Chapter 01 Introduction

01.01.000 Purpose & Scope

Zoning is a legislative act involving police power asserted in the interests of the public health, safety and general welfare. The zoning process includes the creation and modification of the comprehensive zoning law which establishes designated zones with permitted uses and regulations, as well as the comprehensive and uniform application of said zoning regulations by the classification and reclassification of property into designated zones. These Planned Community District Regulations are adopted to provide zoning for the Eastern Urban Center (*EUC*) SPA of the Otay Ranch Planned Community.

The Otay Ranch Eastern Urban Center SPA Planned Community District Regulations and Design Plan have two intended purposes, to establish a design character and the conventional regulatory purpose.

01.01.001 Design Character Purpose:

a. To create an urban place in a suburban environment.

b. To give the public realm, particularly from the pedestrian's perspective, the highest degree of importance.

c. To create an urban place that is unique and becomes an attraction to the surrounding suburban villages.

d. To create a visual environment that has an urban character.

e. To activate the street scene with uses, design elements, and programed activities, that invite pedestrian use and personal interaction among residents and visitors.

f. To create a place where dining, entertainment, and recreational activities are not limited to daylight hours.

g. To complement the City's central core in western Chula Vista.

h. To give precedence to pedestrian requirements over vehicular demands.

i. To create a necessary degree of flexibility that will allow the project to evolve and be responsive to economic and cultural changes over time.

j. Establish conditions which will enable the Eastern Urban Center SPA to develop and exist in harmony within the larger community.

01.01.002 Regulatory Purpose:

a. To develop standards that are conductive to creating an urban character.

b. To promote and protect the public health, safety and welfare of the people of the City of Chula Vista.

c. To safeguard and enhance the appearance and quality of development in the Eastern Urban Center Sectional Planning Area (SPA) of the Otay Ranch General Development Plan (GDP) area.

d. To provide the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.

e. Ensure that the SPA Plan is prepared and implemented in accordance with the provisions of the Otay Ranch GDP.

f. Implement the Chula Vista General Plan for the eastern planning area.

g. Promote the orderly planning, design and long term phased development of the Eastern Urban Center portion of the Otay Ranch GDP area.

01.02.000 Introduction & Overview

These Planned Community (PC) District Regulations for the Otay Ranch Eastern Urban Center serve the same purpose, establishing regulations for land use and development, as those adopted for other areas of Otay Ranch, as well as other planned communities in Chula Vista. Within other areas however, a separate design focused document, a design plan , has been adopted to guide community design decisions. In these Eastern Urban Center PC District Regulations, the design standards and use regulations have been combined to create a "form-based code" (FBC) which includes "design regulations" for specific locations as well as building and development regulations. Throughout these regulations, the label "land use" has been replaced by "building type" (*e.g*, 'land use' districts becomes 'building type' districts) reflecting the expanded scope of these regulations. The design and character of the building is more established by the type of building rather than the list of uses that are permitted within it.

The fundamental regulatory design component is the public realm, which is the area experienced by residents and visitors as they move within the project area along any circulation route or public space. The streetscape is the primary determinant of the design character of the project and variations in streetscapes will help define various districts within the Eastern Urban Center. The streetscapes are not limited to the vehicular component, but are involved in the broader sense referring to the design of the street, sidewalks, landscape planting and character of the adjacent building façade or structure. When these design elements are combined with the more traditional use and development regulations, the regulatory scheme for the Eastern Urban Center is complete.

These regulations include an overall design concept which is described in Chapter 03. This overall perspective provides the context for the more detailed regulations which follow. The various types of design standards for streetscapes are detailed in Chapter 03, while building types and forms are addressed on a district basis herein, including character, form, setbacks, and building size. Other overall design elements are described in Chapter 03. The remainder of this document is devoted to process and administration issues which are necessary to implement the regulatory scheme.

01.03.000 Authority

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 Otay Ranch Eastern Urban Center (*EUC*) Sectional Planning Area (SPA) Plan. The Eastern Urban Center Sectional Planning Area is zoned P-C Planned Community pursuant to the adoption of the Otay Ranch GDP and

Chapter 19.48 CVMC. These regulations provide for the implementation of the GDP and P-C zone by setting forth the development and use standards for all property within Otay Ranch Eastern Urban Center SPA Planned Community District through the adoption of Planned Community (PC) District Regulations as provided in this Ordinance. These PC District Regulations, along with the Eastern Urban Center Sectional Planning Area Plan, delineate precisely the allowable use and development of the property.

01.04.000 Use of the Code

The Eastern Urban Center (*EUC*) *Form Based Code* (*FBC*) blends the regulations typically found in Planned Community District Regulation with the guidelines typically found in a village design plan. Because of this, the format and arrangement of regulations and guidelines is atypical. There are two quick reference features that provides most of the commonly sought after regulations.

The first of these are the specific regulations provided for each district in Chapter 02. The second are the regulations that apply to all areas in the *EUC*, which are contained in Chapter 03. Also, words which have been defined herein (Chapter 01.05) have been italicized.

In this *form based code (FBC)*, the activities within the building are less important than the form and relationships between buildings and public spaces. The regulations for each district include a character description for that district. The purpose of these regulations is to implement the proposed design concept for the *EUC*. Therefore, the fundamental question that should be asked to resolve any issue, not otherwise addressed in this code, shall be: Is the proposal consistent with, or enhances, the purpose and scope, above, and the character description included for each district in this chapter? If the answer is yes, then the proposal should be permitted and vice versa.

Regulating Plan

Street & Block Identification

"A" Street Reference Identification
27 Block Reference Identification
P2 Park Reference Identification

Eastern Urban Center
OTAY RANCH
CITY OF CHULA VISTA

Urban Design: RTKL
Cinti Land Planning
San Diego, CA (619) 223-7408
0 200 400 600

Exhibit I-1

01.05.000 Definitions

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

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 Eastern Urban Center 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 Eastern Urban Center SPA:

01.05.001 *Average Building Height* (stories): The *average building height* of a parcel shall be determined by dividing the total number of stories (existing and proposed) in a parcel, excluding minor accessory buildings, exceptions identified in Chapter 03, and free-standing parking structures, by the number of buildings in that height district.

01.05.002 *Build-to Line* - A *build-to line* is a line designating the location, as a setback line, of the front or side of a building along a street or sidewalk intended to place the structure in close proximity to pedestrian traffic.

01.05.003 *Building Type District* is the type of buildings within a district that reflects the dominant land use.

01.05.004 *Complete Development* - *Complete development* means actual construction of buildings at the highest intensity (greatest building height, maximum floor area, maximum number of dwelling units, *etc.*) allowed.

01.05.005 CVMC - Chula Vista Municipal Code in effect upon adoption of this ordinance.

01.05.006 *EUC* or *EUC SPA* - When consistent with context, *EUC* or *EUC SPA* means that area within the boundaries of the approved Eastern Urban Center Sectional Planning Area Plan.

01.05.007 *District* - Unless otherwise referenced to a regulation or exhibit, a district refers to the areas defined in the EUC SPA Site Utilization Plan as districts.

01.05.008 *Final Map*: Final Map means either a final subdivision map or a final parcel map prepared in accordance with the Subdivision Map Act and the Subdivision Ordinance. A Final Map may contain a combination of Master Subdivision Lots and Final Map Lots, which shall be clearly designated on the Final Map.

a. "A" Map or Master Subdivision Map - An "A" Map (also known as a Master Subdivision Map) means a Final Map which subdivides property into large "superblocks." The superblocks (also know as Master Subdivision Lots) are separate legal parcels under the Subdivision Map Act and the Subdivision Ordinance which can be separately sold, leased or financed.

b. "B" Map - A "B" Map is a Final Map which identifies the maximum number of residential units which may be developed on the Final Map Lots within the subdivided property.

c. Final Map Lot - A Final Map Lot is a lot or parcel shown either on: (1) a "B" Map, or (2) an "A" Map, if the "A" Map identifies the maximum number of residential units which may be developed on the Final Map Lot and appropriate sureties are provided for any required public improvements, as identified in the PFFP, for the Final Map Lot.

d. Master Subdivision Lot - A Master Subdivision Lot is a lot or parcel shown on an "A" Map.

01.05.009 First *Floor* or *Story* - First *floor* or *story* (street level) means the *floor* level of the building entered from the ground or street level either directly or via stairs, not more than six feet above adjacent pedestrian level grade.

01.05.0010 *Form Based Code* or *FBC* - The entirety of this document and all references.

01.05.0011 *Iconic* or *Landmark* Building - Is a building whose scale, form, materials, use or detailing, present a conspicuous structure that may be used to mark a locality, a boundary, an entry, or turning point.

01.05.012 Interim Use - Interim use is a land use established and maintained prior to *complete development* within a *land use districty*. Once an area has reached *complete development*, interim uses are not allowed.

01.05.013 *Land Use District/Land Use District Subarea* - *Land use districts* and *land use district subareas* are the areas so identified on the Land Use Districts Map (Exhibit PC-1 herein).

01.05.014 *Master Developer* - The *master developer* is the major private landowner, other controlling entity, or designee, of the property within the *EUC SPA* initiating the development process. Unless otherwise noticed, the *master developer* shall be the applicant for initial *EUC SPA* Plan approval or his designated successors in interest. The role assigned to the *master developer* shall transition to a private property owners association as provided for in recorded conditions covenants and restrictions for the *EUC*.

01.05.015 *Parcel* - A parcel as used herein is a block identified on Exhibit I-1, Street & Block Identification.

01.05.016 *Story* and Height - A *story* is a useable *floor* in a structure, above or below grade. The structure's height is measured above grade consistent with the CVMC, but the number of stories includes both above and below grade *floors*.

01.05.017 Subdivision Map Act - Subdivision Map Act means the California Subdivision Map Act (California Government Code § 66410, et seq.)

01.05.018 Subdivision Ordinance - Subdivision Ordinance means Title 18 (Subdivisions) of the Chula Vista Municipal Code.

01.05.019 Tentative Map - Tentative Map means either a tentative subdivision map or a tentative (also known as preliminary) parcel map prepared in accordance with the Subdivision Map Act and the Chula Vista Subdivision Ordinance.

01.05.020 Zoning Administrator (ZA) - The zoning administrator is that position defined in Chapter 19.14.020 CVMC.

01.06.000 Private Agreements

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

01.07.000 Conflicting Ordinances

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

01.08.000 Establishment of Regulatory Districts

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

EASTERN URBAN CENTER SPA BUILDING TYPE DISTRICTS DEFINITIONS

SYMBOL *(from Site Utilization Plan)*	DOMINANT BUILDING TYPE	DESCRIPTION
EUC-1	Business/Retail	Gateway Mixed Use Commercial District
EUC-2	Residential	Northeastern Neighborhood District
EUC-3	Residential	Eastern Gateway Neighborhood District
EUC-4	Business/Retail	Business District
EUC-5	Mixed Use/Civic	Mixed Use Civic/Office Core District
EUC-6	Mixed Use	Main Street District
EUC-7	Residential	Eastern Gateway District
EUC-8	Residential	Southwestern Neighborhood District
EUC-9	Residential	Central Southern Neighborhood District
EUC-10	Residential	Southeastern Neighborhood District

01.08.0001 Adoption of Regulatory Districts Maps

The Regulatory Districts Maps for the Otay Ranch Eastern Urban Center SPA are established in Chapter 02, District Regulations and Design Provisions, which includes, among other requirements, maps of each district as District Requirements. These maps, together with all notations, references, data, district boundaries and other information in Chapter 02, are made a part of these Eastern Urban Center SPA Planned Community District Regulations and adopted concurrently herewith.

01.08.0002 Amendments to the Regulatory Districts Maps

Changes to the boundary of the EUC, in accordance with Chapter 04, Administration of the Code, shall be made by Ordinance and shall be reflected on the Eastern Urban Center SPA and Regulatory Plans, as provided in the CVMC. Minor changes resulting on the basis of an approval of a tentative or *final map* may be made to the Regulatory Plans as an administrative matter. As provided for in Chapter 04, herein.

01.09.000 Clarification of Ambiguity

If ambiguity arises concerning the proper classification of a particular land use within the meaning and intent of this Ordinance, or if ambiguity exists with respect to height, setback requirements, area or design requirements or regulatory district boundaries as set forth herein, it shall be the duty of the Zoning Administrator to ascertain all pertinent facts concerning such ambiguity and make the determination of interpretation. This determination may be appealed to the Planning Commission; the Planning Commission decision can be appealed to the City Council. If the appeal is 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. References to the Chula Vista Municipal Code incorporate the Code provisions in effect on the date of project approval.

01.10.000 Effect of Regulations

The provisions of this Ordinance governing the use of land, buildings, structures, the size of setbacks abutting buildings and structures, the height and bulk of buildings, standards of performance, design requirements, and other provisions are hereby declared to be in effect upon all land included within the boundaries of each and every regulatory district established by this Ordinance.

01.11.000 Amendments

Any amendment made to the *EUC FBC* after initial adoption shall be described below:

Amendment Number	Date of Adoption	Ordinance Number	General Description
1	3/5/13	No. 3257	Amended to change the Eastern Gateway District from mixed use to residential and establish 3-story minimums fronting on "D" Street and in lots 4 and 27. Reduced the minimum height in lots 11 and 21 to 2-story, with 3-story minimum fronting "D" street, and adding specific locations for enhancements.