public. For the purposes of this title, electrical substations, electrical generating facilities as defined in subsections (1), (2), (3) and (4) only of the definition "electrical generating facilities" in this section, water or wastewater treatment and storage facilities, education, civic, government offices, or other municipal, public agency or utility facilities, and others as listed in Chapter 19.47 CVMC shall be considered public/quasi-public uses, of a public service type.

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

Recreation, Commercial. "Commercial recreation" means recreation facilities operated as a business and open to the general public for a fee.

Recreation, Private, Noncommercial. "Private, noncommercial recreation" means clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization.

Recreation, Public. "Public recreation" means publicly owned or operated recreation facilities.

"Religious institution" means an institution that people regularly attend to participate in or hold religious services and incidental religious education, but not including private schools as defined in this chapter.

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

"Residential density" means the average number of families living on one acre of land in a given area. "Net residential density" is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the area that are used for residential and accessory purposes. "Gross residential density" is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks and local shopping facilities into the total number of families in said area.

"Residential facility" means any family home, group care facility, or similar facility, licensed by the state of California, for 24-hour nonmedical care of persons in need of

personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Salvage Yard. For "salvage yard," see "junkyard."

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

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

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

"Senior housing development" means a residential project which may exceed the maximum density permitted for families in the zones in which it is located, and which is established and maintained for the exclusive use of low- or moderate-income senior residents.

Service Station. For "service station," see "automobile service station."

Setback. For "setback," see specific "yard" definitions.

"Shoreline" means the boundary between land above and land below the "mean higher high water," as defined by the latest U.S. Coast and Geodetic Survey.

Stable, Private. "Private stable" means an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling, and where no horses are kept for hire or sale.

Stable, Riding. "Riding stable" means any stable where horses are kept for hire.

"Story" means that portion of a building included between the surface of any floor and the floor or ceiling next above it.

Story, First. "First story" means the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except, that any basement or cellar used for residential purposes shall be deemed the first story.

Story, Half. "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for one or more dwelling units shall be deemed a full story.

Story, Mezzanine. "Mezzanine story" means a story which covers one-third or less of the area of the story directly underneath it.

"Street" means a public right-of-way, more than 30 feet in width, which provides a public means of access to abutting property. The term "street" includes "avenue," "drive," "circle," "road," "parkway," "boulevard," "highway," "thoroughfare," or any other similar term. The term shall include the total width of the dedicated right-of-way.

Street, Private. "Private street" means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

"Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders.

"Structure" means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (Section 65582(g) of the State Government Code).

"Target population" means persons with low incomes who have one or more disabilities as described in Section 65582(i) of the State Government Code.

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

"Tideland" means lands between the "mean higher high water" and the "mean lower low water" as defined by the U.S. Coast and Geodetic Survey.

"Townhouses" means attached or semi-attached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

Trailer Camp, Trailer Park or Mobilehome Park. "Trailer camp, trailer park or mobilehome park" means any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more camp trailers or mobilehomes occupied as a residence.

Trailers.

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

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

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

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

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

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

7. "Commercial coach" means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall not include mobilehomes. Such coaches shall bear the State Division of Housing's insignia of approval as a commercial coach.

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

"Underwater land" means land below the "mean lower low water" as defined by the U.S. Coast and Geodetic Survey.

"Unified control" means the written consent or agreement of all property owners.
Usable Open Space. For "usable open space," see "open space, usable."

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

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

1. Freight yards/forwarding terminals.

2. Warehousing distribution/high cube distribution centers.

3. Moving agencies.

4. Parcel delivery terminals.

5. Railroad freight stations.

6. Shipping/receiving yards.

7. Truck terminals.

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

"Warehousing sales, wholesale" means the use of a building or buildings primarily for the internal storage of goods of any type, which includes the selling of such goods to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and

buying merchandise for, or selling merchandise to, such individuals or companies, and specifically excluding sales of goods directly to the ultimate consumer. Generally, sales tax is not collected from businesses purchasing such goods.

"Waterfront land" means any lot above the "mean higher high water" as defined by the U.S. Coast and Geodetic Survey having frontage directly upon the shoreline, as defined herein.

Yard, Front. "Front yard" means an open space extending the full width of the lot measured between the building closest to the front lot line, which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.

Yard, Front, Least Depth. "Front yard, least depth" means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the front lot line.

Yard, Front, Least Depth – How Measured. Such depth shall be measured from the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City ("plan line procedure") differs from that of the existing street, then the required front yard, least depth, shall be measured from the right-of-way line of such street as adopted; or said building shall comply with the official setback lines as adopted by the City.

Yard, Rear. "Rear yard" means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this title.

Yard, Rear, Least Depth. "Rear yard, least depth" means the shortest distance, measured horizontally, between any part of a principal building, other than parts hereinafter excepted, and the rear lot line.

Yard, Side. "Side yard" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an "exterior side yard."

Yard, Side, Least Width. "Side yard, least width" means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line.

Yard, Side, Least Width – How Measured. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City differs from that of the existing street, then the required side yard, least width, shall be measured from the right-of-way of such street as adopted; or said building shall comply with any applicable official setback lines.

"Zone" means a portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

"Zoning map" means the zoning map or maps of Chula Vista, together with all amendments subsequently adopted.

"Zoning permit" means a document issued by the Building Inspector authorizing buildings, structures or uses consistent with the terms of this title, and for the purpose of carrying out and enforcing its provisions.

"Zoning wall or fence" means a wall or fence erected along the property line or zoning boundary to separate any commercial or industrial zones or uses from adjacent residential zones and a fence to separate multiple-family zones from single-family zones.

19.40.020 Permitted uses.

Principal permitted uses in a C-T zone are as follows:

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

B. New car dealers and accessory sale of used cars (see CVMC 19.40.030 for used car lots); electric vehicle ("EV") service and sales; boat and equipment sales and rental establishments, subject to the provisions of CVMC 19.58.070;

C. Hotels/motels, subject to the provisions of CVMC 19.58.210;

D. Retail shops for the sale of auto parts and accessories, souvenirs, curios and other products, primarily to serve the traveling public;

E. Restaurants and cocktail lounges (dance floors subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);

F. Animal hospitals and veterinary clinics, subject to the provisions of CVMC 19.58.050;

G. Bakery and creamery establishments;

H. Printing and publishing or lithographic shops;

I. Commercial recreation facilities, such as swimming pools, bowling alleys, and skating rinks, subject to the provisions of CVMC 19.58.040;

J. Plant nurseries;

K. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC 19.22.030(F)(1) through (9) and (11) through (13);

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

M. Agricultural uses as provided in CVMC 19.16.030;

N. Sexually oriented businesses, subject to the provisions of CVMC 19.58.024;

O. Used clothing sales;

P. Knitting and weaving shops;

Q. Upholstery shops;

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

19.44.020 Permitted uses.

Permitted uses in an I-L zone are as follows:

A. Manufacturing, printing, assembling, processing, repairing, bottling, or packaging of products from previously prepared materials, not including any prohibited use in this zone;

B. Manufacturing of electrical and electronic instruments, devices and components;

C. Wholesale businesses, storage and warehousing;

D. Laboratories; research, experimental, film, electronic and testing;

E. Truck, trailer, mobilehome, boat and farm implement sales establishments;

F. Public and private building material sales yards, service yards, storage yards, and equipment rental;

G. Minor auto repair;

H. Laundries, laundry services, and dyeing and cleaning plants, except large-scale operations;

I. Car washing establishments, subject to the provisions of CVMC 19.58.060;

J. Electric Vehicle ("EV") Service and Sales;

K. Plumbing and heating shops;

L. Exterminating services;

M. Animal hospitals and veterinarians, subject to the provisions of CVMC 19.58.050;

N. The manufacture of food products, drugs, pharmaceuticals and the like, excluding those in CVMC 19.44.050;

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

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

Q. Agricultural uses as provided in CVMC 19.16.030;

R. Emergency shelters, limited subject to the provisions of CVMC 19.58.143.

Section II. Changes to Scheduling Items for City Council Meetings. The Chula Vista Municipal Code is hereby amended as follows:

Section 8.24.180 Payment of solid waste collection charges – Penalty for delinquency.

Subsections A thru E remain unchanged.

F. *Lien Process for Solid Waste Services.*

1. *Hearing and Lien – Notice.* When the full amount for said Solid Waste service charge is not paid within 15 days after the final notice of delinquency, the City Clerk may set said delinquent account for hearing by the City Council at a regular or adjourned meeting, which will be held at least seven calendar days after such 15-day period has expired. The owner of the property shall be mailed notice of the time and place of the hearing at least 10 days in advance of the hearing. The notice shall also

inform the property owner that failure to pay said delinquent account will result in a lien upon the property, and the amount owed will be charged to the property owner on the next regular tax bill. Notice of the public hearing shall also be published once at least 10 days in advance thereof in a newspaper of general circulation published in the City of Chula Vista. The City Clerk shall post a copy of such notice of the time and place of hearing, in a conspicuous place at or near the entrance of the Council chambers in the City Hall.

2. *Delinquent Accounts – Hearing and Assessment.* The City Council shall consider said delinquent accounts at the time set for hearing, together with any objections or protests by interested parties. Any owner of land or person affected by the charges may present a written or oral protest or objection to the delinquency of said account or the amount owed thereon. At the conclusion of the hearing, the City Council shall either approve the delinquency and amount owed on the account as submitted or as modified or corrected by the City Council. The decision of the City Council on the charges and on all protests or objections shall be final and conclusive. The amounts so approved shall reflect the entire amount due, including all penalties, interest, and administrative fees that have accrued against the account as of the date of the hearing plus any county fees (for processing and collecting the lien). The amount shall be charged to the property owner on the next regular tax bill and shall be a lien upon the property involved. The City Council shall confirm such assessment and cause the same to be recorded on the assessment roll and, thereafter, such assessment shall constitute a special assessment and lien upon the property. The City Council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

3. *Delinquent Accounts – Administrative Fee.* All delinquent accounts that are not paid within 10 days after the final delinquency notice has been posted may be charged an administrative processing fee to offset the costs incurred by the City in administering the provisions of this chapter. The administrative processing fee (designated for administrative convenience only in the master fee schedule) shall be added to the amount that shall be charged to the property owner on the next regular tax bill under subsection (F)(2) of this section.

The rest of the Subsections remain unchanged.

Section 12.40.060 Appeal – Decision authority.

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

Section 13.14.150 Payment of sewer service and pump station charges – Penalty for delinquency – Discontinuance of service – When – Unlawful connection – Backbilling and penalty.

Subsections A thru E remain unchanged.

F. *Notice of Delinquency – Hearing and Lien.* When the full amount for said sewer service charge is not paid within 60 days after the final date of payment, the City Clerk shall set said delinquent account for hearing by the City Council at a regular or adjourned meeting which will be held at least seven calendar days after such 60-day period has expired. The owner of the property shall be mailed notice of the time and place of the hearing. The notice shall also inform the property owner that failure to pay said delinquent account will result in a lien upon the property, and the amount owed will be charged to the property owner on the next regular tax bill. Notice of the public hearing shall also be published once, at least 10 days in advance thereof, in a newspaper of general circulation published in the City of Chula Vista. The City Clerk shall post a copy of such notice of the time and place of hearing in a conspicuous place at or near the entrance of the Council Chambers in the City Hall.

The rest of the Subsections remain unchanged.

Section 15.50.040 Request for reimbursement agreement.

Whenever a developer is required to install or replace such public improvements or whenever the City may have participated in the costs of such improvements which either the developer or the City feels will be of benefit to property other than his own, which properties are not subject to an assessment for such costs under a public improvement proceeding, the developer or the City may request that the City Council form a reimbursement district. The request shall be in writing and filed with the City Clerk who shall place it on the agenda of the next meeting of the City Council.

Section 18.16.170 Approval – Prerequisites – Notice.

Pursuant to Government Code 66458(d) the City Engineer shall notify Council at its next meeting after the City Engineer receives an approvable final map package that the final map is being reviewed for final approval. The City Clerk shall notice any final maps under final review on the City Council agenda and shall notify any interested parties who have requested notice.

Section 19.14.588 Design review – Appeal procedure.

A. An interested party may file an appeal from the decision of the Zoning Administrator to the Planning Commission within 10 business days after the decision is made. The appeal shall be in writing and filed with the Development Services Department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Planning Commission. Once a valid application for appeal has been filed, the Development Services

Department shall take no longer than 30 calendar days to set the matter for public hearing at a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than 60 calendar days from the application's filing date.
Upon the hearing of such appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the Zoning Administrator. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual. The decision of the Planning Commission shall be final.

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

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

Section 19.52.040 Procedures following Planning Commission decision – Appeals.

A. After decision by the Planning Commission, copies thereof shall be mailed to the applicant and to any party filing a written notice therefor with the secretary of the Commission or the Director of Planning and Building, and the application and any supporting documents, together with the written decision of the Planning Commission, shall be forwarded to the City Clerk, who shall cause same to be placed upon the agenda of a meeting of the City Council within 15 days after receipt thereof.

B. If the applicant or any other interested party is dissatisfied with the decision of the Planning Commission, such person may file a notice of appeal within 10 days from the date such notification of the Planning Commission's decision was mailed to the applicant. Such notice of appeal shall be filed with the City Clerk. Such appeal shall be in writing and shall state wherein the appellant feels the Planning Commission's decision was in error, and his reasons therefor.

Section III. Revision to Accessory Dwelling Unit Size Standards. The Chula Vista Municipal Code is hereby amended as follows:

19.58.022 Accessory dwelling units.

Subsections A and B remain unchanged.

C. Accessory dwelling units shall be subject to the following requirements and development standards:

1. *Zones.* Accessory dwelling units can be created in areas zoned to allow single-family or multifamily dwelling residential use. A coastal development permit may be required for accessory dwelling units within the coastal zone. Construction of a primary residence can be in conjunction with the construction of an accessory dwelling unit.

2. *Number of Accessory Dwelling Units Permitted.*

a. An accessory dwelling unit is permitted on a lot with a proposed or existing single-family dwelling unit.

b. A minimum of one accessory dwelling unit, or up to 25 percent of the existing multifamily units, is permitted within an existing multifamily dwelling, as a result of the conversion of nonhabitable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; or

c. Up to two detached accessory dwelling units shall be permitted on a lot with an existing multifamily dwelling.

3. *Unit Size.* Accessory dwelling units shall conform to the following size requirements:

a. The total floor area for an attached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit and 1,000 square feet for a unit with more than one bedroom.

b. An accessory dwelling unit of at least 800 square feet shall be permitted regardless of floor area ratio, lot coverage or open space requirements of the underlying zone.

c. The total floor area for a detached accessory dwelling shall not exceed 1,200 square feet.

d. An accessory dwelling unit within an existing accessory structure may be increased by a maximum of 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress.

4. *Unit Location.* Accessory dwelling units may be attached to or located within a proposed or existing primary residence or accessory structure (including attached garages, storage areas or similar structures). Accessory dwelling units may be detached from the primary residence.

5. *Height.* An accessory dwelling unit, as measured from the ground, shall not exceed the height limit for the primary residence in accordance with the underlying zone, or 16 feet, whichever is greater. However, a taller unit can be built based on the following exceptions:

a. *Detached.*

i. Up to 18 feet on a lot with an existing or proposed single-family or multifamily dwelling if it is located within a half-mile of transit or high-quality transit corridor. The maximum can also be increased to 20 feet only if it is necessary to match the roof pitch of the ADU to that of the main house.

ii. Up to 18 feet on a lot with an existing or proposed multi-story multifamily dwelling, regardless of proximity to public transit.

b. *Attached.* Up to 25 feet high for either a primary single-family or multifamily dwelling, or as high as the underlying zoning designation allows, whichever is lower. The ADU shall also be no greater than two stories.

6. *Development Standard Exceptions.* Accessory dwelling units shall conform to the underlying zoning and land use development requirements for primary residences with the following exceptions:

a. A new attached or detached accessory dwelling unit is allowed a setback of no less than four feet from the side and rear lot lines. In addition, an encroachment into the front yard setback is also allowed only if it is necessary to construct a minimum 800-square-foot unit.

b. A new detached accessory dwelling unit shall be located a minimum of six feet from a primary residence.

c. No setback shall be required for an existing garage, living area, or accessory structure constructed in the same dimensions that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no less than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an accessory structure.

d. Correction of nonconforming zoning conditions and/or building code violations shall not be a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit.

7. Parking. Parking for an accessory dwelling unit is not required in any of the following instances:

a. The accessory dwelling unit is located within one-half mile walking distance of public transit.

b. The accessory dwelling unit is within an architecturally and historically significant historic district.

c. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

d. The accessory dwelling unit is in an area where on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit.

e. The accessory dwelling unit is located within one block of a car share area.

f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot; provided, that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection.

8. Accessory dwelling units not meeting any of the above requirements shall be subject to the following access and parking regulations:

a. *Parking.* Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. Parking spaces may be provided in tandem on a driveway; provided, that access to the garage for the primary residence is not obstructed. Off-street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

b. The required parking space(s) shall be on the same lot as the accessory dwelling unit. This parking is in addition to the parking requirements for the primary residence as specified in CVMC 19.62.170.

c. Notwithstanding CVMC 19.62.190, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or is converted to an accessory dwelling unit that was previously used by the primary residence, replacement parking is not required. If the existing driveway is no longer necessary for access to the converted garage or other required parking, said driveway may be used to satisfy the required parking for the accessory dwelling unit when not exempt from subsection (C)(7) of this section.

d. Access to all required parking shall be from a public street, alley or a recorded access easement. Access from a designated utility easement or similar

condition shall not be permitted. For any lot proposing an accessory dwelling unit and served by a panhandle or easement access, the access must be a minimum of 20 feet in width.

e. Curb cuts providing access from the public right-of-way to on-site parking spaces shall be acceptable to the City Engineer. A construction permit from the City Engineer shall be obtained for any new or widened curb cuts.

f. Required parking spaces or required maneuvering area shall be free of any utility poles, support wires, guard rails, standpipes or meters, and be in compliance with CVMC 19.62.150.

g. When a required parking space abuts a fence or wall on either side, the space shall be a minimum of 10 feet wide. If this area also serves as the pedestrian access from an accessory dwelling unit to the street, the paving shall be a minimum 12 feet wide.

9. *Utilities.* An accessory dwelling unit may be served by the same water and sewer lateral connections that serve the primary residence. A separate electric meter and address may be provided for the accessory dwelling unit.

10. *Design Standards.* Dwelling units on the lot should be complementary or compatible in appearance with each other by incorporating matching architectural design, building materials, and colors of the primary residence with the accessory dwelling unit, and any other accessory structure built concurrently with the accessory dwelling unit. However, the primary residence may be modified to match the new accessory dwelling unit.

11. *Designated Historical Sites.* An accessory dwelling unit may be allowed on designated or historical sites, provided the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in place at the time the accessory dwelling unit is built, and complies with the requirements of this section including the following:

a. The accessory dwelling unit shall be located behind a primary residence that is determined to be a historic resource.

b. The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables, or other similar structures.

c. The accessory dwelling unit shall be designed to have a distinguishable architectural style and finished materials composition from the historic primary residence or structure.

d. Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of any historic structures and any other on-site features that convey the historic significance of the structure and site.

e. If an historic house/site is under a Mills Act contract with the City, the contract shall be amended to authorize the introduction of the accessory dwelling unit on the site.

12.
Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

13. An application for an accessory dwelling unit that is deemed complete by the City shall be considered and approved ministerially and without a hearing within 60 days if there is an existing single-family or multifamily dwelling on the lot. If the application is submitted with an application to create a new single-family dwelling on the lot, the application for the accessory dwelling unit shall be considered and approved within 60 days of approval of the new single-family dwelling.

If an ADU application is denied, a full set of comments, listing the specific items that are defective or deficient, shall be provided to the applicant. These comments must also describe how the application can be remedied by the applicant.

14. A demolition permit for a detached garage that is to be replaced with an ADU must be reviewed with the ADU application and issued at the same time.

15. Accessory dwelling units that are applied for after the effective date of the ordinance codified in this section cannot be rented for less than 30 days.

16. Accessory dwelling units are exempt from the requirements of CVMC 12.24.030, Dedications – Required.

17. An application for an accessory dwelling unit on a private sewage disposal system shall require approval by the local health officer.

Section IV. Addition of Coastal Development Permit Findings for Approval. The Chula Vista Municipal Code is hereby amended as follows:

19.83.015 Finality of City action.

A local decision on an application for a development shall be deemed final when (A) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP, and that the required conditions of approval adequate to carry out the certified LCP as required in the implementing ordinances have been imposed, and (B) all rights of appeal have been exhausted as defined in CVMC 19.83.019.

A decision to approve a coastal development permit must be based upon the following written findings:

1. The proposed project is consistent with the certified Local Coastal Program of the City of Chula Vista.

2. The proposed development conforms with Public Resources Code Section 21000 and following CEQA review, that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment.

3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et seq. of the Coastal Act.

Section V. Change of Permitting Authority to the Development Services Department in Certain Instances Within Title 12 (Streets and Sidewalks). The Chula Vista Municipal Code is hereby amended as follows:

Section 12.08.010 Overweight vehicles – Permit required.

No person shall move or operate upon any of the City streets any vehicle with a load or loads in excess of those permitted by the Vehicle Code without a written permit from the City Engineer or designee.

Section 12.08.020 Overweight vehicles – Conditions for granting permit.

The City Engineer or designee may, by written permit, authorize a load or loads in excess of those allowed in the Vehicle Code if, in his judgment, the streets upon which such vehicle is to be operated can safely withstand the additional weight and if the applicant will guarantee to the City that all costs of repair to the streets or to the public property of the City damaged by the movement of such load or loads will be paid in full. Such permit will be granted upon such conditions and upon the deposit of such bond as the City Engineer or designee may require.

Section 12.08.030 Overweight vehicles – Permit recordkeeping required.

Upon the issuance of a permit as authorized in this section, the City Engineer or designee shall cause to be filed with the Chief of Police a copy thereof, describing the vehicle or vehicles covered by such permit, the load or loads, the time during which such permit will be in effect, and the streets or routes to be used.

Section 12.40.010 Statutory regulations applicable – Public hearing procedure – Investigation.

In order to comply with the State Planning Act, the Street Vacation Act of 1941, and the Public Service Easement Vacation Law of the state, it is necessary to hold a public hearing prior to the vacation of any dedicated street or easement within the City. As a preliminary to said hearings, the City Engineer, in collaboration with the Director

of Development Services and the Director of Public Works, shall conduct reasonable investigations to ascertain whether or not the public interest would be served by closing or vacating a specific street or portion thereof, or by the vacating of a specific easement in said City. It is the purpose and intent of the City Council to establish fees which shall be paid by the petitioner upon the filing of a request for the processing of an application for such street or easement vacations, in order to reimburse the City for expenses incurred.

Section VI. Revisions to R-3 (Apartment-Residential) Zoning Designation Regarding Density. The Chula Vista Municipal Code is hereby amended as follows:

19.28.010 Purpose.

The purpose of the R-3 zone is to provide appropriate locations where apartment house neighborhoods of varying degrees of density may be established, maintained, and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment, with appropriate environmental amenities such as open areas, landscaping and off-street parking. To this end, the regulations permit, multiple dwellings ranging from garden apartments to multi-story apartment houses, and necessary public services and activities subject to proper controls. Also permitted, subject to special control, are certain retail and service activities intended for the convenience and service of the residents of the district.

19.28.070 Area, lot width and yard requirements.

A. The following minimum area, lot width and yard requirements shall be observed, except as provided in CVMC 19.16.020 and 19.16.080, and as modified for conditional uses. The minimum requirements shall be designated on the zoning map.

				Setbacks in Feet				
District Classification	**Building Site (sq. ft.)**	**Site Width (ft.)**	**Area per Dwelling (sq. ft.)**	**Front (3)**	**Exterior Side Yard**	**One Interior Side Yard**	**Both Interior Side Yards**	**Rear**
R-3	7,000	65	1,350(4)	15(1)	10(1)	5(2)	10(2)	15(2)
R-3-M	7,000	65	2,000(4)	15(1)	10(1)	5(2)	10(2)	15(2)
R-3-T	2,000	22	2,000	15(1)	10(1)	0	0	20
R-3-G	7,000	65	2,500	15(1)	10(1)	5(2)	10(2)	15(2)
R-3-H	10,000	80	800	15(1)	10(1)	20(2)	50(2)	20(2)
R-3-L	7,000	65	3,500	15(1)	10(1)	5(2)	10(2)	15(2)

The following are exceptions to the above chart:

1. Front yards: The front setback shall not be less than that specified on the building line map. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

2. Side and rear yards: Side and rear yard requirements shall be increased an additional two feet for 25-foot-high structures (this dimension shall include the roof), and shall be increased at the rate of two feet for each story above 25 feet. Exception: When adjacent to an R-1, R-E or R-2 zone, the side yard setback shall be increased to 15 feet for any structure over one story or 15 feet in height, with an additional two-foot setback required for each story above 25 feet in height. In those cases where the rear yard abuts an R-3, commercial or industrial zone, the Planning Commission may grant up to a 10-foot reduction in the rear yard setback; provided, it is found that the affected open space has been transferred to a more beneficial location on the lot.

3. A front yard of 25 feet shall be required for all parcels fronting upon streets designated as major or secondary thoroughfares on the adopted Chula Vista General Plan; provided, however, that private patios and one-story portions of main buildings not exceeding 15 feet in height shall be permitted within said required front yard exclusive of the front 15 feet of said required front yard which shall be reserved for screening materials and landscaping. Said required front yard setback shall be increased an additional five feet for each story in excess of three stories.

B. In the R-3, R-3-M, R-3-T, R-3-G, and R-3-L zones, coverage shall not exceed 50 percent of the area of the site. In the R-3-H zone, coverage shall not exceed 25 percent of the site.

Section VII. Addition of Findings for Approval for a Design Review Permit. The Chula Vista Municipal Code is hereby amended as follows:

19.14.593 Findings for Approval - Design Review.

A. The proposed Project is consistent with the City of Chula Vista's General Plan, Title 19 of the Municipal Code, Sectional Planning Area, Specific Plan, etc.

B. The proposed Project is consistent with the design requirements and recommendations contained in the City of Chula Vista's Design Manual.

C. The project would not adversely affect the health, safety, or general welfare of the community.

Section VIII. Revisions to Applicability of a Design Review Permit. The Chula Vista Municipal Code is hereby amended as follows:

19.14.582 Design review approval.

A. Plans for the establishment or expansion of (1) multifamily buildings in all multifamily residential zones, and (2) nonresidential buildings in all commercial and industrial zones, shall require design review. Patio covers, shade structures, awnings, and other similar architectural features within these same zones shall not require design review.

B. The Zoning Administrator has the discretion, with the concurrence of the applicant, to act in the place of the Planning Commission in the case of minor projects, including new construction or building additions to commercial, industrial, or institutional projects with a total floor area of 100,000 square feet or less, and residential projects of 200 units or less. Generally, the Zoning Administrator and/or Planning Commission shall base its findings and actions upon the provisions within Section, and the affected design manuals of the City.

Section IX. Revisions to Standards for SB9 Two-Unit Developments and Urban Lot Split Parcel Maps. The Chula Vista Municipal Code is hereby amended as follows:

19.58.450 Two-unit residential developments and urban lot split parcel maps in single-family zones.

Subsections A thru C remains unchanged.

D. *Development Standards for Two-Unit Residential Development in Single-Family Zones.* Two-unit residential developments in single-family zones shall be subject to the following requirements and objective development standards:

1. *Number and Size of Units.*

a. If a parcel includes an existing single-family home, one additional unit may be developed pursuant to this section.

b. If a parcel does not include an existing single-family home, or if an existing single-family home is proposed to be demolished in connection with the creation of a two-unit residential development, two units may be developed pursuant to this section.

c. No more than four units, including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units, may exist on a single-zoned residential parcel.

2. *Parking.* Off-street parking of up to one space per unit is required, except in either of the following instances:

a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Section 21155(b) of the Public Resources

Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

b. There is a car share vehicle located within one block of the parcel.

3. *Setbacks.*

a. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

b. For all other dwelling units proposed in connection with a two-unit residential development, a minimum setback of four feet, or the applicable setback for the zone district, whichever is less, is required from the rear and side property lines.

c. Units may be adjacent or connected if the structures meet building code safety standards and are sufficient to allow separate conveyance.

4. *Design.* When a two-unit residential development dwelling unit is proposed on a parcel with an existing single-family dwelling unit, the new unit(s) shall utilize the same exterior materials and colors as the existing dwelling unit to the extent practical.

5. *Accessory Dwelling Unit Development Exemptions.* If an applicant for a dwelling unit developed under CVMC 19.58.022, Accessory dwelling units, seeks to convert the dwelling unit to a two-unit development pursuant to this section, any and all development exemptions granted to the dwelling unit pursuant to CVMC 19.58.022(C)(9) and (C)(13) shall be null and void subject to the final decision of the Director of Development Services.

6. *Short-Term Rental Prohibition.* Dwelling units created pursuant to this section shall have rental terms of 30 days or longer and shall not be considered eligible for Short-Term Rental pursuant to CVMC 5.68.050.

E. *Urban Lot Split Parcel Map in Single-Family Zones.* A proposed parcel map for an urban lot split within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed parcel map meets all of the following requirements:

1. The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area; provided, that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

2. Both newly created parcels are no smaller than 1,200 square feet.

3. The parcel being subdivided meets all the following requirements:

a. The parcel is located within a single-family residential zone as defined in Chapter 19.22 CVMC, R-E – Residential Estates Zone, and Chapter 19.24 CVMC, R-1 – Single-Family Residence Zone.

b. The parcel subject to the proposed urban lot split complies with all provisions of subsections (C) and (D) of this section.

c. The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

d. Neither the owner of the parcel being subdivided, nor any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

e. The parcel conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), except as otherwise expressly provided in this section.

4. Any parcel created by this section shall be used for residential purposes only.

5. All easements required for the provision of public services and facilities shall be dedicated or conveyed by an instrument in a form acceptable to the Director of Development Services Department, or their designee.

6. No more than four total units are allowed on an approved Urban Lot Split Parcel Map, including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units. This can either mean two units on each parcel, or, one unit on one parcel and three units on the other parcel.

7. Units constructed on an Urban Lot Split Subdivision approved pursuant to this chapter shall be subject to and comply with the minimum setback requirements specified in subsection (D)(3) of this section.

8. Parking spaces for new units constructed on an Urban Lot Split Subdivision approved pursuant to this chapter shall be provided in accordance with subsection (D)(2) of this section.

9. Prior to the issuance of a building permit, the property owner shall record a covenant with the County Recorder's Office, the form and content of which are satisfactory to the Director of Development Services and City Attorney, or their designees. The covenant shall notify future owners of the approved size and attributes of the units, and minimum rental period restrictions. The covenant shall also reflect the number of units approved and provide that no more than two total units may be permitted on any single parcel created using the Urban Lot Split Parcel Map procedures. If an Urban Lot Split Parcel Map was approved, the covenant shall provide that no variances shall be permitted other than those code

deviations expressly allowed by this chapter. This covenant shall remain in effect so long as a two-unit residential development exists on the parcel.

10. The Urban Lot Split Subdivision shall comply with all requirements of CVMC Title 18, Subdivisions, and the California Subdivision Map Act except as expressly modified by this chapter.

11. An applicant for an Urban Lot Split Parcel Map shall sign an affidavit, the form and content of which are satisfactory to the Director of Development Services and City Attorney, or their designees, stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split Parcel Map. This subdivision shall not apply to an applicant that is a "community land trust," as defined in Section 402.1(a)(11)(C)(ii) of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

12. Notwithstanding Section 66411.1 of the Government Code, the City shall not impose regulations that require dedications of rights-of-way or the construction of off-site improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

13. *Preliminary Title Report.* There shall be filed with each Urban Lot Split Parcel Map a current preliminary title report of the property being subdivided or altered.

14. *Additional Subdivisions Prohibited.* No further subdivision of parcels created using the Urban Lot Split Parcel Map or Urban Lot Split Subdivision procedures of this chapter shall be permitted.

15. The parcels created by this section shall have access to, provide access to, or adjoin the public right-of-way.

The rest of this Section remains unchanged.

Section X. Revisions to the Reconstruction of Nonresiddential, Legal Non-Conforming Structures. The Chula Vista Municipal Code is hereby amended as follows:

19.64.160 Previously conforming structure – Replacement – Nonresidential.

A. A previously conforming nonresidential structure, whether to be replaced by the exact same structure and/or use, or, incurred damage by fire, explosion, wind, earthquake, war, riot, or other calamity or act of God, may be reconstructed subject to the conditions in CVMC 19.64.170.

1. Notwithstanding subsection (A) of this section, reconstruction shall not be permitted in the City right-of-way.

Section XI. Revisions to Processing Procedures for Planned Sign Programs (PSPs). The Chula Vista Municipal Code is hereby amended as follows:

19.60.050 Standard provisions.

Subsections A thru I remain unchanged.

J. *Sign Programs.* Sign programs, voluntarily proposed for specific developments, as well as special sign districts or special sign overlay zone, when approved by the Zoning Administrator may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other noncommunicative aspects of signs, but may not override or modify any of these standard provisions. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted.

Section XII. Revisions to Home Occupation Permit Standards. The Chula Vista Municipal Code is hereby amended as follows:

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

In any R zone, a customary home occupation may be permitted subject to a home occupation permit granted by the Development Services Department which is merely incidental and secondary to residence use. Each such permit shall be accompanied by the required filing fee(s). The following are typical home occupations: fine arts, handicrafts, dressmaking, millinery, laundering, preserving, home cooking, route salesman; or office of a doctor, dentist, lawyer, architect, engineer, teacher or member of another recognized profession. In approving a home occupation permit, the Development Services Department must find that the use can be conducted safely, will not have an adverse effect on the neighborhood or other adjacent uses, and can reasonably be expected to conform to the following restrictions:

A. No use shall create or cause noise, dust, vibration, smell, glare or electrical interference or other hazards or nuisances.

B. No employees other than residents of the dwelling shall be allowed in connection with a home occupation. (Babysitters or domestic servants are not considered employees of a home occupation.)

C. There shall be no clients or customers on the premises at any time, except where the Development Services Department determines that limited customer traffic may be warranted due to the nature of the business.

D. If a home occupation is to be conducted on rental property, the property owner's authorization for the proposed use shall be obtained prior to the issuance of a home occupation permit.

E. Where the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold directly to customers at an off-premises location.

F. There shall be no use of material or mechanical equipment not recognized as being part of a normal household or hobby use.

G. No vehicle larger than a one-ton, four-wheel truck may be used in connection with a home occupation.

H. Activities conducted, and equipment or material used, shall not change the fire safety or occupancy classifications of the premises nor use utilities in amounts greater than normally provided for residential use.

I. There shall be no direct (in-person) sale of products or services on the premises.

J. The use shall not involve the special use of commercial vehicles for delivery to or from the premises.

K. There shall be no storage of material and/or supplies, indoor or outdoor for purposes other than those permitted in the residential zone.

L. The home occupation shall not be identified by a sign.

M. A structure or space outside of the main building or an accessory structure, including the garage, may be used for home occupation purposes. Whenever a garage is used, the home occupation shall not reduce the required parking area as established in Section 19.62.050.

N. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which causes the premises to differ from its residential character either by use of colors, materials or construction, lighting, signs, sounds or noises, vibrations, or similar distinctive workings.

O. The Development Services Department may impose such conditions on the issuance of the permit as are necessary to ensure that the use will have no adverse effect on the neighborhood, and it shall be unlawful for a home occupation to be carried on in violation of such conditions or so as not to conform with the requirements of this Section.

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

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

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

Section XIII. Addition of Storage Standards for Recreational Vehicles. The Chula Vista Municipal Code is hereby amended as follows:

19.58.400 Recreational vehicle storage yards.

1. An application to establish a recreational vehicle (RV) storage yard (storage area for motorhomes, camping trailers, boats and other recreation equipment) shall address the following issues: (1) height limit for stored items, (2) screening (landscaping and fencing), (3) surfacing, (4) access to the site, (5) office facilities, (6) customer parking, (7) lighting, (8) hours of operation, (9) security, (10) signing, (11) surrounding land uses and structures. The application shall also be accompanied by a comprehensive list of items which would be eligible for storage. Any subsequent additions to the list shall be subject to the approval of the Director of Development Services, or designee.

   The approval of an RV storage yard granted 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 Development Services Department. 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.

2. Recreational vehicles, specifically motorhomes and camping trailers, parked on a residentially-zoned property (R districts) or a property with a residential use, shall not be used as a dwelling, permanent or temporary.
   i. No more than a total of two (2) motorhomes or camping trailers shall be parked at any time on a residentially-zoned property (R districts) or a property with a residential use.

Section XIV. Addition of Section Pertaining to Processing Modifications of Previously-Approved Discretionary Permits (Substantial Conformance Review). The Chula Vista Municipal Code is hereby amended as follows:

Section 19.14.860. Substantial Conformance Review.

A. The Zoning Administrator may approve minor changes to a previously-approved discretionary permit at the administrative level (and without a public hearing) if the proposed changes are in substantial conformance with the existing permit and would not require any additional environmental analysis. Such proposed changes shall not significantly affect the design, intensity or intent of the approved project or reduce any requirement intended to mitigate an environmental effect, alter any public improvement or facility or conditions for which other properties or developments may rely, nor have an adverse effect upon public health, safety, or welfare.

B. *Application Submittal*. Applications for substantial conformance review shall be filed with the Development Services Department on a form prescribed by the Director of Development Services, and, accompanied by fees as set forth within the City's Master Fee Schedule.

C. A substantial conformance determination may include:

1. Structural additions to non-residential projects of no greater than ten (10) percent of the total floor area.

2. Structural additions or alterations to existing residential projects that add no additional units.

3. Changes to parking and circulation configurations which do not change the basic parking areas or circulation concept or reduce the number of parking spaces.

4. Landscape modifications which do not alter the general concept or reduce the effective amount of landscaping.

5. Architectural or exterior material or color changes which do not change the basic form and theme of an existing building, do not change the location of windows or doors, or conflict with the original architectural form and theme of an existing building.

6. Other requests similar to the above-listed changes, as determined by the Zoning Administrator.

D. *Approval.* No official notice of decision is required for determinations of substantial conformance. The approval period shall be valid until the expiration of the original permit, unless an extension of time has been granted.

Section XV. Addition of Regulations Pertaining to Temporary and Permanent

Storage Containers. The Chula Vista Municipal Code is hereby amended as follows:

19.58.445 – Portable Storage and Shipping Containers

A. *Purpose and Scope.* The purpose of this chapter is to establish minimum development standards for the placement and maintenance of portable shipping and storage containers within the City in order to maintain the aesthetic appearance of the city, preserve property values, and protect the public health, safety and welfare. These standards are in addition to Federal, State, and local laws and regulations. Wherever there is a conflict between this chapter and other laws or regulations, the more restrictive standard shall apply.

B. *Definitions.* For the purposes of this Section, the following definitions shall apply:

1) "Portable storage container" means a container typically no larger than eight feet by eight and one-half feet by sixteen (16) feet, and, transported to a designated location for temporary storage purposes. Examples include, but are not limited to, Portable On Demand Storage ("PODS") and U-Haul "U-Box" containers.

2) "Shipping container" means an industrial, portable vessel typically not greater than forty (40) feet in length, intended for the large-scale shipping or transportation of goods or commodities, and generally designed to be mounted on a rail car, truck, or ship.

C. **Allowed uses.** The use of portable storage containers and shipping containers shall comply with the regulations applicable to the zoning district in which they are used. Failure to abide by these regulations shall be subject to fine and nuisance abatement pursuant to Chapter 1.30.

1) Residential Districts (R districts).

a. Shipping containers shall not be allowed in any residential zoning district, except in conjunction with active construction permit.

b. Portable storage containers shall be permitted in any residential zoning district if only confined solely within an existing driveway, or, within the public right-of-way with an approved temporary encroachment permit.

2) Commercial Districts (C districts).

a. Shipping containers shall be permitted as an accessory use in the C-T and C-C zones, subject to the standards set forth in this Section.

b. Portable storage containers shall be permitted in any commercial zoning district, including the C-T and C-C zones, subject to the standards set forth in this Section.

3) Industrial Districts (I zones).

a. Within the I-L and I zones, shipping containers shall be permitted by right as either an accessory use, or, a principal use with an approved Design Review Permit, subject to the standards set forth in this Section.

4) *Other Districts Not Specified.* Shipping containers and portable storage containers are prohibited unless expressly allowed.

E. Vacant Properties. Shipping containers and portable storage containers shall not be allowed on otherwise vacant parcels in any zoning district except when used in conjunction with construction executed in compliance with an approved construction permit from the City, placed on the same parcel as the construction, and subject to standards set forth in this Section.

F. Notwithstanding any other provision of this chapter, shipping containers and portable storage containers used by the city for a municipal purpose shall not be subject to the standards of this chapter. Such shipping containers and portable storage containers should be located and appropriately screened to minimize visual impacts on the community.

G. Existing shipping containers that are placed on municipal properties with the express permission of the underlying land owner(s) as of the effective date of this chapter shall be considered a legal nonconforming use and allowed; provided, however, owners of such a container shall screen the container from the public right-of-way as best as possible. Examples include decorative fencing or landscaping, painting a mural on the container, or relocating the container.

H. *Development Standards – Portable Storage Containers.* Use of portable storage containers shall be subject to the following limitations and approval of a temporary use permit from the city.

1) *Frequency*. No more than one portable storage container shall be placed on a single lot or parcel of land within a residential zone.

2) *Location*. Portable storage containers shall be placed on private property, and not within the public right-of-way. If the subject property does not have a driveway, a portable storage container may be placed in the public right-of-way with an approved temporary encroachment permit.

3) *Duration*. Portable storage containers placed on private property shall not remain longer than thirty (30) consecutive calendar days. Portable storage containers placed within the public right-of-way with an approved temporary encroachment permit shall not remain longer than fourteen (14) consecutive calendar days. Under no circumstances may a portable storage container be allowed on the same lot or parcel for more than ninety (90) total days in a calendar year.

4) *Use*. Portable storage containers shall only be used for the storage of goods, materials, equipment, or property. Portable storage containers shall not be used to store or transport hazardous materials or substances, including, but not limited to, the following: solid waste, hazardous materials, explosives, or unlawful substances or materials. Non-storage use of portable storage containers is not allowed.

5) *Permittee Responsibilities*. The permitee shall be responsible for ensuring that the portable storage container is removed in a safe manner and that no debris or materials remain on or around the portable storage container site.

I. *Development standards—Shipping containers.* Use of shipping containers shall be subject to the following limitations.

1) General Standards.

a. *Use.* Shipping containers shall only be used for the storage of goods, materials, equipment, or property associated with the principal use of the parcel on which the container is located. Shipping containers shall not be used to store or transport hazardous materials or substances, including, but not limited to, the following: solid waste, hazardous materials, explosives, or unlawful substances or materials. Non-storage use of shipping containers as a principal use within an industrial zone may be allowed if approved pursuant to this Section.

b. *Maximum Height*. If not stacked, shipping containers shall not exceed nine (9) feet in height. Stacked shipping containers shall not be more than two containers high, or a maximum of twenty (20) feet, and placed on a surface that can withstand its weight.

c. *Location.* Shipping containers shall be placed on the parcel and proximate to other structures on the parcel pursuant to fire code regulations and this Code, including setbacks from property lines and other location requirements for accessory structures. The Zoning Administrator shall review and approve any changes to setbacks if the applicant can establish that such use will not be detrimental to the community welfare or safety of the property and surrounding uses.

d. *Signage.* No advertising is allowed on or otherwise in conjunction with a shipping container. The exception to this is if the manufacturer's name is printed on the container.

e. *Exterior Façade.* Shipping containers shall not display signage beyond that required by law and shall be kept free of graffiti. Any graffiti shall be removed within seven calendar days of discovery.

2) Commercial Districts.

a. *Frequency.* A maximum of two containers on a single lot or parcel of land. Stacking is prohibited.

b. *Buffer from Residential Districts.* Shipping containers shall not be located within three hundred (300) feet of an existing residential district.

c. *Screening.* Shipping containers shall be fully screened from public view. Screening may include, but is not limited to, walls or solid fencing, or fast-growing landscaping.

3) Industrial Districts.

a. *Frequency.*

i. Principal Use. Where the principal use of the parcel is a business that sells, leases, or places shipping containers at locations and does not provide on-site storage of goods or commodities as a service there is no frequency limit, provided the shipping containers meet the standards set forth in this Section. Stacking is permitted with height not to exceed twenty (20) feet.

b. *Accessory Use.*

i. A shipping container shall not be allowed as an accessory use on a single lot or parcel that is less than one acre.

ii. No more than fifteen (15) shipping containers shall be allowed as an accessory use on a single lot or parcel that is greater than one acre. Stacking is permitted with height not to exceed twenty-five (25) feet.

iii. A parcel may contain more shipping containers than permitted by obtaining a conditional use permit, and approval by the Planning Commission, who, when approving such permit, shall make the following findings:

A. The shipping containers shall not pose a threat to the public health, safety, or welfare due to their placement, frequency, or condition.

B. The shipping containers shall be placed in accordance with fire and building code standards.

C. The shipping containers are, and shall remain, in good repair such that no container, due to its structural condition, contents, immediate surroundings, or other condition, contributes to visual blight or nuisance conditions.

D. The applicant shall reduce any potential for visual blight or nuisance conditions and shall implement and maintain those improvements at all times. Such improvements may include any enhancements deemed acceptable and appropriate by the City.

iii. *Setbacks*. Stacked shipping containers shall be placed at least one hundred and fifty (150) feet from any public right-of-way. Non-stacked shipping containers shall be placed at least one hundred (100) feet from any public right-of-way.

iv. *Buffer from Residential Districts.* Shipping containers shall not be placed within five hundred (500) feet of any residential district.

J. *Temporary use of shipping containers.* Shipping containers shall be allowed in all zones on a temporary basis subject when utilized during construction operations for the parcel, pursuant to an approved construction permit, and, when utilized solely for the storage of supplies and equipment used for such construction operations. Removal of the container shall occur either upon occupancy of the building or expiration of the construction permit, whichever occurs first.

K. Nonconforming uses—Portable storage and shipping containers.

1) Unless otherwise provided by this chapter, all illegal, nonconforming uses of shipping containers and portable storage containers within the city as of the date of the adoption of this chapter are prohibited and may be subject to citation, fine, or abatement pursuant to Chapter 1.30, or other civil or criminal penalties.

2) A shipping container constructed or placed prior to the date of adoption of this chapter shall be allowed to continue provided that the shipping container meets the following conditions:

a. The shipping container is on a parcel in an industrial zone.

b. The shipping container, nor use of the container, is not modified, increased, enlarged, or extended beyond that in existence on the date of adoption of this chapter.

Section XVI. Addition of Section Regarding Development Project Compliance with Trash Hauling Design Standards. The Chula Vista Municipal Code is hereby amended as follows:

19.58.500 Trash Hauling Requirements for New Development Projects.

A. The construction of new single-family residential, multi-family residential, and mixed-use projects shall comply with the City's Recycling and Solid Waste Planning Manual, originally adopted by City Council Resolution 2005-023, as amended from time to time.

Section XVII. Revisions to the Zoning Administrator's Authority to Make Use Determinations. The Chula Vista Municipal Code is hereby amended as follows:

19.14.025 Zoning Administrator – Determination of similar uses.

A. *Determination of Similar Uses.* The Zoning Administrator may determine that a proposed use not listed in the zoning district as permitted or conditionally permitted is allowable, if all of the following findings are made:

1. The characteristics of, and activities associated with, the proposed use are equivalent to one or more of the listed uses;

2. The proposed use will be consistent with the purposes of the applicable zoning district; and

3. The proposed use will be consistent with the General Plan and any applicable specific plan.

When the Zoning Administrator determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this title apply. The Zoning Administrator is granted wider authority to allow unlisted land uses in different zones subject to specific findings being made.

Section XVIII. Repeal the Initiation Process to Amend Certain Policy Planning Documents. The Chula Vista Municipal Code is hereby amended to entirely remove Section 19.14.800 thru 19.14.850.

Section XIV. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be, invalid, unenforceable or unconstitutional; by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section XV. Construction

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

Section XVI. Effective Date

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

Section XVII. Publication.

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

Presented by

Laura C. Black, AICP
Director of Development Services

Approved as to form

By: _____
Marco Verdugo
City Attorney