

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF CHULA VISTA COMPREHENSIVELY AMENDING CHULA VISTA MUNICIPAL CODE TITLE 1 (GENERAL PROVISIONS), TITLE 3 (REVENUE AND FINANCE), TITLE 5 (BUSINESS LICENSES, TAXES AND REGULATIONS), TITLE 10 (VEHICLES AND TRAFFIC), TITLE 12 (STREETS AND SIDEWALKS), TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 17 (ENVIRONMENTAL QUALITY), TITLE 18 (SUBDIVISIONS), TITLE 19 (PLANNING AND ZONING), AND TITLE 21 (HISTORIC PRESERVATION)

WHEREAS, necessary amendments to the Chula Vista Municipal Code (“CVMC”) have been identified to help further streamline and clarify permit processes and regulations; 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 CVMC amendments to the Oversight Committee, which recommended adoption; and

WHEREAS, the proposed legislative action was reviewed 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 creating additional standards for temporary storage containers, streamlining permitting of fueling facilities, and clarifying the process for administrative citations. 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 City staff recommends that the City Council approve and adopt the Ordinance with the proposed changes to CVMC; and

WHEREAS, after reviewing and consideration of the Staff Report and related materials for this matter, the Planning Commission held a duly noticed public hearing on November 12, 2025, to consider said CVMC amendments at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed; and

WHEREAS, the Planning Commission voted 6-0-1 to continue the Item to the January 14, 2026, meeting to provide the Planning Commission additional time to review the proposed amendments, and for Staff to further research questions brought up by the Commission during the hearing; and

WHEREAS, the Planning Commission held a public hearing on the subject Ordinance on January 14, 2026, and voted 4-2-1 to adopt Resolution No. 2026-001, 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; and

WHEREAS, after review and consideration of the Planning Commission Resolution No. 2026-001, and the Staff Report and related materials for this matter, the hearing was held to consider said CVMC amendments and Ordinance at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, before the City Council and the hearing was thereafter closed.

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 only updates and modifications to the CVMC, including creating additional standards for temporary storage containers, streamlining permitting of fueling facilities, and clarifying the process for administrative citations. 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.

FURTHER, the Chula Vista Municipal Code is hereby amended as follows:

**Section I. Administrative Citations and Enforcement Procedures.**

**Chapter 1.41  
ADMINISTRATIVE REMEDIES**

Sections:

- 1.41.010 Purpose and intent.**
- 1.41.020 *Reserved***
- 1.41.030 Notice of violation.**
- 1.41.040 Recordation of notice of violation.**
- 1.41.050 Nonissuance of permits.**
- 1.41.060 Reinspection fees.**
- 1.41.070 Cease and desist orders.**
- 1.41.080 *Reserved.***
- 1.41.090 *Reserved.***
- 1.41.100 Administrative citations.**
- 1.41.110 Civil penalties.**
- 1.41.120 Abatement action.**
- 1.41.130 *Reserved.***

- 1.41.140 Cost recovery.**
- 1.41.150 Confirmation of costs.**
- 1.41.160 Enforcement.**
- 1.41.170 Satisfaction of lien or obligation.**
- 1.41.180 Abatement fund.**

**1.41.010 Purpose and intent.**

A. It is the purpose and intent of the City Council to establish administrative remedies for obtaining prompt compliance in the correction of both major and minor violations of the Chula Vista Municipal Code and state law. Conditions in violation of the Municipal Code or state law which affect conditions upon or uses of real property within the City of Chula Vista are hereby designated nuisances.

B. Each day a violation exists on real property is a continuing and additional violation, and all remedies, penalties and assessments are cumulative.

C. The remedies established in and through this chapter may cross reference, consolidate or incorporate by reference, as applicable, enforcement methods established elsewhere in this code, in order to create a uniform process for prompt code compliance, administrative due process and effective enforcement.

D. Various steps or procedures under this chapter may require notice and a hearing pursuant to CVMC Chapter 1.40. When appropriate, notice and hearing requirements for separate administrative actions may be consolidated.

E. The City Manager, any Director and the City Attorney are each authorized to utilize and initiate the remedies established in this chapter and CVMC Chapters 1.30 and 1.40.

F. The remedies in CVMC Title 1 may be used as a supplement to criminal or judicial enforcement action, or both, or in lieu thereof. Selection of one method shall not preclude the use of any other method or combination of methods when appropriate.

G. The terms “abatement,” “City Manager,” “code enforcement officer,” “Director,” “nuisance,” and “responsible party” are as defined in CVMC Section 1.04.010.

**1.41.020 Reserved.**

**1.41.030 Notice of violation.**

A. A code enforcement officer is authorized to serve a notice of violation upon a responsible party for any violation of the Municipal Code. The notice of violation will describe the violation, the dates and location of the violation, the applicable code section(s), the corrective action required and a date for compliance reinspection. The responsible party will be advised that a reinspection fee (CVMC Section 1.41.060) will be imposed for a second and all subsequent reinspection if compliance is not voluntarily obtained, and that an administrative citation, civil penalty, or any other remedy may also be imposed until the property is brought into compliance. The responsible party will be allowed a reasonable amount of time to correct a violation. Typical compliance times may range between of 10 and 30 calendar days

dependent upon the nature of the violation(s). Immediate corrections may be required for violations that are easily corrected or present an imminent risk to health and safety. A code enforcement officer may extend the compliance time frame if appropriate. The notice of violation will inform the responsible party of the potential costs and consequences that may be imposed if voluntary compliance is not obtained within the time prescribed. If the violation is corrected in accordance with the terms of the notice of violation, no costs or charges will be imposed.

B. Service of a notice of violation is effective upon delivery or mailing pursuant to this section. Failure or refusal to sign does not invalidate the notice of violation and subsequent proceedings.

C. The property will be reinspected for compliance. If the responsible party refuses to allow inspection, after a reasonable demand, the code enforcement officer may obtain an inspection warrant pursuant to Code of Civil Procedure Section 1822.50. Failure of the responsible party to allow inspection may result in a separate criminal violation for the failure to allow inspection (CCP Section 1822.57).

#### **1.41.040 Recordation of notice of violation.**

A. Whenever a violation on real property remains uncorrected after a notice of violation has been issued, a copy of the notice of violation may be recorded by the Director of Development Services or designee in the real property records of San Diego County if the following prerequisites are met:

1. A violation has remained uncorrected on the property for at least 30 calendar days following service of the notice of violation;
2. The property owner, if not the responsible party, has been notified of the prospective recordation and been offered the opportunity to correct the violation;
3. The property owner and all of the responsible parties have been notified that development permits shall be withheld during the time the property remains in violation pursuant to CVMC Section 1.41.050, except for those permits that are necessary to bring the property into compliance; and
4. The responsible party and the property owner have been noticed and offered a hearing pursuant to CVMC Chapter 1.40 to contest the proposed corrective action and the proposed recordation.

B. The Director of Development Services or designee is authorized to record the notice of violation pursuant to this section upon issuance of the final order.

C. *Cancellation of Recordation.* The Director of Development Services or designee shall issue to the property owner and other responsible parties a signed notice of compliance which states on its face that it cancels the notice of violation once all violations have been corrected and any administrative penalties, costs and fines involved in the enforcement process have been paid. The notice of compliance shall be recorded by the Director of Development Services or designee if the notice of violation was recorded.

**1.41.050 Nonissuance of permits.**

After a notice of violation has been recorded against the property pursuant to CVMC Section 1.41.040, the Director of Development Services or designee shall withhold the issuance of any permits for development as allowed by law upon that property, save for those permits necessary to correct the violation(s). A party whose permits are to be withheld shall be noticed as part of the recordation process pursuant to CVMC Section 1.41.040 and offered a hearing pursuant to CVMC Chapter 1.40 in which to contest this decision.

**1.41.060 Reinspection fees.**

A. Reinspection fees are authorized to recover City costs when excessive time and effort are required to obtain code compliance. Reinspection fees are an appropriate method to recover costs that are disproportionately attributable to recalcitrant responsible parties.

B. After a notice of violation, administrative citation, or any other order is issued by the City which requires corrective action by a responsible party, that party will be notified that it will be liable for any reinspection fees necessary if the condition remains uncorrected. The first inspection following the issuance of the notice of violation, citation or order is considered part of the normal cost of enforcement and will not be charged if the condition is promptly corrected. Otherwise, it will be included as part of the costs of enforcement.

C. Reinspection fees may be collected and enforced as part of the enforcement process or in combination with other administrative proceedings under this chapter, provided the responsible party was notified in advance of its liability for reinspection fees under subsection (B) of this section. Appeals, service of notice and hearing procedures are established in CVMC Chapter 1.40.

D. Reinspection fees will be charged on the basis of actual staff time utilized for the inspection(s), based upon the master fee schedule.

**1.41.070 Cease and desist orders.**

A. The Director of Development Services or designee is authorized to issue a written cease and desist order upon any person violating a provision of the Municipal Code through which work is being performed without a permit, if required, or in violation of an issued permit. The cease and desist order may be served personally or in accordance with CVMC Section 1.04.030.

B. It is unlawful for any person to whom a cease and desist order has been issued to continue to perform work in violation of the terms of that order.

C. It is unlawful for any responsible party to whom a cease and desist order has been served to continue to perform work or to allow another to continue to perform work in violation of the terms of that order.

D. Prosecution under subsection (B) or (C) of this section does not bar prosecution or administrative enforcement, or both, of the previous underlying violations for any or all days the violation had been in existence, or for the continuance of the underlying violation.

E. The Director of Development Services or code enforcement officer in whose presence a violation of subsection (B) or (C) of this section occurs may arrest the violator without a

warrant, and a police officer may accept custody of that arrestee for criminal enforcement processing.

F. The Director may initiate other administrative enforcement and compliance methods in accordance with this chapter and CVMC Chapters 1.30 and 1.40, as appropriate.

**1.41.080        Reserved.**

**1.41.090        Reserved.**

**1.41.100        Administrative citations.**

A. The Council finds that there is a need for an alternative method of enforcement for minor violations of the Municipal Code and applicable state codes. The Council further finds that an appropriate method of enforcement for minor violations is an administrative citation program. The procedure established in this section shall be in addition to criminal, civil or any other legal remedy established by law which may be pursued to address violations of the Municipal Code or applicable state code.

B. An administrative citation imposing an administrative fine can be issued to a responsible party for violation of a regulatory provision of this code or state law.

C. An administrative citation may be issued in lieu of a Notice of Violation or the initiation of a criminal action for the same violation. Administrative citations are not a prerequisite to any other remedy and need not be issued sequentially.

D. The amount of fine attached to an administrative citation may be imposed for each separate violation of the same code section as follows:

1. Administrative citation fines may be issued in the following amounts: Two hundred fifty dollars (\$250), five hundred dollars (\$500), one thousand dollars (\$1,000), or one thousand five hundred dollars (\$1,500).

2 . In determining the amount of the fine to be imposed, the issuing officer should consider the following factors:

- a. Duration of the violation;
- b. Frequency or occurrence of the violation;
- c. Seriousness of the violation in relation to its threat or impact upon public health, welfare or safety;
- d. History of the violations;
- e. Activity taken by the responsible party to obstruct or interfere with correction of the problem;
- f. Good faith or bad faith efforts by the responsible party to comply;
- g. The impact of the violation on the surrounding property and community;
- h. The financial ability of the responsible party to have corrected the violation in a timely fashion.

3. Except, if a violation is determined or designated to be an infraction in the Municipal Code, then the penalties are as follows:

- a. A fine not exceeding one hundred dollars (\$100) for a first violation.
- b. A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year.
- c. A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

4. Notwithstanding any other law, a violation of local building and safety codes determined or designated to be an infraction is punishable by the following:

- a. A fine not exceeding one hundred thirty dollars (\$130) for a first violation.
- b. A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year.
- c. A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same ordinance within one year of the first violation.

1. A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

4. Issuance of an administrative citation and payment of the administrative fine does not excuse compliance and corrective action regarding the violations. Although continuing violations of the Municipal Code are separate offenses, the responsible party shall be allowed a reasonable time of not more than 10 calendar days in which to correct the violation before a second or subsequent administrative citation may be issued.

5. A responsible party may request administrative review of an administrative citation pursuant to CVMC Chapter 1.40.

E. The administrative citation shall contain the following information:

1. Date of the violation;
2. Address and location of violation;
3. Description of violation;
4. Applicable codes and statutory sections violated;
5. Corrective action required;
6. An order to bring the violation into compliance;
7. Notice of the fines to be imposed;
8. A date, not less than 20 calendar days, by which payment of the fine must be made;
9. Location and acceptable methods for payment;
10. Notification that payment does not excuse correction of the violation;
11. Notice of right to request review pursuant to CVMC Chapter 1.40.

F. A party filing a timely request for review pursuant to CVMC Chapter 1.40 shall post a deposit with the Director of Development Services or designee. Enforcement of the administrative fine shall be stayed pending the decision of a hearing examiner if a hearing is requested. Procedures for review shall be in accordance with CVMC Chapter 1.40. The deposit will be returned if the appeal is granted.

**1.41.110 Civil penalties.**

A. The Council finds that there is a need for alternative methods of enforcement of the Chula Vista Municipal Code and applicable state codes. The Council further finds that the assessment of civil penalties through an administrative hearing procedure for code violations is a necessary alternative method of code enforcement. The administrative assessment of civil penalties established in this section is in addition to any other administrative or judicial remedy established by law which may be pursued to address violations of the Municipal Code or applicable codes.

B. Civil penalties may be assessed against a responsible party for continued violations of the Municipal Code or applicable state codes, whether of the same section or any combination, that reflect a continuing disregard for the requirements of such laws. The Director of Development Services or designee may issue a notice and order to the responsible party assessing a civil penalty pursuant to this section. The civil penalty may be enforced against the responsible party as a lien pursuant to CVMC Section 1.41.140.

C. Except for violations of land grading ordinances contained in CVMC Chapter 15.04 and violations of commercial cannabis provisions contained in CVMC Chapter 5.19, civil penalties may be assessed at a rate not to exceed \$2,500 per violation per day.

D. The civil penalty for violations of land grading permits or land grading work done without the issuance of a permit shall be based on an estimate by the Director of Development Services or designee of grading work performed. The rate of civil penalties shall be as follows:

1. Less than 250 cubic yards, but not meeting the requirements for an exemption from grading permit under CVMC 15.04.150: \$1,000 per violation;
2. Two hundred fifty-one (251) to 500 cubic yards: \$5,000 per violation;
3. Five hundred one (501) to 1,000 cubic yards: \$10,000 per violation;
4. Over 1,001 cubic yards: \$25,000 per violation;
5. In the event any individual, firm, company, developer or property owner causes a second violation of the land grading permit ordinance, either on the same property or different property and whether or not part of the same development, the rate of civil penalties shall be doubled. For third and subsequent violations, the rate of civil penalties shall be multiplied by a factor of four.

E. Civil penalties for violations of CVMC Chapter 5.19 may be assessed at a rate not to exceed \$10,000 per violation per day.

F. Civil penalties under this section may be accrued retroactive to the date the violations were first discovered, as evidenced by the issuance of a notice of violation pursuant to CVMC Section 1.41.030, or any later date determined by the Director of Development Services or designee. In determining the amount to be imposed on a daily rate, the Director of Development Services or designee shall consider the following factors:

1. Duration of the violation;
2. Frequency or occurrence of the violation;
3. Frequency or occurrence of other violations during the period of accrual;
4. Seriousness of the violation in relation to its threat or impact upon public health, welfare or safety;
5. History of the violations;
6. Activity taken by the responsible party to obstruct or interfere with correction of the problem;
7. Good faith or bad faith efforts by the responsible party to comply;
8. The impact of the violation on the surrounding property and community;
9. The financial ability of the responsible party to have corrected the violation in a timely fashion.

G. The Director of Development Services or designee shall comply with CVMC Chapter 1.40 concerning notice of the proposed civil penalties and the right to a hearing to contest or confirm. Unless contested, the notice and order shall be final and be enforced pursuant to CVMC Section 1.41.160. If contested, the hearing examiner shall limit the hearing to the following issues:

1. Whether the responsible party maintained a use or condition on real property that violated the Municipal Code or state law on the dates specified; and
2. Whether the civil penalty assessed is consistent with the criteria expressed in subsection (F) of this section. The hearing examiner may, however, exercise discretion pursuant to CVMC Section 1.40.020(E) and increase or decrease the penalties assessed to a level determined to be supported by the evidence meeting the criteria under subsection (F) of this section.

H. The Director of Development Services or designee shall issue a final order based on the proceedings under subsection (F) of this section and establish a date for payment, following which date an enforcement lien may be imposed upon the property in accordance with applicable law. The imposition of an enforcement lien may be made a part of the proceedings and notice and order under CVMC Section 1.41.100 or this section.

#### **1.41.120 Abatement action.**

If a responsible party fails or refuses to correct a violation, proceedings may be undertaken to abate any existing or resulting nuisance, pursuant to CVMC Chapter 1.30. Abatement orders authorize the Director of Development Services or designee, to enter upon property and correct the violation or condition, or the removal of encroachment upon public property. Enforcement costs may be imposed against the responsible party and noncomplying property

**1.41.130 Reserved.**

**1.41.140 Cost recovery.**

A. Pursuant to Government Code Section 38773, costs and penalties that may be recovered and enforced against responsible parties under this chapter include, but are not limited to, the following:

1. City's direct cost for abatement of nuisances, together with applicable overhead;
2. Costs of salary and applicable overhead of those City employees and contract personnel involved in the investigation, enforcement and remediation or abatement of a nuisance;
3. City costs for equipment use or rental;
4. Court costs and witness fees;
5. Costs of geotechnical, engineering and other technical services and studies;
6. Administrative fines and civil penalties imposed pursuant to this chapter;
7. Reinspection fees pursuant to CVMC Section 1.41.060;
8. Costs of monitoring programs necessary for correcting, monitoring, abating or mitigating nuisances and violation;
9. Any other fee, cost or expense reasonably and rationally related to the City's enforcement efforts to abate a nuisance or correct a violation of this code or applicable state law;
10. Treble damages recoverable pursuant to Government Code Section 38773.7 (see CVMC Section 1.41.160(B)).

B. Attorneys' fees may be recovered by the prevailing party only in individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. If the City does not elect, at the initiation of an individual action or proceeding, to seek recovery of its own attorneys' fees, no other party shall seek or recover attorneys' fees.

C. These costs may be recovered as a lien against the property following the procedures under this Chapter or the waiver thereof by the responsible party.

**1.41.150 Confirmation of costs.**

Following the conclusion of the City's remediation, abatement or corrective actions, the Director of Development Services or designee shall notify the property owner and appropriate responsible parties of a proposed assessment of costs against each individually and as a lien or assessment against the real property that was the subject of abatement or corrective action. Notice and an opportunity to be heard and contest the basis for the assessment of costs or lien shall be provided to those parties in accordance with CVMC Chapter 1.40. Following any hearing or waiver thereof, the City Manager may then issue a final order of confirmation of costs against the respective responsible parties.

**1.41.160 Enforcement.**

A. In accordance with Government Code Section 38773, the City Manager or the Director of Development Services, or both as appropriate, may enforce the confirmation of costs as follows:

1. As a personal obligation against a responsible party; and
2. Either:
  - a. As a recorded lien with the priority of a judgment lien in the real property records of the county against any real property which was the subject of abatement or corrective action; or
  - b. As an assessment against the property which was subject to abatement or corrective action, to be collected in the same manner as municipal taxes.

B. The City Manager, City Attorney or the Director of Development Services is authorized to obtain judicial enforcement for the foreclosure of the lien, where appropriate. In addition, pursuant to Government Code Section 38773.7, the City Manager may seek treble damages for the abatement costs where the corrective action arose out of or constituted a second or subsequent civil or criminal judgment within a two-year period, as provided for in that section. Enactment of this subsection constitutes the enactment of an ordinance authorizing the recovery of treble damages in accordance with Government Code Section 38773.7.

**1.41.170 Satisfaction of lien or obligation.**

Upon payment in full by one or more responsible parties for all costs of enforcement and the satisfactory completion of all corrective action required, the City Manager or a Director shall promptly issue to all responsible parties a notice of compliance. The notice of compliance will be signed and identify the affected real property by address, legal description and tax assessor's parcel number, and be recorded in the real property records of the county by the Director if a lien was recorded.

**1.41.180 Abatement fund.**

The City Manager shall budget for estimated expenses for abatement and code enforcement purposes in the annual budget process. Revenue received shall be deposited in a designated account in the general fund. All penalties and fines collected under CVMC Section 1.41.140 shall be deposited into the general fund.

**Section II. Cannabis Permits.**

**5.19.240 Renewal of City license.**

- A. An application for renewal of a City License shall be filed with the City Manager's office at least 60 calendar days prior to the expiration date of the current City License.
- B. Any City Licensee submitting an application less than 60 calendar days before its expiration shall be required to pay a late renewal application fee, as established by resolution of the City Council. Any renewal application filed less than 30 calendar days before its

expiration may be rejected by the City on that basis alone. Any renewal application filed without the required renewal application fee may also be rejected by the City on that basis alone.

C. The renewal application shall be submitted on a form issued or approved by the City.

D. The Applicant shall pay a fee in an amount to be set by the City Council to cover the costs incurred by the City to administer the program created under this Chapter.

E. An application for renewal of a City License may be denied if any of the following grounds exists:

1. Any of the grounds for suspension or revocation under CVMC Section 5.19.260;
2. The City License has been suspended or revoked at the time of the application;
3. The Commercial Cannabis Business has any outstanding tax obligations owed to the City;
4. The Commercial Cannabis Business has any pending action against the business including, but not limited to civil, criminal, or administrative actions;
5. The Commercial Cannabis Business has not been in regular and continuous operation in the four months prior to the renewal application;
6. The City Licensee fails to or is unable to renew its State License; or
7. The City Licensee has made a false, misleading or fraudulent statement or omission of fact as to any information provided to City pursuant to this Chapter.

F. The City Manager is authorized to make all decisions concerning the issuance of a renewal license. In making the decision, the City Manager is authorized to impose additional conditions on a renewal license, if it is determined to be necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety or welfare.

G. The City Manager shall serve the City Licensee, either Personally or by first class mail addressed to the address listed on the renewal application, with dated written notice of the City Manager's decision to approve or deny the renewal, and the right of the City Licensee to seek judicial review of the City Manager's decision.

H. If a City Licensee submits the required renewal application, but a written approval from the City has not been received prior to the expiration of the subject City License, such license shall be deemed conditionally renewed until service of the City Manager's written renewal decision. If a renewal application has not been received prior to the expiration date, the license is considered to be expired and all related Commercial Cannabis Activity must cease.

I. If a renewal application is denied, the City License shall no longer be effective and all related Commercial Cannabis Activity must cease immediately. A Person denied a renewal may file a new application pursuant to this Chapter no sooner than one year from the date of the denial.

### **Section III. Public Noticing and Appeal Processing Timeframes.**

#### **10.84.020 Parking prohibited on portions of private property.**

*Subsections A thru C remain unchanged.*

D. When parking is not available under subsections (A) through (C) of this section, then consideration shall be given by the Zoning Administrator to select a parking area on the opposite side of the lot or other appropriate locations on the property as per CVMC Section 19.62.110. Any interested party may appeal the decision of the Zoning Administrator to the Planning Commission. Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which the claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. The appeal shall be on a form provided by the Development Services Department and filed in writing with the City Clerk's Office within 10 calendar days of the Administrator's action and accompanied by the required appeal fee(s). Once a valid application for appeal has been filed, the Development Services Department shall take no longer than 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

Unmounted campers and camper shells shall not be placed in the front yard, driveway, or unscreened (by solid six-foot-high fence or hedge) exterior side yard setback area for a period of more than 72 hours.

**12.24.110 Installation of public improvements – Appeal of Director of Development Services' ruling – Application and fees.**

If the Director of Development Services denies the request for a waiver of obligation to install improvements, a written application for appeal on forms provided by the Development Services Department shall be filed with the City Clerk's Office to appeal such denial and shall be accompanied by the required appeal fee(s). Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which the claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. The appeal shall be heard by the Planning Commission. Said application must be filed within 10 calendar days from the date on which the Director of Development Services made the ruling, be accompanied by the required appeal fee, and include a written statement specifically describing all of the bases of the appeal and shall provide supporting documentation.

Following the filing of a complete application, including all associated fees, the Development Services Department shall take no longer than 30 calendar days to set a hearing before the Planning Commission at a regularly-scheduled meeting. The meeting date shall also be no more than 60 calendar days from the application's filing date. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final. The decision of the Planning Commission shall be final.

**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 regularly 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.

**15.04.260 Appeals – Time limit for filing – Form.**

An interested party may appeal to the Planning Commission from any decision of the City Engineer within 10 calendar days after said decision. Appeals shall be in writing and shall state the specific nature of the appeal. Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which the claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. Appeals shall be on forms provided by the Development Services Department and filed with the City Clerk's Office and accompanied by the required appeal fee(s). Once a valid application for appeal has been filed, the City Clerk's Office shall notify the Director of Development Services who 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

**17.28.040 Lighting plans – Approval required when.**

All lighting plans in multiple-family, commercial, and industrial zones shall be submitted to the Zoning Administrator for approval prior to installation thereof. Should the City disapprove of the plans, a written appeal by an interested party shall be on forms provided by the Development Services Department and filed with the City Clerk's Office and accompanied by the required appeal fee(s). Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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 a 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

**18.12.125 Appeals from determinations – Procedure.**

In the event that an interested party is dissatisfied with a determination of the Planning Commission, they may appeal to the City Council by filing a written statement with the City Clerk stating the reasons for appeal within 10 calendar days following the determination. 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 regularly scheduled Council meeting. 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.

**18.12.150 Planning Commission – Public hearing – Notice.**

In the event that a public hearing is held, notice shall be mailed to the subdivider and to the owners of all property within 500 feet of the exterior boundaries of the property involved at least 10 calendar days prior to the date of the hearing. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. In the coastal zone, notice shall be given at least 10 calendar days before the public hearing of the time, date, and place of such hearing, including a general description of the area to be affected, and the street address, if any, of the property involved. Said notice shall be published at least once in a newspaper of general circulation in the City. In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property within 500 feet of the property that is the subject of the proposed change, as well as all residents within 100 feet of the property which is the subject of the proposed change, the California Coastal Commission, and any person who has filed a written request with the Director of Development Services. Such a request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. A reasonable fee may be imposed on persons requesting such notice for purpose of recovering the cost of such mailing. Substantial compliance with these provisions shall be sufficient, and technical failure to comply shall not affect the validity of any action taken pursuant to the procedures of this chapter or the certified local coastal program.

**18.16.220 Approval – Appeal.**

The decision of the Director of Development Services and the City Engineer may be appealed by an interested party to the Planning Commission. A written notice of appeal must be filed with the Development Services Department within 10 calendar days of the date the City Council was noticed that the final map was under review for final approval. Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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. The decision of the Planning Commission shall be final.

**18.18.090 Appeals from determinations – Procedure.**

If an interested party is dissatisfied with any determination of the City Engineer as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions which they seek to impose, they may then appeal the determination within 10 calendar days to the Planning Commission by filing a written statement on forms provided by the Development Services Department with the City Clerk's Office and accompanied by the required appeal fee(s) stating with specificity all of the reasons for appeal and providing supporting evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

**18.18.120 Tentative parcel map – Waiver – Appeal.**

An interested party is provided the opportunity to appeal the decision in writing to the Development Services Department within 10 calendar days of decision of the City Engineer. Once a valid application for appeal has been filed, the Development Services Department shall take no longer than 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. Any application for a tentative parcel map waiver shall be filed as outlined in the subdivision manual. The decision of the Planning Commission shall be final.

**18.20.210 Approval – Appeal – Procedure.**

If an interested party is dissatisfied with any determination of the City Engineer as to whether the property division qualifies as a parcel map division, or, as to any requirements or conditions imposed, they may then appeal the determination within 10 calendar days to the Planning Commission by filing a written statement on forms provided by the Development Services Department with the City Clerk's Office stating, with specificity, all of the reasons for appeal (with supporting evidence), and accompanied by the required appeal fee(s). Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

**19.12.070 Hearings – Notice required – Methods and additional contents of notice.**

Notices of the time, place, and purpose of such hearing shall be given in the following manner:

A. By at least one publication in a newspaper of general circulation in the City as provided in the Charter, not less than 20 calendar days prior to the date set for hearing for an action involving the adoption of an ordinance, or 10 calendar days prior to the date set for the hearing involving the adoption of a resolution;

B. By mailing a postal card or letter to all of the owners of property within 500 feet of the exterior boundary of the property involved, as well as the owner of the subject property, said owners being established for this purpose by an examination of the assessment records held in the office of the City Clerk; provided, however, that in such cases where the ownership has recently changed and such knowledge is available to the Development Services Director or designee, notice shall also be sent in this manner to the current occupants of said property. The notice boundary may be increased at the discretion of the Development Services Director;

C. In certain instances where mailed notice of hearing is deemed to be impractical, notice may be effected by posting upon the subject property, and within the area of the subject property, a notice bearing the same information as contained in the notice to be mailed. Said notice shall be mailed or posted at least 20 calendar days prior to the date set for the public hearing for an action involving the adoption of an ordinance, or, 10 calendar days prior to the date set for the hearing involving the adoption of a resolution. The Development Services Director or their authorized representative shall sign an affidavit of mailing to be held in the record. It is further provided that no defect or irregularity in the giving of such notice shall invalidate the public hearing if said interested parties receive actual notice by any other means and are aware of the matter to be considered at the public hearing; or

D. Notices shall be mailed to any individuals who have requested in writing to be provided public notices. A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule, shall accompany each request.

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

*Subsection A remains unchanged.*

B. An interested party who disagrees with the ruling of the Zoning Administrator may appeal such ruling to the Planning Commission within 10 calendar days from the date on which the decision was made. Said appeal shall be in writing, accompanied by the required appeal fee(s), and filed with the City Clerk upon forms provided by the Development Services Department and shall specify therein that the decision of the Zoning Administrator was in error and identify the facts and circumstances on which the claim of error is based, with supporting evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. If an appeal is filed within the time limit specified, it shall automatically stay the proceedings in the matter until a determination is

made by the Planning Commission. Upon the filing of the appeal, the City Clerk's Office shall notify the Director of Development Services who will set the matter for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The Zoning Administrator shall transmit to the Planning Commission a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers, and exhibits upon which the Zoning Administrator made its decision. The hearing on said appeal shall be processed by the City Clerk in the same manner as a permit within the original jurisdiction of the Zoning Administrator. In such cases, a public hearing as provided herein shall be mandatory. Once a valid, written application for appeal has been filed, the Development Services Department shall take no longer than 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

*Subsection C remains unchanged.*

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

Not more than 10 calendar days following the decision, the decision maker, whether Zoning Administrator or Planning Commission, shall make a written finding specifying the acts relied upon in rendering said decision, fully setting forth the facts and circumstances that fulfill or fail to fulfill the requirements of this section and CVMC Section 19.14.080, and, in situations where approval was granted, the conditions and safeguards deemed necessary and desirable for such approval. A copy of this written finding of facts shall be filed with the Development Services Director and mailed to the applicant. The decision shall become final on the 11<sup>th</sup> calendar day following the decision, except where an appeal is taken as provided herein.

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

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

**19.14.180 Variance – Public hearing – Procedure – Notice required.**

Except for applications for limited relief as described in CVMC Section 19.14.030(B), a public hearing for a variance shall be held by the Zoning Administrator in the following manner:

The Zoning Administrator shall publish a notice of hearing in a newspaper of general circulation in the City not less than 10 calendar days prior to the date of said hearing. In addition to the notice in the newspaper, notice of hearing may be made, at the option of the Zoning Administrator, by mail to owners of record of surrounding property within 500 feet of the property for which said variance is requested. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

**19.14.210 Variance – Zoning Administrator authority – Notice of action.**

The Zoning Administrator may approve said variance, may grant said variance subject to specified conditions, or may deny said variance. The Zoning Administrator shall notify the applicant within 10 calendar days of action taken.

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

An interested party may appeal the decision of the Zoning Administrator to the Planning Commission, within 10 calendar days from the date on which said decision was made. Said appeal shall be written and filed with the City Clerk's Office on forms provided by the Development Services Department, and shall specify therein that the decision of the Zoning Administrator was in error and specifically identify all of the facts and circumstances on which claim of error is based (supported by evidence), and shall be accompanied by the required appeal fee(s). Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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, and, in compliance with noticing requirements set forth herein in CVMC Sections 19.12.070 and 19.12.080. The meeting date shall also be no more than 60 calendar days from the application's filing date. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

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

**19.14.370 Planned unit development – Public hearing – Time – Notice required.**

A public hearing shall be held by the Planning Commission and City Council as provided herein:

A. Such hearing before the City Council shall be set for public hearing by the City Clerk within 30 calendar days. The meeting date shall also be no more than 60 calendar days after the Planning Commission's action;

B. The secretary of the Commission and City Clerk shall publish notice of hearings in a newspaper of general circulation in the City not less than 10 calendar days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken.

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

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

B. A written appeal shall be filed by the applicant or an interested party with the Development Services Department on a form required by the Development Services Director, and, to be accompanied by the nonrefundable required fee therefore. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the Zoning Administrator. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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, and, giving the same notice as required in CVMC Sections 19.12.070 and 19.12.080. The meeting date shall also be no more than 60 calendar days from the application's filing date. If, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter.

C. Upon the hearing of an appeal, the Planning Commission may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the Zoning Administrator. The resolution shall contain findings of facts showing wherein the project meets or fails to meet any applicable site plan and architectural principles in CVMC Section 19.14.470, the provisions of the design manual or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the Planning Commission shall be filed with the Development Services Director, and mailed to the applicant. The decision of the Planning Commission shall be final.

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

*Subsection A remains unchanged.*

B. *Appeal.* The Zoning Administrator shall approve, conditionally approve or deny landscape plans. An interested party may appeal a denial or conditions imposed upon approval by filing a written appeal to the Development Services Department, in accordance with CVMC Section 19.14.050, within 10 calendar days of receipt of notification of denial or conditional approval from the Zoning Administrator. Such shall be in writing on the form promulgated by the Development Services Department, accompanied by the required fee(s), and shall specify therein the action(s) of the Zoning Administrator is inconsistent with the landscape manual and/or other applicable ordinances, manuals or policies of the City, with supporting evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The Planning Commission may grant, conditionally grant, or deny the appeal. The decision of the Planning Commission shall be final, and shall be based upon the landscape manual, and/or other applicable ordinances, manuals, or policies of the City.

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

*Subsections A thru C remain unchanged.*

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 calendar 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 calendar 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.

**19.14.573 Precise plan approval – Public hearings.**

A public hearing shall be held by the Planning Commission and City Council as provided herein:

A. The hearing before the City Council shall be set by the City Clerk within 30 calendar days after Planning Commission action.

B. The secretary of the Planning Commission and City Clerk shall publish notice of hearings in a newspaper of general circulation in the City not less than 10 calendar days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. Any requested exceptions to the requirements of the underlying zone shall be specified in the public hearing notice.

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

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

**19.14.588 Design review – Appeal procedure.**

A. An interested party may file an appeal of the decision of the Zoning Administrator to the Planning Commission within 10 calendar 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 Zoning Administrator. 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, unless an appeal is filed.

B. An interested party may file an appeal from the decision of the Planning Commission to the City Council within 10 calendar 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 regularly 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.

**19.48.060 P-C zone – Planning Commission action.**

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

**19.58.430 Liquor stores in the C-N zone.**

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

Such appeal shall be directed to the Planning Commission and must be filed in writing with the Development Services Department within 10 calendar days after the decision is made, as provided in CVMC Section 19.14.100, and accompanied by the required appeal fee(s).

Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. If a valid appeal application is received within the time limit, 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. The Planning Commission must make the same written findings required of the Zoning Administrator herein in order to grant the permit, and the decision of the Planning Commission shall be final.

**19.60.810 Processing of applications.**

*Subsections A thru F remain unchanged.*

G. *Appeals.* All sign permit applications shall be initially reviewed by the Zoning Administrator. An interested party may appeal any sign-related decision to the Planning Commission. A written notice of appeal must be filed with the Development Services Department within 10 calendar days of when the decision was delivered or sent to applicant and all known concerned persons, or the last day on which a decision could have been timely rendered. Said appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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. The appellate body must conduct a hearing and consider evidence, and render a written decision. The hearing must follow normal procedures for agendaing and giving public notice. The decision of the Planning Commission shall be final. Unless time is waived by the applicant, any permit or approval on which the City does not render a definite decision within the required time shall be deemed denied, and the time for appeal or filing judicial review shall commence on the last date on which the City could have issued a decision.

*Subsections H thru K remain unchanged.*

**19.66.220 Appeals of determinations.**

The Zoning Administrator's action with respect to the performance standards procedures may be appealed to the Planning Commission within 10 calendar days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final. Any such appeal shall specify therein that the decision was in error and specifically identify all the facts and circumstances on which claim of error is based, supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and

not processed by the City. If 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The decision of the Planning Commission shall be final.

**19.89.080 Abandonment.**

*Subsection A remains unchanged.*

B. *Notice, Appeal and Hearing.* A written notice of the determination of abandonment, as noted in subsection (A) of this section, shall be sent by certified first class mail, return receipt requested, or personally delivered to the operator of the wireless telecommunications facility at said operator's business address on file with the City or the operator's agent for service of process on file with the California Secretary of State. Service shall be effective on the date the notice was signed for or received. If the mailed notice is returned unsigned, service shall be deemed effective 3 calendar days after the mailing of a duplicate notice by regular first-class mail. The notice shall explain the consequences of failing to remove the facility and identify all hearing/appeal rights.

The operator may appeal in writing to the Development Services Department the determination of abandonment within 10 calendar days of being served with the notice. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the Zoning Administrator, and supported by evidence. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on which the appeal is based shall result in the appeal being rejected and not processed by the City. 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. If, however, in the exercise of reasonable diligence, the City is not able under the circumstances to schedule the appeal hearing within 60 calendar days after the date of the valid appeal application, then the appeal hearing shall be scheduled within a reasonable time thereafter. The operator may present at the hearing any relevant evidence on the issue of abandonment.

The Planning Commission may affirm, reverse, or modify with or without conditions the determination of abandonment and shall make written findings in support of its decision. The decision of the Planning Commission shall be final.

*Subsection C remains unchanged.*

**21.12.030 Appeals.**

An interested party may appeal in writing the decision of the Zoning Administrator to the City Clerk's Office within 10 calendar days after the date of the decision. Failure to timely file an appeal with the City Clerk and/or to identify with specificity all facts and circumstances on

which the appeal is based shall result in the appeal being rejected and not processed by the City. Once a valid application has been received, the City Clerk's Office shall notify the Director of Development Services who shall take no longer than 30 calendar days to set the matter for public hearing and placed on an agenda for a regularly scheduled Planning Commission meeting. The meeting date shall also be no more than 60 calendar days from the application's filing date. The appeal shall address in writing each of the findings for denial on a form prescribed by the City and shall submit a fee pursuant to CVMC Section 21.12.020 for appeals of historic preservation matters. The decision of the Planning Commission shall be considered final.

#### **Section IV. Development Impact Fee Project Exemptions.**

##### **3.50.100 Development projects exempt from the Fee.**

A. Development Projects by public agencies shall not be exempt from the provisions of the Fee unless the agency demonstrates that the Project will not generate measurable demand for public facilities funded by the Fee. Any exempted public project must document the basis for exemption through a nexus analysis approved by the City.

B. Nonprofit Community Purpose Facilities may be exempted from the Fee only if the City prepares and adopts findings demonstrating that the proposed development will not generate measurable public facility demand or that the public benefit warrants City-subsidized payment of the facility costs from other funding sources. The cost of exempted impacts shall not be redistributed to private development subject to the Fee.

*The remaining Subsections remain unchanged.*

##### **3.54.100 Development projects exempt from the fees.**

A. Development Projects by public agencies shall not be exempt from the provisions of the Fee unless the agency demonstrates that the Project will not generate measurable demand for public facilities funded by the Fee. Any exempted public project must document the basis for exemption through a nexus analysis approved by the City.

B. Nonprofit Community Purpose Facilities may be exempted from the Fee only if the City prepares and adopts findings demonstrating that the proposed development will not generate measurable public facility demand or that the public benefit warrants City-subsidized payment of the facility costs from other funding sources. The cost of exempted impacts shall not be redistributed to private development subject to the Fee.

*The remaining Subsections remain unchanged.*

#### **Section V. Hydrogen Fueling Facilities.**

##### **19.30.020 Permitted uses.**

Principal permitted uses in the C-O zone are as follows:

- A. Medical and dental offices and clinics and medical, optical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sale or distribution;
- B. Administrative and executive offices;
- C. Professional offices, for lawyers, engineers, and architects;
- D. Financial offices, including banks, and real estate and other general business offices;
- E. Any other office use which is determined by the Commission to be of the same general character as the above-permitted uses;
- F. Agricultural uses as provided in CVMC Section 19.16.030;
- G. Prescription pharmacies (see CVMC Section 19.04.002 for definition);
- H. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**19.34.020 Permitted uses.**

The following are the principal permitted uses in a C-N district:

- A. Grocery, fruit or vegetable store;
- B. Bakery;
- C. Drugstore;
- D. Barbershop and beauty shop;
- E. Clothes-cleaning pickup agency with incidental pressing;
- F. Business or professional office;
- G. Restaurant, cafe or soda fountain, not including entertainment, dancing or sale of liquor, beer, or other alcoholic beverages for consumption on the premises or drive-in car service;
- H. Commercial parking lot for passenger vehicles, subject to the requirements of CVMC Sections 19.62.010 through 19.62.130;
- I. Coin-operated laundry, with maximum capacity washing units of 20 pounds and comparable drying equipment, and clothes-cleaning agency;
- J. Any other retail business or service establishment supplying commodities or performing services for residents of the neighborhood which is determined by the Planning Commission to be of the same general character as the above-mentioned

retail business or service uses, and open during normal business hours of the above uses;

K. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities and satellite dish antennas, in accordance with the provisions of CVMC Sections 19.22.030(F)(1) through (9);

L. Agricultural uses as provided in CVMC Section 19.16.030;

M. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**19.36.020 Permitted uses.**

Principal permitted uses in the C-C 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, specialty shops, banks, business offices, and other financial institutions and personal service enterprises;

B. Restaurants, and sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental with the sale of food;

C. Bona fide antique shops, but not including secondhand stores or junk stores;

D. Parking structures and off-street parking lots, subject to the provisions of CVMC Section 19.58.230;

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

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

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

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

I. Agricultural uses as provided in CVMC Section 19.16.030;

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

K. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**19.38.020 Permitted uses.**

Principal permitted uses in the C-V zone are as follows:

- A. Hotels/motels, subject to the provisions of CVMC Section 19.58.210, with such incidental businesses to serve the customer or patron; provided, such incidental uses and businesses not otherwise permitted in this zone shall be operated in the same building and in conjunction with this permitted use;
- B. Restaurants with a cocktail lounge as an integral part;
- C. Art galleries;
- D. Handicraft shops and workshops;
- E. Bona fide antique shops, but not including secondhand stores or junk stores;
- F. Theaters;
- G. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC Sections 19.22.030(F)(1) through (9) and (11) through (13);
- H. Electrical substations and gas regulator stations, subject to the provisions of CVMC Section 19.58.140;
- I. Agricultural uses as provided in CVMC Section 19.16.030;
- J. Artists' supply and materials stores;
- K. Clothing sales (new);
- L. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**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 Section 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 Section 19.58.070;
- C. Hotels/motels, subject to the provisions of CVMC Section 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 Section 19.58.115 and CVMC Chapter 5.26);
- F. Animal hospitals and veterinary clinics, subject to the provisions of CVMC Section 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 Section 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 Sections 19.22.030(F)(1) through (9) and (11) through (13);
- L. Electrical substations and gas regulator stations, subject to the provisions of CVMC Section 19.58.140;
- M. Agricultural uses as provided in CVMC Section 19.16.030;
- N. Sexually oriented businesses, subject to the provisions of CVMC Section 19.58.024;
- O. Used clothing sales;
- P. Knitting and weaving shops;
- Q. Upholstery shops;
- R. Massage parlors, subject to the provisions of CVMC Chapter 5.36;
- S. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**19.42.020 Permitted uses.**

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

- A. Laboratories; research, experimental, film, electronic or testing;
- B. Manufacture and assembly of electronic instruments and devices;
- C. Manufacture and assembly of office computing and accounting machines and typewriters;
- D. Manufacture and assembly of electric measuring instruments and test equipment;

- E. Electrical substations and gas regulator stations, subject to the provisions of CVMC Section 19.58.140;
- F. Temporary tract signs, subject to the provisions of CVMC Sections 19.58.320 and 19.60.600(E)(2);
- G. Any other research or any light manufacturing use determined by the Commission to be of the same general character as the above-permitted uses;
- H. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**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 Section 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 Section 19.58.050;
- N. The manufacture of food products, drugs, pharmaceuticals and the like, excluding those in CVMC Section 19.44.050;

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

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

Q. Agricultural uses as provided in CVMC Section 19.16.030;

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

S. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**19.46.020 Permitted uses.**

Permitted uses in an I zone are as follows:

A. Any manufacturing, processing, assembling, research, wholesale, or storage uses except as hereinafter modified;

B. Automobile and metal appliance manufacturing and assembly, structural steel fabricating shops and machine shops;

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

D. Trucking yards, terminals, and distributing operations;

E. Liquefied natural gas plants;

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

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

H. Hydrogen fueling facilities, in conformance with Government Code Section 65850.7, as amended from time to time.

**Section VI. Temporary and Permanent Storage Containers.**

**19.58.445 Portable storage and shipping containers.**

A. *Purpose and Scope.* The purpose of this section 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 section and other laws or regulations, the more restrictive standard shall apply.

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

“Portable storage container” means a container 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.

“Shipping container” means an industrial, portable vessel 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 CVMC Chapter 1.30.

1. *Residential Districts (R Districts).*

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

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

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.

*Subsections D thru F remain unchanged.*

G. *Development Standards – Portable Storage Containers.* Use of portable storage containers shall be subject to the following limitations and approval of an encroachment permit by the City Engineer.

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.* On private property, portable storage containers shall first be placed within a garage, and secondly within a driveway and not blocking a sidewalk. 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 by the City Engineer.

3. *Duration.* Portable storage containers placed on private property shall not remain longer than 30 consecutive calendar days. Portable storage containers placed within the public right-of-way with an approved temporary encroachment permit by the City Engineer, shall not remain longer than 14 consecutive calendar days. Under no circumstances may a portable storage container be allowed on the same lot or parcel for more than 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. Nonstorage use of portable storage containers is not allowed.

5. *Permittee Responsibilities.* The permittee 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.

*The remaining Subsections remain unchanged.*

## **Section VII. Recreational Vehicle Storage and Habitation.**

### **19.58.330 Trailers.**

(See definition in CVMC Section 19.04.002.)

A. It is unlawful to use a camping trailer, motorhome, camper, or travel trailer for living or sleeping purposes except when parked within a licensed recreational vehicle park or mobilehome park, as provided elsewhere in this title, or when used on a temporary basis not to exceed a period of seven days, in any given 30 calendar day period, by guests or visitors of residents of the City and said vehicle is parked upon the property of the resident.

1. No more than a total of two motorhomes or camping trailers shall be parked at any time on a residentially zoned property (R districts) or a property with a residential use.
2. Appurtenances of recreational vehicles and camping trailers, including but not limited to pop-outs (slide-outs) or covers, shall not extend over any property lines.

*The remaining Subsections remain unchanged.*

**19.58.400 Recreational vehicle storage yards.**

A. 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 Service 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.

**Section VIII. 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 IX. 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 X. Effective Date**

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

**Section XI. 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

Approved as to form

\_\_\_\_\_  
Roy Sapa'u  
Director of Development Services

By: \_\_\_\_\_  
Marco Verdugo  
City Attorney