PC DISTRICT REGULATIONS

Otay Ranch Freeway Commercial Sectional Planning Area (SPA)

Adopted April 1, 2003
by Resolution No. 2003-132, Ordinance No. 2903

Amended September 21, 2004
by Resolution No. 2004-300, Ordinance No. 2977

Amended by Resolution No. 2016-187 on September 13, 2016
and
Adopted by Ordinance No. 3376 on September 20, 2016

Amended by Resolution No. 2019-214 June 18, 2019
and
Adopted by Ordinance No. 3459 on July 23, 2019

Amended by Planning Commission Resolution No. 2024-03 on February 28, 2024
and
Adopted by Ordinance No. 3566 on April 23, 2024

Project Sponsor:
Baldwin & Sons
610 West Ash, Suite 1500
San Diego, CA 92101

Contact: Nick Lee
(619) 234-4050

Prepared by:

Cinti Land Planning
PO 439030, PMB 101
San Diego, CA 92143

Contact: Gary P. Cinti
(619) 223-7408
gary@cinti.com

OTAY RANCH FREEWAY COMMERCIAL SPA
PLANNED COMMUNITY DISTRICT REGULATIONS

TABLE OF CONTENTS

SECTION PAGE

I. General Provisions 1
A. Purpose and Scope 1
B. Private Agreements 1
C. Conflicting Ordinances 1
D. Establishment of Land Use Districts 1
1. Adoption of Land Use Districts Map 2
2. Amendments to the Land Use Districts Map 2
E. Clarification of Ambiguity 2
F. Effect of Regulations 3
G. Definitions of Terms 3

II. Land Use Districts Map 4
A. District Boundaries 4

III. Freeway Commercial District 6
A. Purpose 6
B. Permitted and Conditional Uses 7
C. Accessory Uses and Buildings 11
D. Sign Regulations 11
1. Sign Permit Exceptions 11
2. Prohibited Signs and Lighting 14
3. Signs Permitted 15
4. Signs Relating to Inoperative Activities 16
5. Enforcement, Legal Procedures and Penalties 17
6. Construction and Maintenance 17
7. Design Standards 17
8. Landscaping 18
9. Illumination and Motion 18
10. Sign Copy 18
11. Relationship to Streets 18
12. Design Review and Approval 18
E. Property Development Standards 19
1. General Requirements 19
a) Standards for Commercial Use Districts (FC-1 and Hotel) 19
b) Standards for Residential and Mixed-Use District 20
2. Additional Requirements 23
3. Special Requirements 23

F. Parking and Loading Facilities 26
1. Size and Access Requirements 26
2. Number of Spaces Required for Designated Land Use 28
3. Loading Facilities 31
4. General Provisions 32
5. Parking Screening Requirements 33
6. Parking Area Landscaping 33
7. Parking Area Lighting 33
G. Outdoor Storage and Sales Areas 34
H. Trash Storage and Recycling Facilities 34
I. Wall Requirements 35
J. Landscaping 35
K. Performance Standards 35
L. Park and Ride Facilities 37

IV. Special Uses and Conditions 38
A. Purpose 38
B. Temporary Uses and Special Events 38
1. Purpose 38
2. Temporary Uses Listed 38
3. Permits and Bonds 39
4. Extension or Modification of Limits 39
5. Condition of Site Following Temporary Use 39
6. Fee 39
C. Recreational Facilities 39

V. Legislative Procedures 43
A. Purpose 43
B. Adoption of Planned Community District Regulations 43
C. Amendments 43

VI. Administrative Procedures, Conditional Uses and Variances 44
A. Purpose and Intent 44
B. Zoning Administrator - Authority 44
C. PLANNING COMMISSION 48
D. Planning Commission - Appeals Procedure 48
E. Site Plan and Architectural Approval 49
F. Site Plan and Architectural - Appeals 51
G. Conditional Use Permit 52
H. Conditional Use Permit - Appeals 53
I. Variance 53
J. Variance - Appeals 54

VII. Exceptions and Modifications 56
A. Height Limitation Exceptions 56

B. Projections into Required Yard Permitted 56

VIII. ENFORCEMENT 57
A. Enforcement by City Officials 57
B. Actions Deemed Nuisance 57
C. Remedies 57
D. Penalties 57

LIST OF EXHIBITS

EXHIBIT PAGE

Exhibit PC-1 5
Exhibit PC-2 25

LIST OF TABLES

TABLE PAGE

Table A. Commercial Property Development Standards 20
Table B. Residential and Mixed-Use Development Standards 21
Table C. Parking Requirements 29
Table D. Required Handicapped Parking 30

OTAY RANCH FREEWAY COMMERCIAL SPA PLANNED COMMUNITY DISTRICT REGULATIONS

I. General Provisions

A. PURPOSE AND SCOPE

For the purpose of promoting and protecting 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 Freeway Commercial Sectional Planning Area (SPA) of the Otay Ranch General Development Plan (GDP) area, and to provide the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, these Planned Community (PC) District Regulations defining land use districts and regulations within those districts are hereby established and adopted pursuant to Title 19 (Zoning Ordinance) of the Chula Vista Municipal Code (CVMC), specifically Chapter 19.48 P-C Planned Community Zone.

The Freeway Commercial Planned Community District Regulations are intended to:

- 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 Freeway Commercial portion of the Otay Ranch GDP area.
- Establish conditions which will enable the Freeway Commercial SPA to exist in harmony within the larger community.

B. PRIVATE AGREEMENTS

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

C. CONFLICTING ORDINANCES

Whenever the provisions of these regulations 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/plans previously adopted, the provisions of these regulations or regulations promulgated hereunder shall apply.

D. 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 setback areas and other open space areas abutting and between buildings and structures, and to regulate the density of population, the Freeway Commercial SPA is hereby divided into the following Land Use Districts:

FREEWAY COMMERCIAL SPA LAND USE DISTRICTS DEFINITIONS

SYMBOL	DEFINITION
FC-1	Freeway Commercial: District which permits regional uses which require an automobile orientation near regional transportation systems, including, but not limited to thoroughfare commercial, visitor commercial, and regionally oriented retail and service commercial uses. FC-1 additionally permits major (>500,000 square feet) regional retail facilities.
FC-2	Freeway Commercial North (FC-2) is divided into three sub-categories. H is primarily intended to contain hotels. RM is primarily intended for multi-family residential in an urban character with a urban park provided at the core of the planning area. C/MU and R/MU are primarily intended to contain mixed-use multi-family residential and commercial.

1. Adoption of Land Use Districts Map

Land Use Districts and boundaries are established and adopted as shown, delineated and designated on the Freeway Commercial 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, is made a part of these Freeway Commercial SPA Planned Community District Regulations and adopted concurrently herewith.

2. 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 Freeway Commercial SPA Official Land Use Districts Map, as provided in Section VI.C herein. Minor changes resulting on the basis of an approval of a tentative or final map may be made to the Land Use Districts Map as an administrative matter.

E. CLARIFICATION OF AMBIGUITY

If ambiguity arises concerning the proper classification of a particular land use within the meaning and intent of these regulations, or if ambiguity exists with respect to height, setback 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 regulations of the Municipal Code,

the requirements herein shall apply.

F. EFFECT OF REGULATIONS

The provisions of these regulations governing the use of land, buildings, structures, the size of setbacks abutting buildings and structures, the height and bulk of buildings, 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 these regulations.

G. DEFINITIONS OF TERMS

For the purposes of these regulations, 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.

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 the Freeway Commercial SPA not covered by these district regulations or subsequent plan approvals, shall be regulated by the applicable chapter of the CVMC.

The following specific definitions are provided for the Freeway Commercial SPA:

1. Floor Area Ratio (FAR): The total Floor Area of FC-1, divided by the total site area in FC-1, excluding the enhancement buffer.

2. Major Regional Retail Facility: A retail complex serving the broader regional and consisting of at least 500,000 square feet of retail facilities.

3. Floor Area for Major Regional Retail Facility: The total floor area of buildings, including customer sales, service and storage areas, excluding: covered or screened delivery areas; transit shelters; kiosks; cart sales areas; building walls and architectural projections; mechanical rooms; covered or screened refuge disposal areas; covered patios; maintenance rooms; fire corridors; and, sign structures.

4. Enhancement Buffer (measurement): An area seventy-five feet from the curb line of EastLake Parkway and Birch Road, excluding therefrom: entry streets and drives; acceleration and deceleration lanes; and, the right-of-way for SR-125. The buffer may be reduced to 30 feet along Olympic Parkway.

II. Land Use Districts Map

This chapter consists of the Land Use Districts (Zoning) Map for Freeway Commercial SPA included in a reduced form as Exhibit PC-1. The original Freeway Commercial 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.

A. DISTRICT BOUNDARIES

The land use district boundaries shown on the map coincide with proposed streets, alleys, driveways, parking bays, 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.

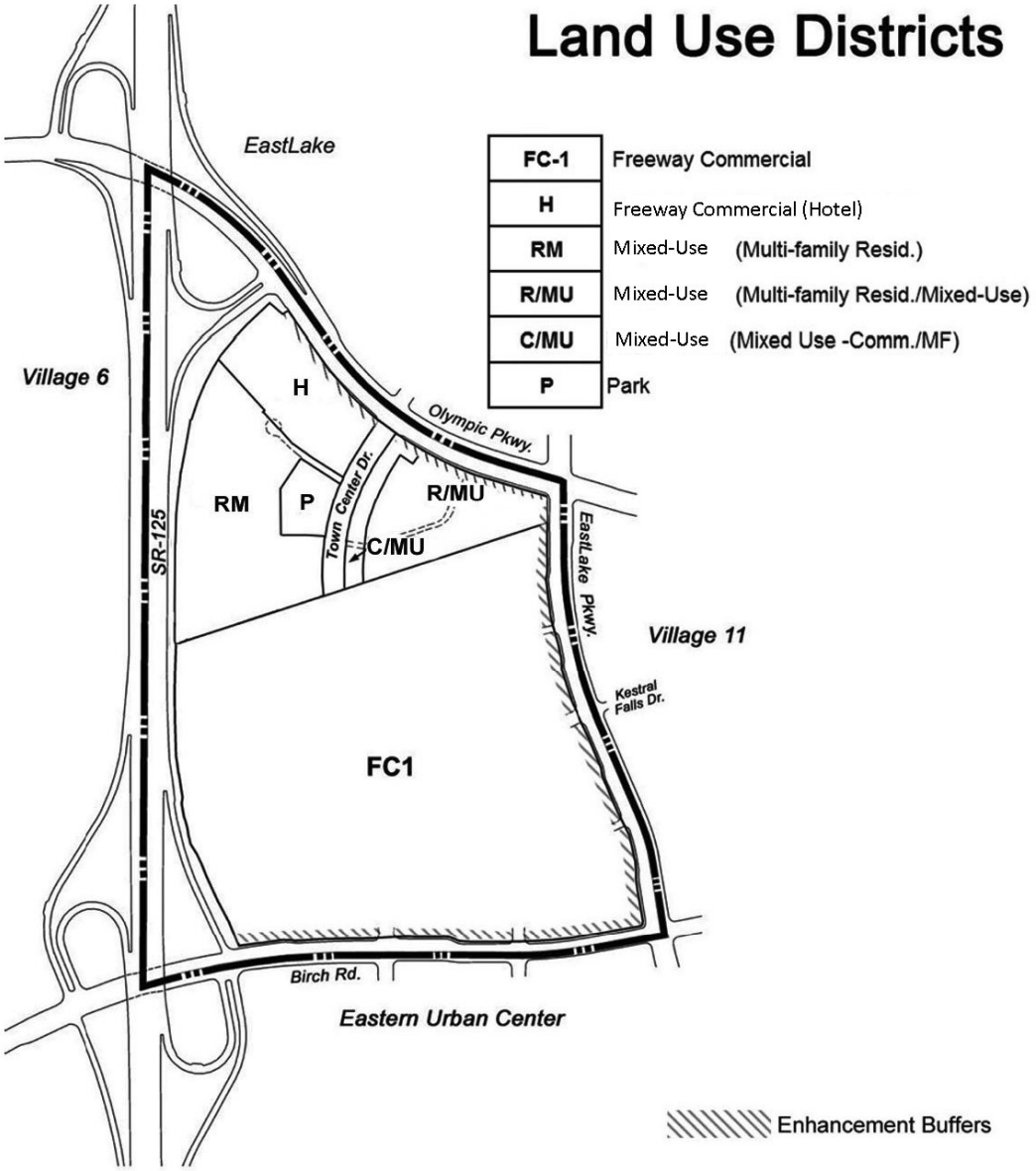

Land Use Districts
EastLake
FC-1 Freeway Commercial
H Freeway Commercial (Hotel)
RM Mixed-Use (Multi-family Resid.)
R/MU Mixed-Use (Multi-family Resid./Mixed-Use)
C/MU Mixed-Use (Mixed Use -Comm./MF)
P Park
Village 6
H
Olympic Pkwy.
RM
P
Town Center Dr.
R/MU
C/MU
SR-125
EastLake Pkwy.
Village 11
Kestral Falls Dr.
FC1
Birch Rd.
Eastern Urban Center
Enhancement Buffers
CITY OF CHULA VISTA
Freeway Commercial
OTAY RANCH
4/2/2019

EXHIBIT PC-1

III. Freeway Commercial District

A. PURPOSE

The Freeway Commercial SPA is designated with Freeway Commercial and Residential Land Uses in the Otay Ranch GDP. Freeway Commercial is intended to serve as the site for regional automobile-oriented commercial uses, complementing the Eastern Urban Center, adjacent to the south, which is to serve as a more pedestrian-oriented, mixed-use focal point for the Otay Ranch community. The SPA's location adjacent to the SR-125 freeway and surrounded by arterial roads, while also served by the SANDAG transit line, allows it to provide a unique mix of regionally oriented commercial uses. Two commercial land use districts, Freeway Commercial (FC-1 & FC-2), are designated to accommodate these uses. A portion of FC-2 has been designated as RM and R/MU, which permits residential uses to provide walkable, transit-oriented housing opportunities.

The Freeway Commercial District is included in these Planned Community District Regulations to achieve the following:

- To provide an area for retail stores and service establishments offering commodities and services required by residents onsite and within surrounding communities and the South County region.

- To provide an integrated mixture of walkable transit-served commercial and residential uses.

- To provide appropriate development standards for retail commercial, residential, and support facilities;

- To encourage retail and service commercial uses, and related support uses, to concentrate for the convenience of the public and for a more mutually beneficial relationship to each other.

- To provide adequate space to meet the needs of modern commercial activity, including off- street parking and loading areas.

- To minimize traffic congestion and avoid overloading utilities by restricting construction of buildings of excessive size in relation to the amount of land around them.

- To promote high standards of site planning, architectural and landscape design for developments which have a mix of commercial and residential uses within the city of Chula Vista.

B. PERMITTED AND CONDITIONAL USES

The following uses shall be permitted where the symbol "P" appears and shall be permitted subject to a Conditional Use Permit where the symbol "C" appears. Uses where the symbol "N" appears shall not be permitted.

PERMITTED USE MATRIX – FREEWAY COMMERCIAL DISTRICT

LAND USE[1]	ZONING DISTRICT				
	FC-1 Comm	H Hotel	RM Resid	R/MU Resid	C/M Comm
Administrative and professional services:					
Business or professional office	P	P	N	N	P
Financial institution or office	P	P	N	N	P
Medical, dental & health services and offices (including laboratories)	P	N	N	N	P[2]
Real estate sales office	P	P	P	P	P
General commercial uses:					
Antique shop (no outdoor storage)	P	P	N	N	P
Apparel store	P	P	N	N	P
Appliance store, including repair (no outdoor storage)	P	N	N	N	N
Arcade and electronic games (subject to chapter 19.58 CVMC) 2	C	P	N	N	C
Art, music or photographic studio or supply store	P	P	N	N	P
Athletic and health club	P	P	N	N	P
Automobile and/or truck services and car wash facilities (subject to chapter 19.58 CVMC)	C	N	N	N	N
Bakery, retail	P	P	N	N	P
Barber and beauty shop	P	P	N	N	P
Bicycle shop, non-motorized	P	P	N	N	P
Printing and photocopy services	P	P	N	N	P
Books, gifts and stationery store	P	P	N	N	P
Candy store or confectioner	P	P	N	N	P
Catering establishment	P	P	N	N	N
Cleaners	P	P	N	N	P
Cocktail lounge, bar or tavern, including related entertainment	C	C	N	N	C

[1] P = permitted use; C = conditional use permit; N = not permitted

[2] Medical office use is limited to a maximum of 3,500 square feet of gross floor area.

[3] Refer also to Section III-K-13, herein.

LAND USE[1]	ZONING DISTRICT				
	FC-1 Comm	H Hotel	RM Resid	R/MU Resid	C/M Comm
Commercial recreation facilities not otherwise listed (subject to chapter 19.58 CVMC)	C	C	N	N	C
Electronics store, including sales and repair	P	N	N	N	P
Equipment rental (enclosed in building)	P	N	N	N	N
Fast food restaurants with drive-in or drive-through (subject to Chapter 19.58 CVMC)	P	C	N	N	N
Fast food restaurants without drive-in or drive-through	P	N	N	N	N
Food Trucks (Walk up mobile food restaurant)	N	P	N	N	P
Florist shop	P	P	N	N	P
Food store, Specialty Market (<40,000 square feet.	P	C	N	N	C
Drug store, pharmacy	P	P	N	N	P
Furniture, carpet or home furnishings store	P	N	N	N	N
Gasoline service station (subject to Chapter 19.58 CVMC)	C	C	N	N	C
Hardware or home improvement store	P	N	N	N	P
Hobby shop	P	P	N	N	P
Hotel or motel (subject to Chapter 19.58 CVMC)	P	P	N	N	P
Jewelry store	P	P	N	N	P
Junior department or department store, discount or membership department store	P	N	N	N	N
Kiosk, including photo sales, located in parking lot	P	P	N	N	P
Kiosk, including photo sales, located in plaza area	P	P	N	N	P
Laundry (coin-operated)	P	P	P	P	N
Liquor store, package off-sale	C	N	N	N	C
Newspaper and magazine store, including printing and publishing	P	P	N	N	P
Nursery or garden supply store in enclosed area	P	N	N	N	P

LAND USE[1]	ZONING DISTRICT				
	FC-1 Comm	H Hotel	RM Resid	R/MU Resid	C/M Comm
Office supplies/stationery store	P	N	N	N	P
Outdoor sales and display (subject to Chapter 19.58 CVMC)	P	N	N	N	P
Parking facilities, commercial (subject to Chapter 19.58 CVMC)	P	P	N	N	P
Pet store, pet supplies and services including grooming (no boarding)	P	N	N	N	P
Printing shop	P	P	N	N	P
Recycling collection center (subject to Chapter 19.58 CVMC)	P	N	N	N	N
Restaurant serving alcoholic beverages with live entertainment or dancing	C	C	N	N	N
Restaurant with cocktail lounge or bar serving alcoholic beverages	P	P	N	N	C
Restaurant with incidental serving of beer/wine but without cocktail lounge, bar, entertainment or dancing	P	P	N	N	C
Restaurant, coffee shop, delicatessen	P	P	N	N	P
Restaurant, drive-through	P	C	N	N	N
Retail, wholesale, including membership stores and manufacturer's outlets which require extensive floor areas for the storage and display of merchandise, and the high volume, warehouse-type sale of goods and uses which are related to and supportive of existing on-site retail distribution centers or manufacturer's outlets	P	N	N	N	N
Retail store or shop	P	P	N	N	P
Snack bar or refreshment stand contained within a building	P	P	N	N	P
Stamp and/or coin shop	P	P	N	N	P
Stores, shops and offices supplying commodities or performing services for the residents of the city as a whole or the surrounding community such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises	P	N	N	N	P
Swimming pool supply store	P	N	N	N	N

LAND USE[1]	ZONING DISTRICT				
	FC-1 Comm	H Hotel	RM Resid	R/MU Resid	C/M Comm
Television, stereo, radio store, including sales and repair	P	N	N	N	N
Theater, movie, multiplex	C	N	N	N	N
Tire sales and service	P	N	N	N	N
Travel agency	P	N	N	N	P
Veterinary office and/or animal hospital	C	N	N	N	N
Public and Semi-Public Uses:					
Assembly Uses	N	N	N	N	N
Day nursery, daycare school or nursery school (for profit)	P	P	N	N	P
Day nursery, daycare school or nursery school (non-profit)	N	P	N	N	P
Educational institution	C	C	N	N	C
Public utility and/or public service sub-station, reservoir, pumping plant and similar installation	C	C	C	C	C
Public Park	NA	P	P	P	P
Outdoor recreational facilities, including but not limited to: tennis and swim clubs, basketball, racquetball and handball courts	C	C	P	P	C
Residential Uses:					
Single Family Detached Residential	N	N	N	N	N
Multi-family Residential	N	N	P	P	P
Residential Care Facilities and Housing for Seniors	N	N	N	N	N
Temporary Uses:					
Subject to the provisions of Section VI.B	P	P	P	P	P
Other Uses:					
Unclassified uses (subject to Chapter 19.54 CVMC)	C	P	C	C	C

C. ACCESSORY USES AND BUILDINGS

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

Roof mounted satellite dishes shall be permitted as accessory structures subject to the following standards or conditions:

- The dish shall be screened using appropriate matching architectural materials or parapet walls;
- Dishes shall be of a neutral color, match the building, or as otherwise approved by the Planning Director;
- A building permit shall be required; and,
- No advertising material shall be allowed on the satellite dish antenna. Satellite dish antennae containing advertising material shall be considered signs.

D. SIGN REGULATIONS

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. The following provisions that refer to type, size and content of the sign are only guidelines, but shall not restrict any First Amendment rights to speech.

1. 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 signage in excess of the specific exemptions listed below is prohibited:

a. Real Estate Kiosk Signs: Signs installed pursuant to a Real Estate Kiosk Program sanctioned by the city of Chula Vista.

b. 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.

- 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 commercial district. Double-faced signs shall not exceed five square feet per side in residential districts and

twelve square feet per side in commercial 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 sign 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.

c. Temporary Subdivision Signage: Temporary billboards, directional signs and staff-mounted flags are allowed in FC-2, as shown in Master Precise Plan. Such signs shall be for the identification of a subdivision, price information and the developer's name, address and telephone number.

Canvas signs, banners, advertising flags, and similar devices are permitted. Flagpole height shall not exceed 21 feet in height.

Billboards shall not exceed 400 square feet on each side. Directional signs shall not to exceed 64 square feet in total area for two (2) sides or 32 square feet for one (1) side and a total overall height of twelve (12) feet may be permitted on each street frontage of each neighborhood.

Temporary signs installed in the City public right-of-way shall require an encroachment permit from Land Development Department. There shall be no visibility obstructions within fire feet from any driveway. Said signage shall be allowed until the units within the subdivision are sold out, or a period of thirty-six months, whichever comes first. Extensions of twelve (12) months may be approved by the Development Services Director/Zoning Administrator prior to the expiration date. Such signs shall be removed within thirty (30) calendar days from the date of the final sale of the land and/or residences. Signs shall be maintained in good repair.

d. 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.

e. 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.

f. Memorial Tablets, Plaques or Directional Signs: Signs for community historical resources, installed by a City-recognized Historical Society or civic organization.

g. Convenience and Secondary Directional Signs: Signs not to exceed four square feet in area or ten feet in height.

h. Official and Legal Notices: Notices issued by any court, public body, person, or officer or in furtherance of any non-judicial process approved by State or local law.

i. Signs Providing Direction, Warning or Information: Signs or structures required or authorized by law or by Federal, State, County or City authority.

j. 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

k. 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.

l. Safety Signs: Safety signs on construction sites.

m. "No Trespassing": "No dumping" and similar warning signs not exceeding four square feet.

n. Signs on Public Transportation Vehicles: Signs regulated by a political

subdivision, including but not limited to buses and taxicabs.

o. Signs on Licensed Commercial Vehicles: Provided such vehicles are not used or intended for use as portable signs or as may be prohibited in Section III.D.2.

p. A Change of Copy: Copy conforming to an approved Comprehensive Sign Program. All other changes of copy shall comply with this section.

2. Prohibited Signs and Lighting

All signs and lighting not expressly permitted are prohibited in all districts including, but not limited to the following:

a. Roof signs.

b. Flashing lights or signs.

c. Animated signs or lights that convey the illusion of motion

d. Revolving or rotating signs

e. Vehicle signs (when parked or stored on property to identify a business or advertise a product).

f. Portable signs (except where permitted by these regulations).

g. Off-site signs (except temporary subdivision or real estate signs).

h. 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.

i. Signs located on public property except as may be permitted by Section III.D.1.b or required by a governmental agency.

j. 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.*).

k. Signs blocking doors or fire escapes.

l. 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).

m. Inflatable advertising devices of a temporary nature, including hot air balloons (except for special events as provided for in Section V.B).

n. Advertising structures (except as otherwise permitted in this section).

o. Statuary (statues or sculptures) advertising products or logos of the business located outside of the structure that houses the business.

p. The use of decals, stick-on or transfer letters, or tape on the walls or parapets of buildings, fences, walls and other structures.

q. Signs 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.

3. Signs Permitted

The following signs may be placed with approval of a sign permit provided it is in compliance with all other applicable laws and ordinances. These signs are subject to the individual special provisions listed:

a. 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.

b. Public and Quasi-Public Signs: Schools, community centers and any other publicor institutional building, shall be allowed the following signs:

- 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.

- 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 streetfrontage.

- 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.

c. 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 the Freeway Commercial SPA. Community special events such as a rodeo or community fair may be permitted the following signage:

- 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 V.B.

d. Commercial Special Events: Events such as grand openings and painted seasonal holiday window displays may be permitted the following signage:

- No more than four signs, thirty-two square foot or smaller in size, eight feet in height, on-site, freestanding special event signs.

- All other on-site special event signs can be either wall and window signs, flags, banners and pennants. Inflatable advertising devices of a temporary nature may be permitted. In no case shall any signage, flag, pennant, inflatable device, or banner be placed above the roof line.

e. Comprehensive Sign Program: Any and all signs approved in a comprehensive sign program adopted as a component of a Design Review submittal and pursuant to the Freeway Commercial Design Plan or Master Precise Plan are permitted.

4. 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.

5. Enforcement, Legal Procedures and 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 no less than three dollars per sign. 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.

6. Construction and 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.

7. Design Standards

Each sign shall be designed with the intent and purpose of complementing the architectural style of the main building or buildings, or type of business 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, such as a shopping center or other commercial or industrial area developed in accordance with a common development plan, 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 an element(s) is 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 be complementary and consider 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.

8. Landscaping

Each 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 settingand ground definition to the sign. The landscape area shall be maintained in a neat, healthy and thriving condition.

9. 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).

10. 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.

11. 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.

12. Design Review and Approval

A signage plan including sign locations, size, style, materials, lettering size and style, and 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.

Off-site signs for Town Center in the Olympic Parkway corridor are permitted, but require,

in addition to a sign permit, consideration of required input from adjacent property owners.

E. PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all land and buildings other than accessory buildings authorized in the Freeway Commercial District. In FC-1, any legal lot may be used as a building site, except no building permit shall be issued for any lot having lot size less than 10,000 square feet.

1. General Requirements

The standards in the following table are minimums unless otherwise stated. An approved Master Precise Plan, the contents of which are to be determined by the Zoning Administrator, will be required for all areas within the Freeway Commercial North (FC-2). This Master Precise Plan will establish specific design districts within FC-2 and maylimit the location of certain uses (e.g. fast food restaurants, auto repair, etc.). This Master Precise Plan shall be prepared in accordance with the Otay Ranch Freeway Commercial SPA Plan, Design Plan, and adopted City standards.

a) ***Standards for Commercial Use Districts (FC-1 and Hotel)***

Purpose: The provisions of this section shall apply to commercial and hotel uses within FC-1 and Hotel site.

TABLE A
COMMERCIAL PROPERTY DEVELOPMENT STANDARDS

STANDARD	DIMENSION				
	FC-1 Comm	FC-2 H Hotel			
Lot area, net sq. ft. (000's)	40[1]	SP			
Lot width (feet)	100	SP			
Lot depth (feet)	100	SP			
Front yard setback (feet to other FC zoned lot)	SP	SP			
Side yard setback, each (feet to other FC zoned lot)	SP	SP			
Rear yard setback (feet to other FC zoned lot)	SP	SP			
Building setback from Olympic Parkway, EastLake Parkway and Birch Road (measured from curb in feet) *Note: Transit Structures, signs, entry monuments, and pedestrian oriented facilities are excluded.*	75	30			
Public Transit ROW setback (feet)	SP	SP			
Internal vehicular travelway setback (measured from curb in feet)	10	10			
Building height, maximum for main building (feet)	60[2]	65			
Building feature, maximum height (feet)	75	75			
Lot coverage, maximum (% net lot area)	SP	SP			
Landscaping, minimum (% net lot area)	SP	SP			
SP=per approved site plan. (May also be set at the Master Precise Plan or Design Review Phases). Refer also to Section III-M, herein for property development standards for Residential uses.					

[1] Map for condominium development does not need to meet lot area requirement. Minimum lot area may be reduced to 10,000 sq. ft. for master planned building complexes with Design Review approval. Such plans shall be for a total area of no less than 60,000 sq. ft.

[2] Maximum stories for buildings <20,000 square feet shall be further limited to no more than two floors, and buildings >20,000 square feet shall be limited to no more than three floors.

b) ***Standards for Residential and Mixed-Use District***

(1) PURPOSE

The provisions of this section shall apply to residential uses within the RM District and mixed-use arrangement of commercial and residential uses within the R/MU and C/MU Districts.

TABLE B
FC-2 RESIDENTIAL AND MIXED-USE DEVELOPMENT STANDARDS (RM, R/MU, AND MU)

STANDARD	DIMENSION[5]		
	RM (RESIDENTIAL)	R/MU (MIXED USE)	C/MU (MIXED USE)
Lot Size	DR	DR	DR
Lot width and depth	DR	DR	DR
Setbacks (front, rear, and side yards)	DR	DR	DR
	Architectural feature projections such as awnings, building massing projections, cantilevers, bay windows, patio/balcony pop-outs, and other similar features are permitted to project into a required front or rear setback for a distance not to exceed two feet, provided any adopted Building Code requirement for separation of structures is maintained.		
FAR (Floor Area Ratio)	N/A	N/A	N/A
Building Height[1]	50'	75'[1]	75'[1]
Lot coverage (maximum %)	DR	DR	DR
Landscaping (minimum %)	DR	DR	DR
Parking required[3]	Refer to Table B.	Refer to Table C, Mixed Use.	Refer to Table C, Mixed Use.
Common Useable Open Space[4]	200 sq. ft. per unit[4] Where above standards cannot be met, up to one-third of the Common Useable Open Space requirement may be met through excess Private Open Space, as long as the Private Open Space is equally distributed among all units.	200 sq. ft. per unit.	N/A
Private Useable Open Space (Minimum square feet per unit)[2]	Studios, 1-bedroom, and units above first story: 60 sq. ft. Ground floor units: 80 sq. ft. for 2-bedroom units 100 sq. ft. for 3-bedroom units Where above standards cannot be met, amenitized common open space will be provided instead at a 2:1 ratio. Note: No dimension of usable private open space shall be less than 6 feet.	60 sq. ft. per unit.	N/A

DR= Determined by Design Review approval; NA = Not Applicable
[1] Building features may exceed maximum building height with Design Review approval
[2] May be modified subject to Design Review approval.
[3] Requirements for bicycles parking shall be determined during the Design Review process.
[4] Exceptions and alternatives that meet the intent may be approved during Design Review. Excludes driveways, drive aisles, sidewalks and walkways that serve only as access to the units, unless they are part of a paseo or larger enhanced common useable area. Enhanced motorcourts designated as "No Parking" can count towards Open Space. [5]
Dimensions approved on a Master Precise Plan shall establish the dimension requirements for Design Review.

(2) COMMON USEABLE OPEN SPACE

Common usable open space (CUOS) shall be provided for all multi-family developments. CUOS shall take the form of passive and active recreation areas such as swimming pools, picnic areas, ball courts, paseos, etc. These areas shall not be fragmented or consist of left over land, parking areas, areas dedicated exclusively for access or refuse storage areas, and must be pedestrian linked and/or easily accessible to the majority of residents in the development. Driveway are not counted towards open space, unless they are enhanced as plazas and not used for parking. Any portion of a lot which is relatively level (maximum five percent grade), developed for recreational or leisure use, and which contains 60 square feet with no dimension less than six feet, shall be considered open space.

Where above standards cannot be met, up to one-third of the CUOS requirement may be met through excess Private Open Space, as long as the Private Open Space is equally distributed among all units.

(3) PRIVATE USABLE OPEN SPACE

In a high-density urban environment, the common space is what defines the character of the neighborhood. As generously sized yards associated with single- family development are not possible, the benefits of private open space taking form of upstairs balconies and patios diminish in their recreational, aesthetic, and environmental value. Private open space areas in multi-family homes are frequently used for storage rather than for enjoyment of their intended use due to their limited size. Expanding and enhancing common usable open space becomes more beneficial to the residents. High quality recreational amenities and landscaped garden areas serve for social gathering, active and passive recreation.

The project will meet its open space requirement through a combination of private balconies, terraces, porches, and common usable open space to satisfy open space needs for residents.

Private usable open space (PUOS) shall be provided for all multi-family residential dwelling units. PUOS shall take the form of yard area, porches, decks, patios, terraces, and balconies. If intended to satisfy the PUOS requirements, PUOS areas shall meet the Residential Development Standards in Table D above. Where minimum requirement for individual units cannot be met per the above allowances, the project shall provide two (2) times the required PUOS area as highly amenitized Common Useable Open Space to satisfy their PUOS requirement. Amenities may include community gardens, sports courts, dog park, lounge areas, and cabanas.

Modifications may be allowed subject to approval by the Director of Planning and Building.

2. Additional Requirements:

a. Conveniently located common laundry facilities shall be provided for units which do not have individual hook-ups.

b. Conveniently located and well screened enclosures for trash and recyclables shall be provided consistent with the City of Chula Vista's solid waste and recycling guidelines.

c. Mailbox kiosks shall be conveniently located throughout the complex.

d. Units may be approved for either rental, condominium ownership, or fee simple, subject to the applicable City of Chula Vista regulations.

e. Masonry walls shall be constructed where required for noise attenuation.

F. Recreational vehicle parking areas shall be provided fully screened, unless parking of recreational vehicles on-site is specifically prohibited.

3. Special Requirements

a. Ownership: Boundaries for several requirements are based on ownership boundaries as of the adoption of this SPA Plan. In the event that these boundaries are adjusted, the Zoning Administrator shall adjust the requirement to the new ownership boundary if determined to be in substantial conformance to the adopted plan.

b. The Enhancement Buffers, as depicted on the Land Use Districts Map (Exhibit PC-1), identifies an enhancement area of 30 to 75 feet back from the adjacent curb. No buildings greater than 25,000 square feet may encroach into this buffer zone. Buildings less than 25,000 square feet may only encroach where it can be clearly demonstrated that encroachment improves pedestrian orientation, provides pedestrian oriented amenities and does not negatively impact the streetscape. Parking areas, drive aisles, driveways, seating areas, and patios may encroach, subject to Design Review approval, providing parking is screened and the encroachment is for a limited distance as opposed to a continuous encroachment. Transit lanes and station facilities may be located within the buffer zone.

c. Design Review and Site Plan and Architectural approval shall be required for all uses within the Freeway Commercial Districts. Site plans and architectural designs shall comply with the provisions of the Freeway Commercial Design Plan. Submittals shall, at a minimum, include an entire Design Review Area as shown on

Exhibit PC-2 and contain the information required per Chapter III Design Review Process of the Design Plan. As an alternative to preparing detailed plans for an entire Design Review Area, a Precise Plan may be approved for the entire area and implemented through phased Design Review approvals. The subsequent phases shall be reviewed for consistency with the Precise Plan. Public notice to property owners within five hundred feet of the project shall be provided for all reviews requiring public hearings.

The area on Exhibit PC-2 designated as "Orange" is primarily intended for hotels. The area designated as "Red" is primarily intended for mixed-use, with multi-family and commercial uses. The areas designated "Yellow" is primarily intended for multi- family residential uses, including a centrally located urban park ("Blue"). These areas shall be developed in phases based on an overall Master Precise Plan, which will satisfy many of the components of the required Design Review requirements.

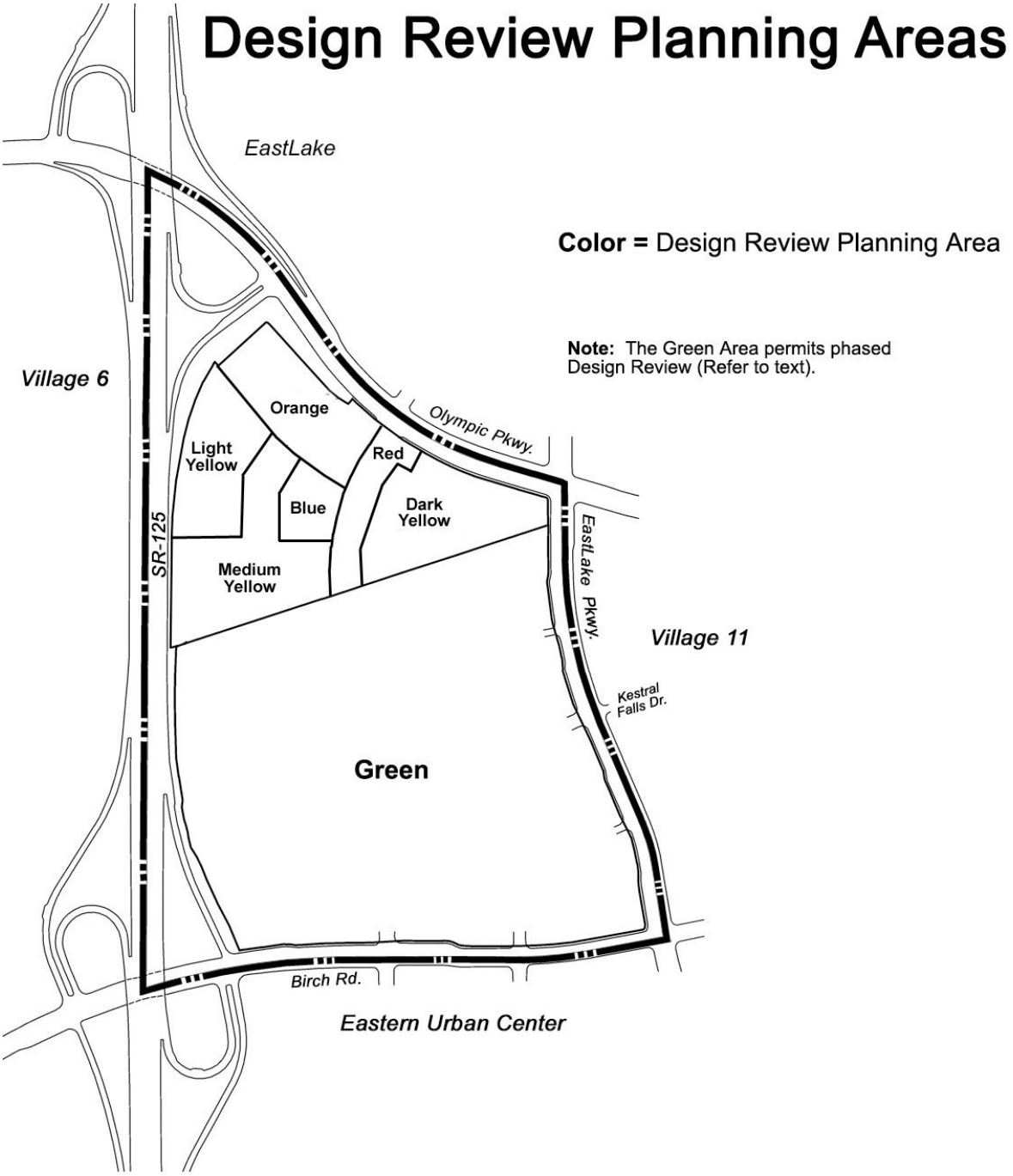
The area on Exhibit PC-2 designated as the "Green" Planning Area is intended for a major regional retail facility, which will have Design Review performed in phases as follows:

1. Initial Master Plan Level: This will be subject to Design Review of the regional retail facility on an overall basis, including the site plan and arrangement of buildings and parking areas. At this level an overall signing program, landscape design, and architectural standards shall be established. The Planning Commission shall review and approve the project at this level.

2. Major Buildings Design Review. This will include the Design Review of any single building (user) in excess of 20,000 square feet. The Planning Commission shall review and approve all major buildings at this level.

3. Design Review for individual free-standing buildings (<20,000 square feet), The Zoning Administrator shall review and approve the Administrative Design Review at this level.

4. Individual tenant store fronts, specific signs requiring a sign permit, orother similar improvements shall be reviewed and approved by the Zoning Administrator during the building permit process.



Freeway Commercial

CITY OF CHULA VISTA

OTAY RANCH

Cinti Land Planning
San Diego, CA (619) 223-7408
0 200 400 600
9/13/16

EXHIBIT PC-2

F. PARKING AND LOADING FACILITIES

These regulations are for the purpose of providing convenient on- and 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. All parking lots shall be subject to the requirements of the City of Chula Vista Storm Water Manual, dated January 2011.

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

1. Size and 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:

- Uncovered: 9 feet by 19 feet each space
- Covered in a garage: 9 feet by 19 feet for single-car garage
  18 feet by 20 feet for side-by-side two-car garage 10 feet by 39 feet for tandem two-car garage

Size and configuration of automobile parking spaces shall, as a minimum, comply with the City of Chula Vista's adopted parking table (PL-30) which establishes stall sizes relative to parking angle and aisle width.

2) Motorcycle Space: 4 feet by 8 feet each space

3) Bicycle Space: 2 feet by 6 feet each space or as provided in a manufactured storage rack/device

4) Motorized Cart Space: 4 feet by 6 feet each space; may also use automobile spaces

- Automobile, handicapped, motorized cart, 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, except as may be deemed preferable to satisfy NPDES requirements.

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.

6) Striping and Identification

a) Automobile: All parking stalls shall be clearlyoutlined with 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 parking facilities shall be clearlyvisible.

7) Storm Water Management: Parking lots of 5,000 square feet or more or containing 15 or more parking spaces, and potentially exposed to urban runoff, shall comply with the City of Chula Vista Urban Storm Water Mitigation Plans (SUSMPs).

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 for parking areas 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 Director of Engineering.

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) All shopping cart storage areas shall be screened from public view from the parking lot areas and public streets.

2. Number of Spaces Required for Designated Land Use

a. The number of parking spaces required shall be as set forth in the table below.

TABLE C
PARKING REQUIREMENTS

LAND USE	MINIMUM OFF-STREET PARKING REQUIRED
Commercial (FC-1 and Hotel)	
Administrative & professional services offices	1 space/300 square feet of gross floor area; minimum 4 spaces
Appliance, furniture, home furnishings store	1 space/600 square feet of gross floor area
Auto or truck sales	1 space/10 car storage/display spaces
Bowling alley or billiard hall	5 spaces/alley plus 2 for each billiard table plus required parking of any other uses on the site
Eating & drinking establishment (non-fast food)	1 space/each 2½ seats or 1 space/50 square feet of seating area where there are no fixed seats
Fast food restaurant w/ drive-in or drive through	1 space/each 7 seats plus 1 space per employee, minimum 15 spaces and on-site queue line for at least 8 vehicles when drive through is included
Gasoline dispensing and/or automotive services stations	2 spaces plus 4 for each service bay
Hotel or motel	1 space per room
Medical, dental or veterinary office or clinic	1 space/200 square feet of gross floor area; minimum 5 spaces
Theater, movie	1 space/3½ seats
Shopping Center and General Commercial, not otherwise listed	1 space/200 square feet of gross floor area (5:1000 sf) Max. 10% of sq. ft. may be restaurants on this basis.
Major Regional Retail Facility (>500,000 square feet)	4.5 spaces per 1,000 square feet as an overall blended total for all uses (including shared park & ride spaces).
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 to safety load and unload children. The adequacy of proposed drop-off facilities shall be determined by the Zoning Administrator.
College or vocational school	1 space/2 faculty member or employee plus 1 space/3 students
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, civic uses	To be determined by the Zoning Administrator

TABLE C- CONTINUED

LAND USE	MINIMUM OFF-STREET PARKING REQUIRED*
West Residential	
RM	2 assigned covered spaces/unit plus minimum 0.33 guest spaces/unit. Tandem garage spaces are permitted. A two-car tandem garage will count as 1.75 parking spaces. The remaining 0.25 spaces will be provided as common unassigned parking.
Senior, Congregate Care, or Affordable Housing	To be determined by Design Review. Tandem spaces are permitted. Parking requirements may be reduced for developments restricted to Affordable and Senior Citizens at the discretion of the Planning Commission through a Conditional Use Permit procedure.
Mixed-Use**	
R/MU	Studio units: 1.0 spaces/unit 1-bedroom units: 1.5 spaces/unit 2-bedroom units: 2.0 spaces/unit 3-bedroom units: 2.25 spaces/unit Guest parking ratio of 0.33 is included in above ratios.
C/MU	4 spaces per 1,000 sq. ft.

* Parking on Town Center Drive shall not be used to satisfy residential parking requirements.

**Parking on Town Center Drive may be used to satisfy the Commercial component of Mixed-Use parking requirements.

b. Handicapped Parking Requirements

a. Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designated for occupancy by handicapped persons.
b. Handicapped parking spaces for all uses, other than residential, shall be provided at the following rate:

TABLE D
REQUIRED HANDICAPPED PARKING

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

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

c. Bicycle Parking Requirements

Commercial uses are required to install bicycle parking facilities providing a minimum of four bicycle parking spaces per tenant/user greater than 25,000 square feet. Bicycle parking facilities shall be stationary storage racks or devices designed to secure the frame and wheel of the bicycle. Bicycle parking facilities shall be distributed throughout the commercial center and located in close proximity to the entrance of each commercial use requiring provision of the facility.

Commercial uses in FC-2 that are specifically related to bicycle sales and repair should consider providing changing rooms and showers.

d. Motorcycle Parking Requirements

Motorcycle parking areas shall be provided for all uses at the following rate:

- Uses with 25 to 100 automobile parking spaces shall provide one designated area for use by motorcycles (minimum two spaces).

- Uses with more than 100 automobile parking spaces shall provide motorcycle parking areas at the rate of one motorcycle parking area (minimum two spaces) for every 100 automobile parking spaces provided.

e. Fuel Efficient Vehicle Parking Requirements

Parking spaces for electric vehicles, if provided, shall satisfy the amount of conventional parking space requirements. The project shall meet all City of Chula Vista requirements for electric vehicle parking.

f. On Street Parking

On-street parking may be permitted on the internal streets and drives, subject to approval by the City Engineer. Any approved on-street parking may be applied to meet the parking requirements for adjacent uses. The assignment of specific spaces to individual buildings/uses shall be made in the Design Review approval, or as specified on an approved the Master Precise Plan.

On-street parking restrictions, enforcement, and provisions for dual-use spaces shall be under the control of the home or business owners association for the mixed-use area in MU.

3. Loading Facilities

a. Adequate loading area shall be provided for each building and/or user such that loading operations do not interfere with public access and circulation. If feasible, separate access and circulation routes shall be provided for loading and service areas.

b. Loading and service areas shall be located to the rear of buildings to minimize visibility from right-of-ways, circulation conflicts and adverse noise impacts, unless specifically approved in Design Review. Any loading and/or service area which would be visible from Olympic Parkway, EastLake Parkway or Birch Road shallbe adequately screened to maintain the streetscape appearance.

c. Loading facilities shall be adequately screened from adjacent land uses along the boundary of FC-1 and FC-2 by walls and covered trellises.

d. Loading/unloading facilities shall implement Best Management Practices (BMPs) to prevent pollution of the storm drainage systems. Storm drain inlets shall not be located near the loading/unloading areas.

4. General Provisions

a. 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 Commercial Promenade Street may be used, to the extent available, and subject to sight distance criteria per City standards, to provide required on-site parking or loading/unloading facilities so long as at least one stall is provided on site.

d. 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. Temporary uses for which a temporary use permit has been secured may utilize parking areas as allowed by the temporary use permit.

e. Where the application of these schedules results in a fractional parking space, the fraction shall be rounded to the higher whole number.

f. The parking requirement for uses not specifically listed in the matrix shall be determined by the approval body for the proposed use on the basis of requirements for similaruses, and on any traffic engineering and planning data that is appropriate to the establishment of a minimum requirement.

g. 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.

h. Parking areas shall be separated from buildings by landscaping, bollards, and/or a raised concrete walkway. Parking lots shall be designed so that pedestrians will generally walk parallel to the flow of vehicles when approaching the adjacent building.

i. 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 V.B Temporary Uses.

j. A maximum of five drive-through facilities for fast food restaurants are permitted within the Freeway Commercial SPA.

5. Parking Screening Requirements

Off-street parking areas for more than five vehicles, adjacent to a public street, shall be effectively screened by a ten-foot wide landscaped strip. 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.

6. Parking Area Landscaping

a. Parking areas shall be landscaped in accordance with the City's Landscape Manual and Freeway Commercial SPA Design Plan (Section II.A.4).

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 Freeway Commercial SPA Design Plan (Section II.C.6) for additional guidelines relating to parking lot landscaping.

c. All landscaped parking lot islands shall have a minimum inside dimension (landscaped area) 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, six inch wide concrete curbing.

d. All landscaped areas shall be irrigated automatically with reclaimed water and kept in a healthy and thriving condition free from weeds, debris and trash.

7. Parking Area Lighting

All parking facilities shall have lighting in accordance with City of Chula Vista standards. The lighting shall be designed and installed with cut-offs to confine direct rays to the site. Parking lot light standards shall be a maximum height of 35 feet from the finished grade of the parking surface in the major parking fields and directed away from the property lines. Light standards in pedestrian oriented areas shall not exceed 12 feet in height.

G. OUTDOOR STORAGE AND SALES AREAS

Except where otherwise approved on a site plan, outdoor storage 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.

Permanent outdoor sales areas shall be screened to improve site aesthetics when viewed from a distance, but the screening materials need not be solid or opaque. Filtered, close-range views of the materials for sale are allowed. Screening materials and design shall be consistent and integrated with the design and materials of the adjacent commercial building.

H. TRASH STORAGE AND RECYCLING FACILITIES

A. Commercial**:**

1. All developments shall provide areas for trash storage. 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. Recycling facilities, including compactors and similar equipment, shall be located adjacent to trash storage areas and similarly screened from view. Recycling facilities shall be designed to meet best management practices and current available technologies.

2. 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 commercial or other uses as determined by the actual use.

3. Trash areas shall be kept neat and clean. Storage enclosures or containers for recyclables shall be designed to protect stored materials from the elements or spilling.

4. The location of any trash area(s) shall be approved on the Design Review site plan and not block circulation during loading operations.

5. The trash and recycling facilities enclosure shall be permanently maintained.

6. Trash storage areas and recycling facilities shall be located away from storm drain inlets and be covered, bermed or otherwise protected to prevent rainwater from reaching stored materials and/or the flow of polluted water from such materials onto paved areas and into storm drains.

B. Residential

Residential projects will comply with the Recycling and Solid Waste Standards for central collection bin services or accommodate the storage and curbside pickup of

individual trash, and recycling containers (2 total), as approved for a small-quantity generator, to the satisfaction of the Director of Public Works and the Waste Management Manager.

I. WALL REQUIREMENTS

There shall be no zoning wall requirement for development within the Freeway Commercial SPA. Any walls deemed necessary shall be approved as part of the Master Precise Plan and shown on the Design Review submittal.

J. LANDSCAPING

Required landscaping shall be identified on the approved site plan. 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.

K. PERFORMANCE STANDARDS

1. The noise level emanating from any commercial use or operation shall not exceed the standards established in the Chula Vista Municipal Code.
2. All ground mounted mechanical equipment, including heating and air conditioning units, backflow prevention devices, and trash receptacle areas, 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 Director of Planning as part of the Design Review process.
3. 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, internal circulation routes and adjacent public streets.
4. Reciprocal ingress and egress, circulation and parking arrangement shall be required to facilitate the ease of vehicular movement between adjoining properties. Provisions shall be integrated into the circulation design to permit the Freeway Commercial district to function as an integrated commercial center.
5. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties. Safety and security lighting may be placed a maximum of 35 feet above grade. Illuminators should be integrated within the architecture of the building. Lighting plans shall be submitted and approved as a part of the Design Review process.

6. 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. 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.
7. 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.
8. No use shall be permitted which creates an offensive odor, in such quantities as to be readily detectable beyond the boundaries of the lot on which it was created, except the normal odors coming from restaurants and cooking establishments.
9. 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
    - Windows placement
    - Shading for windows
    - Deciduous shade trees on southerly or westerly orientations
    - Dual glazing and improved insulation
    - Energy efficient lighting
    - Recycling

10. Automobile service, washing and rental facilities shall have designated areas for washing and detailing vehicles which are equipped with water recycling units, shall drain to the sanitary sewer system, or use other measures deemed appropriate by the Zoning Administrator.
11. All food preparation facilities shall have grease traps on their sanitary sewer connections and have designated areas for washing floor mats, or mops which drain to the sanitary sewer system.
12. Nurseries and garden supply stores/areas shall implement BMPs to prevent flow or polluted rainwater or irrigation water into the storm drainage system. Typical pollution from such areas includes sediments, fertilizers, pesticides and herbicides.
13. Arcade and Electronic games facilities shall be designed and operated in a manner that discourages illegal activities and truancy.

L. PARK AND RIDE FACILITIES:

The required 200 Park and Ride spaces within the Major Regional Retail Facility may use shared parking standards, without an increase in parking spaces otherwise required, providing the parking area is identified by signing as available for Park & Ride use from the hours of 6:00 AM to 6:00 PM and available for general use after 6:00 PM.

IV. Special Uses and Conditions

A. 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 and 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.

B. TEMPORARY USES AND SPECIAL EVENTS

1. 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.

2. Temporary Uses Listed

a. 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 a Conditional Use Permit.

b. 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.

c. 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.

d. Contractors' offices and storage yards on the site of an active construction project.

e. Mobile home residences for security purposes on the site of an active construction project.

f. 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 Section 19.58.345

CVMC.

g. Temporary tract signs for marketing purposes.

h. Additional uses determined to be similar to the foregoing in the manner prescribed

by these regulations.

3. 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.

4. 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.

5. 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.

6. 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.

C. 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:

2. 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.

3. Setbacks for the court shall be: Side yard: 10 feet; Rear yard: 10 feet

4. 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:

   a) 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.

   b) 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.

   c) Be used between 7:00 a.m. and 10:00 p.m.

5. The surface area of any recreational court shall be designed, painted, colored and/or textured to reduce the reflection from any light incident thereon.

6. Landscaping shall be installed as required between the fence and the property line.

V. Legislative Procedures

A. PURPOSE

Zoning is a legislative act involving police power asserted in the interests of the public health, safety and general welfare. These Planned Community District Regulations are adopted to provide zoning for the Freeway Commercial SPA of the Otay Ranch Planned Community.

B. 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 Freeway Commercial Sectional Planning Area (SPA) Plan. The SPA 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 Freeway Commercial SPA Planned Community District.

These PC District Regulations, along with the Freeway Commercial SPA Plan, delineate precisely the allowable use of the property.

C. 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.

VI. Administrative Procedures, Conditional Uses and Variances

A. PURPOSE AND INTENT

The purpose of this chapter is to define certain administrative procedures and requirements to provide clear instructions and notice to property owners and developers within Freeway Commercial 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.

The administration of the Freeway Commercial SPA Plan shall be as provided for in Chapter 19.48 of the CVMC, except that the Zoning Administrator may accept less detail or require additional detail to suit the development concepts included in the SPA plan.

For matters relevant to the proper development and use of property within Freeway Commercial SPA 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.

B. 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:

1. Conditional Use Permit

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

a. Where the use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof.

b. For signs, as defined herein, and temporary tract houses, as limited herein.

c. 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 (Chapter 19.14 Administrative Procedures, Conditional Uses and Variances: sections .060 = Conditional Use Permit - Defined-Purpose and Intent, 090 = Conditional Use Permit - Public Hearing Procedure - Finding of Facts and .080 = Conditional Use Permit - Prerequisites For Granting) of the CVMC upon giving notice thereof in accordance with Sections 19.12.070-19.12.080 of the CVMC (Chapter 19.12 Legislative Zoning Procedures: Sections .070 = Hearings - Notices Required - Methods And Additional Contents Of Notice, And .080 = Hearings - Notice Required – Contents) 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 (Administrative Procedures, Conditional Uses and Variances: Conditional Use Permit - Prerequisites for Grading) 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; and, 4) the impact of the proposed facility on traffic volume and traffic flow. The Police Department or other appropriate Citydepartments 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.

d. 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 (Administrative Procedures, Conditional Uses and Variances: Conditional Use Permit - Public Hearing Procedure - Finding of Facts). The decision of the Zoning Administrator may be appealed.

e. Such appeal must be filed within 10 business days after the decision, as provided in Section 19.14.100 of the CVMC.

2. Variances

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

a. Modification of distance or area regulations.

b. 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.

c. 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.

3. 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.

4. Performance Standard Procedure

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

5. 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 (Administrative Procedures,

Conditional Uses and Variances: Home Occupations Permit Required when – Restrictions and Requirements).

6. Design Review

The Zoning Administrator (ZA) has the discretion, with the concurrence of the applicant, to act in the place of the Planning Commission (PC), including new construction or additions to signs, commercial, industrial, or institutional projects which constitute less than a 50% increase with a total floor area of 20,000 square feet or less, any multi-family residential projects. A decision of the Zoning Administrator may be appealed to the Planning Commission as set forth in Section 19.14.588 (Design Review – Appeal Procedure) of the CVMC.

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 service, 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 e 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:

a. It is not a purpose of this section to control design character so rigidly 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 Freeway Commercial SPA plan and associated regulatory documents.

b. The siting of any structure on the property, as compared to the siting of other structures in the immediate neighborhood, shall be considered.

c. 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.

d. Landscaping as provided in accordance with the Freeway Commercial 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.

e. Ingress, egress and internal traffic circulation shall be so designed as to promote convenience and safety.

7. Substantial Conformance:

The Zoning Administrator may determine if 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 and providing the statistical variation is less than ten percent.

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 SPA Plan, the purpose and intent of these Planned Community District Regulations, and the 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.

8. Modification to Existing Approvals (Substantial Conformance Review)

The Zoning Administrator shall have the authority to approve modifications to previously approved Design Review applications if one or more of the changes listed below are proposed:

(1) An increase in density, provided the resulting density does not exceed the maximum allowed by the land use district;
(2) A change in setbacks or lot coverage;
(3) A change in building height;
(4) A change in the type and/or location of access-ways, drives or parking areas;
(5) A reduction of the area reserved for common open space; or
(6) Change to a condition of approval.

Modification Approval Criteria. The Zoning Administrator approves, denies, or approves with conditions an application for modification based on written findings that the modification is in compliance with all applicable standards of the SPA Plan and Master Precise Plan in effect at the time of the current land use submittal; or is in substantial conformance with the adopted SPA document if the variation from the applicable standard is less than ten percent; and continues to comply with the conditions of approval in the original decision.

The scope of review is limited to the modification request and does not open the entire site up for additional review.

With regards 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 persons as defined in the Chula Vista Municipal Code. In the event objections or protests are received, the Zoning Administrator shall set the matter for public hearing as provided herein.

C. PLANNING COMMISSION

The Planning Commission shall review applications or conditional use permits and shall approve, conditionally approve or deny such plans. In cases which the application meets the criteria of Section
VI.B.1 above, the application shall be directed to the Zoning Administrator.

The Planning Commission shall review all appeals filed to contest sign design rulings of the Zoning Administrator.

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

D. PLANNING COMMISSION - APPEALS PROCEDURE

Decision of the Planning Commission may be appealed to the City Council within 10 business days after the decision is filed with the City Clerk. Further procedures regarding appeals shall following the provisions within CVMC Section 19.14.588. Additionally, the resolution must contain a Finding of Facts showing wherein the project meets or fails to meet the requirements of this Chapter and the provisions of the Otay Ranch General Development Plan, Sectional Planning Area Plan, Planned Community District Regulations, Design Plan and other associated regulatory

documents.

E. SITE PLAN AND ARCHITECTURAL APPROVAL

The purpose of site plan and architectural approval is only to determine compliance with the Freeway Commercial Sectional Planning Area Plan, Planned Community District Regulations, 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 plans.

Additional plans or information may be necessary to enable the Zoning Administrator to make the determinations for these applications.

8. Legal description, legend, scale, north arrow, vicinity map and identification of designer.

9. The boundary lines of subject property fully dimensioned together with the name and dimensions of adjoining streets.

10. Existing topography and proposed grading plan showing, slope, retaining walls, pad elevations and percent of slope on streets, driveways and other graded areas.

11. Existing and proposed streets, utilities and easements.

12. Access: Pedestrian, vehicular and service points of ingress and egress, with driveway locations and dimensions.

13. Loading and trash areas, walls and/or fences (including height).

14. 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.

15. Parking layout, including dimensions, number of stalls and circulation flow.

16. Location, height and size of signs proposed on the property.

17. 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.

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

19. Location and design of recreational areas.

20. The Zoning Administrator shall determine from data submitted whether the proposed use will meet the development standards and design guidelines established in the Freeway Commercial Planned Community District Regulations and 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:

a. It is not a purpose of this section to control design character so rigidly 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 Freeway Commercial SPA plan and associated regulatory documents.

b. The siting of any structure on the property, as compared to the siting of other structures in the immediate neighborhood, shall be considered.

c. 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.

d. Landscaping is provided in accordance with the Freeway Commercial 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.

e. Ingress, egress and internal traffic circulation shall be so designed as to promote convenience and safety.

F. SITE PLAN AND ARCHITECTURAL - APPEALS

Appeals from determinations by the Zoning Administrator shall be to the Planning Commission, upon written request for a hearing before the Commission. Further procedures regarding appeals shall following the provisions of CVMC Section 19.14.588. 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

Freeway Commercial 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.

G. 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 exist:

21. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the neighborhood or the community.

22. 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.

23. That the proposed use will comply with the regulations and conditions specified in this code for such use.

24. 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 facts relied upon in rendering said decision and attaching such conditions and safeguards as deemed necessary and desirable not more than 10 business 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 Development Services Director 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.

H. CONDITIONAL USE PERMIT - APPEALS

The applicant or other interested party may appeal the decision of the Zoning Administrator to the Planning Commission within 10 business days after said decision is filed with the City Clerk. Further procedures regarding appeals shall following the provisions of CVMC Section

19.14.588.

I. VARIANCE

The granting of a Variance is an administrative act to allow a variation from the strict application of the adopted Freeway Commercial 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 Administrator shall grant a Variance only when the following facts are found:

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.

25. 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.

26. 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.

27. That the authorizing of such Variance will not adversely affect the general plan of the City or the adopted plan of any governmental agency.

J. VARIANCE - APPEALS

The applicant or other interested persons may appeal the decision of the Zoning Administrator to the Planning Commission within 10 business days after the decision is filed with the City Clerk. Further procedures regarding appeals shall following the provisions of CVMC Section 19.14.240.

Any Conditional Use Permit or Zone Variance granted by the City as herein provided shall be 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.

VII. Exceptions and Modifications

A. HEIGHT LIMITATION EXCEPTIONS

Height limitations stipulated in these regulations shall not apply to the following unless specifically stated:

1. Spires, belfries, cupolas and domes, monuments, flagpoles, masts and aerials, or to parapet walls extending not more than four feet above the limiting height of the building;

2. Places of public assembly in permitted public and semi-public buildings, provided that these uses are located on the ground floor of such buildings, and provided further, that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district;

3. Bulkheads, elevator and stair penthouses, provided no lineal dimension of any such structure exceeds fifty percent of the corresponding street lot line frontage; or towers and monuments; 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 anylot line which is not a street lot line.

B. PROJECTIONS INTO REQUIRED YARD PERMITTED

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

4. 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;

5. Fire escapes may project a distance not exceeding four feet, six inches;

6. 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;

7. 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.

VIII. ENFORCEMENT

A. ENFORCEMENT BY CITY OFFICIALS

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

B. 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 these regulations shall be declared to be unlawful and a public nuisance *per se* and subject to abatement in accordance with local ordinance.

C. REMEDIES

All remedies concerning these regulations 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.

D. PENALTIES

Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of these regulations 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.