

ORDINANCE NO. 2168

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS
19.85.01, 19.86.04, 19.86.07, 19.87.04, 19.87.08, 19.88.04,
19.88.05, 19.88.06, 19.88.59, 19.89.06, 19.89.09, 19.90.01,
19.90.03, 19.92.02, 19.92.04, 19.92.05 OF THE MUNICIPAL
CODE AMENDING THE CHULA VISTA BAYFRONT SPECIFIC PLAN

The City Council of the City of Chula Vista does ordain as
follows:

SECTION I: That Sections 19.85.01, 19.86.04, 19.86.07, 19.87.04,
19.87.08, 19.88.04, 19.88.05, 19.88.06, 19.88.59, 19.89.06, 19.89.09, 19.90.01,
19,90.03, 19.92.02, 19.92.04, 19.92.05 of the Chula Vista Municipal Code be,
and the same are hereby amended to read as follows:

DEVELOPMENT

Section 19.85

The following provisions shall regulate the lot size, floor area, height, coverage, setback, and useable open space, density, intensity, and physical form of development within the Bayfront area.

Section 19.85.01 - Building Height

The maximum heights of buildings shall be controlled by Map 2, Building Height Controls, and shall be measured in stories or feet, whichever is less:

Two-story maximum - 22 feet.

Four-story maximum - 44 feet.

Five-story maximum - 55 feet.

Eight-story maximum - 88 feet.

Twelve-story conditional - a maximum of 132 feet, provided that the increase in height above 88 feet can be shown to produce a visually and environmentally superior solution for a visually prominent and resource-sensitive location, and which adheres to the following standards:

- a. Linear slab or cruciform design shall be avoided in favor of a stepped building form.
- b. The building shall enclose a south facing public outdoor space.

An architectural focal point such as a tower, dome, or other vertical form reaching a height of (up to) 70 feet shall be permitted in the office park north of Marina Parkway. This vertical element will be a visual landmark identifying the core area of the Midbayfront.

Section 19.85.02 - Residential Density

The minimum residential density shall be 15 dwelling units per acre, and the maximum residential density shall be 30 dwelling units per acre, provided, however, that such measurements shall be taken in the aggregate for larger parcels permitting the transfer of unused density on internal developed areas to other portions of the site.

Section 19.86.02 - Bus and Jitney Service

Bus service may be provided along Tidelands Avenue, E Street, F Street, and Bay Boulevard. Public or private jitney service should supplement this service. This service should connect to the Bay Front (E Street) Trolley Station and interconnect with the rest of the Chula Vista Transit Service.

Section 19.86.03 - Parking on Gunpowder Point

Up to 430 parking spaces may be directly located on Gunpowder Point, with 30 of these allocated to public or handicapped parking, to be consolidated into an area hidden from view by landscaped berms with 50% of the parking totally concealed. Restaurant, conference and employee parking shall be located in the Midbayfront, off Gunpowder Point.

Section 19.86.04 - On-Street Parking Prohibition

Streetside parking will not be permitted along any major roadways identified in the Circulation Plan, including Marina Parkway, Tidelands Avenue, D Street, E Street, F Street, Lagoon Drive or Bay Boulevard.

Section 19.86.05 - On-Site Parking

Parking included as part of a private development shall be located in areas away from the shoreline and public open space corridors and, where feasible, screened from view from major arterials by use of landscaped berms and tree planting. Where possible, large-scale parking shall be avoided in favor of smaller disaggregated parking areas separated by buildings or landscaping.

Section 19.86.06 - Landscaped Parking in the SDG&E Row

Where parking is incorporated into the SDG&E Row, the following bonus provisions shall apply: The parking areas shall be landscaped with a continuous perimeter planting of trees and ground covers. Tree planting will be tightly spaced to provide a dense canopy at eye level. Tree species will be limited to those that will not interfere with the overhead power lines and shall be trimmed as necessary to meet standards set by SDG&E.

Section 19.86.07 - Community Park Parking

Public parking areas shall be provided at each of the major community or neighborhood parks adjacent to a major roadway, as shown in the land use map. Parking areas will be incorporated into open space areas ~~in~~ close ~~proximity~~ to roadways and, where possible, shall be screened from view. One parking space shall be provided for each 10,000 square feet of accessible open space.

UTILITIES

Section 19.87

Section 19.87.01 - Stormwater Management and Drainage

Grading and drainage concepts shall be incorporated into street plans to utilize streets in the stormwater collection system. Building pad grades and generalized design grades for streets shall be designated to ensure protection from concurrent storm and high-tide events and to provide sufficient cover over underground utilities.

Section 19.87.02 - Geotechnical Constraints

A detailed evaluation of liquefaction shall be routinely made for any major engineering project. With the exception of Original Upland areas as shown in Map 5, geotechnical studies shall be provided prior to any development.

Geotechnical studies may be appropriate for certain upland areas and shall be required where valid data is not available.

Section 19.87.03 - Utility Service and Grading Objectives

Map 4, Utility System, shall control the location of sewer water systems. The following objectives shall guide the design and implementation of utility services and areawide grading:

1. Provide adequate sizing of utility lines to assure sufficient capacity for the most intensive users.
2. Minimize the import of soil to that necessary for the protection of developable areas from flooding during concurrent storms and high-tide conditions.
3. Protect existing natural resources from undue impact during construction phases.
4. Provide for an adequate on-site storm drainage system to preclude drainage directly into wetland habitat without adequate filtering of sediments or trapping of pollutants.
5. Provide appropriate slope gradients in critical locations to ensure proper drainage.

Section 19.87.04 - Water Service

The 12 14-inch waterline in G Street connecting the lines in Bay Boulevard and ~~Tide Lands~~ Avenue Marina Parkway is necessary to maintain a looped system during development of the Project. An easement for pipeline operation shall be maintained even though the area might be fenced for security reasons by Rohr Industries.

Section 19.87.08 - SDG&E Row

Due to roadway configuration for Bay Boulevard at the intersection with E Street, street widening will require abandoning the railroad right-of-way should occur on the west side of the SD&AE Railroad tracks within the 75-foot wide SDG&E right-of-way. Some relocation of the two separate 69-KV power lines presently running on either side of the railroad tracks may be necessary to accomplish the I-5 off-ramp at Bay Boulevard. If feasible, these lines should be consolidated and incorporated elsewhere in the utility right-of-way. Where the Tidelands Avenue extension is incorporated into the railroad levee at the Sweetwater Marsh crossing, the roadway bed will cross beneath the tower lattice power lines at either end, for which coordination with SDG&E is required.

minimized by limiting fill in the wetlands (less than 1/2 acre) to only that necessary for levee reinforcement or protection to adequately maintain the proposed roadway. The more critical pond side of the southern levee shall be screened with landscaping to reduce disturbance to marsh and water birds (Reference: Map 3, Section G). Pedestrian access shall be provided on the southern levee on the E Street Marsh side on the roadway. All access to the northern levee shall be prohibited except for emergency vehicles.

- (c) Proposed Restoration. Degraded or limited natural resources on Gunpowder Point shall be enhanced with a program of wetland and upland restoration. An interpretive center shall be developed for public use. ~~The center may be located in areas of dry ground with no use or carefully screened levee development as a photographic area. Alternative~~ The locations for the interpretive center ~~are~~ is shown ~~in~~ on Map 6. The existing Frankenia palmeri population shall be preserved. Adjacent lands shall be protected and the spread of the population encouraged. The berm around the lagoon in the southwest corner of Gunpowder Point shall be removed and it shall be restored to a healthy wetland. ~~This area may also be developed as a field of lot for the interpretive center.~~ Spoil from the wetland-upland mosaic in the northwestern corner shall be removed, and it shall be restored to wetland. The undeveloped portions of the upland shall be restored to a southern coastal scrub or other appropriate upland vegetation type(s). A restoration program shall include: (1) removal of existing structures, spoil, and other remnants of human use; (2) grading to level spoil and fill borrow pits; (3) an approved revegetation design to establish a native and naturalized landscape community; and (4) a soil erosion design to control erosion of scarified areas into adjacent wetlands during revegetation operations.

Section 19.88.05 - Subarea 3-Midbayfront

- (a) Proposed Wetland Buffer. The 100-foot-wide buffer to be acquired as part of the CalTrans/Corps of Engineers project mitigation requirements shall be configured to protect the existing marshes and pond. In addition, an adequate buffer to provide protection for wetland resources ~~100-foot buffer~~ shall be provided around the F-G Street Marsh as illustrated in Figure 11. ~~Adjacent to the existing industrial structure, the buffer will be as wide as space permits. All human and domestic pet access to Sweetwater Marsh, Vener Pond, the E Street Marsh, and the F-G Street Marsh shall be limited (Reference: Map 6, Sections J through N L). Pedestrian and bicycle access to the inboard 50 feet of the buffer shall be limited. Visual access from the buffer into the wetlands shall be provided at points along the length of the buffer, as shown in Map 7.~~ Adjacent to the existing industrial structure, the buffer will be as wide as space permits. All human and domestic pet access to Sweetwater Marsh, Vener Pond, the E Street Marsh, and the F-G Street Marsh shall be limited (Reference: Map 6, Sections J through N L). Pedestrian and bicycle access to the inboard 50 feet of the buffer shall be limited. Visual access from the buffer into the wetlands shall be provided at points along the length of the buffer, as shown in Map 7.
- (b) Proposed Wetland Restoration. Degraded areas of former wetlands shall be restored to high-quality salt marsh or mudflat in areas adjacent to Vener Pond, the E Street Marsh, and the F-G Street Marsh. Additionally, ~~seasonal freshwater supply will be increased and~~ urbanized runoff into the wetlands will be controlled. As compensation for filling of less than 1 acre of existing wetland elsewhere in the Bayfront in order to achieve the necessary circulation improvements, filled or degraded margins will be restored as high-quality wetlands.

At the low-lying agricultural field north of the F-G Street Marsh, a stormwater detention facility shall be constructed to accept urban runoff from the Midbayfront. This facility shall be utilized to store runoff during peak storm periods and as a sediment trap. This storm detention facility shall be connected to the new freshwater pond at the F-G Street Marsh to provide a seasonal water supply to the wetland. Both the detention basin and the newly created freshwater marsh will receive dampened tidal action during the dry weather season. Procedures for assuring water quality standards shall include the following:

1. Drainage shall be directed away from the faces of cut and fill slopes or any slope subject to erosion into approved drainage structures.
2. Where necessary riprap, check dams, etc., shall be employed to control erosion.
3. All steep slopes shall be planted to reduce erosion, with approved irrigation and maintenance.
4. The maintenance of planted slopes, erosion control facilities, etc., shall be the responsibility of the developer.

Section 19.88.06 - Subarea 4-Marsh Areas

- (a) Proposed Tidelands Avenue Extension. Tidelands Avenue shall cross the Sweetwater Marsh in conjunction with improvements to the existing railroad causeway. This will include fill on degraded portions of the Marsh located on the western boundary of the existing causeway, with the area to be filled less than 1 acre. The existing railroad viaducts spanning the water channels connecting the portions of the Sweetwater Marsh on both sides of the railroad shall be rebuilt to increase the length of the span and thereby to improve existing tidal flow to the eastern portion of the Marsh.
- (b) Proposed Restoration. ~~The~~ Tidelands Avenue extension shall be a part of a restoration program for the railroad levee crossing of Sweetwater Marsh. To accommodate the wider cross-section required for the roadway without adversely impacting the marsh, the amount of existing bridging will be increased, fill removed, and wetlands restored to compensate for the fill required for the remaining portions of the roadway. An equivalent area of approximately 1 acre of high-quality wetland will be created for the amount of poor-quality (between eight- and nine-foot elevation) salt flats covered in the road widening. Additional areas of high ground adjacent to the west side of the road will be lowered in elevation to establish an improved salt marsh in that area.

1. Criteria

Restoration (i.e., reestablishment) and enhancement (i.e., increase in density or diversity) of coastal habitats associated with the Chula Vista Bayfront Specific Plan involve the intentional planting of habitat-specific native plants in their appropriate ecological settings. Passive recovery is a minor aspect of the proposed restoration.

The objective of restoration and enhancement for the several areas involved in the Bayfront Specific Plan is to replace non-native vegetation with native plants or substrate associations, which are of greater use to a wider range of native, particularly coastal dependent, animals. As a result, a reduction of erosion and increased biological productivity will be achieved. Preliminary site- and species-specific aspects of the Bayfront habitat restoration and enhancement plan are discussed below.

2. Coastal Salt Marsh

The restoration of Coastal Salt Marsh habitats will involve (1) the restoration of tidal action to presently non-tidal areas; (2) the production of transplantable-sized plant propagules either by nursery growing or translocation; (3) planting the various plants at species-appropriate densities and elevations; (4) monitoring of the rate of success of re-seeding efforts, stolon advance or stem-rooting; and (5) replacement or investigation and remedial action to achieve recovery of problem sites.

The plants to be included in this restoration will be *Salicornia virginica*, *S. subterminalis*, *S. bigelovii*, *Spartina foliosa*, *Suaeda esteroa*, *Distichlis spicata*, *Monanthochloe littoralis*, *Triglochin maritima*, *Jaumea carnosa*, *Limonium californicum* and *Batis maritima*.

Coastal Salt Marsh restoration sites on the Bayfront are:

- a. the east side of Vener Pond (by the Corps of Engineers);
- b. the ~~south side~~ south and east portions of the "E" Street Marsh (by the Corps of Engineers);
- c. the west and east sides of the "F-G" Street Marsh (by the Bayfront Conservancy Trust/ State Coastal Conservancy);
- d. the 9.6-acre channel east of the least tern sanctuary on the "D" Street Fill (by CalTrans); and,
- e. levee removal as part of Tidelands Avenue extension (by CalTrans and the City of Chula Vista).

The excavated channel at the least tern island sanctuary shall conform to Section H, page III-30 of the certified Bayfront Land Use Plan and shall be designed to utilize tidal flushing to maintain channel depth, to minimize maintenance requirements, and to provide an adequate barrier against access to the island by humans, dogs, and cats.

3. Freshwater Marsh Habitat

The restoration of Freshwater Marsh is to be accomplished with freshwater runoff collected sites in the vicinity of the F & G Marsh and the area south and east of Marina Parkway.

The plants involved with creation of this habitat include *Scirpus acutus*, *S. olneyi*, *Juncus acutus*, *J. balticus*, *Typha domingensis*, *T. larifolia* and *Eleocharis marcostachya*.

Open water habitat is an important aspect of Freshwater Marsh development, especially if water fowl use is to be encouraged. Some excavating for open water deeper than 4 feet will be useful to avoid *Typha* inundation. Use of the siltation basin will require periodic maintenance of this habitat to remove accumulated sediments.

Freshwater Marsh restoration on the Bayfront will occur:

d/ ~~on the north side of "F" Street, including the siltation basin site by the Bayfront Conservancy Trust, and~~

a. The "remnant" marsh area north of Lagoon Drive will be replaced by + 3.2 acres of newly created freshwater marsh north and east of the F-G marsh. Approximately 1-1.5 acres of the "remnant" marsh area will be retained for use as a desiltation basin.

b. ~~on the south~~ north side of the "F-G" Street Marsh (by the Bayfront Conservancy Trust.)

4. Upland Habitat

(a) Maritime Sage Scrub: Gunpowder Point/Vener Farms:

The upland habitat is associated with Maritime Sage Scrub, a community including *Artemisia Californica*, *Eriogonum fasciculatum*, *Isocoma veneta*, *Encelia californica*, *Mimulus puniceus*, *Dudleya edulis*, *Frankenia palmeri* and *Lycium californicum*.

Restoration of this community will require removal of upland debris at various locations on Gunpowder Point and the mainland agricultural fields. Most of this debris is agriculture-associated and some re-contouring of the land will be required. Re-seeding, using hydro-mulches, is the most effective means of establishing the basic foundation plants.

Selected planting of liner- or container-grown plants will be the chief means of creating habitat diversity within the main vegetation foundation.

Timing of the planting is important to ensure that no long season irrigation is needed and that ambient rainfall is well utilized.

(b) Least Tern Nesting Island: "D" Street Fill:

On the proposed California least tern nesting island, the development of a vegetative cover is incompatible with the goal of tern nesting. Rather than covering by shrubs, the site will be contoured to assure a gentle runoff slope, with covering of the standard light colored sand and crushed shell mixture associated with tern nesting sites. No fences shall be constructed on the least tern island sanctuary, to minimize predation and all restoration or enhancement work shall be performed during months when the least terns are absent from the site.

5. Tidal Flow Augmentation

The natural flow of tidal waters into the F & G Marsh and Vener Pond has been retarded by the placement of road crossings.

(a) F & G Marsh-~~Tidelands Avenue~~ Marina Parkway crossing:

The realignment of ~~Tidelands Avenue~~ Marina Parkway in this area would allow excavation and replacement with a larger culvert or bridge structure. ~~that would permit greater flow of tidal water into and out of the marsh. Installation of a 34 foot diameter pipe is expected to retard flows by only one hour.~~ This structure would be expected to maintain the existing tidal regime as the F-G marsh currently receives full tidal action. Carefully placed protection of the pipe ends may be necessary to prevent erosion.

(b) Tidelands Avenue northerly extension over the (former) Sweetwater River channel:

The partial removal of existing railroad levees at this site, and their replacement as roadway foundation by pilings, may increase tidal flows. The Corps of Engineers has agreed to provide facilities to transfer adequate amounts of freshwater from the Sweetwater Flood Control Channel to the Sweetwater Marsh down the former Sweetwater River Channel.

(c) Gunpowder Point - South Causeway:

The small corrugated pipe culvert through the south dike that connects Vener Pond with Vener ("E" Street) Marsh shall be removed and replaced with a water control structure that will facilitate the management of water in Vener Pond.

Detailed engineering is being completed by the City of Chula Vista for this principal access to Gunpowder Point on the existing levee road. Less than one acre of fill is permitted for the roadway, but excavation below lower tidal limits may be required for placement of a property-sized water control structure to provide tidal flow into Vener Pond and assure salinity levels comparable to San Diego Bay waters provided such restoration is determined in consultation with the Department of Fish and Game to be the preferred alternative. All

setback of 100 feet from Sweetwater Marsh or Vener Pond. The Center shall be available for public use and shall include adequate space for exhibits and other wetlands interpretive materials, a meeting room that accommodates at least 75, office space for Bayfront Conservancy Trust staff, and appurtenant facilities such as restrooms, telephones, showers, etc.

- c. This subsection provides wildlife habitat restoration and enhancement standards and objectives for the 188-acre Sweetwater Marsh mitigation property (that is required to be dedicated to the Department of Fish and Game) in addition to the requirements of the Bayfront Land Use Plan and other applicable sections of the Bayfront Specific Plan.

The principal restoration and enhancement goals for the 188-acre Department of Fish and Game property shall be the maintenance and enhancement of wetland habitat. The Sweetwater Marsh complex shall be maintained, restored, and enhanced as a complex of marsh habitats that include freshwater, brackish, and saltwater marshes. Water control facilities necessary to achieve habitat protection, restoration, or enhancement and/or wetland maintenance and monitoring activities may be permitted consistent with the applicable sections of the Bayfront LCP.

Section 19.88.60 - Bayfront Conservancy Trust Maintenance and Monitoring Programs

The following additional maintenance and monitoring programs are included:

- 1. Maintenance (funded per Section "Revenue Sources" above).
 - a. Trails
 - (i) Erosion damage due to normal use
 - (ii) Weed removal
 - b. Sediment Removal
 - (i) Culvert blockage removal
 - (ii) Open channel constriction or blockage, especially at Least Tern sanctuary
 - (iii) Siltation basin clean-out
 - c. Interpretive/Public Access Signs
 - (i) Weathering
 - (ii) Vandalism

Section 19.89.06 - Formal Street Tree Planting

All areas designated Formal Street Tree Planting in Map 7 have been designated for the major circulation spines of the Bayfront. The planting should be in regularly spaced intervals using species with predictable form characteristics to achieve strong linear avenues that guide views and establish perspective.

<u>Characteristics</u>	<u>Representative Location</u>
. 40' to 60' height	. <u>TIDELANDS AVENUE/</u> Marina Parkway, Lagoon Drive
. Crown shaped form	E Street and D Street
. Evergreen	. Bay Boulevard and Marina Edge on D Street

Section 19.89.07 - Gateways

Special consideration shall be given at Gateways (see Map 7) to roadway design, including signing and lighting, landscaping, and siting and design of adjoining structures to allow for design treatment which conveys an entry character.

Section 19.89.08 - Architectural Edges

The development shall comply with the following conditions in the specified areas:

1. **Habitat Protection.** Structures shall be sited a sufficient distance from natural habitat areas to protect the natural setting and prevent interference with wildlife.
2. **Pedestrian and Bicycle Access.** Structures shall be sited at a sufficient distance from the water's edge or marsh edge to ensure unencumbered pedestrian and bicycle access.
3. **Privacy.** Structures shall be designed so that the uses which take place in a structure or private space adjoining the structure do not detract from, or prevent appropriate public use of, adjoining public open spaces. Reciprocally, the public areas shall be designed and their use regulated in a manner which does not diminish the intended use of adjoining developed lands.
4. **Firm Edges.** Firm Edges as shown in Map 7, are required where a strong visual form, generally linear, is necessary to provide either for a terminus of views, visual distinctions between areas, channeled or controlled views in certain directions, or a sense of entry or arrival. These edges should be formed by buildings, but also may be achieved by use of earth berms or mass plantings.

5. **Irregular Building Edges.** Irregular building edges are required where it is visually desirable to soften or de-emphasize the distinction between open space areas and adjoining development. This prevents harsh contrasts between different areas, allows visual penetration between areas, and variation in the spatial experiences and qualities in these areas.
6. **Building Base Screened by Earth Berm.** In areas so indicated on Map 7, an earth berm shall be built up so that the base of the building shall not be visible from beyond the berm.

Section 19.89.09 - View Points

Development of the Bayfront shall ensure provision of three types of views:

1. **Views from the Freeway and Major Entry.** Ensure a pleasant view onto the site and establish a visual relationship with the bay, marshes, and bay-related development.
2. **Views from Roadways Within the Site** (particularly from ~~Tide/And~~ Avenue Marina Parkway, to the marshlands, bay, parks and other bay-related development). Locations shall preserve a sense of proximity to the bay and marshlands.
3. **Views from the Perimeters of the Bayfront Outward.** Views which are primarily pedestrian-oriented, stationary and more sustained should be experienced from parts of the open space and pathway system and enable viewers to renew visual contact at close range with the bay and marshlands.

SUBAREA SITE SPECIFIC DEVELOPMENT AND DESIGN PROVISIONS

Section 19.90

Section 19.90.01 - Bayfront Gateway View Sequence Policy

The corridor view sequence policy shown in Map 8, Sequence of Views Along the Bayfront Gateway, shall be pursued by adhering to design requirements corresponding to the indicated number.

1. Street Entry. A dense canopy of trees shall be provided on both sides of E Street to obscure views of SDG&E power lines and focus views on the immediate landscape of the street. The street trees shall be closely spaced and in a regular rhythm to achieve this objective. Immediately west of the freeway, future buildings on the north side shall be sited and designed to reinforce the sense of entry created by the street trees and existing building mass. Map 9, Landscape Concept at E Street Gateway, conveys a conceptual plan.
2. Bay Boulevard Entry. A similar sense of entry should be created on the southbound freeway entrance to the Bayfront (Figure 14) (along Bay Boulevard). A canopy of trees shall be provided along both sides of Bay Boulevard to screen the power lines and transmission towers from view and direct motorists to the E Street intersection. The intersection should be enhanced with landscaping, signage, lighting, paving and other features which will identify it as a pedestrian and vehicular gateway to the bayfront. At E Street/View of Bayfront oriented movement shall be accentuated by widening the roadway along the west side and provision of an additional left turn lane. Map 9 depicts an illustrative design. (See Figure 14 for additional details.)
3. E Street/Bay Boulevard Intersection. Upon When approaching and crossing Bay Boulevard, the continuation of street trees and landscaping will create a view corridor to the project focal point at the intersection of Marina Parkway and Tidelands Avenue. An axial view corridor by the building mass of commercial structures in the Midway/View areas should be created. To permit this visual relationship a tower, dome or other vertical form reaching a height of 70 feet should be permitted in the commercial area of the View Avenue. Special attention will be required to ensure that substantial building setbacks include consideration for stepping building heights to retain proper scale with the landscaping and views to the Bay. In general, building setbacks from the public road shall be equal to or greater than the building height.
4. Marina Parkway/Tidelands Avenue Intersection. View Street/Tidelands Intersection. A view corridor by the building mass of commercial structures in the Midway/View areas should be created. To permit this visual relationship a tower, dome or other vertical form reaching a height of 70 feet should be permitted in the commercial area of the View Avenue. Special attention will be required to ensure that substantial building setbacks include consideration for stepping building heights to retain proper scale with the landscaping and views to the Bay. In general, building setbacks from the public road shall be equal to or greater than the building height.

2151

of arrival at the center of urban activity. Special attention should be given to plazas, planting and other landscape features to reinforce the area as a focal point. An architectural focal point such as a tower, dome or other vertical form reaching a height of 70 feet will be permitted in the office park north of Marina Parkway. The vertical element will be a visual landmark identifying the core area of urban activity.

5. Intersection of Marina Parkway and Gunpowder Point Drive. To the west of the Marina Parkway/Tidelands Avenue intersection, views will open up to the bay, park and wetlands. The residential area on the south and east side of Marina Parkway marks the urban edge of the bayfront and helps direct views towards the open spaces. Street trees and landscaping along the parkway will also direct and frame views.

Ø/ 6. Views to Vener Pond. The above views should be followed by panoramic views of Vener Pond, Gunpowder Point and San Diego Bay. Major massing of trees should be avoided along the shoreline to protect this view.

Ø/ 7. Views along Levee. From the roadway linking the Midbayfront and Gunpowder Point views should be focused on the hotel complex.

7/ 8. Hotel Complex Entry. Upon arrival on the island the view of the hotel complex should be temporarily interrupted by veering the roadway to the right as it passes through the earth berms surrounding the hotel grounds. This should then be followed by an abrupt shift in the roadway and a closeup view of the hotel entryway.

- i. Within the entry zones (approach, roadway and parking area) large scale trees, planted in an irregular, informal pattern shall visually define the approach to the hotel, screen view of the parking from the upper floors of the hotel, and in conjunction with ground covers and change in elevation, conceal parking from view of arriving and departing hotel guests. Additionally this landscaping will serve to further visually separate the hotel/conference complex from the adjoining upland.
- ii. If illumination is provided for outdoor recreational facilities, a combination of low mounted luminaires and intervening tree masses should be used to reduce night-time intrusion of light into the adjoining upland habitat.
- iii. A large-scale south-oriented outdoor area shall be provided for users of the hotel/conference complex. (Reference: Map 10.) Within this area a wide variety of landscape materials are permissible and a highly contrasting appearance with other open spaces on Gunpowder Point is desirable. An abrupt change in appearance with this ornamental landscape adjacent to the hotel shall be provided along the south facing shoreline by revegetation of a 100-foot strip with native vegetation.

6. **Public Access.** Public access shall be provided to Gunpowder Point via the pedestrian boardwalk incorporated into the south levee roadway. A series of publicly accessible outlooks shall be provided to allow visual access to the wetland habitat areas with minimal intrusion. Outlooks shall be designed similar to photographic blinds. Visitors shall be encouraged to park in the Midbayfront.

Section 19.90.03 - Subarea 4 - Midbayfront

Specific design and development guidelines for the Midbayfront reflect the following objectives: (1) provision of a pedestrian system integrating all the activities of the Midbayfront and linking the area with contiguous areas of the Bayfront and the proposed E Street trolley station; (2) provision of a system of open space which serves as a major recreational resource, a means of enhancing the visual appearance and image of the area and a method for integrating and unifying development throughout the area; and (3) establishment of visually and functionally satisfying relationships between buildings, open space and roadway and parking areas.

1. **Pedestrian Continuity.** Internal pedestrian circulation shall regularly connect with the main perimeter circulation along the wetland buffers. Architectural facades adjacent to the shoreline shall be broken frequently to allow for ground level circulation. A major pedestrian link shall be included in the public open space linking the shoreline with the interior storm detention facility. Provision shall be made for pedestrian continuity across or beneath ~~TideLands/Avenue~~ Marina Parkway.

"Coastal Development Permit" means a letter or certificate issued by the City in accordance with the provisions of this chapter, after the applicant has submitted all necessary supplementary documentation required to satisfy the conditions precedent in the notice to issue a coastal development permit.

"Conditional Use" means any use which requires a public hearing.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and help harvesting.

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

"Development Permit Procedures" means access, open space, and conservation requirements.

Wherever reservation of an interest in land for public access, open space, or conservation is required by the LCP, it shall be a condition of the coastal development permit.

"Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Legal Instruments Required. Prior to issuance of a coastal development permit where a public accessway, or open space or conservation restriction on land is required by this Local Coastal Program, each applicant shall record one of the following legal documents as specified in the conditions of approval:

(i) Irrevocable Offer of Dedication.

The applicant shall submit a preliminary title report and record an irrevocable offer to dedicate the access, open space, or conservation easement or to convey such interest in property in fee the accessway, as described in the permit conditions, free of prior liens or encumbrances, except for tax liens. This offer can be accepted within 21 years by a non-profit organization or governmental agency subject to approval by the executive director of the Coastal Commission. Until this offer is accepted or until the landowner allows, the public has no right to use the accessway, provided that the landowner shall not interfere with established existing public use.

(ii) Outright Grant of Fee Interest or Easement.

If the project is important in and of itself for public access, open space, or conservation needs, and the size and scope the proposed development is such that an out-right conveyance interest is appropriate, or there is an accepting agency approved by the Executive Director of the Coastal Commission available to accept the easement or fee interest, it can be required prior to issuance of the permit. Until such a grant is accepted or until the landowner allows, the public has no right to use the accessway, provided that the landowner shall not interfere with established existing public use.

Required Information. As a condition of the of a permit, title information and all necessary subordination agreements shall be required. Title insurance may also be required when extensive interests inland are being granted.

"Emergency Development" means work done to resolve problems resulting from a situation falling within the definition of "emergency."

"Local Coastal Program" means the City's land use plan, zoning ordinances, zoning maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

"Notice to Issue Coastal Development Permit" means a letter or certificate issued by the City in accordance with the provisions of this chapter, approving a development subject to fulfillment of conditions prior to issuance of a coastal development permit, but if such conditions are fulfilled, as being in conformance with and adequate to carry out the Local Coastal Program.

"Permitted Use" means any allowed by right which does not require a public hearing, but does require a discretionary or non-discretionary permit (e.g., building permit) to be issued by the approving authority.

"Other Permits and Approvals" means permits and approvals, other than a coastal development permit required to be issued by the approving authority before a development may proceed.

Section 19.92.03 - Applicability

Except as provided in Section 19.92.04 below, any applicant wishing to undertake a development in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this article, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the approving authority, provided that the minimum requirements as specified herein are assured.

Section 19.92.04 - Exemptions

The following shall be considered exemptions:

- a. Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified by the Coastal Commission in Subchapter 7, Title 14, California Administrative Code, and any amendments thereafter adopted.

- b. Activities of public utilities as specified in the Repair, Maintenance and Utility Hook-Up Exclusion adopted by the Coastal Commission on September 5, 1978.
- c. Occupancy permits.
- d. Improvements to single-family residences, except as otherwise specified by the Coastal Commission in Subchapter 6, Title 14, California Administrative Code, and any amendments thereafter adopted.
- e. Improvements to any structure other than a single-family residence or a public works facility, except as otherwise specified by the Coastal Commission in Subchapter 7.5, Title 14, California Administrative Code, and any amendments thereafter adopted.

~~Section 19.92.05~~ Notice of Exempt Development

Notice of Exempt Development shall be as follows:

A permit issued by the City for a development which is exempt from the coastal development permit requirements shall be exempt from the notice and hearing requirements of this article. The City shall maintain a record for all permits issued for exempt developments which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of any record of permits issued currently maintained by the City provided that such record includes the applicant's name, the location of the project, and a brief description of the project.

Section 19.92.05 - Emergency Development Permit

Application for and issuance of an Emergency Development Permit shall comply with requirements set forth in Article 2, Sections 13329, 13329.1, 13329.2, 13329.3, and 13329.4 of the California Administrative Code. An application and permit form prepared in compliance with said Article shall be adopted by the City of Chula Vista.

Section 19.92.06 - Notice of Appealable Developments

Within ten (10) calendar days of accepting an application for an appealable coastal development permit or at least seven (7) calendar days prior to the first public hearing on a development proposal, the City shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

- 1. a statement that the development is within the coastal zone;
- 2. the date of filing of the application and the name of the applicant;
- 3. the number assigned to the application;

4. a description of the development and its proposed location;
5. the date, time, and place at which the application will be heard by the local governing body or hearing officer;
6. a brief description of the general procedure of local government concerning the conduct of hearing and local actions; and
7. the system for local and Coastal Commission appeals, including any local fees required.

Costs of notice which are not reimbursed to local governments through grants or SB90 reimbursement pursuant to Public Resources Code Section 30353.

Section 19.92.07 - Public Hearing on Appealable Developments

At least one public hearing shall be held on application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the City of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 19.92.05. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

Section 19.92.08 - Notice of Local Government Action Where Hearing Continued

If a decision on a coastal development permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to Section 19.92.06 nor (b) announced at the hearing as being continued to a time certain, the City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits, as established in Section 19.92.07.

Section 19.92.09 - Notice of Non-Appealable Developments that Require a Public Hearing: Conditional Uses

Notice of such developments shall be given at least ten (10) calendar days before a hearing in the following manner:

1. Notice in the manner prescribed in Section 19.92.06 above; or
2. Notice as prescribed herein:
 - a. If the matter is heard by the planning commission, notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction;
 - b. Notice by first class mail to any person who has filed a written request therefor;
 - c. Notice by first class mail to property owners within 300 feet of the proposed project;

SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by

David Gustafson

FOR Paul G. Desrochers
Community Development Director

Thomas J. Harron

Thomas J. Harron
City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD September 18, 19 86, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD September 23, 19 86, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Cox, Moore, Campbell, McCandliss
NAYES: Councilmen : Malcolm
ABSTAIN: Councilmen : None
ABSENT: Councilmen : None

Gregory R. Cox
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2168, and that the same has not been amended or repealed.

DATED _____



CITY OF
CHULA VISTA

City Clerk

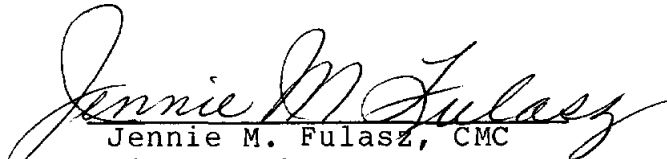
AN ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING SECTIONS 19.85.01, 19.86.04,
19.86.07, 19.87.04, 19.87.08, 19.88.04,
19.88.05, 19.88.06, 19.88.59, 19.89.06,
19.89.09, 19.90.01, 19.90.03, 19.92.02,
19.92.04, 19.92.05 OF THE MUNICIPAL CODE
AMENDING THE CHULA VISTA BAYFRONT SPECIFIC
PLAN

At the meeting of September 23, 1986, by a unanimous vote (Councilman Malcolm was absent) the City Council placed the ordinance on Second Reading and Adoption.

Generally, the Ordinance amends specific sections of the Chula Vista Municipal Code that include the text of the Chula Vista Bayfront Specific Plan. These amendments consist of provision of a focal point reaching a height of up to 70 feet in the office park area north of Marina Parkway; changing street names (Tidelands Avenue to Marina Parkway and "F" Street to Lagoon Drive); realignment of Marina Parkway; deletion of the reference to abandoning the railroad right-of-way west of Bay Boulevard; deletion of the reference to a year-round freshwater supply from the reverse osmosis plant at the foot of Lagoon Drive; revisions to the descriptions of views from specific intersections due to roadway realignments; provision of dampened tidal action to the newly created +/- 3.2 acre freshwater marsh south of Lagoon Drive and the 1-1.5 acre desiltation basin north of Lagoon Drive; and a provision for the processing emergency development permits.

Copies of the Ordinance are available at the Office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista 92010

DATED: October 1, 1986


Jennie M. Fulasz, CMC
City Clerk

0885C