

Title 19

PLANNING AND ZONING

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Chapter 19.02

GENERAL PROVISIONS

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19.02.010 Objectives and scope of provisions.

The comprehensive zoning title is adopted to protect and promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare. It is intended to implement the general plan of the city of Chula Vista adopted by Resolution No. 3519 on September 22, 1964, and as amended. (Ord. 1212 § 1, 1969; prior code § 33.101).

19.02.020 Subject matter of regulations comprising title.

The comprehensive zoning title shall consist of a zoning map, described in Chapter 19.18 CVMC, designating certain districts; regulations controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open space about structures, and the appearance of certain uses and structures; the areas and dimensions of sites; the location, size and illumination of signs; and requirements providing for off-street parking and off-street loading facilities. (Ord. 1212 § 1, 1969; prior code § 33.102).

19.02.030 Principles governing provisions.

This zoning title has been adopted in accordance with the following principles:

A. This title is based on the Chula Vista general plan as to the general pattern of future land uses, population densities, and other principles for future land development contained in said plan. Amendments to this title are to be in general accordance with said plan.

B. This title recognizes the need of all uses to be protected from other uses which are unrelated or incompatible. Each district is exclusive with respect to every other zoning district and industrial districts are protected from encroachment by residential uses as firmly as residential districts are protected from industrial encroachment.

C. This title recognizes the importance to the public welfare of order and beauty in the appear-

ance of Chula Vista, implemented through provisions for the review of the appearance of many structures and buildings, and by provisions for site plan review and landscaping. Such provisions are intended to provide the minimum amount of regulation necessary to encourage orderliness of appearance.

D. Site area, yard, off-street parking and other standards in this title are based on the best accepted contemporary practices, and variance from the strict application of standards is available when individual hardship would otherwise occur.

E. For large-scale projects, an approved community plan or unit site plan may be substituted for strict compliance with otherwise applicable standard district regulations.

F. Uses which would adversely affect adjoining uses or the public welfare, unless designed in a particular way or permitted only in certain locations, or which cannot be readily placed in a particular zoning classification, are allowed only as conditional uses, subject to the authority of the planning commission.

G. All uses are subject to control by performance standards, to enable potential nuisances to be measured factually and objectively and to protect any uses from arbitrary exclusion or persecution based solely on past characteristics of such uses. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.103).

19.02.040 Interpretation of provisions.

In interpreting and applying the provisions of this title, the department and commission shall construe said provisions to be minimum requirements. Where this title imposes a greater restriction than is imposed or required by other rules or regulations or ordinances, the provisions of this title shall control. (Ord. 1212 § 1, 1969; prior code § 33.104).

19.02.050 Guest houses.

Notwithstanding any provisions of the Chula Vista Municipal Code to the contrary, guest houses may not be constructed within the city after July 23, 1985. (Ord. 2124 § 1, 1985).

Chapter 19.04

DEFINITIONS

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19.04.002 Definitions and construction of terms generally.

Unless the context requires otherwise, the definitions codified in this chapter shall be used in the interpretation and construction of this title; and words used in the present tense include the future, the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “used” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or “intended to be used”; and the word “shall” is mandatory and not directionary.

Whenever any of the following terms is used, it shall mean the corresponding officer, department, board or commission of Chula Vista, herein referred to as the city: “assessor,” “city council” (or “council”), “city planning commission” (or “commission”), “director of public works,” “director of planning,” “zoning administrator,” or “building inspector.” In each case, the term shall be deemed to include an employee of any such officer or department of the city who is lawfully authorized to perform any duty or exercise any power as his or its representative or agent. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.004 Access.

“Access” means an opening in a fence, wall or structure, or a walkway or driveway, permitting pedestrian or vehicular approach to or within any structure or use. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.006 Accessory use or structure.

“Accessory use or structure” means a use or structure subordinate to the principal use of a build-

ing on the same lot, and serving a purpose customarily incidental to the use of the principal building. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.007 Adult bookstore.

A. “Adult bookstore” means an establishment which devotes more than 15 percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations, which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

B. An “adult bookstore” does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15 percent of the total floor area of the establishment to the sale of books and periodicals. (Ord. 2188 § 1, 1987; Ord. 1855 § 2, 1979).

19.04.007A Adult motion picture theater.

“Adult motion picture theater” means an enclosed building with a capacity of 50 or more persons used for presenting material having as a dominant purpose, distinguished or characterized by, an emphasis on matter depicting, describing or relating to a specified sexual activity or a specified anatomical area (as defined in this chapter) for observation by patrons therein. (Ord. 1855 § 2, 1979).

19.04.007B Adult mini-motion picture theater.

“Adult mini-motion picture theater” means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to a specified anatomical area or a specified sexual activity (as defined in this chapter) for observation by patrons therein. (Ord. 1855 § 2, 1979).

19.04.008 Agent of owner.

“Agent of owner” is any person who can show certified written proof that he is acting for the property owner. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.010 Agriculture.

“Agriculture” means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, animal husbandry (excluding swine); incidental to other agricultural uses; and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be secondary to that of normal uses and shall not include stockyards or the commercial feeding of garbage or offal to animals. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.012 Alley.

“Alley” means a public or private way not more than 30 feet wide, which affords only secondary access to abutting property. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.013 Amusement facility.

“Amusement facility” means a place of amusement or entertainment wherein are found games, rides (animal or mechanical), coin-operated or token-operated machines or devices (e.g., video and pinball), shooting galleries, movies or entertainment machines and other games of skill or chance offered to the public. This definition does

not include vending, photocopying, laminating and photo machines.

A. "Amusement arcade or center" means a facility wherein are found games, coin-operated or token-operated machines or devices (e.g., video and pinball machines) of skill, chance or entertainment offered to the public.

B. "Amusement park" means an amusement facility encompassing several acres of land and may include other commercial activities such as restaurants, retail stores and services.

C. "Amusement games or machines as accessory uses" means not more than three coin-operated or token-operated machines, rides or devices (e.g., video, pinball, mechanized rides and other electronic games) within any commercial retail or service establishment, and provided they do not constitute more than five percent of the floor area of the establishment. (Ord. 2053 § 1, 1983).

19.04.014 Apartment, efficiency.

"Efficiency apartment" means a dwelling unit in a multifamily building, consisting of not more than one habitable room, together with cooking and sanitary facilities. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.015 Auction.

"Auction" means the auctioning and sale of merchandise and equipment to the highest bidder, but excluding auction rooms and livestock auctioning. (Ord. 2584 § 3, 1994).

19.04.016 Automobile dismantling.

For "automobile dismantling," see "junkyard". (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.018 Automobile or trailer sales area.

"Automobile or trailer sales area" means an open area, other than a street or an alley, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.020 Automobile repair, major.

"Major automobile repair" means general repair, rebuilding, and reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender repair; and overall painting. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.022 Automobile maintenance and repair, minor.

"Minor automobile maintenance and repair" means general lubrication services, engine tune-up, and replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including other operations named under "automobile repair, major" or similar thereto as determined by the commission. (Ord. 2633 § 3, 1995; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.024 Automobile service station.

"Automobile service station" means an establishment engaged in the sale of motor fuel dispensing devices directly into motor vehicles. In addition, other services may be performed such as tube and tire repair, battery charging, storage of merchandise to be sold on the premises as permitted herein, lubricating of automobiles, and automobile washing, not including mechanical wash, and minor repairs. (Ord. 2162 § 1, 1986; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.026 Basement.

"Basement" means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground, as distinguished from a "cellar" which is a story where more than one-half of its floor-to-ceiling height is below the average level of the adjoining ground. A basement, when usable as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.028 Beginning of construction.

"Beginning of construction" means the demolition, elimination and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.030 Block.

"Block" means a tract of land bounded by streets, dead-ends of streets, railroad rights-of-way, watercourses, large tracts of land in uses such as parks and golf courses, or a city boundary. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.032 Boardinghouse or lodginghouse.

“Boardinghouse or lodginghouse” means a dwelling or part thereof (not including rest homes, convalescent homes, bed care, supervision and other special care, such as counseling), where meals and/or lodging are provided (but not separate cooking facilities) for compensation and with not more than five guest rooms and 10 persons total. (Ord. 2034 § 1, 1983; Ord. 1697 § 1, 1976; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.034 Boatel.

“Boatel” means any hotel or motor hotel provided with landing facilities to accommodate boats or other vessels. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.035 Body painting studio.

“Body painting studio” means a business establishment wherein the patrons may apply paint or similar matter to another unclothed or partially unclothed person. (Ord. 1855 § 2, 1979).

19.04.036 Building.

“Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.038 Building, height of.

“Height of building” means the vertical distance from the average contact ground level of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gambrel roofs. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.039 Building, high rise.

“High rise building” means any structure which is five stories or more in height. (Ord. 1689 § 1, 1976).

19.04.040 Building line map.

The front yards of all lots and side yards along the street side of a reversed corner lot are shown upon a map on file in the planning department, and made a part of this title, being designated as the “building line map,” and such map and all notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth by such map were

all fully described herein. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.042 Building, main.

“Main building” means a building in which is conducted the principal use of the building site on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the building site on which it is located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.044 Bulkhead.

“Bulkhead” means a structure, including riprap or sheet piling, constructed to separate land and water and establish a permanent shoreline. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.045 Carnival.

“Carnival” means a traveling enterprise offering amusements with organized entertainment or exhibits and includes mechanical rides. (Ord. 2075 § 1, 1984).

19.04.046 Carport.

“Carport” means a private garage, as defined herein, which is designed to be open on one or more sides. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.047 Cabaret.

“Cabaret” means a place of business which features topless dancers, bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers. (Ord. 1855 § 2, 1979).

19.04.048 Cellar.

“Cellar” means a story where more than one-half of its floor-to-ceiling height is below the average contact ground level of the adjoining ground. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.050 Chula Vista general plan.

“Chula Vista general plan” means the general plan for the city, as adopted by the city council on September 22, 1964, and as amended from time to time. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.051 Coin-operated adult entertainment facility.

“Coin-operated adult entertainment facility” means a business establishment containing one or

more coin-operated entertainment devices, such as moving picture apparatus or similar devices, which depict a specified anatomical area or a specified sexual activity (as defined in CVMC 19.04.270 and 19.04.271) for observation by patrons. (Ord. 1855 § 2, 1979).

19.04.052 Commission.

“Commission” means the city planning commission of Chula Vista. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.054 Communication equipment building or use.

“Communication equipment building or use” means a building or lot housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel. For the purpose of this title, a communication equipment building or use shall be considered a quasi-public use, where such use is referred to in the zoning regulations. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.055 Community purpose facility.

“Community purpose facility” means a land use designation in a planned community intended for nonprofit and certain for-profit land uses as listed in CVMC 19.48.025(C). (Ord. 2883 § 5, 2002; Ord. 2830 § 5, 2001; Ord. 2732 § 5, 1998; Ord. 2452A § 1, 1991).

19.04.056 Council.

“Council” means the city council of Chula Vista. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.058 Court.

“Court” means a yard on the same lot with a building which is bounded on two or more sides by the exterior walls of buildings on the same lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.060 Coverage.

“Coverage” means the percent of the total site area covered by structures other than those excepted in this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.062 Crop and tree farming.

“Crop and tree farming” means the raising for commercial purposes of any truck, field or orchard crops or wholesale nurseries or greenhouses, including necessary buildings incidental to such crop. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.063 Dancehall and dance floor.

“Dancehall” means a business establishment wherein the patrons thereof may dance with another person for a fee other than a price of admission to such establishment. “Dance floor” means a defined floor area located within a business establishment designed for the purpose of dancing by patrons of the establishment. (Ord. 2273 § 3, 1988; Ord. 1855 § 2, 1979).

19.04.064 Day nursery.

“Day nursery” means day nurseries for working mothers; nursery schools for children under the minimum age of admission to public schools; parent-cooperative nursery schools; play groups for preschool children; programs giving afterschool care to school children; and all other types of group day care programs. The term “day nursery” does not include family day care homes; facilities offering 24-hour care; or regular elementary schools which offer educational programs only. (Ord. 1494 § 6, 1973; prior code § 33.1401).

19.04.066 Development unit.

“Development unit” means that portion, along with the uses contained therein, of a planned community district which is proposed for development at one time and under one planned development permit. Development units may consist of portions of a planned community district or of the entire district. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.068 Distance between residential structures.

“Distance between residential structures” means the shortest horizontal distance between the vertical walls of two residential structures as herein defined. Location of points of measurement are subject to the exceptions contained in CVMC 19.16.060. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.070 Dock.

“Dock” means a landing pier for boats; a wharf; or a structure supported by pilings or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.072 Driveway.

“Driveway” means a private road, the use of which is limited to persons residing, employed or

otherwise using or visiting the parcel on which located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.074 Dwelling.

“Dwelling” means any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including a tent, cabin, trailer or mobilehome. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.076 Dwelling group.

“Dwelling group” means a group of two or more detached buildings used for dwelling purposes located on a parcel of land in one ownership and having any yard or court in common. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.078 Dwelling, single-family.

“Single-family dwelling” means a building designed for or used exclusively for residence purposes by one family or housekeeping unit. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.080 Dwelling, two-family or duplex.

“Two-family or duplex dwelling” means a building designed for or used exclusively for residence purposes by two families or housekeeping units, living independently of one another. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.082 Dwelling, multiple.

“Multiple dwelling” means a building or portions thereof designed for or used exclusively for residence purposes by three or more families or housekeeping units, living independently of one another. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.084 Dwelling, townhouse.

“Townhouse dwelling” means an attached or semi-attached building containing a single dwelling unit and located or capable of being located on a separate lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.086 Dwelling unit.

“Dwelling unit” means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.087 Dwelling, accessory second unit.

“Accessory second dwelling units” are independent living facilities of limited size that provide

permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling. This includes efficiency units and manufactured homes, in conformance with the requirements for such units as defined in State Government Code Section 65852.2. (Ord. 2897 § 1, 2003).

19.04.088 Efficiency living unit.

“Efficiency living unit” means any room having cooking facilities and used for combined living, dining and sleeping purposes and meeting the requirements of Section 17315 of Part 7 of the State Housing Law, Title 8, Chapter 9, Article 8. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.090 Essential services.

“Essential services” means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including any buildings, electric substations, or water storage tanks. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.092 Family.

“Family” means an individual, or two or more persons, related by blood, marriage or adoption, or a group including unrelated individuals bearing the generic character of and living together as a relatively permanent bona fide housekeeping unit sharing such needs as cooking facilities. (Ord. 2034 § 1, 1983; Ord. 1697 § 1, 1976; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.093 Family day care.

“Family day care” means regularly provided care, protection and supervision of 14 or fewer children in the state-licensed provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away; provided, that the licensee of such family day care home who rents or leases their home shall notify the property owner or

landlord in writing that they are operating a family day care home in the rented or leased property. (Ord. 2710 § 3, 1997; Ord. 2111 § 1, 1985).

19.04.094 Family day care home, large.

“Family day care home, large” means a family day care home, as defined by CVMC 19.04.093, which provides family day care to nine to 14 children, inclusive, including children who reside at the home. (Ord. 2710 § 3, 1997; Ord. 2111 § 1, 1985).

19.04.095 Family day care home, small.

“Family day care home, small” means a family day care home, as defined by CVMC 19.04.093, which provides family day care to eight or fewer children, including children who reside at the home. (Ord. 2710 § 3, 1997; Ord. 2111 § 1, 1985).

19.04.096 Filling station.

For “filling station,” see “automobile service station.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.097 Floor area ratio (residential).

“Floor area ratio (residential)” means the numerical value obtained by dividing the total area of all the floors of a building or buildings included within the surrounding walls, by the total area of the premises. (Ord. 2144 § 1, 1986).

19.04.098 Full-time foster home.

“Full-time foster home” means a family residence in which 24-hour care is provided for not more than six children, including children of the foster family. (Ord. 1494 § 6, 1973; prior code § 33.1401).

19.04.100 Garage, private.

“Private garage” means a detached, fully enclosed accessory building or a portion of the principal building used only for the storage of passenger vehicles, boats or trailers by the persons resident or employed upon the premises; provided, that such garage, when in a residential zone or incidental to a residential use, shall not be used for the storage of more than one commercial vehicle of one and one-half tons or greater rated capacity per family residence upon the premises. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.102 Garage, public.

“Public garage” means a structure or portion thereof, other than a private garage, used for the

storage, sale, care, repair or refinishing of self-propelled vehicles or trailers. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.104 General development plan.

“General development plan” means a description of the development proposed within a particular planned community zone consisting at a minimum of a map and written statement setting forth, in general, the regulations governing, and the location and arrangement of, all proposed uses and improvements to be included in the development. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.106 Guest house.

“Guest house” means detached living quarters of a permanent type of construction, without kitchen or cooking facilities and intended for use by occasional guests of the occupants of the main building, but not to exceed 90 days for any one guest over a one-year period. A guest house shall not be separately rented, let, or leased, whether compensation is direct or indirect. (Ord. 2145 § 1, 1986).

19.04.107 Hazardous waste facility.

“Hazardous waste facility” means, as applicable, a hazardous waste facility project, specified hazardous waste facility, specified hazardous waste facility project, or land disposal facility as defined in Section 25199.1 of the California Health and Safety Code, and shall include any structures, other appurtenances, and improvements on the land, and all contiguous land, used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. (Ord. 2542 § 1, 1993).

19.04.108 Home occupation.

“Home occupation” means a commercial activity conducted in a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes, and in accordance with CVMC 19.14.490. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.110 Hospital.

“Hospital” means an institution in which patients are given medical or surgical care and which is licensed by the state to use the title “hospital” without qualifying descriptive word. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.112 Hotel.

“Hotel” means a building or group of buildings comprising six or more individual sleeping or living units without kitchens, except as otherwise provided herein, for the accommodation of transient guests. (Ord. 2034 § 1, 1983; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.114 Houseboat.

“Houseboat” means any vessel used or intended to be used primarily as a dwelling unit, in contrast to a vessel used or intended to be used primarily for carrying persons or goods. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.116 Junkyard.

“Junkyard” means a place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, stored or abandoned, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, and not including sale of used cars in operable condition, or salvaged materials incidental to manufacturing operations. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.118 Kennel.

“Kennel” means a place kept for the purpose of the boarding, breeding, raising, selling or exchanging of dogs. (Ord. 2267 § 3, 1988; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.120 Kitchen or kitchenette.

“Kitchen or kitchenette” means any room or part of a room which is designed, built, used or intended to be used for food preparation and dishwashing, but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.122 Landscape manual.

“Landscape manual” refers to the landscape manual adopted by the city council of Chula Vista. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.124 Landscaping.

“Landscaping” means planting, including trees, shrubs, lawn areas, and ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, decorative rock or other paved surfaces are considered as elements of landscape development. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.126 Lot.

“Lot” means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, and having frontage on a public or an approved private street. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.128 Lot area.

“Lot area” means the computed area contained within the lot lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.130 Lot, corner.

“Corner lot” means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street right-of-way lines is the “corner.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.132 Lot depth.

“Lot depth” means the mean horizontal distance between the front and the rear lot lines, or between the front lot line and the intersection of the two side lines if there should be no rear lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.134 Lot, interior.

“Interior lot” means a lot other than a corner lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.136 Lot line, front.

“Front lot line” means the line separating the lot from the street. In the case of a corner lot, the front lot line is the shorter of any two adjacent street lot lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.138 Lot line, interior.

For “interior lot line,” see “lot line, side.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.140 Lot line, rear.

“Rear lot line” means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

A. For a triangular or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; or

B. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; or

C. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.142 Lot line, side.

“Side lot line” means any lot line other than a front or rear lot line which intersects a front lot line. A side lot line separating a lot from a street is called a “side street lot line.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.144 Lot line, street or alley.

“Street or alley lot line” means a lot line separating the lot from a street or alley. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.146 Lot lines.

“Lot lines” means the property lines bounding the lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.148 Lot of record.

For “lot of record,” see CVMC 19.16.020. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.150 Lot, through.

“Through lot” means a lot having frontage on two parallel or approximately parallel streets. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.152 Lot width.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the depth at a point midway between the front

and rear lot lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.153 Massage parlor.

“Massage parlor” means a massage establishment as defined in CVMC 5.36.030. (Ord. 1855 § 2, 1979).

19.04.154 Mobilehome.

For “mobilehome,” see “trailers.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.155 Model studio.

“Model studio” means a business establishment wherein the patrons may view, paint, draw or photograph a live model who is unclothed or partially unclothed. (Ord. 1855 § 2, 1979).

19.04.156 Motor hotel, including motel and hotel.

“Motor hotel, including motel and hotel” means a building or group of buildings comprising individual sleeping or living units, provided not more than 30 percent of the individual living units may contain kitchen facilities. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.157 Narcotic or drug paraphernalia shop.

“Narcotic or drug paraphernalia shop” or “head shop” means any business establishment or a portion of the premises of any business establishment wherein devices, contrivances, instruments or paraphernalia for smoking, sniffing or injection of marijuana, hashish, cocaine, PCP or any controlled substance is displayed or offered for sale. (Ord. 1954 § 1, 1981).

19.04.158 Nonconforming structure.

“Nonconforming structure” means a structure which was lawfully erected prior to July 8, 1969, but which, under the provisions herein, does not conform to the standards of coverage, yards, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.160 Nonconforming use.

“Nonconforming use” means a use of a structure or land which was lawfully established and maintained prior to July 8, 1969, but which, under the provisions herein, does not conform with the use

regulations for the district in which it is located. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.162 Nursing home.

“Nursing home” means any premises with sleeping rooms where persons are lodged and furnished with meals and nursing care, not including persons suffering from contagious disease, mental diseases, alcoholism or drug addiction. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.164 Off-shore.

“Off-shore” means land below “mean higher high water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.166 On-shore.

“On-shore” means land above “mean higher high water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.168 Open space, usable.

“Usable open space” means any portion of a lot which is landscaped and/or developed for recreational and leisure use, and is conveniently located and accessible to all the units. (See CVMC 19.28.090.) (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.170 Parking area, private.

“Private parking area” means an open area for the same uses as a private garage. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.172 Parking area, public.

“Public parking area” means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.174 Parking space.

“Parking space” means a permanently surfaced area of a size defined by planning commission resolution, within a structure or in the open, excluding area necessary for access under the provisions of this title, designed or used for the parking of a motor vehicle. When the long dimension of a parking space adjoins a wall or fence more than six inches in height, the width of such parking space

shall be not less than 10 feet. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.176 Performance standards.

“Performance standards” are the regulations for the control of “dangerous or objectionable elements” as defined in CVMC 19.66.080 through 19.66.150. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.178 Permitted use.

For the purpose of this title, a “permitted use” in any zone shall include any use listed as a “principal permitted use” or “accessory use” and shall further include a “conditional use” as listed for the particular zone, provided a conditional use permit is obtained. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.179 Pet shop.

“Pet shop” means an establishment involved in selling or exchanging (but excluding boarding, breeding or raising) any birds, dogs or other pets, all of which for the purpose of this chapter are called “pets.” (Ord. 2267 § 4, 1988).

19.04.180 Pharmacy, prescription.

For “pharmacy, prescription,” see “prescription pharmacy.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.182 Planned development permit.

“Planned development permit” means a permit issued by the city planning commission, authorizing the actual development and construction within a planned community zone. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.184 Poultry farm.

“Poultry farm” means any premises on which the primary use is the breeding, raising or maintaining of poultry for sale of eggs or poultry, or where the primary income from the premises is derived from the aforesaid occupation. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.188 Prescription pharmacy.

“Prescription pharmacy” means an establishment whose primary function is the sale of pharmaceutical drugs and prescriptions as well as medicinal supplies and goods. The incidental sales of toilet goods, toiletries, cosmetics, confections, tobacco and accessories, newspapers and magazines is also permitted. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.190 Quasi-public.

“Quasi-public” means used as or seemingly public. For the purposes of this title, electrical substations shall be considered quasi-public uses, of a public service type. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.192 Recreation, commercial.

“Commercial recreation” means recreation facilities operated as a business and open to the general public for a fee. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.194 Recreation, private, noncommercial.

“Private, noncommercial recreation” means clubs or recreation facilities operated by a non-profit organization and open only to bona fide members of such nonprofit organization. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.196 Recreation, public.

“Public recreation” means publicly owned or operated recreation facilities. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.198 Residential density.

“Residential density” means the average number of families living on one acre of land in a given area. “Net residential density” is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the area that are used for residential and accessory purposes. “Gross residential density” is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks and local shopping facilities into the total number of families in said area. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.199 Salvage yard.

For “salvage yard,” see “junkyard.” (Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.200 Satellite dish antenna.

“Satellite dish antenna” is a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh or bar configured structure, typically eight to 12 feet in diameter, in the shape of a shallow dish or parabola. (Ord. 2108 § 1, 1985).

19.04.201 Senior housing development.

“Senior housing development” means a residential project which may exceed the maximum density permitted for families in the zones in which it is located, and which is established and maintained for the exclusive use of low- or moderate-income senior residents. (Ord. 1878 § 1, 1979).

19.04.202 Service station.

For “service station,” see “automobile service station.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.204 Setback.

For “setback,” see specific “yard” definitions. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.205 Sexual encounter studio.

“Sexual encounter studio” means a business establishment wherein the patrons thereof are invited to discuss sexual matters or engage in sexual activities with an unclothed or partially unclothed person and who pay a fee for such discussion or activities; provided, however, that this definition shall not encompass any sexual activities or practices prohibited under the laws of the state and does not constitute a condonation of any sexual activities by the city. This definition does not include therapy sessions conducted by physicians, therapists and counselors licensed and regulated by the state. (Ord. 1855 § 2, 1979).

19.04.205.1 Sexually explicit material.

“Sexually explicit material” means any book, magazine, periodical, pamphlet, display or other printed matter or photograph which contains on the front or back cover visual representations or depictions of specified sexual activities or specified anatomical areas (as same are defined by CVMC 19.04.271 and 19.04.270 respectively). (Ord. 2379 § 1, 1990).

19.04.206 Shoreline.

“Shoreline” means the boundary between land above and land below the “mean higher high water,” as defined by the latest U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.208 – 19.04.268

Repealed by Ord. 2924 § 3, 2003.

19.04.270 Specified anatomical area.

“Specified anatomical area” means:

A. Human genitals in a state of sexual stimulation or arousal;

B. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and

C. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 1855 § 2, 1979).

19.04.271 Specified sexual activity.

“Specified sexual activity,” for the purpose of this title, means:

A. Acts of human masturbation, sexual intercourse or sodomy;

B. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts. (Ord. 1855 § 2, 1979).

19.04.272 Stable, private.

“Private stable” means an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling, and where no horses are kept for hire or sale. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.274 Stable, riding.

“Riding stable” means any stable where horses are kept for hire. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.276 Story.

“Story” means that portion of a building included between the surface of any floor and the floor or ceiling next above it. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.278 Story, first.

“First story” means the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except, that any basement or cellar used for residential purposes shall be deemed the first story. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.280 Story, half.

“Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for one or

more dwelling units shall be deemed a full story. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.282 Story, mezzanine.

“Mezzanine story” means a story which covers one-third or less of the area of the story directly underneath it. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.284 Street.

“Street” means a public right-of-way, more than 30 feet in width, which provides a public means of access to abutting property. The term “street” includes “avenue,” “drive,” “circle,” “road,” “parkway,” “boulevard,” “highway,” “thoroughfare,” or any other similar term. The term shall include the total width of the dedicated right-of-way. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.286 Street, private.

“Private street” means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.288 Structural alteration.

“Structural alteration” means any change in the structural members of a building, such as walls, columns, beams or girders. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.290 Structure.

“Structure” means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.291 Surface mining operations.

“Surface mining operations” means all, or part of, the process involved in the mining of minerals on mined lands, as defined in Chapter 19.69 CVMC, by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of

mined materials (and recovery of same). (Ord. 2921 § 1, 2003).

19.04.292 Tideland.

“Tideland” means lands between the “mean higher high water” and the “mean lower low water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.294 Townhouses.

“Townhouses” means attached or semi-attached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.296 Trailer camp, trailer park or mobilehome park.

“Trailer camp, trailer park or mobilehome park” means any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more camp trailers or mobilehomes occupied as a residence. (Ord. 1941 § 1, 1981; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.298 Trailers.

A. “Camping trailer” means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at a campsite to provide temporary living quarters.

B. “Motorhome” means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, primarily designed to provide temporary living quarters.

C. “Camper (slide in)” means a portable unit, consisting of a roof, floor and sides designed to be loaded into and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters.

D. “Cargo trailer” means a vehicle designed to be drawn by a motor vehicle for the purpose of transporting cargo, including a boat or livestock.

E. “Travel trailer” means a vehicular portable unit mounted on wheels of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle and primarily designed and constructed to provide temporary living quarters.

F. “Mobilehome” means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling

units, and shall not include a recreational vehicle, commercial coach or factory-built housing.

G. “Commercial coach” means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall not include mobile-homes. Such coaches shall bear the State Division of Housing’s insignia of approval as a commercial coach. (Ord. 1941 § 1, 1981; Ord. 1518 § 2, 1974; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.300 Underwater land.

“Underwater land” means land below the “mean lower low water” as defined by the U.S. Coast and Geodetic Survey. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.302 Usable open space.

For “usable open space,” see “open space, usable.” (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.304 Unified control.

“Unified control” means the written consent or agreement of all property owners. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.306 Waterfront land.

“Waterfront land” means any lot above the “mean higher high water” as defined by the U.S. Coast and Geodetic Survey having frontage directly upon the shoreline, as defined herein. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.308 Yard, front.

“Front yard” means an open space extending the full width of the lot measured between the building closest to the front lot line, which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.310 Yard, front, least depth.

“Front yard, least depth” means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the front lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.312 Yard, front, least depth – How measured.

Such depth shall be measured from the front lot line; provided, however, that if the proposed loca-

tion of the right-of-way line of such street as adopted by the city (“plan line procedure”) differs from that of the existing street, then the required front yard, least depth, shall be measured from the right-of-way line of such street as adopted; or said building shall comply with the official setback lines as adopted by the city. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.314 Yard, rear.

“Rear yard” means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.316 Yard, rear, least depth.

“Rear yard, least depth” means the shortest distance, measured horizontally, between any part of a principal building, other than parts hereinafter excepted, and the rear lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.318 Yard, side.

“Side yard” means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an “exterior side yard.” (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.320 Yard, side, least width.

“Side yard, least width” means the shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.322 Yard, side, least width – How measured.

Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the city differs from that of the existing street, then the required side yard, least width, shall be measured from the right-of-way of such street as adopted; or said building shall comply with any applicable official setback lines. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.324 Zone.

“Zone” means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.326 Zoning map.

“Zoning map” means the zoning map or maps of Chula Vista, together with all amendments subsequently adopted. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.328 Zoning permit.

“Zoning permit” means a document issued by the building inspector authorizing buildings, structures or uses consistent with the terms of this title, and for the purpose of carrying out and enforcing its provisions. (Ord. 1212 § 1, 1969; prior code § 33.1401).

19.04.330 Zoning wall or fence.

“Zoning wall or fence” means a wall or fence erected along the property line or zoning boundary to separate any commercial or industrial zones or uses from adjacent residential zones and a fence to separate multiple-family zones from single-family zones. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1401).

Chapter 19.06**GENERAL PLAN****Sections:**

- 19.06.010 Statutory authority – Scope.
- 19.06.020 Administration.
- 19.06.030 Implementation of.

19.06.010 Statutory authority – Scope.

Sections 65300 through 65361 of the Government Code of the state relating to the authority for and scope of general plans, and the method of adoption of general plans, are hereby adopted and incorporated herein by reference as though set forth in full. The fee for processing general plan amendments shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 1961 § 1, 1982; Ord. 1854 § 1, 1979; Ord. 1825 § 1, 1978; Ord. 1212 § 1, 1969; prior code § 33.201).

19.06.020 Administration.

Sections 65400 through 65402 of the Government Code of the state of California relating to the administration of the general plan are hereby adopted and incorporated herein by reference as though set forth in full. (Ord. 1854 § 1, 1979; Ord. 1825 § 1, 1978; Ord. 1212 § 1, 1969; prior code § 33.202).

19.06.030 Implementation of.

The systematic implementation of the general plan or any general plan element as provided in Section 65303 of the Government Code of the state may be undertaken by the adoption of specific plans, which shall include all detailed regulations, conditions, programs and proposed legislation which may be necessary or convenient for such implementation. The general plan may also be implemented by the adoption of zoning ordinances which shall in accordance with Section 65860 of the Government Code of the state be consistent with said general plan.

When a general plan amendment is adopted and existing zoning is thereby inconsistent with the general plan and the developer desires to develop the property in accordance with the existing zoning, the developer must first submit a proposed amendment to the general plan. All such amendments shall be subject to public hearings by the planning commission and the city council. If the amendment is adopted, the developer can proceed with the normal processing of the development proposal.

Notwithstanding the above provisions, those projects which have been substantially processed consistent with existing zoning and which are affected by the general plan amendment may proceed; provided, that the zoning administrator issues, in each case, a permit to complete processing based upon the findings that the effectiveness of the general plan and the order and amenity of the community would not be substantially impaired by the issuance of the permit.

Projects shall be deemed to be substantially processed where the property owners have procured approved tentative subdivision or parcel maps, building permits, conditional use permits, or design review committee approvals, in furtherance of the proposed projects. The zoning administrator, furthermore, may deem that projects have been substantially processed where the involved property owners have submitted tentative subdivision or parcel maps or applications for design review, but are awaiting consideration by the appropriate city agency or official, as well as projects which have been submitted to the planning department for design review consideration not more than six months prior to the adoption of the general plan. The property owner shall provide evidence to the zoning administrator not more than 90 days after the general plan adoption that the submittal of project plans has occurred within the aforementioned specified period to qualify for this provision.

In addition, projects which have been submitted to the planning department for design review consideration after the adoption of the 1989 general plan update (July 11, 1989) and before the adoption of Ordinance No. 2327 (September 5, 1989) may be processed; provided, the property owners submit evidence that such submittal has taken place.

Appeals from the actions of the zoning administrator may be filed, within 10 days after the dates of said actions, with the planning commission. Further appeals to the city council may be submitted pursuant to the provisions of CVMC 19.14.110 and 19.14.130. (Ord. 2359 § 1, 1990; Ord. 2327 § 1, 1989; Ord. 1854 § 1, 1979; Ord. 1825 § 1, 1978; Ord. 1212 § 1, 1969; prior code § 33.203).

Chapter 19.07

SPECIFIC PLANS

Sections:

- 19.07.010 Statutory authority – Scope of.
- 19.07.020 Administration of.
- 19.07.030 Zoning implementation thereof.
- 19.07.035 *Repealed.*

19.07.010 Statutory authority – Scope of.

Sections 65450 through 65507 of the Government Code of the state relating to the authority for the scope of specific plans, and the procedures for the adoption of specific plans, are hereby adopted and incorporated herein by reference as though set forth in full. The fee for processing specific plan amendments and specific plan development proposals or modifications shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.020 Administration of.

Sections 65550 through 65553 of the Government Code of the state relating to the administration of specific plans are hereby adopted and incorporated herein by reference as though set forth in full. (Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.030 Zoning implementation thereof.

A. Specific plans may be implemented through the adoption of standard zoning ordinances, the planned community zone, as provided in this title, or by plan effectuation standards incorporated within the text of an individual specific plan. The method of implementing an individual specific plan shall be established and expressed by its adopting resolution or ordinance.

If the specific plan is to be implemented through the use of standard zones, any open space uses or other public uses so designated on the specific plan may be allowed to be developed in a manner logically consistent with and in conformity to adjacent and contiguous land uses as shown on the specific plan; provided, however, the developer must show that such development, which must be residential, thus allowed will not increase the overall density of the total area incorporated into the specific plan. Further, in no case shall any designated open space land, or land designated for other public use in said specific plan, be developed for any use other than residential. Should all adjacent and contiguous land uses be designated for uses other than residential, the underlying land use on such open space

may be requested for development at no greater density than that allowed in the R-E zone.

B. If any territory subject to an adopted specific plan is zoned P-C, the involved property owners may register their concurrence with terms and provisions of the adopted specific plan, and may proceed with development in accordance therewith; provided, that the required fees are paid, and the procedural and substantive requirements of the P-C zone are met. The said registration of concurrence shall, by operation of law, establish the adopted specific plan as the general development plan of the involved P-C zone. If the property owners do not register their concurrence with the terms and provisions of the adopted specific plan, they may proceed with the development of their property through the use of standard zoning, as provided hereinabove.

C. When a specific plan is adopted and existing zoning is thereby inconsistent with the specific plan and the developer desires to develop the property in accordance with the existing zoning, the developer must first submit a proposed amendment to the specific plan. All such amendments shall be subject to public hearings by the planning commission and the city council. If the amendment is adopted, the developer can proceed with the normal processing of the development proposal.

Notwithstanding the above provisions, those projects which have been substantially processed consistent with existing zoning and which are affected by a specific plan may proceed; provided, that the zoning administrator issues in each case a permit to complete processing based upon the findings that the effectiveness of the specific plan and the order and amenity of the community would not be substantially impaired by the issuance of the permit.

Projects shall be deemed to be substantially processed where the property owners have procured approved tentative subdivision or parcel maps, building permits, conditional use permits, or design review committee approvals, in furtherance of the proposed projects. The zoning administrator, furthermore, may deem that projects have been substantially processed where the involved property owners have submitted tentative subdivision or parcel maps or applications for design review, but are awaiting consideration by the appropriate city agency or official.

Appeals from the actions of the zoning administrator may be filed, within 10 days after the dates of said actions, with the planning commission. Further appeals to the city council may be submitted

pursuant to the provisions of CVMC 19.14.110 and 19.14.130. (Ord. 2327 § 2, 1989; Ord. 2076 § 1, 1984; Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.035 Supersedence of zoning designations.

*Repealed by Ord. 2532 § 10, 1992. (Res. 11903, 1985).**

* Code reviser's note: Ord. 2532 renumbered the provisions of this section to be Chs. 19.81 to 19.87 CVMC.

Chapter 19.08

ENFORCEMENT

Sections:

- 19.08.010 Conformance to regulations required – Officers authorized for enforcement duty.
- 19.08.020 Violations – Declared public nuisance – Actions for abatement authorized.
- 19.08.021 Notification of litigation concerning development in the coastal zone and Attorney General intervention.
- 19.08.030 Violations – Penalties.
- 19.08.040 Violations – Subsequent application – Fee.

19.08.010 Conformance to regulations required – Officers authorized for enforcement duty.

All department officials and public employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this title, and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions contained herein; and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void. It shall be the duty of the building inspector, the zoning administrator and the police department to enforce the provisions of this title, pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure and the use of any land, building or premises. (Ord. 1212 § 1, 1969; prior code § 33.1501).

19.08.020 Violations – Declared public nuisance – Actions for abatement authorized.

It is unlawful to cause or allow to occur the setup, erection, construction, alteration, enlargement, conversion, movement or maintenance of any building or structure contrary to the provisions of this title; and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance; and the city attorney and city manager, respectively, shall commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law or CVMC Title 1, and shall take such other steps and shall apply to such courts as may have jurisdic-

tion to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive.

Any person who violates any provision of the certified local coastal program adopted pursuant to Division 20 of the California Public Resources Code shall be subject to the penalties contained therein. (Ord. 2718 § 1, 1998; Res. 11903, 1985; Ord. 1212 § 1, 1969; prior code § 33.1502).

19.08.021 Notification of litigation concerning development in the coastal zone and Attorney General intervention.

The provisions of California Public Resources Code Section 20800, et seq., shall apply to development in the Chula Vista coastal zone and in any case where no appeal has been filed from the decision of the city on a development permit in the coastal zone (including decisions on nonappealable developments) or where an appeal has been filed, but the commission has determined not to hear the appeal, and when litigation has subsequently been commenced against the city concerning its decision, the city and plaintiff or petitioner shall promptly forward a copy of the complaint or petition to the executive director of the California Coastal Commission. At the request of the local government, and with the concurrence of the California Coastal Commission, the executive director shall request the Attorney General to intervene in such litigation on behalf of the California Coastal Commission. Administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided by the California Coastal Act (Public Resources Code Section 30000, et seq.) and these regulations have been exhausted. (Res. 11903, 1985).

19.08.030 Violations – Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title shall be punishable pursuant to the provisions of Chapters 1.20 through 1.41 CVMC. (Ord. 2718 § 1, 1998; Ord. 2483 § 2, 1991; Ord. 1212 § 1, 1969; prior code § 33.1503).

**19.08.040 Violations – Subsequent application
– Fee.**

An application filed subsequent to the violation of any of the provisions of this title for the purpose of determining, after the fact, compliance there-with shall be accompanied by the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982).

Chapter 19.09

GROWTH MANAGEMENT

Sections:

- 19.09.010 Purpose and intent.
- 19.09.020 Definitions.
- 19.09.030 Growth management program.
- 19.09.040 Quality of life threshold standards.
- 19.09.050 Requirement for public facilities finance plans, air quality improvement plans, and water conservation plans.
- 19.09.060 Public facilities finance plan contents.
- 19.09.070 Public facilities finance plan preparation.
- 19.09.080 Public facilities finance plan review.
- 19.09.090 Public facilities finance plan implementation.
- 19.09.100 Public facilities finance plan amendment.
- 19.09.110 Exceptions and exclusions.
- 19.09.120 Extensions of prior approvals.
- 19.09.130 Obligation to pay fees or install facilities required by any other law.
- 19.09.140 Implementing guidelines.
- 19.09.150 Council actions, fees, notice.
- 19.09.160 Severability.
- 19.09.170 Facility master plan reference documents.

19.09.010 Purpose and intent.

- A. It is the policy of the city of Chula Vista to:
1. Provide quality housing opportunities for all economic sections of the community;
 2. Provide a balanced community with adequate commercial, industrial, recreational and open space areas to support the residential areas of the city;
 3. Provide that public facilities, services and improvements meeting city standards exist or become available concurrent with the need created by new development;
 4. Balance the housing needs of the region against the public service needs of Chula Vista residents and available fiscal and environmental resources;
 5. Provide that all development is consistent with the Chula Vista general plan;
 6. Prevent growth unless adequate public facilities and improvements are provided in a phased and logical fashion as required by the general plan;
 7. Control the timing and location of development by tying the pace of development to the

provision of public facilities and improvements to conform to the city's threshold standards and to meet the goals and objectives of the growth management program;

8. Provide that the air quality of the city of Chula Vista improves from existing conditions;

9. Provide that the city of Chula Vista conserves water so that an adequate supply be maintained to serve the needs of current and future residents.

B. Findings. The city council of the city of Chula Vista hereby finds:

1. The demand for facilities and improvements has outpaced the supply resulting in shortages in public facilities and improvements including, but not limited to, streets, schools, libraries and general governmental facilities. These shortages are detrimental to the public health, safety, and welfare of the citizens of Chula Vista.

2. Since 1986, the city of Chula Vista has been undertaking a comprehensive review of its general plan. As part of that review a consultant team prepared a comprehensive report and recommendation to the city council. That report was subject to public hearings by both the planning commission and city council. Included were recommendations that no new development should occur unless adequate public facilities are available concurrently with need to serve the new development.

3. Prohibiting new development unless adequate public facilities are available concurrently is consistent with the city's policy to provide housing opportunities for all economic sectors of the community, because sufficient opportunities for new housing continue to exist within the city and this chapter does not affect the number of houses which may be built. In addition, development of housing for low- and moderate-income persons and families would most likely occur in areas of the city which are designated for highest development priority.

4. Adoption of this chapter will not adversely affect the regional welfare. By providing that adequate and safe public facilities and improvements will exist to serve all of the development in Chula Vista, and because many of these facilities and improvements are used by persons residing in neighboring areas and cities, the safety and welfare of the whole region is enhanced.

5. The growth management plan traffic monitoring report prepared in 1989 found that intersections within areas in the developed portions of the city (as shown on the figure contained in the growth management program entitled "potential

development" prepared in 1990 for 1989 traffic counts denoting both areas of future development as well as existing development) are operating in conformance with the adopted threshold standards; and that future large-scale developments planned for the area east of I-805 will require the provision of major facilities including facilities within the SR-125 corridor to accommodate projected traffic and other needs of development in accordance with the adopted threshold standards.

6. This chapter will further the policies, goals and objectives set forth above, and will help eliminate the public facility shortages identified above, by requiring identification of all public facilities and improvements required for development, by prohibiting development until adequate provisions for the public facilities and improvements are made within the city, as herein provided, and by giving development priority to areas of the city where public facilities and improvements are already in place. (Ord. 2448 § 2, 1991).

19.09.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

A. "Available facility and service capacity" shall be determined by the director of planning, using generally accepted planning standards and criteria, including the threshold standards established herein. Specific facility service capacity shall be determined by subtracting from the total capacity for a specific facility service the demand of existing development plus the demand that will be created by approved development.

B. "Development" means any land use, building or other alteration of land and construction incident thereto.

C. "Discretionary planning approval" means any permit, entitlement or approval issued under the authority of this title, and any legislative actions such as zone changes, general plan amendments, sectional planning area plans or general development plan approval or amendment.

D. "Facilities" means any schools, parks, corporation yards or recreational areas or structures providing for fire, libraries, traffic controls, streets and highways, including curbs, gutters and sidewalks, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, lighting facilities or other governmental services, required to be identified in a public facilities finance plan.

E. “Facility and service capacity” means the maximum amount of development which could take place prior to increasing the number or size of a facility or the level of service as determined by applying the appropriate threshold standard.

F. “Growth management program” means a plan prepared and approved according to CVMC 19.09.030 which establishes compliance with the threshold standards, as provided in CVMC 19.09.040.

G. “Project” means the activity for which either an application for a sectional planning area (SPA) plan or a tentative map has been or is required to be submitted and which may be subject to discretionary approvals by the city.

H. “Public facilities finance plan (PFFP)” means a project specific public facilities finance plan prepared and approved in accordance with CVMC 19.09.050.

I. “Quality of life threshold standards” means those certain standards identified in CVMC 19.09.040 specifying the facilities and services required to support the present and future needs of the city.

J. “SPA plan” means a sectional planning area plan.

K. “Substantial compliance” means performance meeting the intent of the parties with respect to the obligations imposed pursuant to the PFFP. (Ord. 2448 § 2, 1991).

19.09.030 Growth management program.

A. To implement the city’s general plan and to provide that development does not occur unless facilities and improvements are available to support that development, the city council shall adopt, by resolution, a growth management program. The program shall identify all facilities and improvements necessary to accommodate land uses specified in the general plan and this title; specify size, capacity, service level and threshold standards for each identified facility; project total buildout development levels and identify projected facility and improvement needs; provide a policy for timing the construction of each facility and improvement; and identify the financing method or methods for each facility and improvement.

B. The growth management program will incorporate and interpret the threshold standards as referenced in CVMC 19.09.040.

C. The growth management program will incorporate the facility master plans for fire protection, schools, libraries, parks, water, sewer, drainage, traffic, civic centers, and corporation yards.

The growth management program will also address air quality and economic issues.

D. The growth management program will incorporate a defined public facilities development phasing policy. This policy will interrelate the timing, location, facility capacity limitations, and fiscal/economic considerations for each public facility and service identified in CVMC 19.09.040. This phasing policy will insure that approved development has priority to available public facility capacity and that developed areas of the city have priority over undeveloped areas.

E. The growth management oversight commission should annually review the growth management program and prepare an annual report and, upon doing so, shall submit such report to the planning commission and the city council.

F. The city council should annually review the growth management oversight commission annual report.

G. Amendments to the growth management program may be initiated by action of the planning commission or city council, or upon request of an applicant. The city council shall act on the requested application. (Ord. 2448 § 2, 1991).

19.09.040 Quality of life threshold standards.

In order to provide that public facilities and services, government and other utility services, and improvements are adequate to meet present and future needs of the city, the city council hereby adopts quality of life threshold standards for each facility or improvement listed below:

A. Police.

1. Emergency Response. Properly equipped and staffed police units shall respond to 81 percent of “Priority One” emergency calls within seven minutes and maintain an average response time to all “Priority One” emergency calls of 5.5 minutes or less.

2. Respond to 57 percent of “Priority Two” urgent calls within seven minutes and maintain an average response time to all “Priority Two” calls of 7.5 minutes or less.

B. Fire and Emergency Medical.

1. Emergency Response. Properly equipped and staffed fire and medical units shall respond to calls throughout the city within seven minutes in 80 percent of the cases.

C. Schools. The city shall annually provide the two local school districts with a 12- to 18-month development forecast and request an evaluation of their ability to accommodate the forecast and con-

tinuing growth. The districts' replies should address the following:

1. Amount of current capacity now used or committed;
2. Ability to absorb forecast growth in affected facilities;
3. Evaluation of funding and site availability for projected new facilities;
4. Other relevant information the district(s) desire(s) to communicate to the city and growth management oversight commission (GMOC).

The growth forecast and school district response letters shall be provided to the GMOC for inclusion in its review.

D. Libraries. Population ratio: 500 square feet (gross) of adequately equipped and staffed library facility per 1,000 population. The city shall construct 60,000 gross square feet (GSF) of additional library space, over the June 30, 2000, GSF total, in the area east of Interstate 805 by buildout. The construction of said facilities shall be phased such that the city will not fall below the city-wide ratio of 500 GSF per 1,000 population. Library facilities are to be adequately equipped and staffed.

E. Parks and Recreation Areas. Population ratio: Three acres of neighborhood and community park land with appropriate facilities per 1,000 residents east of I-805.

F. Water.

1. Developer will request and deliver to the city a service availability letter from the water district for each project.

2. The city shall annually provide the San Diego County Water Authority, the Sweetwater Authority, and the Otay Municipal Water District with a 12- to 18-month development forecast and request an evaluation of their ability to accommodate the forecast and continuing growth. The districts' replies should address the following:

- a. Water availability to the city and planning area, considering both short- and long-term perspectives;
- b. Amount of current capacity, including storage capacity, now used or committed;
- c. Ability of affected facilities to absorb forecast growth;
- d. Evaluation of funding and site availability for projected new facilities;
- e. Other relevant information the district(s) desire(s) to communicate to the city and GMOC.

G. Sewer.

1. Sewage flows and volumes shall not exceed city engineering standards as set forth in the

subdivision manual adopted by city council Resolution No. 11175 on February 12, 1983, as may be amended from time to time.

2. The city shall annually provide the San Diego Metropolitan Sewer Authority with a 12- to 18-month development forecast and request confirmation that the projection is within the city's purchased capacity rights and an evaluation of their ability to accommodate the forecast and continuing growth, or the city engineering department staff shall gather the necessary data.

The information provided to the GMOC shall include the following:

- a. Amount of current capacity now used or committed;
- b. Ability of affected facilities to absorb forecast growth;
- c. Evaluation of funding and site availability for projected new facilities;
- d. Other relevant information.

The growth forecast and authority response letters shall be provided to the GMOC for inclusion in its review.

H. Drainage.

1. Storm water flows and volumes shall not exceed city engineering standards as set forth in the subdivision manual adopted by city council Resolution No. 11175 on February 23, 1983, as may be amended from time to time.

2. The GMOC shall annually review the performance of the city's storm drain system to determine its ability to meet the goals and objectives above.

I. Traffic.

1. City-wide. Maintain LOS "C" or better as measured by observed average travel speed on all signalized arterial segments; except, that during peak hours a LOS "D" can occur for no more than two hours of the day.

2. West of Interstate 805. Those signalized intersections which do not meet the standard above may continue to operate at their current (year 1991) LOS, but shall not worsen.

3. Notes to Standards.

a. Arterial segment LOS measurements shall be for the average weekday peak hours, excluding seasonal and special circumstance variations.

b. Urban and suburban arterials are defined as surface highways having signal spacing of less than two miles with average weekday traffic volumes greater than 10,000 vehicles per day.

c. Arterial segments are stratified into three classifications:

i. Class I arterials are roadways where free-flow traffic speeds range between 35 mph and 45 mph and the number of signalized intersections per mile is less than four. There is no parking and there is generally no access to abutting property.

ii. Class II arterials are roadways where free-flow traffic speeds range between 30 mph and 35 mph, and the number of signalized intersections per mile ranges between four and eight. There is some parking and access to abutting properties is limited.

iii. Class III arterials are roadways where free-flow traffic speeds range between 25 mph and 35 mph, and the number of signalized intersections per mile is closely spaced. There is substantial parking and access to abutting property is unrestricted.

d. The LOS measurement of arterial segments and freeway ramps shall be a growth management consideration in situations where proposed developments have a significant impact at interchanges.

e. Circulation improvements should be implemented prior to anticipated deterioration of LOS below established standards.

f. The criteria for calculating arterial LOS and defining arterial lengths and classifications shall follow the procedures detailed in Chapter 11 of the 1985 Highway Capacity Manual (HCM) and shall be confirmed by the city traffic engineer.

g. During the conduct of future traffic monitoring program field surveys, intersections experiencing significant delays will be identified. The information generated by the field surveys will be used to determine possible signal timing changes and geometric and/or traffic operational improvements for the purpose of reducing intersection delay.

h. Level of service values for arterial segments shall be based on the following table:

Table I

| Level of Service | Average Travel Speed (mph) | | |
|------------------|----------------------------|---------|---------|
| | Class 1 | Class 2 | Class 3 |
| A | > 35 | > 30 | > 25 |
| B | > 28 | > 24 | > 19 |
| C | > 22 | > 18 | > 13 |
| D | > 17 | > 14 | > 9 |
| E | > 13 | > 10 | > 7 |
| F | < 13 | < 10 | < 7 |

Source: Highway Capacity Manual, Special Report 209, Transportation Research Board, National Research Council, Washington, D.C., 1985.

J. Air Quality. The GMOC shall be provided with an annual report which:

1. Provides an overview and evaluation of local development projects approved during the prior year to determine to what extent they implemented measures designed to foster air quality improvement pursuant to relevant regional and local air quality improvement strategies.

2. Identifies whether the city's development regulations, policies and procedures relate to, and/or are consistent with, current applicable federal, state and regional air quality regulations and programs.

3. Identifies non-development-specific activities being undertaken by the city toward compliance with relevant federal, state and local regulations regarding air quality, and whether the city has achieved compliance.

The city shall provide a copy of said report to the air pollution control district (APCD) for review and comment. In addition, the APCD shall report on overall regional and local air quality conditions, the status of regional air quality improvement implementation efforts under the regional air quality strategy and related federal and state programs, and the effect of those efforts/programs on the city of Chula Vista and local planning and development activities.

K. Fiscal.

1. The GMOC shall be provided with an annual fiscal impact report which provides an evaluation of the impacts of growth on the city, both in terms of operations and capital improvements. This report should evaluate actual growth over the previous 12-month period, as well as projected growth over the next 12- to 18-month period, and five- to seven-year period.

2. The GMOC shall be provided with an annual "development impact fee report," which provides an analysis of development impact fees collected and expended over the previous 12-month period.

L. Amendments and Supplemental Thresholds. These standards may be amended from time to time on approval by the city council. (Ord. 2860 §§ 1, 2, 2002; Ord. 2859 § 1, 2002; Ord. 2748 § 3, 1999; Ord. 2486 § 1, 1991; Ord. 2448 § 2, 1991).

19.09.050 Requirement for public facilities finance plans, air quality improvement plans, and water conservation plans.

A. Public Facilities Financing Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a tentative map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a PFFP which has been approved by the city; or
2. A PFFP which includes the project has already been initiated; or
3. The applicant initiates the preparation of a PFFP.

The PFFP may be waived by the city council upon a showing that there are no public service, facility or phasing needs warranting the preparation of an PFFP.

B. Air Quality Improvement Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a tentative map, shall be deemed complete or accepted for review unless:

1. It is accompanied by an air quality improvement plan which has been approved by the city; or
2. An air quality improvement plan which includes the project has already been initiated; or
3. The applicant initiates the preparation of an air quality improvement plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city director of planning and building shall require.

C. Water Conservation Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a tentative map, shall be deemed complete or accepted for review unless:

1. It is accompanied by a water conservation plan which has been approved by the city; or
2. A water conservation plan which includes the project has already been initiated; or
3. The applicant initiates the preparation of a water conservation plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city director of planning and building shall require.

D. No SPA plan, nor any tentative subdivision map, shall be approved, or deemed approved, without an approved PFFP, an approved air quality improvement plan and a water conservation plan. To provide consistency and implementation of said plans, the city council may impose any condition to the approval of an SPA plan or tentative subdivision map necessary to implement the PFFP, the air quality improvement plan, the water conservation

plan, the growth management program, or the master facility plans.

E. No final map shall be approved until all the conditions of the PFFP, the water conservation plan and the air quality plan have been met, or the project applicant has provided adequate security to the city that said plans will be implemented.

F. No other discretionary planning approvals shall be granted unless the city council finds that the project is consistent with an approved PFFP, an air quality improvement plan, and a water conservation plan.

G. No building permit shall be issued unless the permit is consistent with any applicable PFFP, the air quality improvement plan and the water conservation plan and all applicable fees, including, but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or other development fees adopted by the city council, have first been paid or provision for their payment has been made to the satisfaction of the city council.

H. No development shall occur in a PFFP area if the demand for any public facilities and services exceeds capacity and it is not feasible to increase capacity prior to completion of development unless means, schedule and financing for increasing the capacity is established through the execution of a binding agreement providing for installation and maintenance of such facilities or improvements in advance of the city's phasing schedule. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.060 Public facilities finance plan contents.

A. A PFFP shall contain a complete description of the proposed development project and a complete description of all public facilities included within the boundaries of the plan as defined by the director of planning and building. The plan shall contain a description of the individual and cumulative impacts of the proposed development on the community as it relates to the growth management program, the specific facility master plans and the threshold standards.

B. The PFFP shall consist of maps, graphs, tables, and narrative text and shall be based upon the general plan and zoning applicable within the area of impact. The PFFP shall be consistent with the growth management program and threshold standards and shall implement the growth management program within the area.

C. The boundaries of the PFFP shall be established by the city at the time an SPA plan or tenta-

tive map is submitted by the applicant. The boundaries shall be based upon the impact created by the project on existing and future need for facilities. The project boundaries will correlate the proposed development project with existing and future development proposed for the area of impact to provide for the economically efficient and timely installation of both on-site and off-site facilities and improvements required by the development. In establishing the boundaries for the PFFP, the city shall be guided by the following considerations:

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1. Service areas or drainage or sewer basins which serve the project;
2. Extent to which facilities or improvements are in place or available;
3. Ownership of property;
4. Project impact on public facilities relationships, especially the impact on the city's planned major circulation network;
5. Special district service territories;
6. Approved fire, drainage, sewer, or other facilities or improvement master plans.

D. The boundaries shall be established by resolution after a public hearing, notice of which is given pursuant to CVMC 19.12.070.

E. The PFFP shall show how and when the facilities and services necessary to accommodate development within the area will be installed or financed:

1. Police;
2. Fire/EMS;
3. Schools;
4. Libraries;
5. Parks and recreation;
6. Water;
7. Sewer;
8. Drainage;
9. Traffic;
10. Civic facilities;
11. Corporation yards.

F. The PFFP shall include the following information with regard to each facility and service listed in subsection (E) of this section:

1. List of Facilities and Services. A list or schedule of facilities and service requirements correlated to individual development projects within the area.

2. Inventory. An inventory of present and future requirements for each facility and service based upon the threshold standards. The inventory shall include life cycle cost (LCC) projections for each element in subsection (E) of this section as they pertain to city fiscal responsibility. The LCC projections shall be for estimated life cycle for each element analyzed. The model used shall be able to identify and estimate initial and recurring life cycle costs for the above elements. Because requirements for certain facilities and services may overlap plan boundaries, the plan shall address the need for coordination and shall propose a coordination plan for facilities and services extending from one project boundary area to another. Cost estimates for funding public facilities and services directly related to the impact created by the project as well as for proposals for funding existing deficiencies required by

the project prior to the phasing schedule set forth in the growth management program shall be included. It must be shown that development in the area will not reduce the existing facilities or services capabilities within the project boundaries or create facilities or improvements shortages in other areas or reduce capability in any area below the threshold standards which are established pursuant to CVMC 19.09.040. The growth inducing impact of the out-of-area improvements shall be assessed and mitigation provided, if appropriate, to the satisfaction of the city council.

3. Phasing Schedule. A phasing schedule, which complies with the adopted development phasing policy as set forth in the growth management program and the threshold standards, which establishes the timing for installation or provision for facilities and services required by the project. The phasing schedule shall ensure that development of one area will not utilize more than the area's pro rata share of facility or service capacity within the projected service area of a facility unless sufficient capacity is ensured for other areas at the time of development. The phasing schedule shall include a schedule of development within the area and a cash flow analysis for financing of facilities and services for the PFFP area. The phasing schedule shall identify periods where the demand for facilities and improvements may exceed the capacity and provide a plan for eliminating the shortfall. If a project cannot demonstrate consistency with the phasing schedule, the PFFP must demonstrate, to the city's satisfaction, how facilities required for the project in advance of the phasing schedule as set forth in the master plan will be provided. If no facility master plan or threshold standards exists for a particular facility, the PFFP for the project must demonstrate how that facility will be provided and financed in a phased and timely manner.

4. Financing Plan. A financing plan establishing specific methods of funding each facility and service identified in the PFFP, which allocates the cost to the various properties within the plan area. The plan shall identify those facilities and services which would otherwise be provided as a requirement of processing a development project (i.e., requirements imposed as a condition of a development permit) or provided by the developer in order to establish consistency with the general plan, growth management program, facility master plans or this chapter, and those facilities and improvements for which new funding methods shall be sufficient to ensure that funds are available to construct or provide facilities or services when

required by the phasing schedule for the project. Where facilities or services are required for property within the PFFP area, other than the project, the phasing plan shall identify those other properties and the PFFP for each property shall be coordinated. Coordination, however, shall not require identical funding methods.

G. The PFFP shall establish the proportionate share of the cost of facilities and services identified in the growth management program and the master facilities plans attributable to the development of each property in the PFFP area.

H. In the event that an applicant provides private financing for public facilities or services to service a project in advance of the normal time frame for constructing such facilities, the approval of credits against any city fees for such advanced private financing may be postponed until the estimated time of such construction as specified in the specific facility master plan or the city's capital improvement program budget. In lieu of a facility master plan phasing schedule, such determination shall be made by the city council after reviewing information from the director of planning and building, city engineer, finance director, and deputy city manager. In no event shall a developer receive interest on funds for providing public facilities or services in advance of the city's schedule. The developer shall also become responsible for the maintenance and operation costs associated with the early construction of said facility. No repayment will be made to the developer for the funds provided for maintenance and operational costs. All repayments will be considered in accordance with the city's projected construction dates for said facilities.

I. Assessment districts requested by the developer shall not be given credit for facility fees when a facility is constructed above the standards established by the respective facility master plan or standards imposed as conditions on the approval of the project by the city council.

J. A fiscal analysis/economic impact report shall be provided identifying capital budget impacts on the city as well as maintenance and operation costs for each proposed phase of development. The report shall include an analysis of the project impact on school districts and water agencies as well as the life cycle analysis set forth in subsection (F)(2) of this section. Each year during the development of the project, the director of planning and building may require the applicant to provide the city with an updated fiscal impact report reflecting the actual revenue and expenditure impacts

based upon the development of the project. The project shall be conditioned to provide funding for periods where expenditures exceed projected revenues.

K. Developer contributions shall not be required as a source of funding for that proportion of the cost of any facility or service that is needed to reach threshold standards due to the demands created by existing development. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.070 Public facilities finance plan preparation.

A. A PFFP, an air quality improvement plan, and a water conservation plan may be processed concurrently with the SPA plan or tentative map.

B. A PFFP may be initiated by filing an application with the director of planning and building. The applicant shall pay a deposit at the time any application for a PFFP is accepted.

C. A PFFP for a project shall be prepared by the city, or a consultant selected by the city, according to the procedures established by this chapter.

D. The cost of PFFP preparation shall be advanced to the city by the applicant and any participating owner or owners prior to PFFP preparation. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.080 Public facilities finance plan review.

A. PFFPs shall be reviewed according to the following procedure:

1. A completed PFFP complying with this chapter, and accompanied by a processing fee in an amount established by city council resolution, may be submitted to the director of planning and building for processing. If the director of planning and building determines that the plan complies with the provisions of this chapter, the director shall accept the PFFP for review. Once the PFFP has been reviewed and complies with the provisions of this chapter, it shall be set for public hearing before the planning commission together with the accompanying development plan.

2. The hearing shall be noticed according to the provisions of CVMC 19.12.070. A staff report containing recommendations on the PFFP shall be prepared and furnished to the public, the applicant, and the planning commission prior to the hearing.

3. The planning commission shall hear and consider the application and shall by resolution prepare recommendations and findings for the city council. The action of the commission shall be filed with the city clerk, and a copy shall be mailed to the applicant.

4. When the planning commission action is filed with the city clerk, the clerk shall set the matter for public hearing before the city council. The hearing shall be noticed according to the provisions of CVMC 19.12.070.

5. The city council shall hear the matter, and after considering the findings and recommendations of the planning commission, may approve, conditionally approve, or deny the plans. The city council may include in the resolution adopting the PFFP any fees or facilities improvement requirements provided for in city ordinances in order to implement the growth management program, the master facility plans and the PFFP.

6. A PFFP may be amended following the same procedures for the original adoption. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).

19.09.090 Public facilities finance plan implementation.

A. The city manager shall monitor the development activity for each PFFP and shall require the preparation of an annual report by the applicant consisting of maps, graphs, charts, tables and text and including a developmental activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis and any necessary amendments to the PFFP, if necessary.

B. In the event that the city council finds that the project is not in substantial compliance with the PFFP as modified or amended, the developer shall be deemed to be in default and no further building or development permits shall be issued and development shall cease. (Ord. 2448 § 2, 1991).

19.09.100 Public facilities finance plan amendment.

A. Adoption of a PFFP does not establish any entitlement or right to any particular general plan or zoning designation or any particular development proposal.

B. The city council shall annually review the PFFP report prepared by the applicant at the time it considers the growth management oversight commission annual report.

C. If the city manager determines that facilities or improvements within a PFFP are inadequate to accommodate any further development within that area, the city manager shall immediately report the deficiency to the city council. If the city council determines that such events or changed circumstances adversely affect the health, safety or welfare of the city, the city may require the amendment, modification, suspension, or termina-

tion (hereinafter “change”) of an approved PFFP. If the city requires such change, the city shall (1) give notice to applicant or owner of (a) the city’s intended action to change the PFFP, and (b) the reasons and factual basis for the city’s determination; (2) give notice to the applicant or owner, at least 30 days prior to the hearing date, of the time and place of the hearing; and (3) hold a city council hearing on the determination, at which hearing the applicant or owner shall have the right to present witnesses, reports, and oral and written testimony. Prior to approving any change, the city shall find that (i) the circumstances were unknown or that the circumstances have changed; and (ii) the health, safety or welfare of the community require the change of the PFFP. This provision shall neither limit nor expand the rights of liabilities of either of the parties with respect to the PFFP or the development of the property.

If, after notice and hearing, the council determines that a deficiency exists, then no further building or development permits shall be issued within the affected area, and development shall cease until an amendment to the applicable PFFP which mitigates the deficiency is approved by the city council.

D. The city council may initiate an amendment to any PFFP at any time if, in its discretion, it determines that an amendment is necessary to provide adequate facilities and improvements and subsequent permits will be conditioned on conformance. (Ord. 2448 § 2, 1991).

19.09.110 Exceptions and exclusions.

A. Building Permits for Approved Projects. Building permits will be issued for projects for which all required development permits were issued or approved on or before the effective date of the general plan update adopted July 11, 1989, and upon payment of all required fees; except, that projects with SPA plans or tentative maps approved after July 11, 1989, and prior to the effective date of the ordinance codified in this chapter shall not be issued building permits until an air quality improvement plan and a water conservation plan has been approved by the city council. Nothing in this subsection shall alter or amend the terms and conditions of any development agreement entered into between the city and a developer.

B. Developed Portions of City. It is the policy of the city to encourage development in areas where public facility thresholds are met before allowing development in areas where facilities and improvements are not assured to meet the needs of

such development. Accordingly, pursuant to the findings in CVMC 19.09.010 that adequate facilities within the developed portions of the city as shown in the figure of the growth management program as referenced in CVMC 19.09.010(B)(5), or their successor provisions, are operating in conformance with adopted threshold standards, those portions of the city shall be exempt from the provisions of this chapter requiring the preparation of a PFFP, air quality improvement plan, or a water conservation plan.

C. Exclusions. Development projects which consist of facilities or structures constructed by a city, county, special district, state, or federal government or any agency, department, or subsidiary thereof for governmental purposes are excluded from the provisions of this chapter. To the extent that the city has authority to regulate such development projects, such projects shall not be exempt. This exclusion shall not apply to development projects to which a possessory interest tax would be applicable. (Ord. 2448 § 2, 1991).

19.09.120 Extensions of prior approvals.

After approval of an applicable PFFP for a development project, an extension of the expiration date of a tentative subdivision map may only be granted if the project is in conformance with the PFFP and the growth management program. The extension may be conditioned on such matters as the city deems just, including, but not limited to, compliance with the applicable public facilities finance plan. (Ord. 2448 § 2, 1991).

19.09.130 Obligation to pay fees or install facilities required by any other law.

Nothing in this chapter shall be construed as relieving a builder, developer or subdivider from any requirement to provide public facilities, to dedicate property or to pay fees, which requirement is imposed pursuant to this title or pursuant to any city council policy. (Ord. 2448 § 2, 1991).

19.09.140 Implementing guidelines.

The city council may adopt any guidelines it deems necessary to implement this chapter, including a growth management program or master facility plan. (Ord. 2448 § 2, 1991).

19.09.150 Council actions, fees, notice.

A. Whenever this chapter requires or permits an action or decision of the city council, that action or decision shall be accomplished by resolution.

B. The city council shall establish application

and processing fees for the submission and processing of public facilities financing plans.

C. Whenever written notice is required to be given to property owners under this chapter, the notice shall be mailed by first class mail to the owners shown on the last equalized assessment roll. (Ord. 2448 § 2, 1991).

19.09.160 Severability.

If any section, subsection, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The city council declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part thereof be declared invalid or unconstitutional. (Ord. 2448 § 2, 1991).

19.09.170 Facility master plan reference documents.

A. Police: "A Master Plan for the Chula Vista Civic Center Solving City Space Needs Through Year 2010," dated May 8, 1989.

B. Fire/EMS: "Fire Station Master Plan," dated March 23, 1989.

C. Schools: Sweetwater Union High School District-Sweetwater Union High School District Long Range Comprehensive Master Plan," dated November, 1984.

D. Water: Sweetwater – "Sweetwater Authority Water Master Plan," dated December, 1989.

E. Sewer: "City of Chula Vista Wastewater Master Plan," dated July 19, 1989.

F. Libraries: "Chula Vista Public Library Master Plan. Facility Planning to the Year 2010," dated April 30, 1987.

G. Parks and Recreation: There is no existing detailed master plan. The Chula Vista general plan parks and recreation element dated July, 1990, serves as the parks master plan.

H. Drainage: "City of Chula Vista Public Facilities Plan Flood Control Summary Report," dated March, 1989 (Phase II).

I. Traffic: "East Chula Vista Transportation Phasing Plan," approval date pending.

J. Air Quality: No local master plan exists for air quality. The air pollution control district is updating the air quality maintenance program to comply with the California Clean Air Act. (Ord. 2448 § 2, 1991).