

PC DISTRICT REGULATIONS

Village Seven Sectional Planning Area (SPA) Otay Ranch GDP

Adopted October 19, 2004

by Resolution No. 2004-329
by Ordinance No. 2981

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**SECTION II.3
PLANNED COMMUNITY DISTRICT REGULATIONS**

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SECTION II.3 PLANNED COMMUNITY DISTRICT REGULATIONS

II.3.1 General Provisions

II.3.1.1 Purpose & Scope

The Otay Ranch Village Seven SPA Planned Community District Regulations are intended to:

- Promote and protect the public health, safety and welfare of the people of the City of Chula Vista.
- To safeguard and enhance the appearance and quality of development in the Village Seven Sectional Planning Area (SPA) of the Otay Ranch General Development Plan (GDP) area
- To provide the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.
- Ensure that the SPA Plan is prepared and implemented in accordance with the provisions of the Otay Ranch GDP.
- Implement the Chula Vista General Plan for the Eastern Territories.
- Promote the orderly planning and long term phased development of the Village Seven portion of the Otay Ranch GDP area.
- Establish conditions which will enable the Village Seven SPA to exist in harmony within the larger community.

II.3.1.2 Private Agreements

The provisions of this ordinance are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions contained within this ordinance.

II.3.1.3 Conflicting Ordinances

Whenever the provisions of this ordinance impose more, or less, restrictive regulations upon construction or use of buildings and structures, or the use of lands/premises than are imposed or required by other ordinances previously adopted, the provisions of this ordinance or regulations promulgated hereunder shall apply.

II.3.1.4 Establishment of Land Use Districts

In order to classify, regulate, restrict and separate the use of land, buildings and structures, and to regulate and limit the type, height and bulk of buildings and structures in the various districts, and to establish the areas of yards and other open space areas abutting and between buildings and structures, and to regulate the density of population, the Village Seven SPA is hereby divided into the following Land Use Districts:

VILLAGE SEVEN SPA LAND USE DISTRICTS DEFINITIONS

SYMBOL	GENERAL DESCRIPTION
SF3	Single Family Three: District which permits single family housing located on lots >5,000 square feet
SF4	Single Family Four: District which permits single family housing located on lots < 5,000 square feet.
RM1	Residential Multi-Family One: District which permits housing ranging from 8 units/acre up to 14.9 units/acre including small lot single family, alley, duplex, townhouse and stacked flats product types
RM2	Residential Multi-Family Two: District which permits housing at densities from 15+ units/acre.
CPF	Community Purpose Facility: District which permits uses established pursuant to the Community Purpose Facilities requirements of the P-C Planned Community Zone
OS/P1	Open Space/Park One: District which permits developed or usable open space and park uses, and may include naturalized open space

Adoption of Land Use Districts Map

Land Use Districts and boundaries are established and adopted as shown, delineated and designated on the Village Seven SPA Land Use Districts Map (see Exhibit PC-1) of the city of Chula Vista and San Diego County. This map, together with all notations, references, data, district boundaries and other information thereon, are made a part of the Village Seven SPA Plan and adopted concurrently herewith. The boundaries are intended to align with physical and legal features such as property boundaries, top or toe of slopes, or streets. Refinements to these boundaries are expected during the detail planning and design phases and will not require an amendment providing the refinement does not alter the intent of the map. Refer also to Section II.3.3.4.B for provisions for boundary adjustment for certain planning areas.

Amendments to the Land Use Districts Map

Changes to the boundaries of the land use districts shall be made by Ordinance and shall be reflected on the Village Seven SPA Official Land Use Districts Map, as provided in Section

II.3.9 herein. Minor changes resulting from the approval of a tentative or final map may be made to the Land Use Districts Map as an administrative matter.

II.3.1.5 Clarification of Ambiguity

If ambiguity arises concerning the proper classification of a particular land use within the meaning and intent of this Ordinance, or if ambiguity exists with respect to height, yard requirements, area requirements or land use district boundaries as set forth herein, it shall be the duty of the Zoning Administrator to ascertain all pertinent facts concerning such ambiguity and forward said findings and recommendations to the Planning Commission, or on appeal, to the City Council. If approved by the Commission, or on appeal, by the City Council, the established interpretation shall govern thereafter.

Should any provision of these regulations conflict with the requirements of the Municipal Code, the provisions herein shall apply.

II.3.1.6 Effect of Regulations

The provisions of this Ordinance governing the use of land, buildings, structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, the number of dwelling units per acre, standards of performance, and other provisions are hereby declared to be in effect upon all land included within the boundaries of each and every land use district established by this Ordinance.

II.3.1.7 Enforcement

See Section II.3.12 for the enforcement provisions of this Ordinance.

II.3.1.8 Definitions of Terms

For the purposes of this ordinance, certain words, phrases and terms used herein shall have the meaning, assigned to them by Title 19 of the City of Chula Vista Municipal Code.

The following additional definitions are provided specifically for the Village Seven SPA:

- A. Accessory Second Unit: An independent residential living area is an accessory use to a primary single family residential use, with cooking facilities and bath, that occupies the same single family detached lot as the main residence, and is intended to provide affordable rental housing in single family detached neighborhoods.
- B. Hollywood Drive: A driveway which leads to a garage located behind the front elevation of the main residence, often narrow and sometimes consisting of two paved driving strips with enhanced hardscape or turf in between.

- C. Porch: A structure attached to the front and/or side of the main dwelling, has a minimum of two open sides, is covered by a roof and oriented towards the street.
- D. Semi-private Courtyard: An outdoor seating area that may project into the front yard setback, oriented to the house entry; and surrounded on three sides by either the building or low walls/fences.
- E. Veranda: A roofed open structure attached to the exterior of a residence creating a “wrap-around” style porch, typically orienting to both the front and side streets of a corner lot.
- F. Neighborhood: A Neighborhood is a land use area identified on the Site Utilization Plan in the Sectional Planning Area Plan (SPA) as a Parcel. References to Parcel or Neighborhood are interchangeable within the Village Seven SPA Plan and its component documents.

When consistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular. The word “shall” is mandatory; the word “may” is permissive.

Any aspect of land use regulation within Village Seven SPA not covered by these district regulations or subsequent plan approvals, shall be regulated by the applicable section of the Chula Vista Municipal Code (CVMC).

II.3.2 Land Use Districts Map

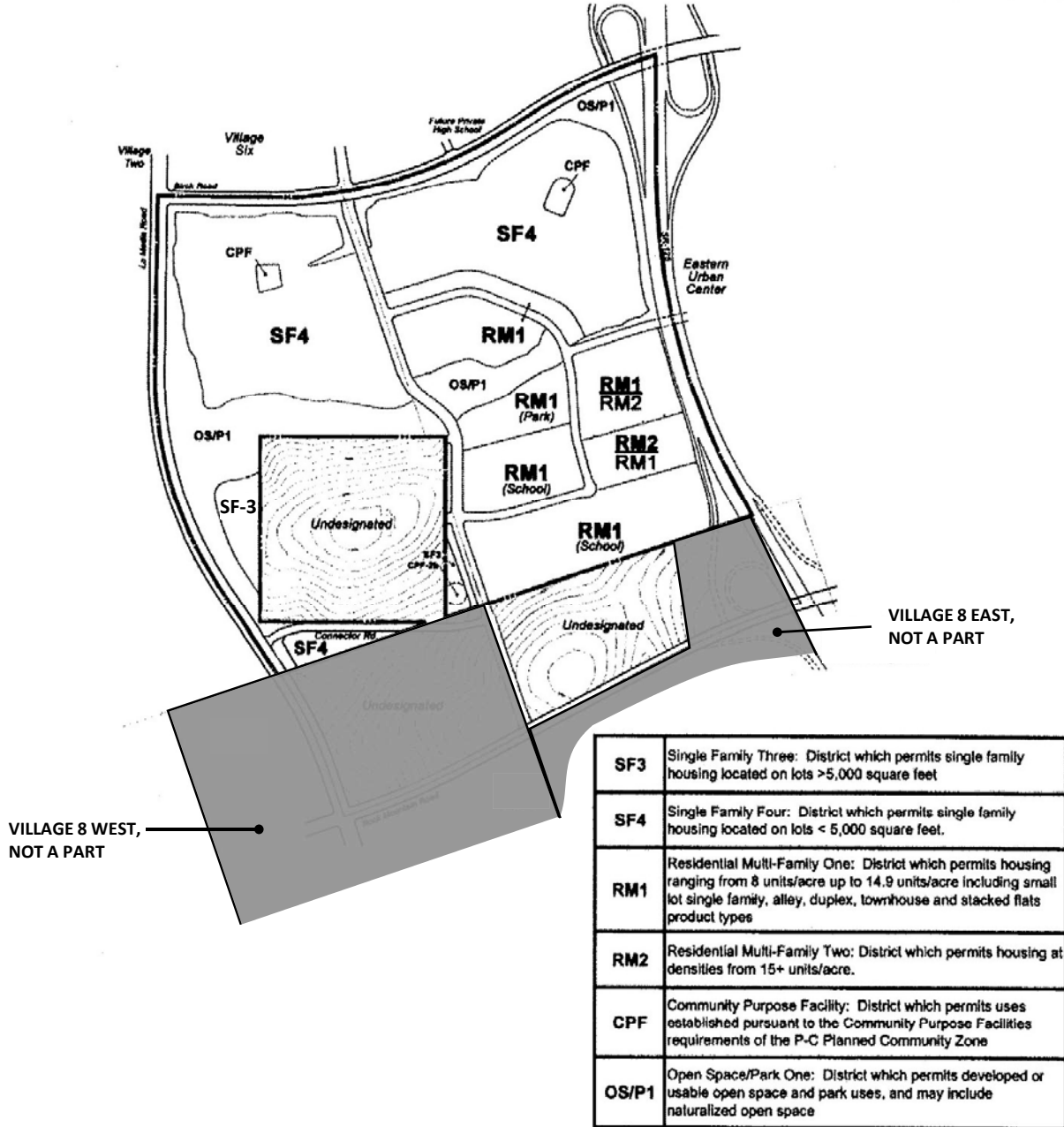
This chapter consists of the Land Use Districts (Zoning) Map for Village Seven SPA included in a reduced form as Exhibit PC-1. The original Village Seven SPA Official Land Use Districts Map shall be kept on file with the City Clerk and shall constitute the original record. A copy of said map shall also be filed with the City Planning Department.

The provisions of these Planned Community District Regulations shall be applicable only to that portion of the Village Seven SPA with land use district designations indicated on Exhibit PC-1. Expansion to include property within Village Seven shown as “undesigned” shall require a formal amendment per Section II.3.9.3 herein.

II.3.2.1 District Boundaries

The land use district boundaries shown on the map coincide with proposed streets, alleys or lot lines. Minor amendments to these boundaries resulting from the relocation of a boundary street, alley or lot line by the approval of a tentative or final subdivision map shall be incorporated in the Land Use Districts Map as an administrative matter.

Land Use Districts



II.3.3 Residential Districts

II.3.3.1 Purpose

The purpose of the Village Seven SPA Residential Districts is to achieve the following:

- To implement the residential policies of the Otay Ranch General Development Plan.
- To reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the Otay Ranch General Development Plan and with sound standards of public health, safety and welfare.
- To ensure adequate light, air, privacy and open space for each dwelling unit.
- To minimize the effects of traffic congestion and to avoid the overloading of public services and utilities by phasing construction of buildings in relation to the land area around them and available infrastructure.
- To protect residential properties from noise, illumination, unsightliness, odors, smoke and other objectionable influences.
- To facilitate the provision of utility service and other public facilities commensurate with anticipated population, dwelling unit densities and service requirements.

II.3.3.2 Residential District Categories/Intent

Two basic residential unit types are anticipated in the Village Seven SPA: single family detached homes and attached/multi-family units. Two single family land use districts, SF3 and SF4, are utilized to distinguish single family detached units in two density ranges (see lot size development criteria). Two attached or detached multi-family districts are also established, RM1 and RM2. The RM1 is intended to accommodate typical single family attached and multi-family units ranging from duplexes and alley products to townhouses, as well as innovative housing products, falling in the range of 8 to 14.9 dwelling units per acre (du/ac). The typical housing product in the RM2 district may have stacked units and group parking and/or be three stories in height, which would be expected at densities greater than 15 du/ac. The Otay Ranch General Development Plan also authorizes small lot single family detached in multi-family designations.

II.3.3.3 Permitted & Conditional Uses

The matrix of land uses on the following pages indicates the relative permissive status using the following symbols:

- “P” = Permitted.
- “C” = Permitted subject to Conditional Use Permit approved by the Planning Commission.
- “ZA” = Permitted subject to Conditional Use Permit by the Zoning Administrator.
- “a” = Permitted Accessory Use to a Permitted or Conditional Use.
- “N” = Use Not Permitted.

PERMITTED USE MATRIX – RESIDENTIAL DISTRICTS

LAND USE	LAND USE DISTRICT			
	SF3	SF4	RM1	RM2
Residential Uses:				
Single-family dwelling, detached	P	P	P	ZA
Single-family dwelling, attached	N	ZA	P	P
Mobile home which is certified under the National Mobile Home Construction and Safety Standards Act of 1974 on individual lots	P	P	P	P
Group residence or residential dwelling, operated by an organization, association or individual with a paid professional staff, uses may include, but are not limited to, boarding or rooming homes, dormitories and retirement homes	N	N	C	C
Multiple dwellings (3 units and above)	N	N	P	P
Townhouse dwellings	N	N	P	P
Accessory Second Unit (see Section II.3.1.8A & II.3.3.5)	a	a	a	N
Agricultural Uses:				
All types of horticulture	P	P	P	P
Agricultural crops	ZA	ZA	ZA	ZA
Community garden	ZA	ZA	ZA	ZA
Public and Semi-public Uses:				
Day nurseries, daycare schools and nursery schools	N	N	C	C
Essential public services, including but not limited to: school, library, museum, park, public works facility and other civic uses.	C	C	C	C
Family daycare home, large (subject to Section 19.58 CVMC)	ZA	ZA	C	C
Public safety facility such as police or fire station	C	C	C	C
Public utility and public service sub-stations, reservoirs, pumping plants and similar installations, except those regulated by the State of California	C	C	C	C
Recreation facility less than 2 acres in size	ZA	ZA	ZA	ZA
Recreation facility over 2 acres in size	C	C	C	C

PERMITTED USE MATRIX – RESIDENTIAL DISTRICTS (cont'd)

LAND USE	LAND USE DISTRICT			
	SF3	SF4	RM1	RM2
Home Occupations:				
Home occupations (subject to Section II.3.6.3)	ZA	ZA	ZA	ZA
Other Uses:				
Keeping of up to three (3) dogs and/or three (3) cats (over the age of four months)	P	P	P	P
Model homes (subject to Section II.3.6.2, Temporary Uses)	ZA	ZA	ZA	ZA
Other accessory uses and accessory buildings customarily appurtenant to a permitted use (subject to Section 19.58 CVMC)	P	P	P	P
Other temporary uses as prescribed in Section II.3.6.2	ZA	ZA	ZA	ZA
Temporary tract offices and tract signs (subject to Section II.3.6.2, Temporary Uses)	ZA	ZA	ZA	ZA
Unclassified uses (subject to Section 19.54 CVMC)	C	C	C	C

II.3.3.4 Property Development Standards**A. General Standards**

The general standards found in this section are based on the Otay Ranch General Development Plan/Subregional Plan. Where the Specific Standards listed below are silent on an issue, the Zoning Administrator is authorized to define a standard based on the Otay Ranch General Development Plan/Subregional Plan, the Chula Vista General Plan, Zoning Ordinance, Design Manual and/or Landscape Manual, as may be appropriate.

B. Specific Standards

The following Property Development Standards shall apply to all land and buildings, other than accessory buildings, permitted in their respective residential land use district. The use of the symbol “DR” indicates that the standard is established by the approval of by Zoning Administrator (ZA) Design Review application and/or Tentative Tract Map.

Dimensions and standards are minimums, and minor variations may be permitted subject to ZA Design Review or tract map approval, providing that the minimums specified herein are maintained as average minimums. Lot widths and depths are typical minimums but may vary slightly with irregularly shaped lots and site specific conditions. Refer to Section II.3.10 Administrative Procedures, for further information regarding processing requirements.

The first Design Review submittal for either neighborhood R-6 or R-7, as depicted on the Site Utilization Plan, shall include a conceptual coordinated site plan for both neighborhoods. The boundary between these two parcels shall then be established by the first Design Review approval. Dwelling units may be transferred between the two neighborhoods, providing it does not exceed the combined total units permitted shown on the Site Utilization Plan.

**PROPERTY DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS
LOT CRITERIA**

DEVELOPMENT STANDARD	LAND USE DISTRICT				NOTES
	SF3	SF4	RM1	RM2	
Average Lot Area (Square Feet)	5,000	4,000	DR	DR	As calculated for an entire SPA Neighborhood. May be reduced with Design Review approval. Average lot area is the sum of all lot areas within a SPA Neighborhood, divided by the number of lots in that Neighborhood.
Minimum Lot Area (Square Feet)	4,000	3,000*	DR	DR	*May be reduced with Design Review and/or Tentative Map approval.
Maximum Lot Coverage	55%	60%	DR	DR	
Minimum Lot Depth (Feet)	90	60	DR	DR	
Minimum Lot Width (Feet)					
measured at setback line	45	40	DR	DR	Lot width may be reduced by 20% for alley products
flag lot street frontage	20	20	DR	DR	
knuckle or cul-de-sac street frontage	30	20	DR	DR	

BUILDING HEIGHTS & PARKING REQUIREMENTS

DEVELOPMENT STANDARD	LAND USE DISTRICT				NOTES
	SF3	SF4	RM1	RM2	
Maximum Building Height (feet)	28'	35' 2- story max. at top plate.	45' 3- story max.	45' 3- story max.	Maximum building height for two story single family homes is 35 feet subject to approval of Zoning Administrator in the SF3 Districts.
On-Site Parking Requirements (Parking Spaces):					
Single Family Dwellings	2	2	2	2*	3 Car garages are Subject to II.4.4.1 in the Village Design Plan. * May be reduced to 1.5 space for 1 bedroom and 1.0 space for studio units.
Multi-family Dwellings:					
per studio unit	NA	NA	1.0	1.0	RM requirements include 0.25 guest spaces per unit, including on-street parking. Parking may be reduced with Design Review approval for affordable or seniors housing
per 1 bedroom unit	NA	NA	1.5	1.5	
per 2 bedroom unit	NA	NA	2.0	2.0	
per 3+ bedroom unit	NA	NA	2.25	2.25	

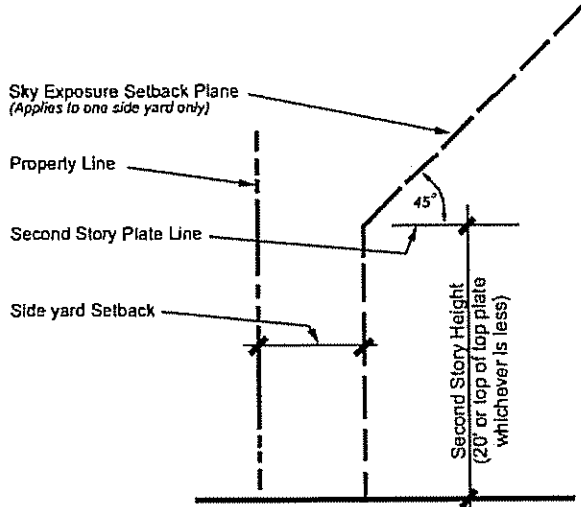
**PROPERTY DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS
YARDS & SETBACKS**

DEVELOPMENT STANDARD	LAND USE DISTRICT				NOTES
	SF3	SF4	RM1	RM2	
Minimum Front Yard Setback (Feet):					
to direct entry garage	19.5	19.5	DR	DR	Measured from back of sidewalk. At least one model, within any SF3 and SF4 neighborhood (SPA Neighborhood), shall have the garage setback 5 feet further than face of main residence. Maximum driveway width shall be 16 feet. Variations to driveway width in order to accommodate turning movements for certain garage configurations may be approved, subject to Design Review.
To side entry (swing in) garage with or without residential above.	10	10	DR	DR	Maximum driveway approach width shall be 16 feet.
to main residence	15	15	DR	DR	May be reduced to 10 feet for alley product.
to porch, entry feature, or veranda	8	8	DR	DR	
To semi-private courtyard	6	6	DR	DR	
Minimum Side Yard Setback (Feet):					
to adjacent residential lot	5	5	DR	DR	May be reduced for "Zero Lot Line" concepts
distance between detached residences	10	10	DR	DR	May be reduced to zero for certain building types. Refer to Village Design Plan.
to porch or veranda on corner lot	4	4	4/DR	DR	Measured from back of sidewalk. Fixed setback for RM1 applies only to Single Family Detached.
to property line of adjacent residential street	10	10	DR	DR	RM1 shall have 8 foot setback for featured side of promenade street.
to property line from second floor except side entry garage	see note	see note	DR	DR	Additional building separation is required for certain roof types as indicated in Sky Exposure Plane, Exhibit PC-2. Refer also to Village Design Plan for guidance.
to garage, including living space above, with minimum 30 foot driveway setback	0	0	0	0	
Minimum Rear Yard Setback (Feet):					
to main residence	15	10	DR	DR	Second story (and above) may project 3 feet into rear yard setback.
to garage with 30 foot front yard setback and with living area above	5	5	5	DR	Second story (and above) may project 3 feet into rear yard setback, subject to ZA Design Review.
to garage off an alley	5	5	5	5	Second story (and above) may project 3 feet into rear yard setback.

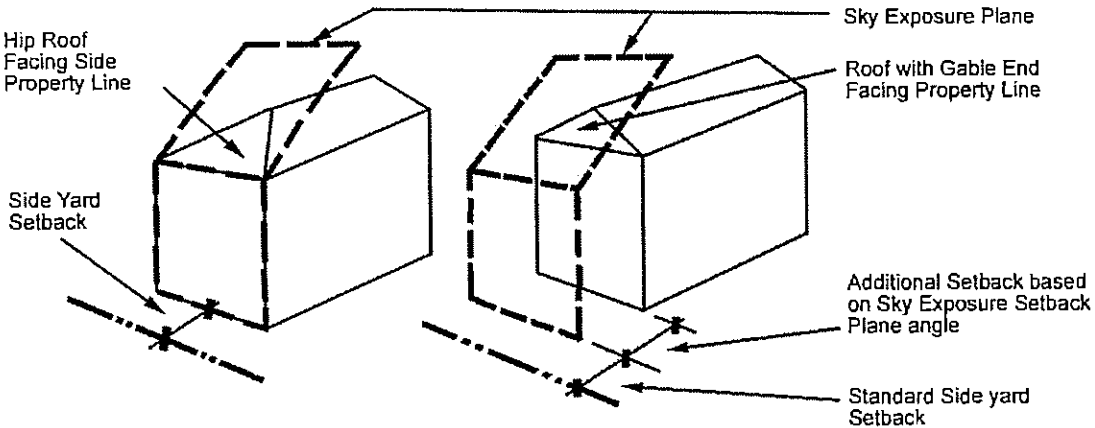
9/13/05

Sky Exposure Plane

*Special Setback for Structural Elements
above Second Story Top Plate
for Single Family developments*



Sky Exposure Plane Setback
*(Applies to one side yard
for first 35' of lot depth)*



Diagrammatic Examples



Vista Verde
Village Seven - Otay Ranch

Cinti Land Planning
9/28/01
Exhibit PC-2

C. Pedestrian Oriented Features: Porches/Verandas, Balconies & Semi-private Courtyards

Two of three or three of four houses, depending on the number of models, in all of all single-family detached neighborhoods (SF3 or SF4) shall have at least one of the following pedestrian oriented features: porch, veranda, porch/veranda combination, semi-private courtyard, and/or balcony. Additional models shall include at least one pedestrian oriented features, such as; gateways, trellises, porte-cocheres, featured windows, or any alternative pedestrian oriented feature of a similar character that is approved as a part of Design Review.

Each of the minimum porch/veranda sizes in the table outlined below shall be defined as "Sitting Area" and shall be free and clear of any structural supports or other building forms. Porch setbacks shall be measured to the clear area rather than the structural supports.

1. Porches

All porches shall be oriented towards the street. Porches shall not be enclosed. Porches shall be provided at the following schedule according to lot width measured at the front setback:

REQUIRED PORCH SIZE

MINIMUM NEIGHBORHOOD LOT (pad) WIDTH (ft.)	MINIMUM PORCH SIZE (sq. ft.)
<40	60 (6 foot minimum dimension)
40 - 60	60 (6 foot minimum dimension)
>60	66 (6 foot minimum dimension)

2. Verandas

On at least fifty percent (50%) of corner lots, "Veranda" wrap-around style porches are required where the elevation of the house pad is less than 3 feet from the adjacent pedestrian walk. Verandas shall have the same minimum dimensions as found in the above table for porches.

3. Balconies

Balconies shall have a minimum dimension of six feet by eight feet and shall be oriented to view and be viewed from the pedestrian circulation system whenever possible. Balconies less than six feet in depth may not be used to satisfy porch requirements.

4. Semi-Private Courtyards

A semi-private courtyard is an outdoor area in a single family detached home with usable seating area similar to a porch with no dimension less than six feet; oriented to the house entry; and surrounded on three sides by either the building, elevation change, or low walls/fences. Semi-private courtyards shall be designed such that they are an architecturally significant element of the front elevation of the house. It shall have an opening on the street side and incorporate strong architectural styling which emphasizes the pedestrian entry over the garage and driveway.

5. Featured Windows

Large picture windows, bay windows and glass paneled doors oriented towards the street provide a sense of openness and a visual connection between the interior living space and the street. This visual connection enhances neighborhood security and provides an indoor seating option to porches, verandas, and courtyards. The window/doors should be proportional in scale to the wall plane and no less than four feet in width.

6. Gateways, Trellises and Porte-cocheres

Gateways, trellises, porte-cocheres and similar architectural elements may be used to designate residential entries. Such features should be visually distinctive and may be free standing or attached to the residence.

D. Allowable Building Area - Floor Area Ratio

The allowable building area for each lot shall be as permitted in the table on the following page. The maximum building area for single-family detached and attached products shall be that permitted by percentage of floor area to lot area (Floor Area Ratio - FAR). Homeowner additions shall be permitted only where consistent with these standards. The following are excluded from FAR calculations:

1. The first 300 square feet of a covered rear yard patio (open on two sides). A patio of up to 300 square feet shall be permitted on each residential lot and is not subject to setbacks. Any square footage above 300 square feet shall count toward the FAR. Any portion of a covered patio over 300 square feet that exceeds the FAR shall not be permitted;
2. The first 400 square feet of the garage;
3. Porches, verandas, balconies and courtyards.

ALLOWABLE BUILDING AREA

LAND USE DISTRICT	MAXIMUM PERCENTAGE of LOT AREA (FAR)
SF3	65%
SF4	65%
RM1	70%/DR ¹
RM2	DR

¹ Fixed FAR applies to single family attached and detached except alley products and shared driveway; FAR for multifamily and alley products determined with design review approval.

F. Common Useable Open Space

Common usable open space shall be provided for all multi-family developments in accordance with the Chula Vista Design Manual and the table, which follows:

MULTIFAMILY COMMON USABLE OPEN SPACE

LAND USE DISTRICT CLASSIFICATION/DENSITY	MINIMUM USABLE OPEN SPACE per DU
RM1	300 sq. ft.
RM2	200 sq. ft.

Common usable open space in multi-family developments shall take the form of passive and active recreation areas such as swimming pools, picnic areas, ball courts, view points, etc. These areas shall not be fragmented or consist of "left over" land, driveways, parking areas or refuse storage areas, and must be pedestrian linked and/or easily accessible to the majority of residents in the development. Any portion of a lot which is less than five percent grade containing 60 square feet with no dimension less than six feet, is considered open space. Some facilities, such as swimming pools, ball courts or play areas must be centrally located.

G. Private Usable Open Space

Private usable open space shall be provided for all residential districts in accordance with the Chula Vista Design Manual and the table below:

PRIVATE USABLE OPEN SPACE

TYPE OF DWELLING UNIT	MINIMUM PRIVATE USABLE OPEN SPACE per DU¹
Detached Single Family	Per Chula Vista Design Manual ²
Duplex / Attached Single Family	Per Chula Vista Design Manual ²
Multi-family w/ 1 bedroom	60 sq. ft.
Multi-family w/ 2 bedrooms	80 sq. ft.
Multi-family w/ 3 or more bedrooms	100 sq. ft.

¹ May be reduced subject to Zoning Administrator Design Review approval.

² As written as of the date these PC District Regulations were adopted.

H. Site Plan Review for Residential Districts

Notwithstanding the property development standards listed herein, development within any land use district may be approved with specific site standards through the Site Plan and Design Review process. See Section II.3.10 Administration.

I. Model Home Complexes

Model homes, their garages, parking lots and private recreation facilities are temporary uses and may be used as offices for the first sale of homes within a recorded tract and subsequent similar tracts utilizing the same architectural designs, subject to the regulations of the City of Chula Vista governing said uses and activities. Unless otherwise determined by the Zoning Administrator, an administrative Conditional Use Permit and administrative Design Review shall be required for model home sites. Refer to Temporary Uses Section II.3.6.2 for specific requirements for subdivision sales offices. At the discretion of the Zoning Administrator, the Conditional Use Permit may be referred to the Planning Commission or the Design Review application to the Design Review Committee, respectively, for a decision. Otherwise, administrative procedures shall be used.

J. Building Elevations

A minimum of three front elevations shall be provided for each floor plan on all single family detached residential housing. Elevations for any accessory second units (granny flats) shall be submitted at the same time as elevations for the main structure for administrative Design Review.

K. Architectural Projections

Architectural features which constitute non-usable floor space such as fire places, media niches or book shelf areas on exterior walls, eaves, awnings, chimneys, balconies, stairways, bay

windows, wing walls, etc., shall not be included in building area calculations and may project into any required setback in accordance with Section II.3.11.2, herein.

II.3.3.5 Accessory Buildings, Structures and Uses

Accessory uses and accessory buildings customarily appurtenant to a permitted use are allowed subject to the requirements of Chapter 19.58.020 CVMC.

Accessory buildings and structures, except accessory second units, attached or detached, used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure as constructed or required by the district, whichever is less restrictive, except as herein provided:

- A. Enclosed accessory buildings or open structures attached to the main building are subject to approval by the Zoning Administrator. Such accessory buildings shall not be allowed to encroach into required setbacks.
- B. Detached accessory structures are subject to the approval of the Zoning Administrator and shall meet the setback requirements of the main building, for the front and street side yard areas. Detached accessory structures may be located within an interior side yard or rear yard, provided that such a structure is located no closer than five feet to an interior side or rear lot line and is at least six feet from the main structure, and does not exceed one-story (15-feet) in height.
- C. "Accessory Second Units" as defined in Section II.3.1.8 herein are permitted subject to the requirements of Section 19.58.022 CVMC except that:
 - Parking Requirement: One space available either on-site or at curbside. If at curbside, there must be one additional curbside guest space for main residence. If on-site, it need not be covered, but cannot block the access to the two minimum on-site covered spaces required for the main residence.
 - FAR: Area of an Accessory Second Unit shall not be included in the FAR calculation for the lot.

II.3.3.6 Walls & Fences

In any required front yard adjacent to a street, the wall, fence, or hedge shall not exceed forty-two inches in height, except as provided herein:

- A. Walls, fences, or hedges not more than six feet in height (measured from the top of the slope) may be maintained along the interior side or rear lot lines, provided that such wall, fence, or hedge does not extend into a required front yard or side yard setbacks adjacent to a street, except as required by a site specific noise study or as shown on the Wall and Fencing Plan in the Village Design Plan. Corner cut-off shall be provided whenever necessary for line-of-sight

visibility and safety and may be adjusted to accommodate “veranda” porches required on corner lots.

- B. Freestanding walls, fences or hedges adjacent to a driveway or street providing vehicular access to an abutting lot or street shall not exceed forty-two inches in height within the front yard setback area of the lot. Freestanding walls in the front yard setback shall be no closer than five feet to the back of front sidewalk. Corner cut-offs may be required to maintain a reduced height in special circumstances for safety and visibility as determined by the City Engineer.
- C. Fiberglass, bamboo sheeting, chain link, chicken wire or similar temporary material shall not be permitted as a fencing material. Plexiglass is permitted for view purposes subject to approval of the Zoning Administrator.
- D. Walls adjacent to corner lot side yards shall be constructed of masonry or stucco in accordance with community fencing standards. Wood fences are prohibited in this location.
- E. Sound Walls shall not exceed eight and one-half feet in height. Refer to Village Design Plan for required barriers in excess of this maximum.

II.3.3.7 Residential Sign Regulations

No sign or outdoor advertising structure shall be permitted in any residential district except as provided in Section II.3.6 Special Uses and Conditions or Section II.3.8 Comprehensive Sign Regulations, herein.

II.3.3.8 Vehicle Parking

A. Parking Standards

The number of off-street parking spaces required in each land use district is listed in the Property Development Standards Matrix (Section II.3.3.4). Each space shall measure 10 feet by 20 feet when enclosed in a garage or carport, and 9 feet by 19 feet when uncovered. Group parking areas for multi-family residential developments shall comply with the applicable provisions of Section II.3.4.6.

Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped. All handicapped spaces shall be striped and marked according to the applicable State standards.

B. Group Parking Standards for RM Districts

Parking requirements for the RM districts include 0.3 space per unit for guest parking. If more than one space per dwelling unit is assigned to specific dwelling units, the required guest parking spaces shall be marked and clearly identified as guest parking. The guest parking spaces shall not be permitted to be assigned to the individual dwelling units.

C. Parking Standards for Affordable and Age-Restricted Housing

Parking standards may be reduced from that specified for the SF3, SF4, RM1 or RM2 Districts, for projects which are restricted to Affordable and Senior Citizens (age 62 and above) housing. Such a reduction shall be at the discretion of the City Council through the Conditional Use Permit procedure (CVMC 19.14.060 *et. seq.*). A parking study shall be prepared by a registered traffic engineer to ensure adequate parking will be provided.

D. Recreational Vehicle Parking

The parking or storage of recreational vehicles on streets or in areas visible from the street for purposes other than loading and unloading shall be prohibited.

II.3.3.9 Performance Standards

The following performance standards shall be met in all Residential Districts:

- A. Equipment: air conditioners, antennas, satellite dishes, ham radio antennas, solar panels, heating, cooling, ventilating, equipment and all other mechanical lighting, or electrical devices shall be operated and located so that they do not disturb the peace, quiet and comfort of neighboring residents. The location of such equipment shall require the prior approval of the Zoning Administrator. This equipment shall be screened, shielded and/or sound buffered from surrounding properties and streets. All equipment shall be installed and operated in accordance with all other applicable ordinances. Heights of said equipment shall not exceed the maximum height of the zone in which they are located.
- B. Landscaping: front and exterior side yards requiring landscaping shall consist predominantly of trees, plant materials, ground cover and decorative rocks, except for necessary walks, drives and fences. Drought tolerant landscaping is encouraged. All required landscaping shall be permanently maintained in a healthy and thriving condition, free from weeds, trash and debris. Landscaping requirements may be met by either builder or developer installation, or for single-family development, by requiring through CC&Rs or other restrictions that individual homeowners install their front yard landscaping within one year of occupancy.
- C. Utilities: all utility connections shall be coordinated with the site's architectural elements so as not to be exposed, except where required by utility provider. Pad-mounted transformers and/or meter box locations shall be included in the site plan with any appropriate screening treatment as approved by each utility. Electric distribution lines (under 50 kv) and cables, except for temporary use, shall be installed underground.
- D. Exterior Noise: the acceptable outdoor noise exposure level, measured at the property line, for each residential district shall be in accordance with the applicable provisions of the City of Chula Vista Municipal Code. (See Section 19.68.030 CVMC for definitions and additional details.)

- E. Interior Noise: no person shall operate or cause to operate, any source of sound, or allow the creation of any noise which causes the noise level, when measured inside a neighboring receiving dwelling unit to exceed the limits as follows:

INTERIOR NOISE LIMITS

TIME INTERVAL	ANYTIME	1 Min. in 1 Hour	5 Min. in 1 Hour
7 a.m. – 10 p.m.	55 dBA	50 dBA	45 dBA
10 p.m. – 7 a.m.	45 dBA	40 dBA	35 dBA

- F. Energy Conservation: buildings shall be located on the site to provide adjacent buildings adequate sunlight for solar access, when practical. Buildings should be designed to minimize energy consumption requirements, including, but not necessarily limited to, consideration of the following conservation considerations:

- Co-generation
- South facing windows
- Eave coverage for windows
- Double glazed windows
- Earth berming against exterior walls
- Greenhouses
- Deciduous shade trees on southerly and westerly exposures

- G. In any residential zone, the parking of motorized and non-motorized vehicles shall be subject to the following requirements:

1. No motorized or non-motorized vehicle shall be parked, stored or kept in the front yard, except in the driveway or on a paved area adjacent to the driveway.
2. If motorized or non-motorized vehicles are parked, stored or kept on the lot, other than as permitted above, they must be for the resident's or a guest's personal use. No storage or display of vehicles for sale by a motor vehicle dealer is permitted in a residential driveway or on a residential street.

H. Special Standards - RM Districts

All multi-family projects in the RM districts are subject to the Design Review Process.

In the RM Districts, including the conversion of apartments to condominiums where permitted, the following performance standards shall be met:

1. Masonry walls or fences eight and one-half feet in height, from the highest finished grade, shall be permitted where needed for noise attenuation as shown on the Wall and Fencing Plan in the Village Design Plan or as required by a site specific noise study.

2. When single family detached residential districts are adjacent to the RM2 district, a minimum of fifteen feet of landscaped area shall be provided between such uses. No parking or common trash receptacles are permitted within this area. Sky-line type trees shall be provided in the amount of one 24-inch box tree per twenty-five linear feet of common lot line.
3. Conveniently located common laundry facilities shall be provided for units which do not have individual hook-ups.
4. Conveniently located and well-screened common enclosures for trash and recyclables shall be provided for all dwelling units, unless provided for each unit.
5. Recreational vehicle (including campers, boats and trailers) parking areas fully screened from view of the development, shall be provided in all multi-family developments or these developments shall prohibit all parking of recreational vehicles.
6. Lockable, enclosed storage shall be provided in the carport area; storage substitutions may be approved by the Zoning Administrator.
7. Mailbox kiosks shall be conveniently located and distributed throughout the complex

II.3.4 Community Purpose Facility District

II.3.4.1 Purpose

Commercial uses in Village Seven will be concentrated in the Village Core area which is intended to function as the social, commercial and activity center for the village as mandated in the Otay Ranch GDP. However, the village core site is within the “undesigned” area in Exhibit PC-1 and not within the initial approval area for Village Seven SPA. In order to appropriately designate sites adjacent to the Core for community purpose uses, the Community Purpose Facility (CPF) district will be used in appropriate locations.

The Community Purpose Facility District is included in the Planned Community District Regulations to achieve the following:

- To provide areas for specific community support facilities required by residents of the village or adjacent villages.
- To promote high standards of site planning, architectural and landscape design for community purpose facilities and sites within the city of Chula Vista.

II.3.4.2 Permitted & Conditional Uses

The matrix of land uses on the following pages indicates the relative permissive status using the following symbols:

- “P” = Permitted.
- “C” = Permitted subject to Conditional Use Permit approved by the Chula Vista Planning Commission.
- “ZA” = Permitted subject to Conditional Use Permit by the Zoning Administrator.
- “a” = Permitted Accessory Use to a Permitted or Conditional Use.
- “N” = Use Not Permitted.

A use not listed shall be subject to a use determination via by the Zoning Administrator to determine substantial conformance with the purpose, intent and goals of this SPA Plan.

PERMITTED USE MATRIX – CPF DISTRICT

LAND USE	LAND USE DISTRICT
	CPF
General Commercial Uses:	
Recycling drop-off bins	a
Snack bar or refreshment stand contained within a building	a
Temporary uses as prescribed in Section II.3.6.2	P
Theater, movie or live	A
Public and Semi-Public Uses:	
Community Purpose Facility which serves the following types of uses: boy or girl scouts, social and human services, services for the homeless, services for military during holidays, senior care and recreation, worship, spiritual growth and development and teaching of traditional family values, ancillary daycare facilities or ancillary private schools	ZA
Day nursery, daycare school or nursery school (for profit)	C
Day nursery, daycare school or nursery school (non-profit)	ZA
Educational institution	ZA
Essential public services, including but not limited to: library, museum, park, public works facility, post office and other civic use as determined by the Zoning Administrator	C
Group care facility and/or residential retirement hotel	C
Public safety facility such as police or fire station	ZA
Public utility and/or public service sub-station, reservoir, pumping plant and similar installation, except those regulated by the State of California	ZA
Public or private recreational facilities, including but not limited to: tennis and swim clubs, basketball, racquetball and handball courts	a
Other Uses:	
Unclassified uses (subject to Section 19.54 CVMC)	ZA

II.3.4.3 Accessory Uses & Buildings

Accessory uses and accessory buildings customarily appurtenant to a permitted use are allowed subject to the requirements of Chapter 19.58 CVMC.

II.3.4.4 Community Purpose Facility Sign Regulations

No sign or outdoor advertising structure shall be permitted in any community purpose facility district except as provided in Section II.3.6 Special Uses and Conditions or Section II.3.8 Comprehensive Sign Regulations, herein.

II.3.4.5 Property Development Standards

The property development standards that shall apply to all land and buildings permitted in the Community Purpose Facility District shall be those indicated on an approved Design Review application pursuant to Section 19.14.420 *et. seq.* CVMC.

II.3.4.6 Parking & Loading Facilities

These regulations are for the purpose of providing convenient off-street parking space for vehicles. The parking requirements of this section are to be considered as the minimum necessary for such uses permitted by the respective zone.

The intent of these regulations is to provide adequately designed parking areas with sufficient capacity and adequate circulation to reduce traffic congestion, promote public safety and implement pedestrian-oriented development objectives. It shall be the responsibility of the developer, owner, or operator of the specific use to provide and maintain adequate off-street parking.

Size & Access Requirements

The following property development standards shall apply to all parking areas:

A. General Requirements

The following are minimums unless otherwise stated:

1. Automobile

Standard Space: Covered in a garage or carport - 10 feet x 20 feet each space
Uncovered - 9 feet x 19 feet each space

Compact Space: 8 feet x 18 feet each space

2. Motorcycle Space: 4 feet x 8 feet each space

3. Bicycle Space: 2 feet x 6 feet each space
4. Automobile, handicapped, motorcycle, and bicycle spaces: all parking stalls and maneuvering areas shall be paved and permanently maintained with asphalt, concrete or any other all-weather surfacing approved by the Zoning Administrator and subject to current City standards. All parking facilities shall be graded and drained to provide for the disposal of all surface water on the site.

Off-street parking areas for more than three vehicles shall be provided with a concrete curb not less than six inches in height to confine vehicles to the parking area.

5. Striping and Identification

- a. Automobile: All parking stalls shall be clearly outlined with single or double lines on the surface of the parking facility.
- b. Handicapped: All handicapped spaces shall be striped and marked according to the applicable State standards.
- c. Motorcycle: All motorcycle spaces shall have bollards installed and appropriately spaced to prevent automobile usage of the motorcycle area. Motorcycle spaces shall be marked so that they can be clearly identified for motorcycle use.
- d. Bicycle: All bicycle spaces shall be clearly identified.

B. Access and Driveways

1. No parking area may be located so as to require or encourage the backing of automobiles or other vehicles across any street lot line, to effect egress from the places of parking.
2. Driveways shall be a minimum of fifteen feet wide for one-way traffic and twenty-four feet wide for two-way traffic. The minimum vertical clearance shall be ten feet to allow for the passage of emergency vehicles, based on minimum standards administered by the city traffic engineer.
3. All aisles and turning areas shall be adequate to provide safe and efficient access to and from parking spaces, based on minimum standards administered by the city traffic engineer.

C. Special Requirements

1. Shared parking may be permitted pursuant to the following criteria:
 - a. The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the shared parking is proposed.

- b. Parties involved in the shared use of a parking facility or facilities shall evidence agreement for such shared use by a proper legal instrument approved by the City Attorney as to form and content.
 - c. Any shared parking facility shall be provided with adequate signs on the premises indicating the availability of that facility for patrons of the participating uses.
2. Priority parking stalls in preferred locations shall be provided for use by electric carts. The exact number and size shall be determined during the design review approval process.
 3. Bike racks shall be provided.

Number of Spaces Required for Designated Land Use

A. The number of off-street parking spaces required shall be as set forth below:

OFF-STREET PARKING REQUIREMENTS

LAND USE	MINIMUM OFF-STREET PARKING REQUIRED ¹
Parks	
Park (public or private)	To be determined by the Zoning Administrator
Tennis, handball/racquetball court	To be determined by the Zoning Administrator
Public and Semi-public Uses	
Day nurseries, daycare schools, nursery schools	1 space/staff member plus 2 spaces/5 children or 1 space/10 children if adequate drop-off facilities are provided. Drop-off facilities must be designed to accommodate a continuous flow of passenger vehicles and buses to safely load and unload children. The adequacy of proposed drop-off facilities shall be determined by the Zoning Administrator.
Elementary or middle school	1 space/employee plus 5 spaces
High school	1 space/4 students
College or vocational school	1 space/2 faculty member or employee plus 1 space/3 students
Church, convent, monastery, religious institution or other place of public assembly	1 space/3½ seats within the main auditorium or 1 space/45 square feet of gross floor area within the main auditorium where there are no fixed seats
Public utilities, except those regulated by the State of California	To be determined by the Zoning Administrator

¹ Minimum off-street parking requirements may be modified upon a determination by the Zoning Administrator that the modified parking requirement protects public safety, promotes commerce, ensures adequate access to village core activity centers and facilitates implementation of the village concept as defined in the Otay Ranch General Development Plan.

B. Handicapped Parking Requirements

1. Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped.
2. Handicapped parking spaces shall be provided for all uses other than residential at the following rate:

NUMBER of AUTOMOBILE SPACES PROVIDED	NUMBER of HANDICAPPED SPACES REQUIRED
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of Total Spaces
Over 1000	20 plus 1 space for every 100 spaces (or fraction thereof) over 1001

3. Handicapped parking spaces required by this section shall count toward fulfilling off-street automobile parking requirements.

C. Bicycle Parking Requirements

Bicycle parking facilities shall be stationary storage racks or devices designed to secure the frame and wheel of the bicycle.

General Provisions

- A. Off-street parking facilities, for both motor vehicles and bicycles, shall be provided for any new building constructed; for any new use established; for any addition or enlargement of an existing building or use; and for any change in the occupancy of an existing building.
- B. For additions or enlargement of any existing building or use, or any change of occupancy or manner of operation that would increase the number of parking spaces required, the additional

parking spaces shall be required only for such addition, enlargement or change, not for the entire building or use, unless required as a condition of approval of a Conditional Use Permit.

- C. The required parking facilities needed for any development shall be located on the same site or, if an irrevocable access and/or parking easement is obtained, the parking may be on an adjacent site. Property within the ultimate right-of-way of a street or highway may be used, to the extent available, to provide required guest parking or loading/unloading facilities so long as at least one stall is provided on site. Due to the pedestrian orientation of the community it is seen as desirable to encourage on-street parking on the promenade streets.
- D. The requirements of this section shall apply to temporary as well as permanent uses.
- E. All required off-street parking spaces shall be designed, located, constructed, and maintained to be fully usable during workday periods or as needed by the use of the premises.
- F. Where the application of these schedules results in a fractional parking space, the fraction shall be rounded to the higher whole number.
- G. The parking requirement for uses not specifically listed in the matrix shall be determined by the approval body with final precise plan approval for the proposed use on the basis of requirements for similar uses, and on any traffic engineering and planning data that is appropriate to the establishment of a minimum requirement.
- H. In situations where a combination of uses are developed on a site, parking shall be provided for each of the uses on the site according to the schedule given in this section. Consideration may be given for hours of operation and other characteristics that reduce concurrent demand.
- I. A maximum of twenty-five percent of the parking spaces required on any site may be provided as "compact" spaces for non-residential uses, subject to approval of the Zoning Administrator or Design Review Committee.
- J. All parking facilities required by this section shall be maintained in good operating condition for the duration of the use requiring such facilities. Such facilities shall be used exclusively for the parking of vehicles. Parking facilities shall not be used for the storage of merchandise, or, for the storage or repair of vehicles or equipment. Parking facilities shall not be used for the sale of merchandise, except on a temporary basis, pursuant to Section II.3.6.2 Temporary Uses.

Parking Screening Requirements

Off-street parking areas for more than five vehicles shall be effectively screened by a ten-foot wide landscaped strip and a masonry wall or fence of acceptable design. Such wall or fence shall be not less than three and one-half feet or more than six feet in height and shall be maintained in good condition without any advertising thereon. The requirements specified herein may be eliminated in whole or in part where, in the opinion of the Zoning Administrator, such requirements are not

necessary for the proper protection of abutting property because of substantial grade differentials, the existence of adequate walls or other equally valid reasons.

Parking Area Landscaping

- A. Parking areas shall be landscaped in accordance with the City's landscape manual, the Village Seven Design Plan and Village Seven Master Landscape Plan.
- B. Any unused space resulting from the design of the parking area shall be used for landscaping purposes, if determined to be of appropriate size and location. Refer to the Village Seven Design Plan for additional guidelines relating to parking lot landscaping.
- C. All landscaped parking lot islands shall have a minimum inside dimension of three feet and shall contain a twelve inch wide walk adjacent to the parking stall and be separated from vehicular areas by a six inch high by six inch wide concrete curb.
- D. All landscaped areas shall be irrigated automatically and kept in a healthy and thriving condition free from weeds, debris and trash.

Parking Area Lighting

All parking facilities shall have lighting in accordance with City of Chula Vista standards. The lighting shall be designed and installed to confine direct rays to the site. Parking lot lights shall be a maximum height of eighteen feet from the finished grade of the parking surface and directed away from the property lines.

Parking Area Front Setback

No part of any front yard or exterior side yard (*i.e.*, street side of a corner lot) shall be used for off-street parking or access, except driveways, unless authorized by the Zoning Administrator, pursuant to an approved site plan.

II.3.4.7 Outdoor Storage

Except where otherwise approved on a site plan, outdoor storage and/or sales areas shall be entirely enclosed by solid walls not less than six feet in height to adequately screen outdoor storage areas. Stored materials shall not be visible above the required walls.

II.3.4.8 Trash Storage

- A. All developments shall provide areas for trash storage, unless provided within the use. These areas shall be enclosed within a minimum five-foot high masonry wall, or higher if deemed necessary in site plan approval, to adequately screen the trash area, built to standards adopted by the City for a freestanding wall and shall be designed to accommodate the trash containers used by the trash service company contracted with the city.

- B. The number of containers required shall be not less than required by the sanitary service operator on the site and a specified number by the zoning administrator for all mixed use or other uses as determined by the actual characteristics of the use.
- C. Trash areas shall be kept neat and clean.
- D. The precise location of any trash area(s) shall be approved on the site plan.
- E. The trash enclosure shall be permanently maintained.

II.3.4.9 Wall Requirements

A six-foot high minimum solid masonry wall subject to the provisions of Section 19.58.150 CVMC shall be erected along the property line to separate any CPF district from adjacent residential districts unless it is determined that such a wall is not necessary or another design is more appropriate on an approved site plan.

II.3.4.10 Landscaping

Required front and street side yards shall be landscaped. Said landscaping shall consist predominantly of plant materials except for necessary walks and drives. All planting and irrigation shall be in accordance with the City Landscape Manual. All required landscaping shall be permanently maintained in a healthy and thriving condition, free from weeds, trash and debris.

II.3.4.11 Performance Standards

- A. All uses shall comply with the provisions of Chapter 19.66 Performance Standards and Chapter 19.68 Performance Standards and Noise Control, CVMC.
- B. All ground mounted mechanical equipment, including heating and air conditioning units shall be completely screened from public view and surrounding properties by use of a wall or fence, or shall be enclosed within a building. No material or equipment so screened shall have a height greater than that of the enclosing wall, fence or building. Structural and design plans for any screening required under the provisions of this section shall be approved by the Zoning Administrator.
- C. All roof appurtenances including, but not limited to, air conditioning units, and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and residential uses.
- D. Reciprocal ingress and egress, circulation and parking arrangements shall be required to facilitate the ease of vehicular movement between adjoining properties.
- E. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties. Illuminators should be integrated within the architecture of the building.

The intensity of light at the boundary of the district shall not exceed seventy-five foot-lamberts from a source of reflected light.

- F. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed to public view except where required by utility provider. Electric distribution lines (under 50 kv) shall be placed underground. Pad mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment such as berms, walls and/or landscaping.
- G. There shall be no emission on any site, for more than one minute in any hour, of air contaminants which, at the emission point or within a reasonable distance of the emission point, are as dark or darker in shade as that designated as No. 1 on the Ringelman Chart as published by the United States Bureau of Mines Information Circular #7718.
- H. No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
- I. Buildings should be located on the site to provide adjacent buildings adequate sunlight for solar access when practical. Buildings should be designed to minimize energy consumption, including but not necessarily limited to the following conservation measures:
- Co-generation
 - South facing windows
 - Eave coverage for windows
 - Earth berming against exterior walls
 - Deciduous shade trees on southerly or westerly orientations
 - Refer to the Village Design Plan for additional design guidelines and criteria

II.3.5 Open Space & Parks District

II.3.5.1 Purpose

This district is intended for open space, landscaping, recreation and public uses. Only those additional uses which are complementary to, and can exist in harmony with open space, park and recreation uses are permitted. There is no lot size limitation and it is intended that this district may be applied to a portion of a lot, provided that the remainder of the lot meets the requirements for the district which it is designated.

Open Space/Park District is included in the Planned Community District Regulations to achieve the following purposes:

- Provide focal points for community and neighborhood activities.
- Provide for public/quasi-public and recreational uses.
- Promote natural community linkages among Otay Ranch villages.
- Preserve, enhance and manage natural resources.
- Preserve vistas and conserve viewpoint areas for the enjoyment of future generations.
- Establish edges to help define communities.
- Promote public health and safety.
- Provide recreation and public use opportunities, such as trails and pathways.

II.3.5.2 Permitted & Conditional Uses

Parks & Common Open Space

Parks and Common Useable Open Space (CUOS) sites will be developed for public and private recreational facilities respectively. Sites identified in the Village Seven SPA include a public Neighborhood Park and private CUOS sites.

Public facilities may include, but are not limited to, play areas, tot lots, sports fields and courts, activity rooms, restrooms, parking lots, picnic and seating areas and trails. The public Neighborhood Park may be subject to Administrative Review and approval by the Parks and Recreation Commission & City Council as well as the Directors of Recreation and General Services.

The specific uses and design of private recreation facilities within CUOS sites are to be identified on a Site Plan and are subject to Administrative Review and the approval of the Directors of Recreation and General Services.

II.3.5.3 Property Development Standards

A. Site Planning

Development standards for the public Neighborhood Park will be established by the Recreation Department and General Services Department.

Development standards for private CUOS will be reviewed on a case-by-case basis to determine appropriate buffering and setbacks. All permanent signs, including any required signs (such as monument and dedication signage, *etc.*), shall be included in the review and specifically approved. Neighborhood and community-level signs included in the Village Seven SPA Plan shall be permitted in areas designated in the SPA Plan.

B. Landscaping

All landscaping shall meet the requirements of the City of Chula Vista Landscape Manual.

II.3.5.4 Accessory Uses & Buildings

Accessory uses and accessory buildings customarily appurtenant to a permitted use are allowed subject to the requirements of Chapter 19.58 CVMC.

II.3.5.5 Performance Standards

All uses in the Open Space/Parks district shall conform to the performance standards provided in Chapter 19.66 and 19.68 CVMC.

II.3.6 Special Uses & Conditions

II.3.6.1 Purpose

This section provides additional regulation for special uses and conditions which require special review standards beyond those of the basic land use districts. Temporary uses, home occupations and private recreation/amusement facilities are addressed in this section. Where this section prescribes regulation which is more restrictive than that of the Land Use District, the provisions of this section shall apply.

II.3.6.2 Temporary Uses & Special Events

A. Purpose

The provisions of this section shall apply to uses allowed for a limited amount of time, as specified herein. Temporary uses are subject to administrative approval by the Zoning Administrator, except as noted.

B. Temporary Uses Listed

1. Circuses, rodeos, parades or similar outdoor entertainment or enterprises, subject to not more than five days of operation in any calendar year. Requests exceeding these time limitations will require the submittal and approval of a Conditional Use Permit.
2. Christmas tree sales, Halloween pumpkin sales and other holiday sales subject to not more than forty days of site occupation and operation in any calendar year.
3. Subdivision sales offices, sales information centers, sales pavilions, and model home complexes and signage located within the subdivision, subject to the following minimum requirements:
 - a. Offices shall be no closer than one vacant lot to an existing dwelling unit not part of the subdivision. Trailers may be used for no more than 120 calendar days or until such time as the subdivision sales offices have been completed, whichever is less.
 - b. Trailers used as sales offices for lot sales without model homes may be used for a period greater than 120 days, subject to site plan and architectural review approval and the maximum use period listed herein.
 - c. An asphaltic or concrete paved parking lot shall provide sufficient parking spaces to accommodate said use.
 - d. Faithful performance bonding, in an amount appropriate to guarantee removal and/or conversion of the sales office and attendant facilities shall be required.

- e. Other conditions that the Zoning Administrator deems necessary to ensure that the sales office will not constitute or be objectionable to the residential uses in the neighborhood.
4. Outdoor art and craft shows and exhibits, subject to not more than three calendar days of operation or exhibition in any sixty calendar day period.
 5. Contractors' offices and storage yards on the site of an active construction project.
 6. Mobile home residences for security purposes on the site of an active construction project.
 7. Seasonal retail sales of agricultural products (fruit and vegetable stands) for periods for less than ninety days, if said products are raised on the premises.
 8. Temporary use of properly-designated mobile trailer units for classrooms, offices, banks, etc., for periods not to exceed ninety days subject to Administrative Review. Requests for such uses of more than ninety days in duration shall require the approval of a Conditional Use permit by the Planning Commission. Such units shall meet all necessary requirements of building, fire and health codes.
 9. For any agricultural and animal husbandry activity or project (4H, FFA or similar) conducted for educational purposes or school districts, a permit may be granted in any district when the Zoning Administrator determines that such use will not cause a public nuisance relative to sanitation and health conditions.
 10. Charitable or school sponsored drop-off bins for recycling of cans, newspapers, or similar items, or for drop-off of clothes and small items. Bins shall be located in the parking lots of businesses or other public or semi-public property on a temporary basis when written permission is granted by the property owner or business owner. Said bins shall be kept in a neat and orderly manner. Collection of bottles, cans and newspapers shall also be regulated by the "Bottle Ordinance."
 11. Community gardens as developed and operated in accordance with the guidelines in the Village Seven Parks, Recreation Open Space and Trails Master Plan.
 12. Temporary tract signs for marketing purposes.
 13. Additional uses determined to be similar to the foregoing in the manner prescribed by these regulations.
- C. Permits and Bonds

All temporary uses shall be subject to the issuance of a Temporary Use Permit by the Zoning Administrator and other necessary permits and licenses, including but not limited to, building permits, sign permits and solicitors or vending licenses. In the issuance of such a permit, the

Zoning Administrator shall indicate the permitted hours of operation and any other conditions, such as walls, fences or lighting, which are deemed necessary to reduce possible detrimental effects to surrounding developments and to protect the public health, safety and welfare. Prior to the issuance of a permit for a temporary use, a cash deposit may be required to be deposited with the City. This cash deposit shall be used to defray the costs of property cleanup by the City in the event the permittee fails to do same.

D. Extension or Modification of Limits

Upon written application, the Zoning Administrator may extend the time within which temporary uses may be operated, or may modify the limitations under which such uses may be conducted if the Zoning Administrator determines that such extension or modification is in accord with the purposes of the zoning regulations.

E. Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be left free of debris, litter or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used only in accord with the provisions of the zoning regulations.

F. Fee

The application shall be accompanied by a fee established by the Master Fee Schedule to cover the cost of processing the application prescribed in this section.

II.3.6.3 Home Occupations

A. General Provisions

Home occupations may be permitted only when in compliance with the conditions listed herein. A permit must be issued by the Zoning Administrator prior to operation of such use. The fee shall be in accordance with the Master Fee Schedule.

1. There shall be no stock in trade or exterior storage of materials in the conduct of home occupation.
2. A home occupation shall be conducted entirely within a dwelling; if in an attached or a detached garage, it shall not impede the use of said garage for vehicle storage.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, or causes fluctuations in line voltage outside the dwelling unit, shall be prohibited.
4. No one other than the residents of the dwelling unit may be engaged in the conduct of the home occupation.

5. There shall be no sale of goods on the premises.
6. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
7. There shall be no signs other than those permitted by these regulations.
8. The required residential off-street parking shall be maintained.
9. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the land use district in which it is located.
10. No vehicles or trailers (including pick-up trucks and vans) or construction and other equipment, except those normally incidental to residential use, shall be kept on the site.

II.3.6.4 Private Recreational Facilities

Construction of recreation courts, including necessary fencing and lighting, may be permitted subject to administrative review and a finding that adjacent properties will not be unduly affected.

Recreation courts shall meet the following minimum standards:

- A. A maximum 20-foot high fence (measured from the finished grade of the court) shall be allowed. Fences shall include a screening material which screens the court activity from off-site view and which improves the appearance of the fence.
- B. Setbacks for the court shall be: Side yard: 10 feet
Rear yard: 10 feet
- C. Maximum of eight lights permitted, mounted at a height not to exceed twenty-two feet. All lights and light fixtures shall be certified by a qualified lighting engineer to:
 1. Be designed, constructed, mounted and maintained such that, the light source is cut off when viewed from any point five feet above the ground measured at the lot line.
 2. Be designed, constructed, mounted and maintained such that the maximum illumination intensity measured at the wall of any residential building on abutting property shall not exceed ½ foot candle above ambient levels.
 3. Be used between 7:00 a.m. and 10:00 p.m.
- D. The surface area of any recreational court shall be designed, painted, colored and/or textured to reduce the reflection from any light incident thereon.
- E. Landscaping shall be installed as required between the fence and the property line.

II.3.7 Community Purpose Facility Sites

II.3.7.1 Acreage Provided

Section 19.48.025 CVMC requires 1.39 acres per 1,000 population for Community Purpose Facility (CPF) Sites. A calculation of the required CPF acreage is provided in the Village Seven SPA Plan text. The required area is designated for CPF use on both the Site Utilization Plan (in the SPA Plan) and on the Land Use Districts Map, herein. The final CPF requirement will be based on lot count at the Tentative Map stage.

II.3.7.2 CPF Uses

Notwithstanding the regulations restricting land uses on CPF designated sites provided in Section II.3.4 Community Purpose Facility District, any additional uses permitted by Section 19.48.025 CVMC are similarly allowed on CPF sites within the Village Seven SPA.

II.3.8 Comprehensive Sign Regulations

II.3.8.1 Purpose

The provisions of this section shall establish the Comprehensive Sign Regulations for the Village Seven SPA. The purpose of these regulations is to establish a comprehensive system for the regulation of on-site and off-site signs. These regulations are intended to achieve the following:

- Protect the public health, safety and welfare of the people of the City of Chula Vista by reducing possible safety and traffic hazards through good signage.
- Provide signs that direct and inform residents and visitors of the uses and amenities within the Village Seven SPA.
- Provide a reasonable system of regulations to ensure the development of a high quality visual environment.
- Encourage signs which are well designed and pleasing in appearance.
- Encourage a desirable visual character which has a minimum of clutter and is compatible with the desired community.
- Enhance the economic value of the community and each neighborhood through a comprehensive sign regulation program.
- Encourage signs which are well located and compatible with the function and use of adjacent areas.

These comprehensive sign regulations are intended to supplement the provisions of Section 19.60 of the Chula Vista Municipal Code. Signs which are permitted by the CVMC which are not expressly prohibited by these regulations, shall be allowed. Similarly, signs prohibited by CVMC but permitted by these regulations shall be allowed.

II.3.8.2 Sign Permit Requirements & Review Procedures

No person, except a public officer or employee in performance of a public duty, shall post, paint, erect, place or otherwise fasten any sign, pennant or notice of any kind, visible from a public street except as provided herein. To ensure compliance with this section, a sign permit shall be required for any sign, pursuant to Section 19.60.030 of the Chula Vista Municipal Code, except as provided by the following.

A. Sign Permit Exceptions

The following signs shall be exempt from the sign permit requirements, however an electrical and/or building permit may be required. Any sign in excess of the specific exemptions listed below is prohibited:

1. Real Estate Signs for Residential Sales: one sign placed along the street frontage not exceeding four square feet in area and four and one-half feet in height provided that it is unlit and is removed within fifteen days after the close of escrow. Lots shall be permitted one sign only. Signs placed on the rear of home or rear street frontage are prohibited. Freestanding signs shall maintain a seven foot setback from all property lines. No more than one "Open House" sign per required turning movement, not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property for sale and open for viewing. Such signs shall be located a minimum of three feet from the sidewalk or ten feet from the curb or edge of pavement where no sidewalk exists. No more than one sign per house may be located on an arterial, entry, or promenade street. Open house signs must be removed on the same day as placed.

2. Real Estate Kiosk Signs: signs installed consistent with Council Policy number 465-02, adopted by Resolution 2003-372 on August 19, 2003.

3. Political Signs: signs having to do with any issue, ballot measure, political statements and expressions, or candidate in any municipal, County, State or Federal election shall be permitted, subject to the following provisions and any other applicable provisions within this section:
 - All political signs shall be placed, erected, constructed, painted or assembled no earlier than thirty calendar days prior to the election and shall be removed no later than ten calendar days following the date of the election.

 - A political sign shall not exceed five square feet in total area for one side in a residential district, and twelve square feet in a mixed use district. Double-faced signs shall not exceed five square feet per side in residential districts and twelve square feet per side in mixed use districts. No signs shall be placed in a manner that would obstruct the visibility of, or impede pedestrian or vehicular traffic, or endanger the health, safety, or welfare of the community.

 - All political signs shall not exceed an overall height of six feet from the finished grade immediately around the sign.

 - No political signs shall be lighted either directly or indirectly unless said sign is erected, painted, or constructed on an authorized structure already providing illumination.

 - No political sign shall be placed or affixed to a traffic signal, street light, tree, fence, utility pole or existing sign, nor shall it be posted on any public property or in the right-of-way if, in the opinion of the Zoning Administrator, said sign impedes or renders dangerous public access to any public improvement, including but not limited to, utility poles and fire hydrants; or obstructs the vision of any sign designed to regulate, control or assist public or private transportation or obstructs the vision of any user of a public right-of-way.

- No political sign shall be posted in violation of any provisions of this section. Further, the Zoning Administrator or his designated representative shall have the right to remove all signs placed contrary to the provisions of this section. Any political sign placed on private property without the consent of the owner may be removed by said owner or representative of said owner.
4. Temporary Construction Sign: two directory signs shall be permitted on the construction site for all contractors (may include financial institutions, real estate agents, subcontractors, etc.) not exceeding thirty-two square feet each, unless legally required by government contracts to be larger. No sign shall exceed eight feet in overall height and shall be located no closer than ten feet to any property line. Such sign shall be removed upon the granting of occupancy by the City. For all other projects, a total of two signs per development site may be installed with a maximum of four square feet in area and five feet in height for each sign. Such sign(s) shall be removed upon finalization of building permits.
 5. Residential Identification Signs: permanent residential identification signs designating the name of the residential neighborhood or subdivision may be located at an entrance to the residential area provided that a homeowners' association or maintenance district is formed to ensure the maintenance of said signs. The copy area of the sign structure shall not exceed fifteen square feet and shall be architecturally harmonious with the adjoining residential area.
 6. Interior Signs: signs within a structure or building when not visible or readable, nor intended to be read from off-site or from outside of the structure or building.
 7. Memorial Tablets, Plaques or Directional Signs: signs for community historical resources, installed by a City-recognized Historical Society or civic organization.
 8. Convenience and Secondary Directional Signs: signs not to exceed four square feet in area or ten feet in height.
 9. Building Identification Signs: signs used to identify individual buildings and not exceeding four square feet in area.
 10. Name Plates: one plate per Neighborhood not to exceed four square feet in area for single family residential uses and agricultural uses.
 11. Official and Legal Notices: notices issued by any court, public body, person, or officer or in furtherance of any nonjudicial process approved by State or local law.
 12. Signs Providing Direction, Warning or Information: signs or structures required or authorized by law or by Federal, State, County or City authority.

13. A Single Official Flag: the flag of the United States of America and/or two flags of either the State of California, or other states of the United States, counties, municipalities or official flags for nations, and flags of internationally or nationally recognized organizations or the company flag. Flags shall be a maximum of five feet by eight feet, unless otherwise specifically approved on a site plan.
14. Signs of Public Utility Companies: signs indicating danger or which serve as an aid to public safety, or which show locations of underground facilities or public telephones.
15. Safety Signs: signs on construction sites.
16. “No Trespassing”: “no dumping” and similar warning signs not exceeding four square feet.
17. Signs on Public Transportation Vehicles: signs regulated by a political subdivision, including but not limited to buses and taxicabs.
18. Signs on Licensed Commercial Use Vehicles: provided such vehicles are not used or intended for use as portable signs or as may be prohibited in Section II.3.8.2.B.
19. A Change of Copy: copy conforming to an approved Comprehensive Sign Program. All other changes of copy shall comply with this section.
20. Agricultural Signs: either wall mounted or freestanding types, non-illuminated and not exceeding four square feet for lots two acres or less in area, and sixteen square feet for lots greater than two acres, identifying only the agricultural products and company owning on the premises. The number of such signs shall be one per street frontage or a maximum of two, with all signs to be located below the roof line and freestanding signs to be no higher than eight feet.

B. Prohibited Signs and Lighting

All signs and lighting not expressly permitted are prohibited including, but not limited to those prohibited by CVMC Section 19.60.300, and the following:

1. Roof signs.
2. Flashing lights or signs.
3. Animated signs or lights that convey the illusion of motion.
4. Revolving or rotating signs.
5. Vehicle signs (when parked or stored on property to identify a business or advertise a product).

6. Portable signs (except where permitted in by these regulations).
7. Off-site signs (except temporary subdivision or real estate signs, and political signs).
8. Signs within the public right-of-way (except those required by a governmental agency). No sign shall be placed, erected or constructed on a utility pole, traffic device, traffic sign, warning sign, or so as to impede access to any public improvement.
9. Signs located on public property except as may be permitted by Section II.3.8.2.A or required by a governmental agency.
10. Signs within the public right-of-way prohibited by the Streets and Highway Code (Sec. 101 *et. seq.* and Sec. 1460 *et. seq.*), the Vehicle Code (Sec. 21400 *et. seq.*) and the Public Utilities Code (Sec. 7538 *et. seq.*).
11. Signs blocking doors or fire escapes.
12. External light bulb strings and exposed neon tubing outside of buildings (except for temporary uses such as Christmas tree lots, carnivals and similar events having prior approval of the City). Temporary homeowner Christmas or similar holiday decorations are excluded.
13. Inflatable advertising devices of a temporary nature, including hot air balloons (except for special events as provided for in Section II.3.6.2).
14. Advertising structures (except as otherwise permitted in this section).
15. Statuary (statutes or sculptures) advertising products or logos of the business located outside of the structure that houses the business.
16. The use of decals, stick-on or transfer letters, or tape on the walls or parapets of buildings, fences, walls and other structures.
17. Signs displayed as, which purport to be, are an imitation of, or resemble official traffic warning devices or signs, that by color, location or lighting may confuse or disorient vehicular or pedestrian traffic. This does not include traffic or directional signs installed on private property to control on-site traffic.

C. Signs with Sign Permit

The following signs may be placed in any land use district with approval of a sign permit provided it is in compliance with all other applicable laws and ordinances. These signs are in addition to those signs expressly exempt and are subject to the following provisions:

1. Convenience Signs: on-site signs no greater than six square feet necessary for public convenience or safety may be approved by the Zoning Administrator. Signs containing information such as “entrance,” “exit,” or directional arrows shall be designed to be viewed from an area adjacent to the site by pedestrians or motorists. Signs that convey advertising or products shall not be considered a convenience sign.

2. Public and Quasi-public Signs: churches, schools, community centers and any other public or institutional building, on any community purpose, institutional or residential zone, shall be allowed the following signs:
 - Churches are allowed one wall sign, not to exceed thirty square feet in area and one bulletin board, announcement or monument sign, not to exceed twenty-four square feet in area and ten feet in height. Any bulletin board or announcement sign not attached flat against the building shall maintain a ten-foot setback from all streets.

 - Other public and quasi-public uses are permitted one wall or monument sign, not to exceed thirty square feet in area and a bulletin board or announcement sign not to exceed fifty square feet in area and twelve feet in height. Any bulletin board or announcement sign not attached flat against the building shall maintain a ten-foot setback from the streets.

 - Churches and other public and quasi-public uses may request a permit allowing for temporary use of a sign announcing a special event. Either wall mounted or freestanding signs of paper, cardboard, plastic or fabric are permitted; provided that the Zoning Administrator finds that the copy, color and design of the sign will not adversely affect the order, amenity, or residential enjoyment of the neighborhood in which it is located.

 - Special event signs shall be located on the premises of the institution or organization having the special event, and shall not exceed five feet in height, nor contain more than twenty-five square feet of sign area. Freestanding signs shall maintain a minimum ten-foot setback from any property line abutting a street right-of-way. Only one sign shall be allowed for each street frontage.

 - Upon application for a permit, the applicant shall submit a statement and diagram noting the nature of the special event, indicating the occasion, size, copy and colors of the proposed sign. No less than one permit for a special event sign shall be issued to any one institution or organization in one calendar year subject to Section 19.60.290 CVMC.

3. Community Special Event Signs: special event signs may be approved for a limited period of time as a means of publicizing special events such as grand openings, Christmas tree lots, parades, rodeos and fairs that are to take place within Village Seven, the Otay Ranch Community or nearby areas. Community special events such as a rodeo or community fair may be permitted the following signs:

- No more than four off-site signs up to thirty-two square feet in size and eight feet in height to publicize the event.
- Temporary advertising signing consistent with the requirements set forth in Section II.3.6.2.

4. On-Site Subdivision Signs:

- Temporary, on-site subdivision sign not to exceed two-hundred square feet total area shall be permitted for each major developer at the primary subdivision entrance. Additional temporary subdivision signs for neighborhoods are permitted, not to exceed two signs (maximum sixty-four square feet total and twelve feet in height) per street for each neighborhood at any one time. Flags and banners shall be permitted subject to Zoning Administrator approval.
- Such sign shall be for the identification of a subdivision, price information and the developer's name, address and telephone number, and logo or product image.
- Such signs shall be removed after 36 months. Twelve month extension requests may be submitted by the developer for consideration by the Zoning Administrator prior to the expiration date.
- Such sign shall be removed within ten calendar days from the date of sale of the final lot or home within the project.
- A cash deposit of three hundred dollars per sign shall be deposited with the sign applications to ensure compliance with this section and removal of such sign. Said deposit shall be refunded to the applicant upon sign removal by the applicant. If the City is forced to remove any signs, then the cost of removal shall be deducted from the deposit.
- Signs shall be maintained in good repair at all times by the permittee.

5. Off-Site Subdivision Directional Signs:

The only off-site subdivision signs allowed are those approved per Council Policy number 465-02, adopted by Resolution 2003-372 on August 19, 2003.

Prior to construction and installation of directional signs on kiosk structures, the designated sign program administrator shall receive Planning Director approval of directional signs to ensure compliance with the Sign Kiosk Plan and the following provisions:

- Community directional signs are exempt from the sign permitting process otherwise required when such structures are processed in accordance with this section and are in compliance with the Sign Kiosk Plan.

- All community directional signs shall be located on an approved community directional kiosk.
- Users eligible to display community directional signage on approved kiosk structures shall be limited to master planned communities and residential subdivisions exceeding 20 lots.
- No approval shall be given for directional signs on any kiosk structure if the applicant has any prohibited off-site signs advertising the subdivision or master planned community anywhere within the City. If any advertising signs are erected and not promptly removed upon demand by the City, the City may direct the administrator to remove all kiosk panels for that subdivision and may require that any agreement between the administrator and developer be canceled.
- Approved directional signs for residential subdivisions shall be permitted until all lots or units within the subdivision or master planned community are sold or two years from the date of installation of the panel, whichever occurs first.
- The location, number of signs, number of panels, design, color, copy, lettering, spacing, area and dimension of the signs and panels shall be specified within the Sign Kiosk Plan.

f. Any sign approved as a part of a Comprehensive Sign Program.

D. Signs Relating to Inoperative Activities

Signs pertaining to activities or businesses which are no longer in operation, except for temporary closures for repairs, alteration or similar situations, shall be removed from the premises or the sign copy shall be removed within thirty days after the premises have been vacated. Any such sign not removed within the specified time shall constitute a nuisance and shall be subject to removal under the provisions of this section and local ordinance.

II.3.8.3 Enforcement, Legal Procedures & Penalties

Enforcement, legal procedures and penalties shall be in accordance with the enforcement procedures established by Chapter 19.60 CVMC. Unauthorized illegal signs may be abated by the City in accordance with local ordinance. If said sign is stored by the City, the owner may recover said sign from the City upon payment to the City of any storage and/or removal charges incurred by the City. The minimum charge shall be as specified in the CVMC. All signs removed by the City may be destroyed thirty calendar days following removal. If any sign, in the opinion of the Zoning Administrator, is an immediate threat to the public health and safety, said sign shall be immediately and summarily removed with the cost of removal charged to the property owner in accordance with local ordinances.

II.3.8.4 Construction & Maintenance

A. Construction

Every sign and all parts, portions and materials shall be manufactured, assembled and erected in compliance with all applicable State, Federal and City regulations and the Uniform Building Code.

B. Maintenance

Every sign and all parts, portions and materials shall be maintained and kept in proper repair and safe structural condition at all times. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any cracked or broken surfaces, and malfunctioning or damaged portions of a sign shall be repaired or replaced. Noncompliance with such a request shall constitute a nuisance and will be replaced within thirty calendar days following notification of the business by the City and will be abated at owner’s expense.

II.3.8.5 Design Standards

Each sign shall be designed with the intent and purpose of complementing the architectural style of the main building or buildings, or landscape/hardscape on the site. Signs located on institutional or community purpose sites, but in a predominantly residential area, shall take into consideration compatibility with the residential area to the extent possible.

A. Relationship to Buildings

Signs located upon a lot with only one main building housing the use which the sign identifies shall be designed to be compatible with the predominant visual elements of the building such as construction materials, color, or other design details. Each sign located upon a lot with more than one main building shall be designed to be compatible with the predominant visual design elements common or similar in all such buildings or the buildings occupied by the “main tenants” or principal uses.

The Zoning Administrator may place conditions of approval on any sign permit to require incorporation of such visual elements into the design of the sign where such elements are necessary to achieve a significant visual relationship between the sign and building or buildings.

B. Relationship to Other Signs

Where there is more than one freestanding sign located upon a lot, all such signs shall have designs which are complementary to each other by either similar treatment or incorporation of one or more of the following five design elements:

- Type of construction material (such as cabinet, sign copy or supports).
- Letter style of sign copy.

- Type or method used for support, uprights or structure on which sign is supported.
- Sign cabinet or other configuration of sign area.
- Shape of the entire sign and its several components.

C. Landscaping

Each permanent freestanding sign shall be located in a landscaped area which is of a shape, design and size (equal to at least the maximum allowable sign area) that will provide a compatible setting and ground definition to the sign. The landscape area shall be maintained in a neat, healthy and thriving condition.

D. Illumination and Motion

Signs shall be stationary structures (in all components) and illumination, if any, shall be maintained by artificial light which is stationary and constant in intensity and color at all times (non-flashing).

E. Sign Copy

The name of the business, use, service and/or identifying logo shall be the dominant message on the sign. The inclusion of advertising information such as lists of products (more than one product), is prohibited.

F. Relationship to Streets

Signs shall be designed so as not to obstruct any pedestrian, bicyclist, or driver's view of the street right-of-way.

G. Design Review and Approval

A signage plan including sign locations, size, style, materials, lettering size and style, any other information necessary to adequately review the proposal shall be prepared and submitted for review and approval by the Zoning Administrator prior to construction.

II.3.9 Legislative Procedures

II.3.9.1 Purpose

Zoning is a legislative act involving police power asserted in the interests of the public health, safety and general welfare. The zoning process includes the creation and modification of the comprehensive zoning law which establishes designated zones with permitted uses and regulations, as well as the comprehensive and uniform application of said zoning regulations by the classification and reclassification of property into designated zones. It is the purpose of the council to provide a zoning procedure which will offer a clear and definite guide to property owners seeking zoning adjustments. It is intended that these procedures will protect the public welfare and sound community planning and to assure the maximum degree of protection for individual property rights.

Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action and in substantial conformance with the General Plan of the city of Chula Vista, and after due consideration and report on same by the Planning Commission, the City Council may, by ordinance, create, amend, supplement or change the uses and regulations of the comprehensive zoning law or include or place any property within the city into any zone as created and defined in Title 19 CVMC. The procedure for adopting such ordinances may be notices by a resolution of intention of the Planning Commission, or of the Council, or by an affirmed application of one or more of the owners or parties having a legal interest in the property to be affected by the proposed action.

II.3.9.2 Adoption of Planned Community District Regulations

These Planned Community (PC) District Regulations are adopted pursuant to Title 19, Zoning, of the Chula Vista Municipal Code and are intended to implement and integrate the Chula Vista General Plan, the Otay Ranch General Development Plan (GDP), and the Village Seven Sectional Planning Area (SPA) Plan. The Village Seven Specific Planning Area is zoned P-C Planned Community pursuant to the adoption of the Otay Ranch GDP and Chapter 19.48 CVMC. These regulations provide for the implementation of the GDP and P-C zone by setting forth the development and use standards for all property within Otay Ranch Village Seven Specific Planning Area Planned Community District by establishing:

- Setbacks;
- Building heights;
- Parking requirements;
- Landscape requirements;
- Use restrictions;
- Animal regulations;
- Density of development limitations;
- Lot size, width and depth standards;
- Fencing requirements; and,
- Signing regulations.

These PC District Regulations, along with the Village Seven Sectional Planning Area Plan, delineate precisely the allowable use of the property.

II.3.9.3 Amendments

Application for any change in district boundaries, use listing, property development standard or any other provision of these regulations shall be considered a zone change and be processed in accordance with the provisions of Chapter 19.12 CVMC. Approval of a zone change requires affirmative action following a public hearing by both the Planning Commission and City Council.

Inclusion of property within the Village Seven SPA but not included within the “adopted SPA” due to separate ownership shall require a formal amendment of these Planned Community District Regulations and included Land Use Districts Map.

II.3.10 Administrative Procedures, Conditional Uses & Variances

II.3.10.1 Purpose & Intent

The purpose of this section is to define certain administrative procedures and requirements to provide clear instructions and notice to property owners and developers within Village Seven Sectional Planning Area (SPA) regarding permit and plan approvals. The general intent of these regulations is to use the standard procedures provided in Chapter 19.14 CVMC except where special procedures are required or defined herein.

For matters relevant to the proper development and use of property within Village Seven Sectional Planning Area and not addressed herein, the provisions of Title 19 CVMC (Zoning Ordinance) shall apply. In the event of conflicting standards, these Planned Community District Regulations shall apply.

II.3.10.2 Zoning Administrator - Authority

The Zoning Administrator is authorized to consider and to approve, disapprove or modify applications on the following subjects and/or issue the following required permits without setting the matter for a public hearing:

A. Conditional Use Permit

The Zoning Administrator shall be empowered to issue Conditional Use Permits, as defined herein, in the following circumstances:

1. Where the use to be permitted is designated for Zoning Administrator ("ZA") Conditional Use Permit.
2. Where the use requiring the permit would make use of an existing building and does not involve substantial exterior remodeling thereof.
3. For signs, as defined herein, and temporary tract houses, as limited herein.
4. The Zoning Administrator is authorized to consider and to approve, deny or modify applications for Conditional Use Permits for carnivals and circuses. The Zoning Administrator shall set the matter for public hearing in the manner provided herein.
5. Churches.
6. Establishments that include the sale of alcoholic beverages for off-site use or consumption. The Zoning Administrator shall hold a public hearing in accordance with Section 19.14.060-19.14.090 of the CVMC upon giving notice thereof in accordance with Sections 19.12.070-19.12.080. A Conditional Use Permit shall not be granted unless the Zoning Administrator or other issuing authority finds in his/her sole discretion, and based on substantial evidence in view of the entire record, that all of the facts required by Section 19.14.080 of the CVMC exist, and that approval of the permit will not result in an over

concentration of such facilities. Over concentration may be found to exist based on: 1) the number and location of existing facilities; 2) compliance with State Alcohol Beverage Control over concentration standards in effect at the time of project consideration; 3) the impact of the proposed facility on crime; 4) the relationship to schools or day care facilities; and, 5) 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 City Clerk shall inform the City Council of the decision on each such permit when the decision is filed in accordance with Section 19.14.090 of the CVMC. The decision of the Zoning Administrator may be appealed.

Such appeal shall be directed to the City Council, rather than the Planning Commission, and must be filed within 10 days after the decision if filed with the City Clerk, as provided in Section 19.14.100. If appealed within the time limit, said appeal shall be considered in a public hearing conducted by the City Council, in the same manner as other appeals pursuant to Sections 19.14.120 and 19.14.130 of the CVMC, except that the Council must make the same written findings required of the Zoning Administrator herein, in order to grant the permit.

B. Variances: The Zoning Administrator shall be authorized to grant variances for limited relief in the case of:

1. Modification of distance or area regulations.
1. Modifications to parking requirements;
3. Additions to structures, which are nonconforming as to side yard, rear yard or lot coverage, providing the additions meet the requirements of the zoning ordinance affecting the property.
4. Walls or fences to exceed heights permitted by ordinances. Modifications requested in said applications for relief to be administered with the requirement for a public hearing shall be limited to deviations not to exceed 25% of the requirements imposed by ordinances.

C. Site, Architectural and Landscape Plan Approvals

The Zoning Administrator shall be empowered to grant site plan, architectural plan and landscape plan approval as provided herein.

D. Performance Standard Procedure

The Zoning Administrator shall be authorized to issue a zoning permit for uses subject to performance standards procedures, as provided herein.

E. Home Occupations: The Zoning Administrator shall be authorized to grant permits for home occupations, as defined and regulated in Section 19.14.490 of the CVMC.

F. Design Review

The Zoning Administrator has the discretion, with the concurrence of the applicant, to act in the place of the Design Review Committee in the case of minor projects, including signs, commercial or institutional additions which constitute less than a 50% increase in floor area or 20,000 square feet, wherever is less, any single family detached residential project, and multi-family residential projects of four units or less. The Zoning Administrator may also act in the place of the Design Review Committee in the case of new community purpose facilities, commercial, or institutional projects. A decision of the Zoning Administrator may be appealed to the Design Review Committee in the same manner as set forth in Section 19.14.583 of the CVMC.

Zoning Administrator Design Review for Residential: For development with lots averaging less than 5,000 the required elements are as follows. For development with lots averaging 5,000 square feet, or greater, the Tentative Map shall satisfy all requirements, except that three typical front elevations and typical enhanced side and rear elevations shall be used to satisfy item number seven below. For the first phase of a development within a Site Utilization Plan Neighborhood, with lots averaging 5,000 square feet, or greater, a complete building plotting plan is required.

1. Legal description, legend, scale, north arrow, vicinity map and identification of designer.
2. The boundary lines of subject property fully dimensioned together with the name and dimensions of adjoining streets.
3. Existing topography and proposed grading plan showing, slope, retaining walls, pad elevations and percent of slope on streets, driveways and other graded areas.
4. Existing and proposed streets, utilities and easements
5. Access: Pedestrian, vehicular and services, points of ingress and egress, with driveway locations and dimensions.
6. Loading and trash areas, walls and/or fences (including height).
7. Proposed location, height and dimensions of buildings, including color and materials on all elevations. The floor area, number of stories, number of units and bedrooms (when applicable) shall be given. Proposed uses shall be indicated including floor area devoted to each use.
8. Parking layout, including dimensions, number of stalls and circulation flow.

9. Location, height and size of signs proposed on the property.
10. All Landscape Areas: Such areas shall be defined with a written proposal outlining the landscaping concept, as well as the proposed method of irrigation. In addition, all existing trees on the site shall be identified with a note as to proposed disposition.
11. Lighting, including the location, type and hooding devices to shield adjoining properties.
12. Location and design of recreational areas.

The Zoning Administrator shall determine from data submitted whether the proposed use will meet the development standards and design guidelines established in the Village Seven Planned Community District Regulations and Village Design Plan, and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted or may be approved subject to conditions, specific changes or additions. The approval of the Zoning Administrator shall be noted by endorsement upon two copies of all sketches.

In carrying out the purpose of this division, the Zoning Administrator shall consider in each specific case any or all of the following principles as may be appropriate:

- It is not a purpose of this section to control the character and application of such design character that individual initiative is stifled in the layout of any particular building or site and substantial additional expense incurred; rather, it is the intent of this division that any control exercised be the minimum necessary to achieve the over-all objective of the Village Seven SPA Plan and associated regulatory documents.
- The siting of any structure on the property, as compared to the siting of other structures in the immediate neighborhood, shall be considered.
- The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed. No sign shall be approved in excess of the maximum limits set herein.
- Landscaping is provided in accordance with the Village Seven SPA Plan and associated regulatory documents shall be required on the site and shall be in keeping with the character or design of the site and existing trees shall be preserved whenever possible.
- Ingress, egress and internal traffic circulation shall be so designed as to promote convenience and safety.

G. Substantial Conformance:

The Zoning Administrator may determine a variation in an application from an adopted SPA document or statistic is in substantial conformance to the adopted document, subject to the

findings below, in Section II.3.10.3, and providing the statistical variation is less than ten percent.

II.3.10.3 Zoning Administrator - Required Findings

- A. That the proposed project or use is consistent with the Chula Vista General Plan and adopted policies of the city;
- B. That the proposed project or use is consistent with, or found to be in substantial conformance with, the Village Seven SPA Plan, the purpose and intent of these Planned Community District Regulations, and the Village Design Plan;
- C. That the proposed project or use will not, under circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and,
- D. That the proposed project or use is consistent with the principles and overall quality of design established for the Otay Ranch Planned Community.

In regard to applications on any of the aforementioned subjects, the Zoning Administrator shall set a reasonable time for the consideration of the same and give notice thereof to the applicant and to other interested person as defined in the CVMC. In the event objections or protests are received, the Zoning Administrator shall set the matter for public hearing as provided herein.

II.3.10.4 Design Review Committee

The Design Review Committee shall review plans for the establishment, location, and significant expansion or alteration of uses or structures in all multi-family, Mixed Use and Public Quasi-Public land use designations and shall approve, conditionally approve or deny such plans. The Design Review Committee shall also review all appeals filed to contest sign design rulings of the Zoning Administrator.

The Design Review Committee shall make its findings and action upon the provisions of the Otay Ranch General Development Plan, Village Seven Sectional Planning Area Plan, Planned Community District Regulations, Village Design Plan and other associated regulatory documents.

II.3.10.5 Design Review Committee – Appeals Procedure

Decision of the Design Review Committee may be appealed to the Planning Commission within 10 working days after the decision is filed with the City Clerk. The appeal shall be in writing and filed in triplicate with the Planning & Building Department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the Design Review Committee. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until the Planning Commission makes a determination.

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 Design Review Committee. The resolution must contain a Finding of Facts showing where the project meets or fails to meet the requirements of this Chapter and the provisions of the Otay Ranch General Development Plan, Sectional Planning Area Plan, Planned Community District Regulations, Village Design Plan and other associated regulatory documents.

II.3.10.6 Site Plan & Architectural Approval

The purpose of site plan and architectural approval is only to determine compliance with the Village Seven Sectional Planning Area Plan, Planned Community District Regulations, Village Design Plan, and associated regulatory documents. A Building Permit shall not be issued until site plan and architectural approval has been obtained for any land use requiring site plan and architectural approval.

A site plan and architectural approval application shall be accompanied by the following plan and other drawings and additional drawings and information not listed here as determined by the City to be necessary to enable the Zoning Administrator to make the determinations for these applications.

- A. Legal description, legend, scale, north arrow, vicinity map and identification of designer.
- B. The boundary lines of subject property fully dimensioned together with the name and dimensions of adjoining streets.
- C. Existing topography and proposed grading plan showing, slope, retaining walls, pad elevations and percent of slope on streets, driveways and other graded areas.
- D. Existing and proposed streets, utilities and easements.
- E. Access: Pedestrian, vehicular and services, points of ingress and egress, with driveway locations and dimensions.
- F. Loading and trash areas, walls and/or fences (including height).
- G. Proposed location, height and dimensions of buildings, including color and materials on all elevations. The floor area, number of stories, number of units and bedrooms (when applicable) shall be given. Proposed uses shall be indicated including floor area devoted to each use.
- H. Parking layout, including dimensions, number of stalls and circulation flow.
- I. Location, height and size of signs proposed on the property.
- J. All Landscape Areas: Such areas shall be defined with a written proposal outlining the landscaping concept, as well as the proposed method of irrigation. In addition, all existing trees on the site shall be identified with a note as to proposed disposition.

K. Lighting, including the location, type and hooding devices to shield adjoining properties.

L. Location and design of recreational areas.

The Zoning Administrator shall determine from data submitted whether the proposed use will meet the development standards and design guidelines established in the Village Seven Planned Community District Regulations and Village Design Plan, and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted or may be approved subject to conditions, specific changes or additions. The approval of the Zoning Administrator shall be noted by endorsement upon two copies of all sketches.

In carrying out the purpose of this division, the Zoning Administrator shall consider in each specific case any or all of the following principles as may be appropriate:

- It is the intent of this division that any control exercised be the minimum necessary to achieve the over-all objective of the Village Seven SPA plan and associated regulatory documents, rather than control design character such that individual initiative is stifled in the layout of any particular building or site and substantial additional expense incurred; rather,
- The siting of any structure on the property, as compared to the siting of other structures in the immediate neighborhood, shall be considered.
- The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed. No sign shall be approved in excess of the maximum limits set herein.
- Landscaping is provided in accordance with the Village Seven SPA plan and associated regulatory documents shall be required on the site and shall be in keeping with the character or design of the site and existing trees shall be preserved whenever possible.
- Ingress, egress and internal traffic circulation shall be so designed as to promote convenience and safety.

II.3.10.7 Site Plan & Architectural - Appeals

Appeals from determinations by the Zoning Administrator shall be to the Planning Commission, upon written request for a hearing before the Commission. In the absence of such request being filed within seven days after determination by the Administrator, the determination shall be final.

The appeal shall be filed with the Planning & Building Department on the form required by the City, and be accompanied by the non-refundable 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. Upon the proper filing of the appeal, the Director of Planning & Building shall cause the matter to be set for public hearing, giving the same notice as required in Sections 19.12.070 and 19.12.080 of the CVMC.

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 or development standards and design guidelines established in the Village Seven Sectional Planning Area plan and Village Design Plan. A copy of the decision resolution of the Planning Commission shall be filed with the City Clerk and mailed to the applicant. The decision of the Planning Commission shall be final on the eleventh day after its filing, except where further appeal is taken as provided herein.

The applicant or other interested person may appeal the decision of the Planning Commission granting or denying site plan and architectural approval to the City Council within 10 days after said decision is filed with the City Clerk. Said appeal shall be filed with the City Clerk in writing upon forms provided by the City and be accompanied by the non-refundable 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 during the public hearing. If a proper appeal is filed within the time limits specified, it automatically stays proceedings in the matter until a determination is made by the City Council on the appeal.

After hearing the appeal, the City Council may, by resolution, affirm reverse or modify, in whole or in any part, any determination of the Zoning Administrator or the Planning Commission. The Council resolution by which the appeal is decided shall contain Findings of Facts showing wherein the project meets or fails to meet the applicable site plan and architectural principles in Section 19.14.470, the provisions of the Design Manual, any design standards required for the project, or other non-conformity with the requirements of this Chapter. A copy of the decision resolution of the City Council shall be filed with the City Clerk and mailed to the applicant.

II.3.10.8 Conditional Use Permit

The granting of a Conditional Use Permit is an administrative act to authorize permitted uses subject to specific conditions because of the unusual characteristic or need to give special consideration to the proper location of said uses in relation to adjacent uses, the development of the community and to the various elements of the general plan. The purpose of this section is to set forth the findings necessary for such administrative action and to establish a procedure for granting Conditional Use Permits.

After the public hearing, the Planning Commission or the Zoning Administrator may, by resolution, grant a Conditional Use Permit if the Planning Commission or the Zoning Administrator finds from the evidence presented at said hearing that all of the following facts exists:

- A. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.
- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

- C. That the proposed use will comply with the regulations and conditions specified in this code for such use.
- D. That the granting of this conditional use will not adversely affect the general plan of the City or the adopted plan of any governmental agency.

The Planning Commission or the Zoning Administrator shall make a written finding which shall specify acts relied upon in rendering said decision and attaching such conditions and safeguards as deemed necessary and desirable not more than 10 days following the decision of the Commission or the Zoning Administrator, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements. A copy of this written Finding of Facts shall be filed with the City Clerk, with the Director of Planning & Building and mailed to the applicant. The decision of the Planning Commission or Zoning Administrator shall be final on the eleventh day following its filing in the office of the City Clerk, except where appeal is taken as provided herein.

II.3.10.9 Conditional Use Permit - Appeals

The applicant or other interested party may appeal the decision of the Zoning Administrator to the Planning Commission within 10 days after said decision is filed with the City Clerk. Said appeal shall be in writing and filed in triplicate with the Planning & Building Department on forms provided by said department, and shall specify wherein there was an error in the decision of the Zoning Administrator. If an appeal is filed within the time limit specified, it stays proceedings in the matter until the Planning Commission makes a determination.

Where the Planning Commission denies an application by less than four votes, the applicant shall have the right to either a rehearing at the next Planning Commission meeting or an appeal to the City Council without payment of additional fees. The choice of alternatives shall be discretionary with the applicant. All other proceedings pertaining to appeals shall continue to apply.

II.3.10.10 Variance

The granting of a Variance is an administrative act to allow a variation from the strict application of the adopted Village Seven SPA development regulations of the particular zone, and to provide a reasonable use for a Neighborhood of property having unique characteristics by virtue of its size, location, design or topographical features, and its relationship to adjacent or surrounding properties and developments. The purpose of the Variance is to bring a particular Neighborhood up to parity with other property in the same zone and vicinity insofar as a reasonable use is concerned, and it is not to grant any special privilege or concession not enjoyed by other properties in the same zone and vicinity. The Variance may not be used to correct improper zoning. It is the purpose of this section to set forth the findings necessary for such administrative action and to establish a procedure for granting variances. In no case shall a Variance be granted to permit a use other than a use permitted in the district in which the subject property is situated.

The Zoning Administration shall grant a Variance only when the following facts are found:

- A. That a hardship peculiar to the property and not created by any act of the owner exists. Said hardship may include practical difficulties in developing the property for the needs of the owner consistent with the regulations of the zone; but in this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a Variance. Further, a previous Variance can never have set a precedent, for each case must be considered only on its individual merits.
- B. That such Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that a Variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbor.
- C. That the authorizing of such Variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of these regulations or the public interest.
- D. That the authorizing of such Variance will not adversely affect the general plan of the City or the adopted plan of any governmental agency.

II.3.10.11 Variance - Appeals

The applicant or other interested persons may appeal the decision of the Zoning Administrator to the Planning Commission within ten days after the decision is filed with the City Clerk and the hearing on said appeal shall be processed by the Planning Commission in the same manner as a Conditional Use Permit within the original jurisdiction of the Planning Commission. The applicant or other interested persons shall have the same right of appeal from any determination of the Planning Commission in such instances as set forth in Sections 19.14.110 through 19.14.130 of the Chula Vista Municipal Code.

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, subject to the same limitations and this Chapter places requirements of findings as upon the Planning Commission. The resolution must contain a Finding of Facts showing wherein the conditional use meets or fails to meet the requirements of Sections 19.14.080 through 19.14.100. Not later than ten days following the adoption of said resolution, the City Clerk shall transmit a copy of the resolution and finding to the Director of Planning & Building and shall mail a copy to the applicant.

Any Conditional Use Permit or Zone Variance granted by the City shall be conditioned upon the privileges granted being utilized within one year after the effective date thereof. A Variance or Conditional Use Permit shall be deemed to be utilized if the property owner has substantially changed his/her position in reliance upon the grant thereof. Evidence of change of position would include completion of construction or any expenditures of money by the property owner preparatory to construction and shall also include the use of the property as granted. If there has been a lapse of work for the three months after commencement, the Conditional Use Permit or Zone Variance shall be void. The Commission may, by resolution, grant an extension of time contained in a currently valid Zone Variance or Conditional Use Permit without a public hearing upon appeal of the property

owner, provided that there has been no material change or circumstances since the granting of the Variance or Conditional Use Permit which would be injurious to the neighborhood or otherwise detrimental to the public welfare.

II.3.11 Exceptions & Modifications

II.3.11.1 Height Limitation Exceptions

Height limitations stipulated in these regulations shall not apply to:

- A. Church spires, belfries, cupolas and domes, monuments, electric generating stations and liquefied natural gas tanks, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and aerials, or to parapet walls extending not more than ten feet above the limiting height of the building;
- B. Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these uses are located on the ground floor of such buildings;
- C. Bulkheads, elevator and stair penthouses, water tanks, bams, silos, monitors and scenery lofts, provided no lineal dimension of any such structure exceeds fifty percent of the corresponding street lot line frontage; or towers and monuments, fire towers, hose towers, cooling towers, gas holders or other structures where the manufacturing process requires a greater height; provided however, that no such structures above the heights otherwise permitted in the district occupy more than twenty-five percent of the area of the lot and are no less than twenty-five feet from any lot line which is not a street lot line.

II.3.11.2 Projections into Required Yard Permitted

Certain architectural features may project into required yards or courts as follows:

- A. Cornices, canopies, eaves or other architectural features may project a distance not exceeding four feet into any front or rear yard and forty percent into any side yard to a maximum of four feet. In the case of a side yard which is less than five feet, a two-foot projection is permitted, provided that such projection does not extend closer than one foot to the property line;
- B. Fire escapes may project a distance not exceeding four feet, six inches;
- C. An uncovered stair and any necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the first floor of the building except for a railing not exceeding three feet in height;
- D. Bay windows, balconies and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located;
- E. An open, unenclosed stairway not covered by a roof or canopy may extend or project into a required rear or side yard not more than three feet, except as provided in subparagraph D.

II.3.12 Enforcement

II.3.12.1 Enforcement by City Officials

The City Council, City Attorney, City Manager, City Engineer, Director of Public Works, Fire Chief, Chief of Police, Director of Planning & Building, Director of Parks and Recreation, City Clerk and all officials charged with the issuance of licenses or permits shall enforce the provisions of this ordinance. Any permit, certificate or license issued in conflict with the provisions of this ordinance shall be void.

II.3.12.2 Actions Deemed Nuisance

Any building or structure erected hereafter, or any use of property contrary to the provisions of a duly-approved Design Review, Site Plan, Variance, Conditional Use Permit, or Administrative Review and/or this ordinance shall be declared to be unlawful and a public nuisance *per se* and subject to abatement in accordance with local ordinance.

II.3.12.3 Remedies

All remedies concerning this ordinance shall be cumulative and non-exclusive. The conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, signs or improvements, and shall not prevent the enforced correction or removal thereof.

II.3.12.4 Penalties

Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this ordinance or violating or failing to comply any order or regulation made hereunder, shall be guilty of an infraction and, upon conviction thereof, shall be punishable as provided by local ordinance.