

ORDINANCE NO. 3559

ORDINANCE OF THE CITY OF CHULA VISTA ADDING
CHULA VISTA MUNICIPAL CODE SECTION 19.58.460 TO
ADOPT OBJECTIVE DESIGN STANDARDS FOR MULTI-
FAMILY RESIDENTIAL AND MIXED-USE PROJECTS TO
COMPLY WITH STATE HOUSING LAWS

WHEREAS, Senate Bill 35 was signed into law by then-Governor Jerry Brown in September of 2017, requiring cities and counties to streamline review and approval of eligible affordable housing projects through a ministerial process and, may only apply objective standards to such projects; and

WHEREAS, subsequent housing streamlining bills signed by the Governor since 2017 have further highlighted the need for the City to maintain compliance with State Law by adopting objective design standards to ensure future residents benefit from a reasonable living environment and are protected from undue development impacts; and

WHEREAS, City staff presented the draft Chula Vista Municipal Code (“CVMC”) amendments regarding the objective design standards to the Development Oversight Committee on July 19, 2023, which recommended adoption; and

WHEREAS, the Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (“CEQA”) and has determined that the action qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates and modifications to the CVMC related to state law compliance regarding objective design standards for certain streamlined housing and mixed-use projects. The action of updating and modifying the CVMC with these changes will not result in a material intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 11, 2023, on the subject Ordinance and voted 4-0-0 to adopt Resolution No. 2023-16 and thereby recommends that the City Council adopt the Ordinance; and

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

WHEREAS, after review and consideration of the Staff Report and related materials for this matter, the hearing was held to consider said amendments and Ordinance at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the City Council and the hearing was thereafter closed.

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

The City Council of the City of Chula Vista finds that the proposed amendments to the CVMC identified in this Ordinance No. 3559 and has determined that the action qualifies for the “common sense” exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates and modifications to the CVMC related to state law compliance regarding objective design standards for certain streamlined housing and mixed-use projects. The action of updating and modifying the CVMC with these changes will not result in a material intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated.

Section I. The CVMC Title 19 is hereby amended to add the following Section, as follows:

Section 19.58.460. Objective Design Standards for Qualifying Multi-Family Residential and Mixed-Use Projects.

A. *Intent.* To provide the public, professionals, and decision-makers with the City’s objective criteria for approval of multi-family residential and mixed-use projects containing two (2) or more residential units that meet the applicable requirements of California Government Code Section 65913.4. Subject to Government Code Sections 65915(d) and (k) as applicable, these objective design standards, which involve no personal or subjective judgment as further specified in California Government Code Section 65913.4(a)(5), shall be interpreted as requirements rather than general guidelines. All multi-family residential and mixed-use projects applying under the Housing Accountability Act (California Government Code Section 66300) protections and other ministerial project review under state law, shall comply with the provisions under this Section. Projects must also comply with all applicable objective zoning code requirements within this Title including but not limited to height, setbacks, and floor area ratio, and any applicable California Building Code requirements.

B. *Building Architecture.*

1. Through the verification of colors and materials on architectural plans or drawings, buildings shall be designed with the same approach to form and massing, roof design, wall and window design, and materials and colors on all elevations. No particular architectural style is required; however, high-quality architecture is encouraged.
2. Buildings at and over three stories tall must have walls that recess a minimum of three feet, at least every 100 feet of wall length, to provide relief along the wall plane.

3. Entirely blank walls are not allowed. A minimum of two architectural details from the following list shall be provided on all building facades at a minimum of every 50 feet of street frontage:
 - a. Windows
 - b. Trellises
 - c. Balconies
 - d. Differentiation in exterior material
 - e. Awnings
4. All street corners shall be enhanced to provide a tower element or an additional architectural detail (list above) to make it distinct from the rest of the building.
5. Where buildings are proposed adjacent to a single-family residential zone, windows, balconies or similar openings shall be oriented so as not to have a direct line-of-sight into adjacent units or onto private patios or back yards adjoining the property line. This can be accomplished through one of the following techniques:
 - a. Upper story setback
 - b. Window placement
 - c. Use of glass block or opaque glass
 - d. Placement of mature landscaping, or vertical landscaping (such as the use of columnar-shaped plants) within the rear or side setback areas
6. Roof design shall be of a single style and slope throughout the project. On a building with a pitched roof, no portion of the main roof shall be flat.
7. Roof lines shall be vertically articulated, at least every 50 feet along the street frontage, through the use of one or more of the following architectural elements:
 - a. Parapets
 - b. Varying cornices
 - c. Reveals
 - d. Clerestory windows
 - e. Varying roof height and/or form
8. Affordable units in the development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.

C. Site Design.

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

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- a. For mixed-use projects, commercial/office unit entrances shall be oriented to the street, a parking area, or an interior common space. Additionally, community leasing offices do not count towards the commercial requirements. For the purposes of this Section, commercial uses are also open to unit residents and the general public.
 2. Covered and uncovered parking areas, as well as parking structures, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof. Where landscaping is used for screening purposes, it shall be no less than four feet tall. Fencing shall comply with subsection H within this Section.
 3. All pedestrian walkways shall be a minimum of four feet in width.
- D. *Affordable Housing*. If providing affordable units, the Project shall comply with the applicable requirements set forth within CVMC Chapter 19.90. Additionally, projects with fifty (50) or more residential units shall comply with the CVMC Section 19.90.080.

E. *Open Space*.

1. Common open space are amenities to the surrounding community in addition to required public parkland, and shall meet following criteria:
 - a. Developed with recreational uses, including both passive (landscaping) and active amenities (tot lots, picnic areas, etc.)
 - b. Consist of large areas that are not fragmented by unrelated uses or improvements.
 - c. A minimum of 200 square feet of usable open space per dwelling unit shall be provided. In addition, it shall have a linear dimension no less than 10 feet.
2. Private open space for residential units can take the form of yard area, porches, verandas, courtyards, patios, and balconies. The total amount provided shall be in accordance with the following, based on unit sizes:
 - a. Multi-family w/ 1 bedroom: 60 sq. feet
 - b. Multi-family w/ 2 bedrooms: 80 sq. feet
 - c. Multi-family w/ 3 or more bedrooms: 100 sq. feet
 - d. Each additional bedroom over 3: 20 additional sq. feet

F. Parking.

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

G. Walls and Fences.

1. The following standards apply to walls and fences:
 - a. Walls shall be architecturally treated on both sides and incorporate landscaping.
 - b. Brick, slump stone, tile, textured concrete, stucco on masonry or steel framing, wrought iron, tubular steel fencing, solid decorative walls, or other material walls which require little or no maintenance are required.
 - c. Wall caps are to be incorporated as a horizontal design element at the top of walls and should not exceed 4 inches vertical.
 - d. Plain concrete block walls and chain link fencing are not permitted.

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

I. *Lighting.*

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

J. *Utilities and Trash Enclosure Areas.*

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

Section XVII. Severability

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

Section XVIII. Construction

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

Section XIX. Effective Date

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

Section XX. Publication.

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

[SIGNATURES ON THE FOLLOWING PAGE]

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Presented by

Approved as to form by

DocuSigned by:
Laura C. Black
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Laura C. Black, AICP
Director of Development Services

DocuSigned by:
Jill D.S. Maland
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Jill D.S. Maland
Lounsbury Ferguson Altona & Peak
Acting City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 28th day of November 2023, by the following vote:

AYES: Councilmembers: Chavez, Gonzalez, Preciado, and McCann

NAYS: Councilmembers: None

ABSENT: Councilmembers: Cardenas

DocuSigned by:
John McCann
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John McCann, Mayor

ATTEST:

DocuSigned by:
Kerry K. Bigelow
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Kerry K. Bigelow, MMC, City Clerk

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

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3559 had its first reading at a regular meeting held on the 14th day of November 2023, and its second reading and adoption at a regular meeting of said City Council held on the 28th day of November 2023 and was duly published in summary form in accordance with the requirements of state law and the City Charter.

12/4/2023

Dated

DocuSigned by:
Kerry K. Bigelow
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Kerry K. Bigelow, MMC, City Clerk