

ATTACHMENT 5

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

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHULA VISTA MUNICIPAL CODE (CVMC) TITLE 19  
(PLANNING AND ZONING) SECTION 19.58.460  
(OBJECTIVE DESIGN STANDARDS FOR QUALIFYING  
MULTIFAMILY RESIDENTIAL AND MIXED-USE  
PROJECTS)

WHEREAS, due to the proposed amendment of the Chula Vista Municipal Code (“CVMC”) Chapter 19.90 and addition of Chapter 19.91, amendments to Section 19.58.460 are necessary to ensure that the section aligns with said chapters; and

WHEREAS, the Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act (“CEQA”) and determined that the action qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates, modifications, and organizational changes to the CVMC. Furthermore, the action of updating and modifying the CVMC with procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated. Based on an analysis of the nature and type of these procedural and clerical changes to the CVMC, there is a certainty that there is no possibility that the action may have a significant effect on the environment; and

WHEREAS, the Planning Commission held an advertised public hearing on the subject Ordinance and voted \_\_\_\_\_ to adopt Resolution No. \_\_\_\_\_, and thereby recommends that the City Council adopt the Ordinance; and

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

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

The City Council of the City of Chula Vista finds that the proposed amendments to the CVMC identified in this Ordinance No. \_\_\_\_\_ qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates, modifications, and organizational changes to the CVMC. Furthermore, the action of updating and modifying the CVMC with procedural and clerical changes will not result in an intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated. Based on an analysis of the nature and type of these procedural and clerical changes to the CVMC, there is a certainty that there is no possibility that the action may have a significant effect on the environment.

**Section I.** The Chula Vista Municipal Code Section 19.58.460 (Objective Design Standards for Qualifying Multifamily Residential and Mixed-Use Projects) is hereby amended as follows:

**19.58.460 Objective design standards for qualifying multifamily residential and mixed-use projects.**

A. *Intent.* To provide the public, professionals, and decision-makers with the City's objective criteria for approval of multi-family residential and mixed-use projects containing two or more residential units that meet the applicable requirements of California Government Code Section 65913.4. Subject to California Government Code Section 65915 as applicable, these objective design standards, which involve no personal or subjective judgment as further specified in California Government Code Section 65913.4(a)(5), shall be interpreted as requirements rather than general guidelines. All multi-family residential and mixed-use projects applying under the Housing Accountability Act (California Government Code Section 66300) protections and other ministerial project review under state law, shall comply with the provisions under this section. Projects must also comply with all applicable objective zoning code requirements within this title including but not limited to height, setbacks, and floor area ratio, and any applicable California Building Code requirements.

B. *Building Architecture.*

1. Through the verification of colors and materials on architectural plans or drawings, buildings shall be designed with the same approach to form and massing, roof design, wall and window design, and materials and colors on all elevations. No particular architectural style is required; however, high quality architecture is encouraged.
2. Buildings at and over three stories tall must have walls that recess a minimum three feet, at least every 100 feet of wall length, to provide relief along the wall plane.
3. Entirely blank walls are not allowed. A minimum of two architectural details from the following list shall be provided on all building facades at minimum every 50 feet of street frontage:
  - a. Windows;
  - b. Trellises;
  - c. Balconies;
  - d. Differentiation in exterior material;
  - e. Awnings.

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4. All street corners shall be enhanced to provide a tower element or an additional architectural detail (list above) to make it distinct from the rest of the building.

5. Where buildings are proposed adjacent to a single-family residential zone, windows, balconies or similar openings shall be oriented so as not to have a direct line-of-sight into adjacent units or onto private patios or back yards adjoining the property line. This can be accomplished through one of the following techniques:

- a. Upper story stepback;
- b. Window placement;
- c. Use of glass block or opaque glass;
- d. Placement of mature landscaping, or vertical landscaping (such as the use of columnar-shaped plants) within the rear or side setback areas.

6. Roof design shall be of a single style and slope throughout the project. On a building with a pitched roof, no portion of the main roof shall be flat.

7. Roof lines shall be vertically articulated, at least every 50 feet along the street frontage, through the use of one or more of the following architectural elements:

- a. Parapets;
- b. Varying cornices;
- c. Reveals;
- d. Clerestory windows;
- e. Varying roof height and/or form.

### *C. Site Design.*

1. Where buildings front along a street, residential units shall have a ground-level primary building entry facing the primary street. Along buildings not located facing a primary street, front entryways of units shall be oriented to face common open space areas such as landscaped courtyard, plaza, or paseo.

- a. For mixed-use projects, commercial/office unit entrances shall be oriented to the street, a parking area, or an interior common space. Additionally, community leasing offices do not count towards the commercial requirements.

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For the purposes of this section, commercial uses are also open for unit residents and the general public.

2. Covered and uncovered parking areas, as well as parking structures, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof. Where landscaping is used for screening purposes, it shall be no less than four feet tall. Fencing shall comply with subsection (H) within this section.

3. All pedestrian walkways shall be a minimum of four feet in width.

*D. Affordable Housing.* Projects with inclusionary units shall comply with the applicable requirements set forth within CVMC Section 19.91.090. Additionally, projects using density bonus shall comply with the CVMC Section 19.90.040.

*E. Open Space.*

1. Common open space are amenities to the surrounding community in addition to required public parkland, and shall meet following criteria:

- a. Developed with recreational uses, including both passive (landscaping) and active amenities (tot lots, picnic areas, etc.)
- b. Consist of large areas that are not fragmented by unrelated uses or improvements.
- c. A minimum of 200 square feet of usable open space per dwelling unit shall be provided. In addition, it shall have a linear dimension no less than 10 feet.

2. Private open space for residential units can take the form of yard area, porches, verandas, courtyards, patios, and balconies. The total amount provided shall be in accordance with the following, based on unit sizes:

- a. Multi-family with one bedroom: 60 square feet;
- b. Multi-family with two bedrooms: 80 square feet;
- c. Multi-family with three or more bedrooms: 100 square feet;
- d. Each additional bedroom over three: 20 additional square feet.

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### F. *Parking.*

1. The Project shall comply with the off-street parking ratio requirements set forth in CVMC Sections 19.62.010 through 19.62.130. If the project is using density bonus, the developer may request the parking ratio set forth in California Government Code Section [65915](#).
2. Parking shall not be located between the building frontage and a public sidewalk.
3. Additionally, parking areas for more than five vehicles shall be effectively screened by a minimum of 10-foot-wide landscaped strip and a masonry wall or fence of acceptable design between the parking area and the public right-of-way. This strip shall effectively screen the parking lot from the public right of way to a minimum height of three-and-a-half feet. Any approved combination of planting mounds, walls, and/or decorative features, which are visually compatible with the proposed development and the surrounding neighborhood, may be utilized.
  - a. Every 10 parking stalls shall include a landscaped area with one (1) tree and a minimum width of five (5) feet.
4. Any carports adjacent to a single-family residential zone, parking lot areas and carports shall not be located along the single-family neighborhood street frontages. Additionally, the design of carports shall match the Project's overall design theme.
5. *Bike Parking.* The minimum number of spaces provided shall be 10 percent of the total residential units. Additionally, an inverted "U" bike rack shall be the type of space provided, and, shall not be separated from building entrances by a road, parking area, or structure.

### G. *Walls and Fences.*

1. The following standards apply to walls and fences:
  - a. Walls shall be architecturally treated on both sides and incorporate landscaping.
  - b. Brick, slump stone, tile, textured concrete, stucco on masonry or steel framing, wrought iron, tubular steel fencing, solid decorative walls, or other material walls which require little or no maintenance are required.
  - c. Wall caps are to be incorporated as a horizontal design element at the top

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of walls and should not exceed four inches vertical.

d. Plain concrete block walls and chain link fencing are not permitted.

H. *Landscaping.* All landscaping shall conform to the requirements as specified in the City's Landscaping Manual, Design Manual, Shade Tree Policy, and Water Conservation Ordinance, and as approved by the Director of Development Services, or designee.

### I. *Lighting.*

1. All structures, entries, parking areas, refuse enclosures, active outdoor/landscape areas, and pedestrian pathways shall include overnight lighting for safety and security.
2. Lighting shall be recessed or hooded, downward directed, and located to illuminate only the intended area. It shall not spill beyond the intended area and shall not extend across a property line.
3. Timers and sensors shall be incorporated to avoid unnecessary lighting and avoid unnecessary energy use.

### J. *Utilities and Trash Enclosure Areas.*

1. Utilities, utility vaults, and all mechanical equipment (ground and roof-mounted) shall be screened or hidden from view from the public street.
2. Trash enclosure areas shall be provided in accordance with CVMC 19.58.340.
3. Trash enclosures shall be constructed of the same primary wall material and color as the most adjacent building within the development.
4. Enclosures shall be located in convenient but unobtrusive areas, well screened with landscaping and positioned so as to protect adjacent uses from noise and odors.

## **Section II. Severability**

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

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phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

### **Section III. Construction**

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

### **Section IV. Effective Date**

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

### **Section V. Publication.**

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

Presented by

Approved as to form by

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Stacey Kurz  
Director of Housing & Homeless Services

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Marco A. Verdugo  
City Attorney