

ORDINANCE NO. 3153

ORDINANCE OF THE CITY OF CHULA VISTA CITY COUNCIL AMENDING VARIOUS SECTIONS OF THE CHULA VISTA MUNICIPAL CODE, INCLUDING TITLE 19 (PLANNING AND ZONING) RELATED TO DEVELOPMENT REVIEW ADMINISTRATION PROCEDURES, PARKING REGULATIONS, AND NON CONFORMING USES/STRUCTURES; TITLE 2 (ADMINISTRATION AND PERSONNEL) RELATED TO THE PLANNING RELATED DUTIES AND FUNCTIONS OF THE CHULA VISTA REDEVELOPMENT CORPORATION; AND TITLE 18 (SUBDIVISIONS) RELATED TO ADMINISTRATIVE PROCEDURES FOR THE SUBDIVISION OF LAND

I. RECITALS

WHEREAS, in February 2009, the Development Services Department initiated a review of the City's development processes to determine what improvements could be made to reduce redundancy, administrative costs and processing timelines while not sacrificing opportunities for early and often public input and review. The effort is referred to as the Process Improvements Program (Project); and

WHEREAS, a staff committee was convened to identify a series of short and long term issues that needed to be addressed to improve the development review process; and

WHEREAS, in the spring of 2009, a twenty-five (25) member Development Services Oversight Committee (Oversight Committee), comprised of developers, business owners, community organizations, engineers, architects, and contractors was formed to work with staff in identifying additional areas that needed improvement and assist in developing workable solutions; and

WHEREAS, in September 2009 and October 2009, draft code amendments were presented to the Oversight Committee to obtain feedback on some of the major elements of the proposed process improvements that had been drafted to date; and

WHEREAS, on November 12, 2009, a joint workshop with the Planning Commission and Chula Vista Redevelopment Corporation was held to review and obtain feedback on some of the major elements of the proposed process improvements that had been drafted to date and initial ideas regarding improvements to public participation: the feedback of which has been incorporated into the draft Municipal Code amendments; and

WHEREAS, on January 13, 2010, staff presented to the Oversight Committee a draft comprehensive approach for Public Participation as it relates to the development review process, and obtained input from the Oversight Committee; and

WHEREAS, on February 11, 2010, staff presented to the Chula Vista Redevelopment Corporation, the draft comprehensive approach for Public Participation as it relates to the development review process, and in particular to redevelopment areas, which currently use the Redevelopment Advisory Committee (RAC) as the venue for public input; and obtained input from the Chula Vista Redevelopment Corporation; and

WHEREAS, on February 18, 2010, the Oversight Committee recommended, with full consensus, that staff proceed with the draft recommendations for the first phase of the Process Improvements Program, which include, but are not limited to, delegating permit decision levels; consolidating hearings for projects with multiple permits; streamlining the appeal process; modifying regulations regarding parking and non-conforming uses/structures; reducing review authority redundancies between the Planning Commission and Chula Vista Redevelopment Corporation; and improving public participation through a comprehensive citywide approach to public participation; and

WHEREAS, on March 4, 2010, staff provided, as an information item to the RAC, the draft comprehensive approach for Public Participation as it relates to the development review process, and in particular to redevelopment areas, which currently use the RAC as the venue for public input. The RAC supported the comprehensive approach for public participation as it relates to the development review process; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary; and

A. Planning Commission Record on Project

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

WHEREAS, the Planning Commission held a duly noticed public hearing to consider said Project at the time and place as advertised, namely March 24, 2010 at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS, the Planning Commission voted 6-0-0-1 to recommend that the City of Chula Vista City Council approve an ordinance amending various sections of the Chula Vista Municipal Code Title 19 (Planning and Zoning) for the purpose of process improvements; supported other process improvements, including those related to amendments to Chula Vista Municipal Code Title 2 (Administration and Personnel) and Title 18 (Subdivisions); and supported a draft Council Policy to implement a comprehensive approach for Public Participation as it relates to the development review process; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on March 24, 2010, and the minutes and Resolution resulting there from, are incorporated into the record of these proceedings; and

B. Chula Vista Redevelopment Corporation Record on Project

WHEREAS, a hearing time and place was set by the Chula Vista Redevelopment Corporation for consideration of the Project and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, at least ten (10) days prior to the hearing; and

WHEREAS, the Chula Vista Redevelopment Corporation held a duly noticed public hearing to consider said Project at the time and place as advertised, namely March 25, 2010 at 4 p.m. in the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS, the Chula Vista Redevelopment Corporation voted 6-0-0-1 to recommend that the City of Chula Vista City Council approve an ordinance amending various sections of the Chula Vista Municipal Code Title 19 (Planning and Zoning) for the purpose of process improvements; supported other process improvements, including those related to amendments to Chula Vista Municipal Code Title 2 (Administration and Personnel) and Title 18 (Subdivisions); and supported a draft Council Policy to implement a comprehensive approach for Public Participation as it relates to the development review process; and

WHEREAS, the proceedings and all evidence introduced before the Chula Vista Redevelopment Corporation at the public hearing on the Project held on March 25, 2010, and the minutes and Resolution resulting there from, are incorporated into the record of these proceedings; and

C. City Council Record on Application

WHEREAS, the City Clerk set the time and place for the hearing on the Project and notices of the hearing, together with its purposes given by its publication in a newspaper of general circulation in the City at least ten (10) days prior to the hearing; and

WHEREAS, a duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on April 20, 2010, at 4:00 p.m. in the Council Chambers at 276 Fourth Avenue to receive the recommendations of the Planning Commission and the Chula Vista Redevelopment Corporation, and to hear public testimony with regard to the same; and

WHEREAS, after receiving said resolutions, and hearing staff presentation and public testimony, the Council voted 5-0-0 to approve the amendments to the Chula Vista Municipal Code Title 19 (Planning and Zoning); amendments to Chula Vista Municipal Code Title 2 (Administration and Personnel); and amendments to Title 18 (Subdivisions) related to development review process improvements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES ORDAIN AS FOLLOWS:

SECTION I. That the Chula Vista Municipal Code Title 19 (Planning and Zoning); Title 2 (Administration and Personnel); and Title 18 (Subdivisions) as represented in Exhibits "A", "B" "C" of this Ordinance are necessary for the purpose of improving the existing development review process to reduce redundancy, administrative costs and processing timelines while not sacrificing opportunities for early and often public input.

SECTION II. That the Chula Vista Municipal Code Title 19 (Planning and Zoning); Title 2 (Administration and Personnel); and Title 18 (Subdivisions) are amended to read in the manner set forth in Exhibits "A", "B", "C", attached hereto and made a part hereof, respectively.

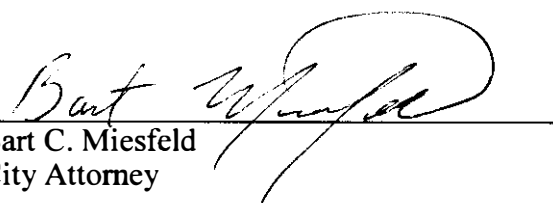
II. EFFECTIVE DATE

This ordinance shall take effect and be in full force on the thirtieth day from and after its final adoption.

Presented By

Approved as to form by

  
\_\_\_\_\_  
Gary Halbert, P.E., VAICP  
Deputy City Manager/Development Services  
Director

  
\_\_\_\_\_  
Bart C. Miesfeld  
City Attorney

Exhibits:


- Exhibit A: Amendments to CVMC Title 19 (Planning and Zoning)
- Exhibit B: Amendments to CVMC Title 2 (Administration and Personnel)
- Exhibit C: Amendments to CCMC Title 18 (Subdivisions)

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 4th day of May 2010, by the following vote:

AYES: Councilmembers: Bensoussan, Castaneda, Ramirez, Thompson and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

  
Cheryl Cox, Mayor

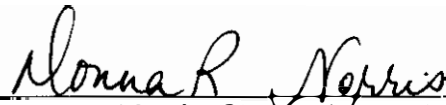
ATTEST:

  
Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3153 had its first reading at a regular meeting held on the 20th day of April 2010 and its second reading and adoption at a regular meeting of said City Council held on the 4th day of May; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 4th day of May 2010.

  
Donna R. Norris, CMC, City Clerk

**Chapter 19.10  
ZONES ESTABLISHED**

**Sections:**

- 19.10.010 Designated.**
- 19.10.020 Modifying districts – Designated.**
- 19.10.030 Classification of annexed territory.**
- 19.10.040 Regulations applying to all zones and districts.**

**19.10.010 Designated.**

The several zones hereby established, and into which the city is divided, are designated, as follows:

- A. A, agricultural zone;
- B. R-E, residential estates zone;
- C. R-1, single-family residence zone;
- D. R-2, one- and two-family residence zone;
- E. MHP – exclusive mobile home park zone;
- FE. R-3, apartment residential zone;
- GF. C-O, administrative and professional office zone;
- HG. C-B, central business zone;
- IH. C-N, neighborhood commercial zone;
- Ji. C-C, central commercial zone;
- Kj. C-V, visitor commercial zone;
- LK. C-T, thoroughfare commercial zone;
- ML. I-R, research industrial zone;
- NM. I-L, limited industrial zone;
- ON. I, general industrial zone;
- P. P-Q public /quasi public zone
- QO. P-C, planned community zone;
- RP. F-1, floodway zone;
- SQ. T, tidelands zone;
- TR. Unclassified uses. (Ord. 1356 § 1, 1971; Ord. 1212 §1, 1969; prior code §33.301).

**19.10.020 Modifying districts – Designated.**

The districts set forth below are termed "modifying districts." The regulations of each such district shall apply in lieu of or in addition to the regulations of the basic district listed in CVMC 19.10.010 with which the modifying district is combined.

- A. D, design control modifying district;
- B. S, height of buildings (stories) modifying district;
- C. P, precise plan modifying district;
- D. E, equestrian modifying district;
- E. PUD, planned unit development modifying district;
- F. H, hillside modifying district. (Ord. 1849 § 1, 1979; Ord. 1512 § 1, 1973; Ord. 1364 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.302).

**19.10.030 Classification of annexed territory.**

All territory hereafter annexed to the city shall be classified as a part of that zoning district of the city recommended by the planning commission and specified by the city council at the time of annexation thereof. Said district shall be in general accordance with the general plan. (Ord. 1212 § 1, 1969; prior code § 33.303).

**19.10.040 Regulations applying to all zones and districts.**

Except as otherwise provided:

A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner, other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for building on any other building site. (Ord. 1212 § 1, 1969; prior code § 33.304).

**Chapter 19.12  
LEGISLATIVE ZONING PROCEDURE**

**Sections:**

- 19.12.010 Purpose, intent and scope of provisions – Zoning defined.
- 19.12.020 Authorization for requirements.
- 19.12.030 Rezoning – Application required – Filing fee.
- 19.12.040 Setback lines – Establishment and change procedure.
- 19.12.050 Modifying districts – Establishment or attachment procedure.
- 19.12.060 Hearings – Required when.
- 19.12.070 Hearings – Notice required – Methods and additional contents of notice.
- 19.12.080 Hearings – Notice required – Contents.
- 19.12.090 Commission – Authorization of actions and determination of restrictiveness of zones.
- 19.12.100 Commission – Approval actions – Procedure.
- 19.12.110 Commission – Denial actions – Appeal procedure.
- 19.12.120 Attachment of conditions – Public improvements and precise plan requirements.
- 19.12.130 Interim zoning – Procedure generally – Time limit.

19.12.140 Rezoning – Procedure generally – When effective.

19.12.150 Adopted redevelopment plans.

19.12.010 Purpose, intent and scope of provisions – Zoning **defined**.

Zoning is a legislative act involving police power asserted in the interests of the public health, safety and general welfare. The zoning process includes the creation and modification of the comprehensive zoning law which establishes designated zones with permitted uses and regulations, as well as the comprehensive and uniform application of said zoning regulations by the classification and reclassification of property into designated zones. It is the purpose of the council to provide a zoning procedure which will offer a clear and definite guide to property owners seeking zoning adjustments. It is intended that these procedures will protect the public welfare and sound community planning and assure the maximum degree of protection for individual property rights. (Ord. 1212 § 1, 1969; prior code § 33.1201(1)).

**19.12.020 Authorization for requirements.**

Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and in substantial conformance with the general plan of the city, and after due consideration and report on same by the planning commission, the city council may, by ordinance, create, amend, supplement or change the uses and regulations of the comprehensive zoning law or include or place any property within the city into any zone as created and defined in this title. The procedure for adopting such ordinances may be noticed by a resolution of intention of the planning commission, or of the council, or by an affirmed application of one or more of the owners or parties having a legal interest in the property to be affected by the proposed action. (Ord. 1212 § 1, 1969; prior code § 33.1201(2)).

**19.12.030 Rezoning – Application required – Filing fee.**

Applications for any change in zone boundaries or classification or reclassification of zones made by one or more owners or parties of interest in the property within the area to be affected by the proposed action shall be filed with the development services director ~~of planning~~, accompanied by such data and information which would insure a full presentation of the facts and circumstances to justify the reasonableness of the proposed action. Said application shall be in a form as approved by the development services director ~~planning commission~~ and shall be affirmed by the applicant. Each application shall be accompanied by the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 1854 § 3, 1979; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1201(3)).

**19.12.040 Setback lines – Establishment and change procedure.**

In those cases where setback lines have not been established or where they are established by subdivision maps or regulations of a particular zone or as shown on the official line map, said lines may be so established or changed by the adoption of an ordinance in accordance with the procedures set forth in CVMC 19.12.030 for a change of zoning. (Ord. 1214 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.120(4)).

**19.12.050 Modifying districts – Establishment or attachment procedure.**

The procedure for the establishment or attachment of a modifying district shall be the same as the zone change procedure and shall be subject to the conditions as required for said modifying district. (See Chapter 19.56 CVMC.) (Ord. 1364 § 1, 1971; prior code § 33.1201(5)).

**19.12.060 Hearings – Required when.**

Upon the filing of an application or the adoption of a resolution by the planning commission or city council, the matter shall be set for public hearing before the commission by the development services director ~~of planning~~. (Ord. 1212 § 1, 1969; prior code § 33.1202).

**19.12.070 Hearings – Notice required – Methods and additional contents of notice.**

Notices of the time, place and purpose of such hearing shall be given in the following manner:

A. By at least one publication in a newspaper of general circulation in the city as provided in the Charter, not less than 10 days prior to the date set for hearing;

B. By mailing a postal card or letter to all of the owners of property within 500 feet of the exterior boundary of the property involved, as well as the owner of the subject property, said owners being established for this purpose by an examination of the assessment records held in the office of the city clerk; provided, however, that in such cases where the ownership has recently changed and such knowledge is available to the development services director ~~of planning~~, notice shall also be sent in this manner to the current occupants of said property. The notice boundary may be increased at the discretion of the development services director; or

C. In certain instances where mailed notice of hearing is deemed to be impractical, notice may be effected by posting upon the subject property, and within the area of the subject property, a notice bearing the same information as contained in the notice to be mailed. Said notice shall be mailed or posted at least 10 days prior to the date set for the public hearing, and the development services director ~~of planning~~ or his authorized representative shall sign an ~~affidavit~~ of mailing to be held in the record. It is further provided that no defect or irregularity in the giving of such notice shall invalidate the public hearing if said interested parties receive actual notice by any other means and are aware of the matter to be considered at the public hearing.

~~Where application is made for a change of classification or change of boundaries or a variance or for a conditional use permit, the director of planning or the planning commission shall have the discretion to include in notice of the hearing on such application notice that the planning commission will consider classification of other than that for which application is made and/or additional properties and/or uses.~~

D. Notices shall be mailed to any individuals who have requested in writing to be provided public notices. A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule shall accompany each request (Ord. 1212 § 1 1969; prior code § 33 1202(A)).

**19.12.080 Hearings – Notice required – Contents.**

The notice shall contain the following information:

A. The boundaries, either by diagram, plat or brief description, of the area proposed to be zoned;

B. The zone into which said area is sought to be placed;

~~C. A statement that the planning commission reserves the right to make any of the following recommendations to the city council:~~

~~1. That said property be placed in the zone proposed in the notice;~~

~~2. That the property not be rezoned, or~~

~~3. That the property be placed in any other more restrictive zone described and defined in this title, which, in the opinion of the planning commission, best serves the public interest;~~

~~C.D. The date, time and place of hearing before the planning commission;~~

~~D.E. A statement that any property owner may appear and be heard before said planning commission.~~

Mailing of notices shall not be required for establishment or amendment of comprehensive zoning laws. (Ord. 1212 § 1, 1969; prior code § 33.1202(B)).

**19.12.090 Commission – Authorization of actions and determination of restrictiveness of zones.**

If, from the facts presented, the commission finds that the public necessity, convenience, general welfare or good zoning practice requires the adoption or modification of a portion of the comprehensive zoning law or the classification or reclassification of property to any zone, the commission may recommend, by the affirmative vote of not less than a majority of the total membership of the commission, by resolution, the adoption of an ordinance by the city council adopting or modifying a comprehensive zoning law, or classifying or reclassifying property into particular zones. The commission may recommend the inclusion of property in particular zones as requested by the applicant, or the inclusion of the property into any other more restrictive zone as defined and classified in this title, or into any of the commercial zones which are equally restrictive. For the purpose of determining the restrictiveness of zones, the order in which a zone appears in this title shall govern: the lower the number of the

section, the more restrictive the zone is in relation to other zones established by this title. If such required findings cannot be made, the commission shall deny the application. (Ord. 1212 § 1, 1969; prior code § 33.1203).

**19.12.100 Commission – Recommendation Approval actions – Procedure.**

~~Once if the application is considered by the planning commission approved or a more restrictive zone recommended, the commission shall forward its resolution and the application with a report of its findings to the city clerk who shall cause the matter to be set for hearing before the city council in the same manner as required herein for setting a hearing before the planning commission. (Ord. 2374 § 1, 1990; Ord. 1212 § 1, 1969; prior code § 33.1203(1)).~~

~~**19.12.110 Commission – Denial actions – Appeal procedure.**~~

~~If an application for change or reclassification or adoption or amendment of the comprehensive zoning law is denied by the commission, the applicant or interested party may, within 10 days of the date of the mailing of the notification of denial, appeal to the city council by written notice of appeal filed with the city clerk. Such appeal shall be filed in duplicate and shall set forth specifically wherein the commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice requires such change or reclassification. Upon receipt of such appeal, the city clerk shall set the matter for hearing in the manner prescribed herein, and shall forward the findings of fact of the planning commission to the city council. The city council may, after the public hearing and consideration of the matter, affirm the action of the planning commission or may grant the appeal or a modification thereof by the affirmative vote of not less than a majority of its total membership. (Ord. 2193 § 1, 1987; Ord. 1212 § 1, 1969; prior code § 33.1203(2)).~~

**19.12.120 Attachment of conditions – Public improvements and precise plan requirements.**

A. Neither the planning commission nor the city council may attach any conditions to the zoning of any property except for supplemental zones as provided in this title, and the property owner shall be authorized, without restriction, to use the property for the uses and purposes enumerated in the zone subject only to the regulations of the zone; provided, however, that the commission may recommend or the council may require on its own motion that all public improvements, including streets and sidewalks and drainage facilities, as well as necessary dedications deemed needed to serve the uses authorized under the proposed zoning, be installed as a precedent to the zoning in order to prevent the imposition of a burden upon the community and the city created by said uses. The requirement for installation of public improvements may be deferred in accordance with the provisions as set forth in this title.



B. In addition to the requirement for the installation of public improvements in necessary dedications, the planning commission or the city council may require that a precise plan be submitted for the development of the property by attaching the P precise plan modifying district to the underlying zone. The precise plan includes, but is not limited to, the location, height, size, and setbacks of buildings or structures, open spaces, signs, and densities. The requirements and circumstances for applying the P precise plan modifying district are set forth in full in CVMC 19.56.040 through 19.56.048. The procedures for submission and approval of a precise plan are set forth in CVMC 19.14.570 through 19.14.580. (Ord. 1632 §§ 1, 3, 1975; Ord. 1222 § 1, 1969; prior code § 33.1204).

**19.12.130 Interim zoning – Procedure generally – Time limit.**

Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the city council, to protect the public safety, health and welfare, may adopt, as an urgency measure, an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the city council, planning commission or development services department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require four-fifths vote of the city council for adoption. Such interim ordinance shall be of no further force and effect 90 days from the date of adoption thereof; provided, however, that after said notice, pursuant to CVMC 19.12.060 through 19.12.080, and public hearing, the city council may, by a four-fifths vote, extend such interim ordinance for one year. Not more than two such extensions may be adopted. When such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or part of the same property, shall automatically terminate and be of no further force and effect upon the termination of the first such ordinance or any extension thereof as herein provided. Where a property owner alleges that a moratorium would cause undue hardship on his property to the extent that it would constitute a "taking" of property, the owner may request a public hearing by the city council to determine if the property owner is entitled to relief from the effects of the moratorium. The city council shall hold said public hearing within three weeks from receipt of a written request from the property owner. At the public hearing, the property owner shall set forth all reasons why relief is appropriate and the city council may approve, conditionally approve or deny relief from the restrictions of the interim ordinance. (Ord. 2235 § 2, 1987; Ord. 1212 § 1, 1969; prior code § 33.1205(1)).

**19.12.140 Prezoning – Procedure generally – When effective.**

The city council may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent

annexation to the city. The method of accomplishing this prezoning shall be as provided by CVMC 19.12.010 through 19.12.120. At the time of application for prezoning, the applicant shall deposit with the planning department the required fee(s) in accordance with Section 57004 of the Government Code. Such zoning shall become effective at the same time that the annexation becomes effective. (Ord. 2506 § 1, 1992; Ord. 1212 § 1, 1969; prior code § 33.1205(2)).

**19.12.150 Adopted redevelopment plans.**

If, and in the event that, the city council adopts or has heretofore adopted a redevelopment plan in accordance with the provisions of Section 33000, et seq., of the Health and Safety Code of the state, and said plan has been adopted in general conformance with the procedures as set forth in this chapter for adoption of zoning ordinances as applicable to particular pieces of land, said redevelopment plan shall constitute the zoning requirements regulating permitted uses and the manner of development of the land and shall supersede any zoning regulations previously adopted regulating such permitted uses and development standards; provided, however, if any aspect or element of development of the property has not been delineated in the redevelopment plan, the regulations contained in the underlying zoning or in the provisions of this title relating to the particular use involved shall be deemed to be applicable. (Ord. 1900 § 1, 1980).

**Chapter 19.14  
ADMINISTRATIVE PROCEDURES – ,Permits;  
Applications; Hearings; Appeals CONDITIONAL USES  
AND VARIANCES**

Sections:

- 19.14.010 Purpose and intent of provisions.
- 19.14.020 Zoning administrator – Creation of position- Authority.
- 19.14.025 Zoning Administrator – Duties
- 19.14.030 Zoning administrator – Actions authorized without public hearing.
- 19.14.035 Zoning administrator – Actions authorized without public hearing – Application – Fee.
- 19.14.040 Zoning administrator – Public hearing required when.
- ~~19.14.040 Variances – Public hearing required when – Exceptions.~~
- 19.14.050 Public hearing – Mandatory when; Consolidation of Public Hearings for Multiple Permit Applications.
- 19.14.060 Conditional use permit – Defined – Purpose and intent.
- 19.14.070 Conditional use permit – Application – Fee – Public hearing.
- 19.14.080 Conditional use permit – Prerequisites for granting.

- 19.14.090 Conditional use permit – Public hearing procedure – Finding of facts.
- 19.14.100 Conditional use permit – Appeals – Procedure generally.
- 19.14.110 Conditional use permit – Appeals – Form – Contents – Effect of filing.
- 19.14.120 Conditional use permit – Appeals – City clerk duties.
- 19.14.130 Conditional use permit – Appeals – City council action – Resolution contents and transmittal.
- 19.14.140 Variance – Defined – Purpose and intent – Prohibited when.
- 19.14.150 Variance – Application.
- 19.14.160 Variance – Fee required.
- 19.14.170 Variance – Accompanying documents required.
- 19.14.180 Variance – Public hearing – Procedure – Notice required.
- 19.14.190 Variance – Prerequisites for granting.
- 19.14.200 Variance – Grounds for denial – Recurrent conditions.
- 19.14.210 Variance – Zoning administrator authority – Notice of action.
- ~~19.14.220 Variance – Prerequisite to issuance of zoning permit.~~
- ~~19.14.230 Variance – Transferability.~~
- 19.14.240 Variance – Appeals – Procedure generally – Effect of filing – Public hearing.
- 19.14.250 Variance – Appeals – City council action.
- 19.14.260 Conditional use permit or variance – Time limit for utilization – Void when – Extensions – Validity.
- 19.14.270 Procedures for enforcing conditional use permits and variances.
- 19.14.330 Planned unit development – Approval prerequisite to zoning permit issuance.
- 19.14.340 Planned unit development – Application – Documents required.
- 19.14.350 Planned unit development – Multiple ownership property requirements.
- 19.14.360 Planned unit development – Fees.
- 19.14.370 Planned unit development – Public hearing – Time – Notice required.
- 19.14.380 Planned unit development – Planning commission action.
- 19.14.390 Planned unit development – City council action and authority.
- 19.14.400 Planned unit development – Zoning permit – Issuance authority – Inspections.
- 19.14.410 Planned unit development – Zoning permit – Revocation conditions – Procedure.
- 19.14.420 Site plan and architectural approval – Purpose – Prerequisite for certain uses.
- 19.14.430 Site plan and architectural approval – Application.
- 19.14.440 Site plan and architectural approval – Fee.
- 19.14.450 Site plan and architectural approval – Accompanying maps and drawings required.
- 19.14.460 Site plan and architectural approval – Zoning administrator determination authority – Endorsement required when.
- 19.14.470 Site plan and architectural approval – Principles to be observed.
- 19.14.480 Site plan and architectural approval – Zoning permit issuance prerequisite – Building inspector authority – Appeals.
- 19.14.485 Landscape plan approval – Purpose – Required when.
- 19.14.486 Landscape plan approval – Application – Accompanying documents – Fee.
- 19.14.490 Home occupations – Permit required when – Restrictions and requirements – Revocation when – Appeals.
- ~~19.14.500 Zoning permit – Required when – Exceptions.~~
- ~~19.14.510 Zoning permit – Application.~~
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- 19.14.600 Design review approval – Time limit for implementation – Extensions.

**19.14.010 Purpose and intent of provisions.**

The purpose of this chapter is to consolidate all of the administrative procedures and requirements for permits, applications, hearings and appeals so as to provide clear instructions to property owners and developers and carry out the purpose of this title. ~~The administrative procedures incorporated herein are the conditional use permit, which is required for those uses specifically permitted within certain zones but allowed only upon finding of certain facts and subject to necessary conditions; the variance, which authorizes the relaxation or variation from rules and regulations established in certain zones subject to the finding of certain facts and necessary conditions; and the planned community district procedures and the planned unit development procedures. In order to expedite the granting of a variance, a zoning administrator is established herein. The permits which are required and set forth in this chapter are the zoning permit itself, which stipulates the desired use for such permit within the zone where the subject property is located; site plan and architectural approval; the performance standard permit and the home occupation permit.~~

(Ord. 1212 § 1, 1969; prior code § 33.1301).

~~(Ord. 1212 § 1, 1969; prior code § 33.1301).~~

**19.14.020 Zoning administrator – Creation of position – Authority.**

~~In order to relieve the planning commission of certain routine functions necessary to the proper administration of this chapter, a zoning administrator is created, who shall be the director of planning and building or his authorized deputy, with such authority as is granted to him by this chapter. (Ord. 2790, 1999; Ord. 1212 § 1, 1969; prior code § 33.1302(A))~~

In order to relieve the planning commission or chula vista redevelopment corporation, within designated redevelopment project areas, of certain routine functions necessary to the proper administration of this chapter, a zoning administrator is created.

Authority. The development services director or designee may serve as a zoning administrator. The zoning

administrator shall have the authority to consider applications preside at hearings, preside at a public hearing and make an impartial decisions on permits, maps, or other matters based on the application written materials prepared prior to the hearing, and information received at the hearing.

**19.14.025 Zoning Administrator – Determination of Similar Uses.**

Determination of Similar Uses. The zoning administrator may determine that a proposed use not listed in the zoning district as permitted or conditionally permitted is allowable, if all of the following findings are made:

1.—1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses;

2.(2) The proposed use will be consistent with the purposes of the applicable zoning district; and

3.(3) The proposed use will be consistent with the General Plan and any applicable specific plan.

When the zoning administrator determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this title apply.

**19.14.030 Zoning administrator – Actions authorized without public hearing.**

The zoning administrator is authorized to consider and to approve, disapprove or modify applications on the following subjects, and/or issue the following required permits without setting the matter for a public hearing:

A. Conditional Use Permit. The zoning administrator shall be empowered to issue conditional use permits, as defined herein, in the following circumstances:

1. Where the use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question;

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

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

4. ~~The zoning administrator is authorized to consider and to approve, deny, or modify applications for conditional use permits for Carnivals and circuses. The zoning administrator shall set the matter for public hearing in the manner provided herein;~~

5. Churches;

~~6. Establishments that include the sale of alcoholic beverages for off-site use or consumption, located in the C-N zone. The zoning administrator shall hold a public hearing in accordance with CVMC 19.14.060 through 19.14.090 upon giving notice thereof in accordance with CVMC 19.12.070 and 19.12.080. A conditional use permit shall not be granted unless the zoning administrator or other issuing authority finds in his or her sole discretion, and based on substantial evidence in view of the entire record, that all of the facts required by CVMC 19.14.080 exist, and that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (a) the number and location of existing facilities; (b) compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (c) the impact of the proposed facility on crime; and (d) the impact of the proposed facility on traffic volume and traffic flow. The police department or other appropriate city departments may provide evidence at the hearing. A permit to operate may be restricted by any reasonable conditions including, but not limited to, limitations on hours of operation.~~

~~The city council shall be informed of the decision on each such permit by the city clerk when the decision is filed in accordance with CVMC 19.14.090. The decision of the zoning administrator may be appealed.~~

~~Such appeal shall be directed to the city council, rather than the planning commission, and must be filed within 10 days after the decision is filed with the city clerk, as provided in CVMC 19.14.100. If appealed within the time limit, said appeal shall be considered in a public hearing conducted by the city council, in the same manner as other appeals pursuant to CVMC 19.14.120 and 19.14.130, except that the council must make the same written findings required of the zoning administrator herein in order to grant the permit.~~

5. Roof-mounted Satellite Dishes;

6. Recycling collection centers (small) in accordance with pursuant to CVMC 19.58.345(B);

7. Cellular Facilities (stealth) pursuant to CVMC 19.89.050.

B. Variances. The zoning administrator shall be authorized to grant variances for limited relief in the case of:

1. Modification of distance or area regulations;
2. Additions to structures which are nonconforming as to side yard, rear yard, or lot coverage, providing the additions meet the requirements of this title affecting the property;
3. Walls or fences to exceed heights permitted by ordinances.

Modifications requested in said applications for relief described under 1, 2 or 3 above to be administered with the requirement for a public hearing shall be limited to deviations not to exceed 20 percent of the requirements imposed by ordinances.

C. Site, Architectural, and Landscape Plan Approvals. The zoning administrator shall be empowered to grant site plan, architectural plan and landscape plan approval as provided herein.

~~D. Performance Standard Procedure. The zoning administrator shall be authorized to issue a zoning permit for uses subject to performance standards procedures, as provided herein.~~

~~E. Home Occupations. The zoning administrator shall be authorized to grant permits for home occupations, as defined and regulated in CVMC 19.14.490.~~

D. Large Family Day Care homes in accordance with pursuant to CVMC 19.58.147.

**19.14.035 Zoning Administrator – Application - Fee-Without a Public Hearing.**

A. Applications for actions authorized by the zZoning aAdministrator without a public hearing shall be made to the development services director in writing on a form prescribed by the development services director and shall be accompanied by plans and data sufficient to show the detail of the proposed use or building.

B. Fees. A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule, shall accompany each application for a variance or conditional use permit or modifications thereto considered by the zoning administrator without a public hearing. The development services director shall cause the matter to be set for consideration by the zoning administrator in the same manner as required for setting zoning matters for hearing, pursuant to CVMC Sections 19.12.070 (B), (C), and (D), as if the matter were to be a hearing.

In regard to applications on any of the aforementioned subjects, the zoning administrator shall set a reasonable time for the consideration of the same and give notice thereof to the applicant and to other interested persons as defined in this title. In the event objections or protests are received, the zoning administrator shall set the matter for public hearing as provided herein. (Ord. 2616 § 5, 1994; Ord. 2526 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2290 § 1, 1989; Ord. 2075 § 2, 1984; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1302(B)).

**19.14.040 Conditional Use Permits and Variances - Public hearing required when.**

In the case of applications for conditional use permits, other than those as set forth in CVMC 19.14.030(A), the zoning administrator shall set the matter for public hearing in the manner provided herein and 19.12.070 and 19.12.080. The hearing shall be conducted by the zoning administrator except as otherwise noted in the conditional uses section of the particular zoning districts.

In the case of applications for variances other than those for limited relief as set forth in CVMC 19.14.030(B),

the zoning administrator shall set the matter for public hearing in the manner provided herein and 19.12.070 and 19.12.080 (Ord. 1212 § 1, 1969; prior code § 33.1302 (C)).

**19.14.040 Variances — Public hearing required when — Exceptions.**

~~In the case of applications for variances, other than those for limited relief as set forth in CVMC 19.14.030, the zoning administrator shall set the matter for public hearing in the manner provided herein. (Ord. 1212 § 1, 1969; prior code § 33.1302 (C)).~~

**19.14.050 Public hearing – Mandatory when; Consolidation of Public Hearings for Multiple Permit Applications.**

A. The zoning administrator may, at her/his option, refer any of the matters on which she/he is authorized to rule and/or issue a permit to the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, for review. In addition, a project applicant may request that any such matter be referred directly to the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, for action. In such cases, a public hearing as provided herein shall be mandatory.

B. The applicant or other interested Any person who disagrees with the ruling of the zoning administrator may appeal such ruling to the city council/planning commission. In such cases, a public hearing as provided herein shall be mandatory. Any person who disagrees with a sign design ruling of the zoning administrator may appeal such ruling to the design review committee. In such cases, the sign project ruling under appeal shall be reviewed by the design review committee in accordance with CVMC 19.14.582.

C. When an applicant applies for more than one permit or other approval for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker or decision making body. The consolidated application shall be heard by the decision maker or decision making body associated with the highest level action among the applications to be considered. The findings required for approval of each permit shall be considered individually consistent with CVMC Sections 19.14.080, 19.14.190 and/or 19.14.582(E) as applicable. For projects subject to design review and that are consolidated to a higher decision making level, one member of the design review board, or the chula vista redevelopment corporation if in a designated redevelopment project area, with design expertise, may advise the staff on the design aspects of the project prior to the public hearing. The recommendations will be included in the staff report to the highest level decision making body.

~~Notwithstanding the above provisions, the zoning administrator may, at his option, or upon appeal, refer applications for carnivals and circuses on which he is authorized to issue a permit to the city council for review.~~

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~~such cases, a public hearing as provided herein shall be mandatory. (Ord. 2575 § 1, 1993; Ord. 2365 § 1, 1990; Ord. 1212 § 1, 1969; prior code § 33.1302(D)).~~

**19.14.060 Conditional use permit – Defined – Purpose and intent.**

The granting of a conditional use permit is an administrative act to authorize permitted uses subject to specific conditions because of the unusual characteristic or need to give special consideration to the proper location of said uses in relation to adjacent uses, the development of the community and to the various elements of the general plan. It is the purpose of this chapter to set forth the findings necessary for such administrative action and to establish a procedure for granting conditional use permits. (Ord. 1212 § 1, 1969; prior code § 33.1303).

**19.14.070 Conditional use permit – Application – Fee – Public hearing.**

A. Applications for conditional use permits or modifications thereto shall be made to the development services director/planning commission in writing on a form prescribed by the development services director/planning commission and shall be accompanied by plans and data sufficient to show the detail of the proposed use or building. The application shall be accompanied by a fee as presently designated, or as may in the future be amended, in the master fee schedule. The development services director/director of planning shall cause the matter, except those subject to CVMC 19.14.030, to be set for hearing and notice such hearing in the same manner as required for setting zoning matters for hearing, pursuant to CVMC 19.12.070. The director of planning or the planning commission shall have the discretion to include in the notice of the hearing on such application notice that the planning commission will consider classifications of other than that for which application is made and/or additional properties and/or uses.

~~In those cases where the application conforms to the requirements of CVMC 19.14.030(A), the application shall be directed to the zoning administrator.~~

B. In the case of hazardous waste facilities as defined in CVMC 19.04.107, applications for conditional use permits or modifications thereto shall be made pursuant to CVMC 19.58.178, and shall be considered by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, with a recommendation to be forwarded to the city council for final review and action. The requirements of CVMC 19.14.090 shall apply to both the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, recommendation and the city council resolution, with the following modifications:

1. The written findings, in addition to the requirements of CVMC 19.14.080, shall address those matters as set forth in CVMC 19.58.178(K).

2. The decision of the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, shall constitute a recommendation only, and shall neither be a final decision et become final nor subject to appeal as provided in CVMC 19.14.100 to 19.14.130.

3. The city council's decision shall be considered final, and the city clerk shall transmit a copy of the resolution as provided by CVMC 19.14.130. (Ord. 2542 § 2, 1993; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1304).

**19.14.080 Conditional use permit – Prerequisites for granting.**

After the public hearing, the zoning administrator or as the case may be, planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, or the zoning administrator may, by resolution, grant a conditional use permit if it the planning commission or the zoning administrator finds from the evidence presented at said hearing that all of the following facts exist:

A. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

C. That the proposed use will comply with the regulations and conditions specified in this title for such use;

D. That the granting of this conditional use will not adversely affect the general plan of the city or the adopted plan of any governmental agency;

E. That the proposed conditional use, if located in the coastal zone, is consistent with the certified local coastal program and is consistent with the intent of the zoning district. (Res. 11903, 1985; Ord. 1212 § 1, 1969; prior code § 33.1305(A)).

**19.14.090 Conditional use permit – Public hearing procedure – Finding of facts.**

The planning commission or Not more than 10 business days following the decision, the decision maker, whether the zoning administrator, planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, shall make a written finding specifying which shall specify the acts relied upon in rendering said decision, fully setting forth the facts and circumstances that fulfill or fail to fulfill the requirements of this section and CVMC 19.14.080, and, in situations where approval was granted, the and attaching such conditions and safeguards as deemed necessary and desirable for such approval, not more than 10 days

following the decision of the commission or the zoning administrator, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section and CVMC 19.14.080. A copy of this written finding of facts shall be filed filed with the city clerk, with the development services director of planning and building, and mailed to the applicant. The decision of the planning commission or zoning administrator shall become final on the eleventh day following the decision its filing in the office of the city clerk, except where appeal is taken as provided herein. (Ord. 2790, 1999; Ord. 2374 § 2, 1990; Ord. 1212 § 1, 1969; prior code § 33.1305(B)).

**19.14.100 Conditional use permit — Appeals of the Zoning Administrator Decision– Procedure generally.**

The applicant or other interested persons may appeal the decision of the zoning administrator to the city council planning commission within 10 business days from the date on which after the decision was made filed with the city clerk. Said appeal shall be in writing and filed with the city clerk upon forms provided by the development services department and shall specify therein that the decision of the zoning administrator was in error and identify the facts and circumstances on which the claim of error is based. If an appeal is filed within the time limit specified it shall automatically stay the proceedings in the matter until a determination is made by the city council. Upon the filing of the appeal the zoning administrator shall set the matter for public hearing giving the same notice as required in CVMC 19.12.070 and 19.12.080. The zoning administrator shall transmit to the city council a copy of its decision and findings minutes of the hearing and all other evidence, maps papers and exhibits upon which the zoning administrator made its decision. The and the hearing on said appeal shall be processed by the planning city clerk commission in the same manner as a conditional use permit within the original jurisdiction of the zoning administrator planning commission. The decision on the appeal by the city council shall be final The applicant or other interested persons shall have the same right of appeal from any determination of the planning commission in such instances as set forth in CVMC 19.14.110 through 19.14.130. (Ord. 1212 § 1, 1969; prior code § 33.1305(C)).

**19.14.110 Conditional use permit — Appeals of the Planning Commission or Chula Vista Redevelopment Corporation decision – Form – Contents – Effect of filing.**

The applicant or other interested person may appeal from the decision of the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, granting or denying any conditional use permit as provided in CVMC 19.14.240 and 19.14.250 to the city council within 10 business days from the date on which the after said decision was made, filed with the city clerk. Said appeal shall be in writing and filed in triplicate with the city clerk

upon forms provided by the development servicesplanning department and shall specify therein that the decision of the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, was in error and identify the facts and circumstances on which the claim of error is based. ~~wherein there was error in the decision of the planning commission.~~ If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the city council.

Where an application is neither approved nor denied by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, due to a failure to achieve a majority vote by less than four votes, the applicant shall have the right to either a rehearing at the next planning commission or chula vista redevelopment corporation meeting, whichever is applicable to the project, with an opportunity to appeal the decision of the rehearing to the city council, or may ~~an~~ appeal directly to the city council without payment of additional fees. The choice of alternatives shall be at the discretion of ~~with~~ the applicant. All other proceedings pertaining to appeals shall continue to apply. (Ord. 1212 § 1, 1969; prior code § 33.1306(A)).

**19.14.120 Conditional use permit – Appeals of Planning Commission or Chula Vista Redevelopment Corporation decision – City clerk duties.**

Upon the filing of the appeal, the city clerk shall set the matter for public hearing, giving the same notice as required in CVMC 19.12.060 through 19.12.080. The matter shall be placed on the council agenda and heard within 30 days of receipt of a valid application for appeal. The city clerk shall send the development servicesplanning department a duplicate copy of the appeal and request the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, to transmit to the city council a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the planning commission, or chula vista redevelopment corporation, made its decision. (Ord. 1212 § 1, 1969; prior code § 33.1306(B)).

**19.14.130 Conditional use permit – Appeals – City council action – Resolution contents and transmittal.**

Upon the hearing of such appeal, the city council may, by resolution, affirm, reverse or modify in whole or in part any determination of the zoning administrator, planning commission, or chula vista redevelopment corporation, subject to the same limitations and requirements of findings as are placed upon the zoning administrator, planning commission, or chula vista redevelopment corporation, by this chapter. The resolution must contain a finding of facts showing wherein the conditional use meets or fails to meet the requirements of CVMC 19.14.080 through 19.14.100. The decision by the city council on the appeal is final. Not later than 10 business days

following the adoption of said resolution, the city clerk shall transmit a copy of the resolution and finding to the director of development servicesplanning, ~~to the director of building and housing,~~ and shall mail a copy to the applicant. (Ord. 2074 § 1, 1984; Ord. 1212 § 1, 1969; prior code § 33.1306(C)).

**19.14.140 Variance – Defined – Purpose and intent – Prohibited when.**

The granting of a variance is an administrative act to allow a variation from the strict application of the regulations of the particular zone, and to provide a reasonable use for a parcel of property having unique characteristics by virtue of its size, location, design or topographical features, and its relationship to adjacent or surrounding properties and developments. The purpose of the variance is to bring a particular parcel up to parity with other property in the same zone and vicinity insofar as a reasonable use is concerned, and it is not to grant any special privilege or concession not enjoyed by other properties in the same zone and vicinity. The variance may not be used to correct improper zoning. It is the purpose of this chapter to set forth the findings necessary for such administrative action and to establish a procedure for granting variances. In no case shall a variance be granted to permit a use other than a use permitted in the district in which the subject property is situated. (Ord. 1212 § 1, 1969; prior code § 33.1307).

**19.14.150 Variance – Application.**

Application shall be made by the property owner to the zoning administrator on a form prescribed for that purpose by the city. (Ord. 1212 § 1, 1969; prior code § 33.1308(A)).

**19.14.160 Variance – Fee required.**

The fee(s), no part of which shall be refundable, for a variance or modification thereof shall be in the amount(s) identified in the master fee schedule or any amendments thereto ~~the required fee(s).~~ (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1308(B)).

**19.14.170 Variance – Accompanying documents required.**

The following accompanying maps and drawings are required: maps and drawings required to demonstrate that the conditions set forth in CVMC 19.14.150 through 19.14.230 ~~19.14.190~~ apply to subject property, together with any other data that the city may required. (Ord. 1212 § 1, 1969; prior code § 33.1308(C)).

**19.14.180 Variance – Public hearing – Procedure – Notice required.**

Except for applications for limited relief as described in 19.14.030(B) a ~~a~~ public hearing for a variance shall be held by the zoning administrator in the following manner:

The zoning administrator shall publish a notice of hearing in a newspaper of general circulation in the city not

less than ~~ten~~ five days prior to the date of said hearing. In addition to the notice in the newspaper. Notice of hearing may also be made, at the option of the zoning administrator or commission, as the case may be, by mail to owners of record of surrounding property within 5300 feet of the property for which said variance is requested. ~~The zoning administrator or the planning commission shall have the discretion to include in notice of hearing on such application notice that the planning commission will consider classification of other than that for which application is made and/or additional properties and/or uses.~~ Failure of owners to receive notice of hearing shall in no way affect the validity of action taken. (Ord. 2374 § 2, 1990; Ord. 1212 § 1, 1969; prior code § 33.1308(D)).

**19.14.190 Variance – Prerequisites for granting.**

The zoning administrator shall grant a variance only when the following facts are found:

A. That a hardship peculiar to the property and not created by any act of the owner exists. Said hardship may include practical difficulties in developing the property for the needs of the owner consistent with the regulations of the zone; but in this context, personal, family or financial difficulties; loss of prospective profits; and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors;

C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest;

D. That the authorizing of such variance will not adversely affect the general plan of the city or the adopted plan of any governmental agency;

E. That in the coastal zone, granting of variances is consistent with and implements the certified local coastal program, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources as specified in the zones included in this title, and that the variance implements the purposes of the zones adopted in implementation of the local coastal program.

In the coastal zone ~~t~~The zoning administrator ~~director of~~ ~~planning and building or~~ ~~planning commission~~ may grant a variance to a regulation prescribed by this title only with respect to fences, walls, hedges, screening, or landscaping; site area, width, frontage or depth; front, rear, or side yards; basic floor area; height of structures; or distances between structures, courts or usable open space as the variance was applied for, or in modified form, if, on the basis of the application and the evidence submitted, the zoning administrator ~~director of~~ ~~planning and building~~

makes the following findings of fact that establish that the circumstances prescribed in subsections (A) through (C) of this section apply:

1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the title deprives such property of privileges enjoyed by other property owners in the same land use classification in the coastal zone;

2. That the strict application of the specified provision would deprive the applicant of privileges enjoyed by the owners of other property classified in the same use classification in the coastal zone; and

3. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same use classification in the coastal zone. (Ord. 2790, 1999; Res. 11903, 1985; Ord. 1212 § 1, 1969; prior code § 33.1308 (E)).

**19.14.200 Variance – Grounds for denial – Recurrent conditions.**

No grant of a variance shall be authorized if the zoning administrator finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought, or one or the other in combination, is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation. (Ord. 1212 § 1, 1969; prior code § 33.1308(F)).

**19.14.210 Variance – Zoning administrator authority – Notice of action.**

The zoning administrator may approve said variance, or may grant said variance subject to specified conditions, or may deny said variance. The zoning administrator shall notify the applicant within 10 ~~forthwith~~ ~~of~~ ~~days~~ of action taken. (Ord. 2374 § 2, 1990; Ord. 1212 § 1, 1969; prior code § 33.1308(G)).

~~19.14.220 Variance – Prerequisite to issuance of zoning permit.~~

~~Following the issuance of a variance by the zoning administrator, the building inspector shall issue a zoning permit as provided in CVMC 19.14.500 through 19.14.550. (Ord. 1212 § 1, 1969; prior code § 33.1308(H)).~~

**19.14.230 Variance – Transferability.**

Unless specified otherwise at the time variance is granted, the variance applies to subject property for an indefinite time and is transferable to any future owner of subject property. (Ord. 1212 § 1, 1969; prior code § 33.1308(I)).

**19.14.240 Variance – Appeals – Procedure generally – Effect of filing – Public hearing.**

The applicant or other interested party may appeal the decision of the zoning administrator to the city council ~~planning commission~~, within 10 business days ~~from~~



the date on which ~~after~~ said decision ~~was~~ made, filed with the city clerk. Said appeal shall be in writing and filed in triplicate with the development services planning department on forms provided by said department, and shall specify ~~wherein that there was an error in the~~ decision of the zoning administrator was in error and identify the facts and circumstances on which claim of error is based. If an appeal is filed within the time limit specified, it stays proceedings in the matter until a determination is made by the city council planning commission. The city council planning commission shall set the matter for hearing as set forth herein for action by the commission on conditional use permits in CVMC 19.14.080-19.12.070 and 19.12.080 through 19.14.100. The decision of the city council is final.

Where an application for a variance is included in a consolidated hearing and is neither approved nor denied by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, due to failure to achieve a majority vote by less than four votes, the applicant shall have the right to either a rehearing at the next planning commission or chula vista redevelopment corporation meeting, whichever is applicable to the project, or an appeal to the city council without payment of additional fees. The choice of alternatives shall be at the discretionary of with the applicant. All other proceedings pertaining to appeals shall continue to apply. (Ord. 2084 § 1, 1984; Ord. 1212 § 1, 1969; prior code § 33.1309 (A)).

**19.14.250 Variance Appeals City council action.**

The same appeal rights as set forth in CVMC 19.14.110 through 19.14.130 for conditional use permits shall be applicable. (Ord. 1212 § 1, 1969; prior code § 33.1309(B)).

**19.14.260 Conditional use permit or variance – Time limit for utilization – Void when – Extensions – Validity.**

(A) A permit grants the applicant 36 months to initiate utilization of the permit. A variance or conditional use permit shall be deemed to be utilized if the property owner has substantially changed his position in reliance upon the grant thereof. Evidence of change of position would include completion of construction, substantial work has been performed in reliance of the permit granted, or the use of the property in the manner granted by the permit.

(b) B. Expiration Date. A permit and the rights granted there under shall expire if the applicant has not utilized the permit prior to the expiration date of the permit, including any extensions granted pursuant to subsection (c) of this section.

C. (e) Application for Request anfor Extension. Prior the expiration of a permit, the appropriate decision maker, whether the zoning administrator, the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, whichever heard the original application, may grant an

extension of time contained in a then currently and valid variance or conditional use permit without a public hearing upon written request of the property owner provided that:

1. — that—There has been no material change of circumstances since the granting of the variance or conditional use permit; and.

2. Such changes, if any, which when considered in conjunction with the construction or use of property theretofore permitted, would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. Stay of Proceedings. If an application for extension of time is filed in a timely manner, the permit shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the extension of time has been made, whichever occurs last.

E.(4) Review of Application. An application for an extension of time of a permit shall be reviewed by the development services director to determine whether the proposed development has significantly changed or is in substantial conformance with the approved permit. If the proposed development is in substantial conformance with the approved permit, an extension will be granted and an application for an amendment to the permit will not be required. The extension of time may be granted without notice or public hearing by the original permitting authority, upon making a determination that the findings and conditions of the original approval still apply and if the original permit account balance is in good standing. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire.

F. Length of Extension. An extension shall not exceed for up to an additional 12 months, from the original expiration date may be granted.

G. Fees. The Ffee(s) for an extension of time for a variance or conditional use permit shall be in the amount identified in the master fee schedule or any amendments theretothe required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1310).

~~Any conditional use permit ~~zone or regulated~~ by the city as herein provided shall be conditioned upon the privileges granted being utilized within one year after the effective date thereof. A variance or conditional use permit shall be deemed to be utilized if the property owner has substantially changed his position in reliance upon the grant thereof. Evidence of change of position would include completion of construction or any expenditures of money by the property owner preparatory to construction and shall also include the use of the property as granted. If there has been a lapse of work for three months after commencement, the conditional use permit or zone variance shall be void.~~

~~The commission may, by resolution, grant an extension of time contained in a currently valid zone variance or conditional use permit without a public hearing upon appeal of the property owner; provided, that there has~~

~~been no material change of circumstances since the granting of the variance or conditional use permit which would be injurious to the neighborhood or otherwise detrimental to the public welfare. The fee for an extension of time for a variance or conditional use permit shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1310).~~

**19.14.270 Procedures for enforcing conditional use permits and variances.**

A. The director of ~~planning and building development~~ services shall investigate evidence presented to him or her to determine whether probable cause exists that any of the following has occurred or is substantially likely to occur regarding any variance or conditional use permit:

1. Fraud. That the variance or conditional use permit approval was obtained by fraud;

2. Non-Use. That the uses and privileges authorized by the variance or conditional use permit have not been initiated in the manner and within the ~~36~~<sup>42</sup> months specified in CVMC 19.14.260, and no extension of time has been granted;

3. Abandonment. That the property or any structure thereon subject to the variance or conditional use permit has been abandoned or the use authorized has ceased for a period exceeding 12 months;

4. Violation of Conditions. That the variance or conditional use permit is being or has been exercised contrary to the conditions of said permit, or in violation of any applicable licenses, permits, regulations or laws;

5. Violation of Use. That the variance or conditional use permit is being or has been exercised in a manner other than or in excess of the use right granted;

6. Public Health, Safety and Welfare. That the use for which the variance or conditional use permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance.

If the director of ~~planning and building development~~ services has probable cause to believe that any of the foregoing has occurred or is substantially likely to occur, he/she shall issue a recommendation as to what action should be taken. The recommendation shall be submitted to the individual or body which issued the conditional use permit or variance (hereinafter referred to as "permitting authority").

B. The permitting authority shall hold a public hearing to consider the director of ~~planning and building development~~ services recommendation regarding the conditional use permit or variance.

C. Notice of any public hearing to consider violations of variances and conditional use permits shall be given consistent with the procedures set forth in CVMC 19.12.070. The notice shall contain the following information:

- 1. The date, time, and place of the public hearing;
- 2. The identity of the permitting authority;

3. A general explanation of the matter to be considered including the nature of the planning director's recommendation;

4. A general description, either in text or by diagram, of the location of the property.

D. Procedures for Public Hearing. The following procedures shall be followed for public hearings provided for in this section:

1. Recommendation and Reports. The director of development ~~services planning and building's~~ recommendation and any accompanying staff reports, if any, shall be made available to the public prior to commencement of the public hearing provided for herein.

2. Recordation. The public hearing may, at the written request of an interested party, be recorded by either a recording device or stenographer.

3. Testimony. Any witness offering evidence or testimony may be placed under oath and subject to cross-examination at the request of the permitting authority or any party interested in the matter which is the subject of the hearing.

4. Relevancy. Evidence or testimony must be relevant or material to the fact or facts at issue. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which would otherwise make improper the admission of such evidence in civil actions. All irrelevant and unduly repetitious evidence may be excluded.

5. Hearsay. Hearsay evidence shall be admissible, but the fact that evidence is hearsay may affect the weight given to the evidence in reaching any determination of any question of fact. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may not be sufficient by itself to support a decision unless it would be admissible over objection in civil actions.

6. Privileges. The rules regarding privileges shall be effective to the extent they are raised and otherwise required by law to be recognized at the hearing.

7. Procedural Compliance. The hearing need not be conducted under rules relating to evidence. Failure of the permitting authority to strictly enforce rules of evidence and reject certain matters which may be irrelevant or immaterial shall not be sufficient to constitute reversible error on the part of the permitting authority if basic procedural due process is granted to all affected parties and a fair hearing has been conducted. Errors which do not affect substantial rights will be disregarded and no presumption of prejudicial error is raised by the failure to strictly adhere to procedural requirements.

E. The permitting authority, after public hearing, shall make a finding or findings whether any or all of the factors articulated in subsection (A) of this section apply to a conditional use permit or variance.

F. Based on its findings, the permitting authority may do any one or a combination of the following:

1. Maintain the existing variance or conditional use permit without modification;
2. Modify or delete any provision or condition of the variance or conditional use permit;
3. Establish any new condition or provision;
4. Revoke the variance or conditional use permit;
5. Establish any fine or charge which may be paid in lieu of revocation, modification, or imposition of a condition.

G. Written Decision. The permitting authority must issue a written decision explaining the factual basis for its decision. Notice of the permitting authority's written decision and action shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the city clerk.

H. Right of Appeal. Within 10 business days after the notice of the written decision is filed, unless the date is waived by the appellate body upon a showing of good cause, any interested party who participated in the public hearing or the director of development services ~~planning and building~~ may appeal the written decision to the appropriate appellate body as follows:

1. If the permitting authority is the zoning administrator, appeal shall be filed with the city council; ~~planning commission~~;
2. If the permitting authority is the planning commission or chula vista redevelopment corporation, appeal shall be filed with the city council;
3. If the permitting authority is the city council, no further appeal is available.

I. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

J. After an appeal is filed and accepted, the appellate body shall hold a public hearing consistent with the provisions set forth in this section. The appellate body may, in its discretion, consider additional evidence not presented at the public hearing.

K. The appellate body may reverse, uphold, or modify in any manner a written decision or take any action consistent with this section, after public hearing, upon a written appellate decision. Notice of the written appellate decision shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the city clerk.

L. Appeal to City Council. If the appellate body is not the city council, an appeal may be filed by any interested party who participated in the appeal or by the director of planning and building ~~development services~~ who may request an appeal to the city council within 10 business days after the notice of the written appellate decision is filed, unless waived by the city council upon a showing of good cause. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

M. Any written decision regarding an appeal shall be final on the eleventh day after its filing, unless an appeal is

timely filed, if such an appeal is available to an issuing body, or a waiver is obtained. All written decisions issued by the city council shall become final when notice of such written decision is filed.

N. After the written decision becomes final, it shall be filed with the director of planning and building ~~development services~~ and a copy may be filed with the county recorder of San Diego County. Uses and structures must be brought into compliance with the final decision or otherwise brought into compliance with the underlying zone. Where a variance or conditional use permit is revoked, it shall become void. (Ord. 2790, 1999; Ord. 2520 § 1, 1992).

~~19.14.330 Planned unit development – Approval prerequisite to zoning permit issuance.~~

~~Where use is made of the planned unit development procedure, as provided in this chapter, a zoning permit shall not be issued for such development or part thereof until the planning commission and city council have approved a planned unit development application for said development as provided in this chapter. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)).~~

**19.14.340 Planned unit development – Application – Documents required.**

Application shall be made on a form prescribed for this purpose by the city not less than three weeks prior to a regularly scheduled meeting of the planning commission. Application shall be accompanied by a zone change application establishing the modifying district. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(1)).

**19.14.350 Planned unit development – Multiple ownership property requirements.**

Where property is held by more than one owner, the application for the planned unit development must be accompanied by the written consent of all property owners or initiated by the city council. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(2)).

**19.14.360 Planned unit development – Fees.**

The fee for planned unit development or modification thereof shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1961 § 1, 1982; Ord. 1500 § 6, 1973; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(3)).

**19.14.370 Planned unit development – Public hearing – Time – Notice required.**

A public hearing shall be held by the planning commission and city council as provided herein:

A. Such hearing before the city council shall be set for public hearing by the city clerk within 20 days after planning commission action;

B. The secretary of the commission and city clerk shall publish notice of hearings in a newspaper of general circulation in the city not less than 10 days prior to the date

of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. (Ord. 2374 § 2, 1990; Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(4)).

**19.14.380 Planned unit development – Planning commission action.**

In taking action, the commission may recommend to the city council denial of a planned unit development, may recommend approval of the planned unit development as submitted, or may recommend approval of a planned unit development subject to additional conditions. Any planned unit development as authorized shall be subject to all conditions imposed, and shall be excepted from other provisions of this chapter only to the extent specified in said permit or shown by an approved plan. (Ord. 2374 § 2, 1990; Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(5)).

**19.14.390 Planned unit development – City council action and authority.**

The city council, after the public hearing and consideration of the matter, may affirm the action of the planning commission, deny the action of the planning commission, or modify conditions recommended by the planning commission. An affirmative vote of at least three members of the city council shall be necessary to change or modify the recommendations of the planning commission. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(6)).

~~**19.14.400 Planned unit development – Zoning permit – Issuance authority – Inspections.**~~

~~Following the approval of a planned unit development by the city council, the zoning administrator shall issue a zoning permit as provided in CVMC 19.14.500 through 19.14.550, and the building inspector shall ensure that development is undertaken and completed in conformance with the approved plans. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(7)).~~

~~**19.14.410 Planned unit development – Zoning permit – Revocation conditions – Procedure.**~~

~~A zoning permit may be revoked in any case where the conditions of such permit have not been or are not being substantially complied with. The planning commission shall give the permittee notice of intention to revoke such permit at least 10 days prior to review of said permit by said commission. After conclusion of such review, the planning commission may recommend to the city council that the permit be revoked. The city council shall then review the permit and may uphold or reverse the action of the planning commission. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(8)).~~

**19.14.420 Site plan and architectural approval – Purpose – Prerequisite for certain uses.**

The purpose of site plan and architectural approval is to determine compliance with this chapter and to promote the orderly and harmonious development of the city. A building zoning permit shall not be issued until site plan and architectural approval has been obtained for the following uses: for any use requiring site plan and architectural approval in the zone regulations, and for any use requiring a conditional use permit. (Ord. 1212 § 1, 1969; prior code § 33.1313(A)).

**19.14.430 Site plan and architectural approval – Application.**

Application shall be made to the zoning administrator on a form prescribed for this purpose by the city. (Ord. 1212 § 1, 1969; prior code § 33.1313 (A)(1)).

**19.14.440 Site plan and architectural approval – Fee.**

The fee, no part of which shall be refundable, shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 1813 § 1, 1978; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(2)).

**19.14.450 Site plan and architectural approval – Accompanying maps and drawings required.**

The application shall be accompanied by the information required in CVMC 19.56.042 for a precise plan and other drawings as are necessary to enable the zoning administrator to make the determinations under this chapter. (Ord. 1632 § 1, 1975; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(3)).

**19.14.460 Site plan and architectural approval – Zoning administrator determination authority – Endorsement required when.**

The zoning administrator shall determine from data submitted whether the proposed use will meet the requirements of this chapter and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted, or may be approved subject to conditions, specified changes or additions. The approval of the zoning administrator shall be noted by endorsement upon two copies of all sketches. (Ord. 1212 § 1, 1969; prior code § 33.1313(A)(4)).

**19.14.470 Site plan and architectural approval – Principles to be observed.**

In carrying out the purpose of this title, the zoning administrator shall consider in each specific case any or all of the following principles as may be appropriate:

A. It is not a purpose of this title that control of design character should be so rigidly enforced that individual initiative is stifled in the layout of any particular building or site and substantial additional expense incurred; rather, it is the intent of this title that any control exercised be the minimum necessary to achieve the overall objective of this title.

B. Good design character is based upon the suitability of building and site design for its purposes; upon the

appropriate use of sound materials; and upon the principles of harmony and proportion in the overall design.

C. Good design character is not, in itself, more expensive than poor design, and is not dependent upon the particular style of design selected.

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

E. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed. No sign shall be approved in excess of the maximum limits set by any ordinance of the city.

F. Landscaping in accordance with the landscaping manual of the city shall be required on the site and shall be in keeping with the character or design of the site and existing trees shall be preserved whenever possible.

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

H. All the factors specified in this section shall be related to the setting or established character of the neighborhood or surrounding area.

I. Undergrounding of overhead utilities may be required by the zoning administrator subject to approval of the planning commission. (Ord. 1653 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(5)).

**19.14.480 Site plan and architectural approval – Zoning permit issuance prerequisite – Building inspector authority – Appeals.**

A. Following site plan and architectural approval by the zoning administrator as provided in this chapter, ~~a and provided all other applicable requirements of this chapter have been met, the chief building officer shall issue a zoning permit, as provided in CVMC 19.14.500 through 19.14.550, and shall ensure that development is undertaken and completed in conformity to the approved plans. A copy of the decision resolution of the zoning administrator shall be filed with the development services director of planning and building and mailed to the applicant. Appeals from determinations by the zoning administrator shall be to the city council planning commission, upon written request for a hearing before the city council commission. In the absence of such request being filed within 10seven days business days after determination by the zoning administrator, the determination shall be final.~~

B. The appeal shall be filed with the development services director of planning and building on the form required by the development services director ~~director of planning and building~~, and be accompanied by the nonrefundable required fee therefor. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the zoning administrator. Upon the proper filing of the appeal, the development services director of planning and building shall cause the matter to be set for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The matter

shall be placed on the council agenda and heard within 30 days of receipt of a valid application for appeal.

C. Upon the hearing of an appeal, the city council planning commission may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the zoning administrator. The resolution shall contain findings of facts showing wherein the project meets or fails to meet any applicable site plan and architectural principles in CVMC 19.14.470, the provisions of the design manual or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the city council planning commission shall be filed with the development services director, city clerk and mailed to the applicant. The decision of the city council planning commission shall be final, ~~on the eleventh day after its filing, except where further appeal is taken as provided herein.~~

~~D. The applicant or other interested person may appeal the decision of the planning commission granting or denying site plan and architectural approval to the city council within 10 days after said decision is filed with the city clerk. Said appeal shall be filed with the city clerk in writing upon forms provided by the director of planning and building and be accompanied by the nonrefundable required fee therefor. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing. If a proper appeal is filed within the time limits specified, it automatically stays proceedings in the matter until a determination is made by the city council on the appeal.~~

E. Upon the filing of the appeal, the city clerk shall set the matter for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The city clerk shall send the director of planning and building a duplicate copy of the appeal and shall transmit to the city council the minutes of the hearing before the planning commission and/or zoning administrator (if any), and all other evidence, maps, papers and exhibits upon which the planning commission made its decision.

~~F. After hearing the appeal, the city council may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the zoning administrator or the planning commission. The council resolution by which the appeal is decided shall contain findings of facts showing wherein the project meets or fails to meet the applicable site plan and architectural principles in CVMC 19.14.470, the provisions of the design manual, or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the city council shall be filed with the city clerk and mailed to the applicant. (Ord. 2790, 1999; Ord. 2587 § 1, 1994; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(6)).~~

**19.14.485 Landscape plan approval – Purpose – Required when.**

The purpose of landscape plan approval is to determine compliance with this title and the provisions of the landscape manual of the city. Landscape plan approval shall be required for the following projects pursuant to CVMC 20.012.030: ~~multiple family, commercial, industrial, planned unit development, unclassified uses, remodeling over \$20,000 for the above uses, developments with precise plans, parking lots with five or more stalls and graded slopes.~~ (Ord. 2616 § 3, 1994; Ord. 2011 § 2, 1982).

**19.14.486 Landscape plan approval – Application – Accompanying documents – Fee.**

A. Applications for landscape plan approval shall be made to the zoning administrator, and shall be accompanied by the drawings and information prescribed by the landscape manual, or other landscape regulations. Each application shall also be accompanied by the required filing fee(s).

B. Appeal. The zoning administrator shall approve, conditionally approve or deny landscape plans. The applicant may appeal a denial or conditions imposed upon approval by filing a written appeal to the ~~planning commission~~ city council, in accordance with CVMC 19.14.050, within 10 business days of receipt of notification of denial or conditional approval from the zoning administrator. Such appeal shall be in writing on the form promulgated by the affected director, accompanied by the required fee, and shall specify wherein the action of the zoning administrator is inconsistent with the landscape manual and/or other applicable ordinances, manuals or policies of the city. The ~~planning commission~~ city council may grant, conditionally grant, or deny the appeal. The decision of the city council ~~planning commission~~ is final, and shall be based upon the landscape manual, and/or other applicable ordinances, manuals, or policies of the city. (Ord. 2616 § 4, 1994; Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982).

**19.14.490 Home occupations – Permit required when – Restrictions and requirements – Revocation when – Appeals.**

In any R zone, a customary home occupation may be permitted subject to a home occupation permit granted by the development services ~~planning~~ director which is merely incidental and secondary to residence use. Each such permit shall be accompanied by the required filing fee(s). The following are typical home occupations: fine arts, handicrafts, dressmaking, millinery, laundering, preserving, home cooking, route salesman; or ~~secondary~~ office of a doctor, dentist, lawyer, architect, engineer, teacher or member of another recognized profession. The home occupation shall not:

A. Involve the use of power equipment using motors of more than a total of one horsepower capacity or the equivalent thereof, unless a use permit therefor shall have been issued by the planning commission;

B. Generate vehicular traffic in excess of that associated with a residential use;

C. Create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes;

D. Permit any external display of products, merchandise, or any sign to identify the home occupation.

A home occupation permit shall be revoked by the development services ~~planning~~ director upon violation of any requirement of this chapter, or of any conditions or limitation of any permit issued, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this section or of the conditions of such permit.

In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made in writing to the planning commission, whose decision shall be final. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1314).

~~19.14.500 Zoning permit – Required when – Exceptions.~~

~~The purpose of the zoning permit is to secure compliance with the provisions of this title by property owners requesting building permits. From and after August 8, 1969, no owner shall establish or permit the establishment of any new or changed use of any land or building until a zoning permit therefor has been issued by the building inspector; provided, however, that no zoning permit shall be required for the practice of horticulture or for grazing of livestock. (Ord. 1212 § 1, 1969; prior code § 33.1315).~~

~~19.14.510 Zoning permit – Application.~~

~~Application shall be made by the property owner or agent thereof on a form prescribed by the city, and shall be accompanied by the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1315(A)).~~

~~19.14.520 Zoning permit – Accompanying documents required.~~

~~The application shall be accompanied by drawings required by the building code and, in addition, by a plot plan showing the lot lines and dimensions and locations of improvements with dimensions and any other data necessary to show that yard requirements and all other provisions of this title are fulfilled. (Ord. 1212 § 1, 1969; prior code § 33.1315(B)).~~

~~19.14.530 Zoning permit – Issuance prerequisites – Compliance required.~~

~~It shall be the duty of the building inspector to issue a zoning permit; provided, he is satisfied that the structure, building, or premises, and the proposed use thereof, conform with all requirements within this title, and that all other reviews and actions, if any, called for in this title have~~

~~been complied with and all necessary approvals secured therefor. (Ord. 1212 § 1, 1969; prior code § 33.1315 (C)).~~

~~**19.14.540 Zoning permit — Use limitations — Display of permit required.**~~

~~Land or buildings may be occupied and used only for the use for which the zoning permit is issued. Said zoning permit shall be displayed on the site. (Ord. 1212 § 1, 1969; prior code § 33.1315 (D)).~~

~~**19.14.550 Zoning permit — Grounds for revocation — Notice required — Time limit for use.**~~

~~The zoning permit may be revoked in either of the following situations:~~

~~A. In any case where the conditions of such permit have not been or are not complied with, the permittee shall be given notice of intention to revoke such permit at least 10 days prior to revocation. After conclusion of said 10 days, the permit may be revoked.~~

~~B. In any case where the zoning permit has not been used within six months after the date of granting thereof, then, without further action, the permit granted shall be null and void. (Ord. 1212 § 1, 1969; prior code § 33.1315 (E)).~~

**19.14.570 Precise plan approval.**

Where use is made of the precise plan procedure, as provided in this title, a ~~building~~zoning permit shall not be issued for such development or part thereof until the planning commission and city council have approved a precise plan application for said development as provided in CVMC 19.14.571 through 19.14.580. (Ord. 1632 § 2, 1975).

**19.14.571 Precise plan approval – Application and fee.**

Application shall be made on a form prescribed for this purpose by the city and shall be accompanied or preceded by a zone change application establishing the P modifying district. The required fee(s) shall accompany the precise plan application. (Ord. 2506 § 1, 1992; Ord. 1961 § 1, 1982; Ord. 1632 § 2, 1975).

**19.14.572 Precise plan approval – Required information.**

The application shall include:

A. The name and address of the applicant and of all persons owning any or all of the property proposed to be used. The application must be signed by the owner/option holder, or written permission must be given authorizing an agent to sign the application;

B. All data and maps as specified in CVMC 19.56.042. (Ord. 1632 § 2, 1975).

**19.14.573 Precise plan approval – Public hearings.**

A public hearing shall be held by the planning commission and city council as provided herein:

A. The hearing before the city council shall be set by the city clerk within 30 days after planning commission action.

B. The secretary of the planning commission and city clerk shall publish notice of hearings in a newspaper of general circulation in the city not less than 10 days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. Any requested exceptions to the requirements of the underlying zone shall be specified in the public hearing notice. (Ord. 2374 § 2, 1990; Ord. 1632 § 2, 1975).

**19.14.574 Precise plan approval – Planning commission action.**

In taking action the commission may recommend to the city council denial of a precise plan, approval of the precise plan as submitted, or approval of a precise plan subject to additional conditions. The planning commission may recommend approval if, from the facts presented, the commission can make the necessary findings noted in CVMC 19.14.576. Recommendation for approval shall require the affirmative vote of not less than a majority of the total membership of the planning commission. Any precise plan, as authorized, shall be subject to all conditions imposed, and shall be excepted from other provisions of this title only to the extent specified in the resolution of approval or shown by an approved plan. (Ord. 2374 § 2, 1990; Ord. 1632 § 2, 1975).

**19.14.575 Precise plan approval – City council action.**

The city council, after the public hearing and consideration of the matter, may affirm the action of the planning commission, deny the action of the planning commission, or modify conditions recommended by the planning commission. An affirmative vote of at least three members of the city council shall be necessary to change or modify the recommendations of the planning commission. (Ord. 1632 § 2, 1975).

**19.14.576 Precise plan approval – Findings.**

The planning commission may recommend approval of the plan and the city council may grant approval of the plan if all of the following facts are found:

A. That such plan will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

B. That such plan satisfies the principle for the application of the P modifying district as set forth in CVMC 19.56.041;

C. That any exceptions granted which deviate from the underlying zoning requirements shall be warranted only when necessary to meet the purpose and application of the P precise plan modifying district;

D. That approval of this plan will conform to the general plan and the adopted policies of the city. (Ord. 1632 § 2, 1975).

**19.14.577 Precise plan approval – Modifications of the precise plan.**

Requests for modifications shall be submitted to the development services planning director in written form and shall be accompanied by the required filing fee(s) and such additional maps, statements or other information as may be required to support the modification. If the proposed modification is deemed by the development services director of planning to be insignificant in nature, the changes may be approved by the director subject to the filing of a written report to the planning commission and city council. If, in the opinion of the director of planning, the proposed changes are significant in scope, the applicant will be notified within 10 days of the written request that a new application and hearing will be required. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1632 § 2, 1975).

~~**19.14.578 Precise plan approval – Zoning administrator.**~~

~~Following the recommendations by the planning commission and approval of a precise plan by the city council, the zoning administrator shall issue a zoning permit as provided in CVMC 19.14.500 through 19.14.550, and the building inspector shall ensure that development is undertaken and completed in conformance with the approved plans. (Ord. 1632 § 2, 1975).~~

**19.14.579 Precise plan approval – Multiple-family dwellings and commercial or industrial projects.**

Notwithstanding the provisions of other sections of this chapter, the review of precise plans for multiple-family dwelling, commercial, or industrial projects shall be procedurally governed by the rules adopted by the design review board committee, created under CVMC 19.14.581. (Ord. 1893 § 1, 1980; Ord. 1771 § 2, 1977).

**19.14.580 Precise plan approval – Multiple-family dwellings and commercial or industrial projects – Zoning administrator.**

Following the approval or conditional approval of a precise plan for a multiple-family dwelling, commercial, or industrial project by the design review board committee, or upon appeal, by the planning commission or city council, the zoning administrator shall issue a zoning permit as provided in CVMC 19.14.500 through 19.14.550, and the building inspector shall ensure that the development is undertaken and completed in conformance with the approved plan. (Ord. 1893 § 1, 1980; Ord. 1771 § 2, 1977).

**19.14.581 Design review board committee – Creation.**

In order to relieve the planning commission of certain routine functions necessary to the proper administration of this chapter, to intensify this municipality's efforts to improve its townscape, and to promote the orderly growth and amenity of the city and environs, there is established a design review board committee with such authority as is granted by this chapter. The design review board committee's purpose is to ensure that development

within the city of Chula Vista is orderly, of a high quality, and consistent with city-approved design guidelines. (Ord. 2822 § 1, 2000; Ord. 1771 § 3, 1977).

**19.14.582 Design review board committee – Duties and responsibilities.**

A. The design review board committee or chula vista redevelopment corporation for projects within a designated redevelopment project area, shall review plans for the establishment, location, expansion or alteration of ~~uses or~~ structures in all multi-family R-3 residential zones, all commercial and industrial zones, and development and redevelopment within redevelopment project area boundaries, and shall approve, conditionally approve or deny such plans, ~~except when projects are within the boundaries of a redevelopment project, in which case the committee shall recommend approval, conditional approval or denial to the redevelopment agency of the city. The committee shall render decisions on minor proposals as defined in agency Resolution No. 71.~~

B. ~~The design review committee shall also review plans for the establishment, location, expansion or alteration of multiple family dwelling uses, major use permits and commercial or industrial projects or structures located within the 1985 Montgomery annexation area, and governed by Chapter 19.70 CVMC.~~

BC. The responsibility of the design review board committee shall be limited to the review of site plans, landscaping, and the exterior design of buildings, for consistency with city-approved design guidelines. In reviewing a residential project, the DRBC shall consider the costs/benefits of any recommended improvement as reported by the applicant.

D. ~~The design review committee shall review all appeals filed to contest sign design rulings of the zoning administrator.~~

E. The design review board committee shall base its findings and actions upon the provisions of the effected design manuals of the city.

F. The design review board committee shall prepare and adopt operational procedures, bylaws and business forms.

G. The design review board committee shall submit annual reports on its operations to the city planning commission, and redevelopment agency.

H. The fee for a hearing before the design review board committee is the required fee(s).

I. The zoning administrator has the discretion, with the concurrence of the applicant, to act in the place of the design review board committee in the case of minor projects, including signs; commercial, industrial or institutional additions which constitute less than a 50 percent increase in floor area or 20,000 square feet, whichever is less; and residential projects of four units or less. ~~The zoning administrator may also act in the place of the design review committee in the case of new construction or additions to commercial, industrial, or institutional projects with a total floor area of 20,000 square feet or less, and residential projects of ten units or less.~~



~~when such projects are located within a planned community area with its own design guidelines and design review process. The zoning administrator shall base its findings and actions upon the provisions of the effected design manuals of the city. A decision of the zoning administrator may be appealed to the city council design review committee in the same manner as set forth in CVMC 19.14.583. The fee for zoning administrator design review shall be the required fee(s). (Ord. 2822 § 1, 2000; Ord. 2603 § 2, 1994; Ord. 2506 § 1, 1992; Ord. 2365 § 2, 1990; Ord. 2350 § 1, 1990; Ord. 2309A § 4, 1989; Ord. 2142 § 1, 1986; Ord. 2036 § 1, 1983; Ord. 1961 § 1, 1982; Ord. 1893 § 1, 1980; Ord. 1771 § 3, 1977).~~

**19.14.583 Design review boardcommittee – Appeal procedure.**

~~A. Except on decisions involving the redevelopment projects, the applicant or other interested persons may file an appeal from the decision of the design review boardcommittee to the city council planning commission within 10 businessworking days after the decision is made, filed with the city clerk. The applicant has the choice of filing an appeal from the design review committee directly to either the planning commission or city council. The appeal shall be in writing and filed in triplicate with the development services planning department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the design review boardcommittee. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the city councilplanning commission, or city council. All appeals regarding projects within redevelopment projects shall be filed with the director of community development and forwarded to the agency.~~

B. Upon the hearing of such appeal, the city councilplanning commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the design review boardcommittee. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.

C. The decision of the city councilplanning commission is final. ~~may be appealed to the city council in the same manner as set forth in this section for appeals to the planning commission.~~ (Ord. 2822 § 1, 2000; Ord. 2036 § 1, 1983; Ord. 1994 § 1, 1982; Ord. 1771 § 3, 1977).

**19.14.584 Design review boardcommittee – Membership qualifications.**

A. The design review boardcommittee shall consist of five members appointed by the majority vote of the council. The membership shall be comprised of persons sensitive to design consideration and interested in townscape matters. Persons qualified for membership shall include architects, landscape architects, land planners, developers, and other design professionals with suitable experience.

B. All members should be familiar with and able to read and interpret architectural drawings, and be able to judge the effect of a proposed project, structure or sign upon the surrounding neighborhood and community. (Ord. 2822 § 1, 2000; Ord. 1771 § 3, 1977).

**19.14.586 Design review boardcommittee – Removal or vacancy.**

Any member of the design review boardcommittee may be removed by a majority vote of the city council. A vacancy shall be filled in the same manner as an original appointment and the person filling the vacancy shall serve for the remainder of the removed member's unexpired term. If a member is absent without cause from three consecutive regular meetings, the office becomes automatically vacant. A member is not absent without cause if the absence is due to illness, business or vacation. (Ord. 1771 § 3, 1977).

**19.14.587 Design review boardcommittee – Quorum.**

A. Three members shall constitute a quorum. Action by the design review boardcommittee requires a majority vote of the quorum.

B. If a project is scheduled for a meeting of the design review boardcommittee for final approval, and a quorum is not available for the scheduled meeting, the applicant may choose to have the matter considered by the DRBC at its next meeting, may request a special DRBC meeting to consider the matter, or may request that the DRBC application be considered by the planning commission (at no additional cost to the applicant) at its next available meeting (subject to public noticing requirements) for action, or may request that the DRBC application be referred directly to the city council (at no cost to the applicant) at its next available meeting (subject to public noticing requirements) for action. (Ord. 2822 § 1, 2000; Ord. 1771 § 3, 1977).

**19.14.588 Design review boardcommittee – Schedule of meetings.**

The design review boardcommittee shall meet at least oncetwice each month. Special meetings may be held in accordance with provisions of the Government Code of the state. The meetings shall not be held on any legal holiday. (Ord. 1771 § 3, 1977).

**19.14.589 Design review boardcommittee – Election of officers.**

At the first regularly scheduled meeting of the design review boardcommittee, and on each July thereafter, the members shall elect a chairman and vice-chairman from among its members to serve a term of one year, and until the successor of each takes office. (Ord. 1771 § 3, 1977).

**19.14.590 Fees for appeals and requested actions before the design review board planning commission and zoning administrator.**

For all appeals from actions of the design review board planning commission or zoning administrator or any appeal filed pursuant to Chapter 19.12 or 19.14 CVMC, the fee shall be the required fee(s). In addition, any request for action by the planning commission not specifically covered within the fee structure established by this chapter shall be subject to the required fee(s) therefor. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1813 § 2, 1978).

**19.14.591 Continuance of project.**

Any action by the DRBC to continue a project shall be done with the concurrence of the applicant. If the applicant does not agree to a continuance of the project the design review board committee shall render a decision. If the project is denied an explanation of the reasons for denial shall be provided. (Ord. 2822 § 1, 2000).

**19.14.592 Implementation of design review board committee functions in designated areas by Chula Vista redevelopment corporation.**

In accordance with Chapter 2.55 CVMC, and notwithstanding any provision of this chapter, the Chula Vista redevelopment corporation shall carry out the duties of the design review board committee within those geographic areas of the city that the city council designates as areas within which the Chula Vista redevelopment corporation has the authority to exercise planning and redevelopment functions. (Ord. 3009 § 4, 2005).

**19.14.600 Design review approval – Time limit for implementation – Extensions.**

(a) A design review approval (permit) grants the applicant 36 months to initiate utilization of the permit. A permit shall be deemed to be utilized if the property owner has substantially changed his position in reliance upon the grant thereof. Evidence of change of position would include completion of construction substantial work has been performed in reliance on the permit granted, or the use of the property in the manner granted by the permit.

(b) B. Expiration Date. A permit and the rights granted thereunder shall expire if the applicant has not utilized the permit prior to the expiration date of the permit, including any extensions granted pursuant to subsection (c) of this section.

(c) Request for Extension. Prior the expiration of a permit the appropriate decision maker, whether the zoning administrator, the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, may grant an extension of time contained in a currently valid permit without a public hearing upon request of the property owner; provided that:

1. There has been no material change of circumstances since the granting of the permit;
2. That such changes if any, which when considered in conjunction with the construction or use of property theretofore permitted, would not be injurious to the

neighborhood or otherwise detrimental to the public welfare.

D. Stay of Proceedings. If an application for extension of time is filed in a timely manner, the permit shall be automatically extended for a period of 60 calendar days from the expiration date or until a decision on the extension of time has been made whichever occurs last.

E. (d) Review of Application. An application for an extension of time of a permit shall be reviewed by the development services director to determine whether the proposed development has significantly changed or is in substantial conformance with the approved permit. If the proposed development is in substantial conformance with the approved permit an extension will be granted and an application for an amendment to the permit will not be required. The extension of time may be granted without notice or public hearing by the original permitting authority, upon making a determination that the findings and conditions of the original approval still apply and if the original permit account balance is in good standing. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire.

F. Length of Extension. An extension shall not be in excess of ~~fer up to an additional 12 months~~ from the original expiration date ~~may be granted~~ of the permit.

G. Fees. The fee(s) for an extension of time for a variance or conditional use permit shall be in the amount(s) identified in the master fee schedule or any amendments thereto ~~the required fee(s)~~. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1310).

Design review approval will be conditioned on the plan being implemented within one year after the effective approval date thereof. Implementation of the plan would include completion of construction or substantial expenditures of money by the property owner preparatory to construction. If there has been a lapse of work for three months after commencement, the approved plans shall be void. The design review committee or the zoning administrator may grant an extension of time for a currently valid plan upon appeal of the property owner; provided, that there has been no material change of circumstances since the original grant of approval which would be injurious to the neighborhood or otherwise detrimental to the public welfare. The application for an extension of time shall be accompanied by the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2309A § 1, 1989).

**19.14.700 Closing of Permit Applications**

The permit application file shall be considered inactive and closed if the applicant fails to maintain a positive deposit account balance and fails to submit resubmit or respond to a request for ~~or resubmit requested~~ materials, information, or additional deposit within 90 calendar days from the date the application was deemed complete or by the date provided in the last written request by the City.

~~whichever is later. A file is considered inactive if the applicant is non responsive or not making forward progress on requested information or materials from the date the application was deemed complete or the last written request by the City, whichever is later. Once closed the application, plans and other data submitted for review may be returned to the applicant or destroyed by the Development Services Director. To reapply, the applicant shall submit a new permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.~~

**Chapter 19.20  
AGRICULTURAL ZONE**

**Sections:**

- 19.20.010 Purpose and intent.
- 19.20.020 Permitted uses.
- 19.20.030 Accessory uses and buildings.
- 19.20.040 Conditional uses.
- 19.20.050 Repealed.
- 19.20.060 Height regulations.
- 19.20.070 Area, lot width and yard requirements.
- 19.20.080 Enclosures for animals.
- 19.20.090 Site plan and architectural approval.
- 19.20.100 Off-street parking.
- 19.20.110 Floor area per unit.
- 19.20.120 Off-street parking – Garages.
- 19.20.130 Performance standards.

**19.20.010 Purpose and intent.**

The purpose of the agricultural zone is to provide a zone with appropriate uses for areas rural in character, which are undeveloped and not yet ready for urbanization. The zone is intended to preserve in agricultural use land which may be suited for eventual development in urban uses, and which will encourage proper timing for the economical provision of utilities, major streets, and other facilities, so that orderly development will occur. (Ord. 1212 § 1, 1969; prior code § 33.501(A)).

**19.20.020 Permitted uses.**

Principal permitted uses in the agricultural zone include:

- A. Agriculture, as defined in CVMC 19.04.010 (see CVMC 19.58.030 for “processing plants”);
- B. One single-family dwelling per lot or parcel;
- C. Public parks;
- D. Factory-built home/mobilehome on any lot subject to the provisions of CVMC 19.58.145 and 19.58.530. (Ord. 1941 § 1, 1981; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(B)).

**19.20.030 Accessory uses and buildings.**

Accessory uses and buildings customarily incidental to any of the above uses permitted in the agriculture

zone, subject to the regulations for such as required herein, include:

- A. Living quarters of persons regularly employed on the premises and transient labor, maximum of two families; but not including labor camps, labor dwellings, or other accommodations or areas for transient labor (see CVMC 19.58.200 for provisions for labor dwellings or camps);
- B. Guest houses (see CVMC 19.04.106 for definition of “guest house”), subject to the provisions of CVMC 19.58.020(D), and not rented or otherwise conducted as a business;
- C. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;
- D. Offices incidental and necessary to the conduct of a permitted use;
- E. Private garages and parking areas subject to the provisions of CVMC 19.58.230 and 19.58.280;
- F. Roadside stands, not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises;
- G. Public and private noncommercial recreation areas, uses, and facilities, including country clubs and swimming pools subject to the provisions of CVMC 19.58.090;
- H. Stables and corrals subject to the provisions of CVMC 19.58.310;
- I. Accessory second dwelling units, subject to the provisions of CVMC 19.58.022. (Ord. 2897 § 2, 2003; Ord. 2145 § 2, 1986; Ord. 2124 § 3, 1985; Ord. 1364 § 1, 1971; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501 (C)).

**19.20.040 Conditional uses.**

The following uses shall be permitted in the A zone: provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090:  
Conditional uses in the agricultural zone include:

- A. Poultry farms, subject to the provisions of CVMC 19.58.240;
- B. Kennels, subject to the provisions of CVMC 19.58.190;
- C. Riding stables, subject to the provisions of CVMC 19.58.190;
- D. Guest ranches, subject to the provisions of CVMC 19.58.270;
- E. Quarters, accommodations, or areas for transient labor in excess of two families, such as labor dwellings or camps, subject to the provisions of CVMC 19.58.200;
- F. Stables and corrals, subject to the provisions of CVMC 19.58.310;
- G. Hay and feed stores, retail subject to the provisions of CVMC 19.58.175;
- H. Plant nurseries.

The following uses shall be permitted in the A zone: provided a conditional use permit is issued by the planning

commission or chula vista redevelopment corporation for projects with a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

J.F. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

J.G. Unclassified uses, see Chapter 19.54 CVMC.;

H. Stables and corrals, subject to the provisions of CVMC 19.58.340;

I. Hay and feed stores, retail, subject to the provisions of CVMC 19.58.175;

J. Plant nurseries. (Ord. 1604 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33 501(D)).

**19.20.050 Sign regulations.**

**Repealed by Ord. 2924 § 3, 2003. (Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(E)).**

**19.20.060 Height regulations.**

**No structure shall exceed two and one-half stories or 35 feet in height, except as provided in CVMC 19.16.040. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(F)).**

**19.20.070 Area, lot width and yard requirements.**

**The following minimum requirements shall be observed in the agricultural zone, except where modified for conditional uses (see CVMC 19.16.020, 19.16.050, 19.16.060 and 19.16.080 for exceptions and modifications):**

Classification	Lot Areas	Lot Width (ft.)	Maximum Stories	Yards in Feet			
				Front and Exterior Side Yards	One Side Yard	Both Side Yards	Rear
A-8	8 acres	300	2-1/2	50*	20	50	50
A-X	as designated on zoning map but not less than eight acres						
* Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.							

**19.20.080 Enclosures for animals.**

Any building or enclosure in which animals or fowl, except domestic pets, are contained in the agricultural zone shall be distant at least 200 feet from any lot in any R or C district, or from any school or institution for human care. (Ord. 1212 § 1, 1969; prior code § 33.501(H)(1)).

**19.20.090 Site plan and architectural approval.**

Site plan and architectural approval is required of all conditional uses in the agricultural zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1212 § 1, 1969; prior code § 33.501(H)(2)).

**19.20.100 Off-street parking.**

Off-street parking is required for all uses in the agricultural zone as provided in CVMC 19.62.170 through 19.62.190. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(H)).

**19.20.110 Floor area per unit.**

Minimum floor area regulations shall be as required in CVMC 19.24.130. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(I)).

**19.20.120 Off-street parking – Garages.**

- A. Off-street parking is required for all uses, as provided in CVMC 19.62.010 through 19.62.130.
- B. The two-car garage requirement for single-family homes shall apply, as provided in CVMC 19.62.170 through 19.62.190. For garage conversion regulations, see CVMC 19.62.170 through 19.62.190. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(J)).

**19.20.130 Performance standards.**

All uses in the agricultural zone may be subject to initial and continuing compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(K)).

**Chapter 19.22  
R-E – RESIDENTIAL ESTATES ZONE**

**Sections:**

- 19.22.010 Purpose.
- 19.22.020 Permitted uses.
- 19.22.030 Accessory uses and buildings.
- 19.22.040 Conditional uses.
- 19.22.050 Repealed.
- 19.22.060 Height regulations.
- 19.22.070 Area, lot width and yard requirements.
- 19.22.080 Minimum lot frontage.
- 19.22.090 Minimum lot area – Reduction permitted when.
- 19.22.100 Floor area per unit – Minimum – Purpose and intent.

**19.22.110 Floor area per unit – Minimum – Regulatory provisions.**

- 19.22.120 Off-street parking.
- 19.22.130 Performance standards.
- 19.22.140 Fencing requirements.
- 19.22.150 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.
- 19.22.160 Floor area ratio.
- 19.22.170 Building additions and remodeling.

**19.22.010 Purpose.**

The purpose of the R-E zone is to promote and preserve an open, rural environment on large parcels of land. The R-E zone is designed to accommodate suburban single-family homes and compatible agricultural uses with requirements for the community services and facilities appurtenant thereto. (Ord. 1212 § 1, 1969; prior code § 33.502 (A)).

**19.22.020 Permitted uses.**

- Principal permitted uses in the R-E zone include:
  - A. One single-family detached dwelling on each lot or parcel;
  - B. Crop and tree farming. (Ord. 1212 § 1, 1969; prior code § 33.502(B)).

**19.22.030 Accessory uses and buildings.**

Accessory uses and buildings customarily incidental to any of the above uses shall be permitted in the R-E zone subject to the regulations herein:

- A. Guest houses (see CVMC 19.04.106 for definition of “guest house”), subject to the provisions of CVMC 19.58.020(D), and not rented or otherwise conducted as a business;
- B. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;
- C. Private stables and corrals, subject to the provisions of CVMC 19.58.310;
- D. Full-time foster homes and small family day care homes, as defined in CVMC 19.04.095 and 19.04.098;
- E. Temporary tract offices and tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;
- F. A satellite dish antenna may be located in a residential district when it complies with the following conditions:
  1. It is ground-mounted;
  2. It is not located in a front yard or exterior side yard, said yard to be measured from any portion of the building to the front or exterior side property line;
  3. It complies with setback requirements of the underlying zone for accessory structures;
  4. It does not exceed 12 feet in height above existing grade;
  5. It shall be located on lots where at least a five-foot-high solid wall or fence is installed between the dish antenna and adjacent properties;
  6. It shall be adequately screened from any adjacent residential zone, right-of-way, or private street easements, at horizontal grade level to the satisfaction of the zoning administrator;

7. It shall not be located in the H – hillside modifying district;

8. Only one satellite dish antenna shall be permitted per lot;

9. Satellite dish antennas with diameters measuring less than one meter may be installed in a manner consistent with typical television antennas;

10. Satellite dish antennas shall be used for private, noncommercial purposes;

11. All satellite dish antennas, in any zone constructed and erected prior to the effective date of the ordinance codified herein, which do not conform to the requirements of the provisions of this title for the particular zones in which they are located, shall be accepted as nonconforming antennas for a period of three years, to expire February 14, 1989. Thereafter, the satellite dish antennas shall be subject to immediate abatement via removal or through modification or relocation to comply with the standards of this section;

12. A building permit shall be required;

13. Replacement of an existing nonconforming antenna with another satellite dish antenna, or removal of a nonconforming antenna for a period longer than 60 days, shall constitute abandonment of the nonconforming antenna, and is subject thereafter to the standards of this section;

G. Large family day care homes, subject to the provisions of CVMC 19.58.147;

H. Accessory second dwelling units, subject to the provisions of CVMC 19.58.022. (Ord. 2897 § 3, 2003; Ord. 2269 § 3, 1988; Ord. 2160 § 1, 1986; Ord. 2145 § 2, 1986; Ord. 2138 § 1, 1986; Ord. 2124 § 4, 1986; Ord. 2111 § 2, 1985; Ord. 2108 § 1, 1985; Ord. 1575 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(C)).

**19.22.040 Conditional uses.**

The following uses shall be permitted in the R-E zone; provided a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090: Site plan and architectural approval as provided in CVMC 19.14.420 through 19.14.480 shall be required for the following conditional uses in the R-E zone:

A. Public and private noncommercial recreation areas and facilities, such as country clubs and swimming pools (for additional provisions, see CVMC 19.58.100 and 19.58.270);

B. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

C. Unclassified uses, see Chapter 19.54 CVMC;

D. Dwelling groups, subject to the provisions of CVMC 19.58.130.

The following uses shall be permitted in the R-E zone; provided a conditional use permit is issued by the planning commission or chula vista redevelopment corporation for

projects with a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

C. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140.

D. Unclassified uses, see Chapter 19.54 CVMC.

(Ord. 2269 § 4, 1988; Ord. 2111 § 3, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(D)).

**19.22.050 Sign regulations.**

Repealed by Ord. 2924 § 3, 2003. (Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502 (E)).

**19.22.060 Height regulations.**

Principal buildings may not exceed two and one-half stories or 28 feet in height. However, an increase in building height may be allowed subject to approval of a conditional use permit. No accessory building shall exceed one and one-half stories or 15 feet in height except as provided in CVMC 19.16.040. The height of a residential structure is measured from the highest point of the roof line to finished grade. (Ord. 2144 § 2, 1986; Ord. 1212 § 1, 1969; prior code § 33.502(F)).

**19.22.070 Area, lot width and yard requirements.**

Area, lot width, and yard requirements in the R-E zone shall be as follows (see CVMC 19.16.020, 19.16.050, 19.16.060 and 19.16.080 for exceptions and modifications):

A. All buildings, including accessory buildings and structures, in the residential estates zone shall not cover more than 40 percent of the lot;

B. The following minimum requirements shall be observed, except as modified for conditional uses. The minimum lot area required shall be designated on the zoning map:

Classification	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Setbacks in Feet				
			Front	Exterior Side Yard	One Side Yard	Both Side Yards	Rear
R-E 4A	4 acres	200	25*	20*	15	30	25
R-E 2A	2 acres	200	25*	20*	15	30	25
R-E 40	40,000	150	25*	20*	15	30	25
R-E	20,000	100	25*	15*	10	20	25

\*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(G))

**19.22.080 Minimum lot frontage.**

Every lot in the R-E zone shall have a minimum frontage upon a dedicated street of 100 feet, unless such lot fronts upon an approved easement or private road as provided in this chapter (see CVMC 19.22.150) or unless such lot has been approved by the planning commission or city council pursuant to the provisions of this code or any ordinance which may hereafter be enacted providing for the subdivision of land or the dedication of public streets. (Ord. 1868 § 1, 1979; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(H)(1)).

**19.22.090 Minimum lot area – Reduction permitted when.**

In the R-E zone, if the overall net density of lots per acre meets the requirements of the particular zone classification, the minimum lot size may be reduced to 75 percent of said minimum for not more than 25 percent of the lots within the area being subdivided. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(H)(2)).

**19.22.100 Floor area per unit – Minimum – Purpose and intent.**

It is the intent of this section and CVMC 19.24.110 to establish minimum floor areas for dwelling units in the R-E and single-family zones. The purpose of establishing such minimum floor areas is to ensure adequate living space for residents in said zones consistent with the health, safety and general welfare of the public, and to encourage new construction which will be aesthetically pleasing and will constitute an enhancement of the economic value of the immediate neighborhood and the entire community. (Ord. 1212 § 1, 1969; prior code § 33.502(I)(1)).

**19.22.110 Floor area per unit – Minimum – Regulatory provisions.**

The minimum floor area per main dwelling unit in the R-E zone shall be as follows:

A. One thousand (1,000) square feet for each dwelling unit containing one bedroom, two bedrooms, or one bedroom and den, family room or other such room designated for miscellaneous purposes;

B. One thousand two hundred (1,200) square feet for each dwelling unit containing three bedrooms or two bedrooms and den, family room or any other such room designated for miscellaneous purposes;

C. One thousand three hundred (1,300) square feet for each dwelling containing four bedrooms or three bedrooms and den, family room or any other such room designated for miscellaneous purposes, or more. (Ord. 1500 § 1, 1973; Ord. 1213 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.502(I)(2)).

**19.22.120 Off-street parking.**

The two-car garage requirement applies in the R-E zone (see CVMC 19.62.170 through 19.62.190 for garage requirements and conversions). (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(J)).

**19.22.130 Performance standards.**

All uses in the R-E zone may be subject to initial and continuing compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(K)).

**19.22.140 Fencing requirements.**

See CVMC 19.58.150 for fencing requirements in the R-E zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(L)).

**19.22.150 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.**

A. Panhandle lots, flag lots or lots served by an easement proposed within a subdivision shall meet the criteria contained in this section.

B. No lot may be created or developed under this provision which could otherwise be served by a public street unless approved by the director of planning and the city engineer.

C. All development permitted under this provision shall be subject to the regulations and requirements of this title except as otherwise regulated in this section.

D. The division of any property under this provision shall be subject to the regulations of the State Map Act and subdivision ordinance of the city.

E. Not more than four lots served by a private road or easement shall be allowed under this provision unless this restriction is waived by the director of planning or city council.

F. The responsibility for the maintenance and cost of maintenance of all common areas, roads or easements and guest parking areas shall be shared under contractual agreement by the property owner of each lot; this shall be accomplished through the formation of a homeowner's association.

G. Development Criteria.

1. Road and easement widths shall be as follows: one lot, 15 feet; two lots, 20 feet; four lots, 20 feet; five or more lots, 24 feet, in accordance with private street standards as outlined in city's subdivision manual. These widths may be increased if it is determined by the director of planning that a sidewalk is required.

2. All driveways, guest parking areas and roadways shall be paved with a minimum of five inches of portland concrete cement.

3. Each lot shall contain an area not less than the minimum lot size of the underlying zone exclusive of all private roads, common areas and guest parking areas.

4. All on-site utilities shall be undergrounded.

5. Each dwelling shall be connected to a gravity sewer unless otherwise approved by the city engineer.

6. An on-site fire hydrant may be required by the fire department when such is deemed necessary.

7. Guest parking shall be provided as follows:

One lot, one space; two lots, three spaces; three lots, five spaces; four lots, six spaces.

The individual driveways to the garage shall not be construed as meeting the guest parking requirement.

8. Accessory structures shall not be located closer than 10 feet to any dwelling located on adjacent property.

9. The following setbacks shall be observed:

a. Front yard: 15 feet from any access drive and guest parking areas;

b. Any garage facing an access drive shall be a minimum of 22 feet from the drive;

c. Side yard: not less than that required by the underlying zone;

d. Rear yard: not less than that required by the underlying zone upon initial construction.

10. A minimum five-foot-high fence shall be provided on each side of the private drive behind the front setback and on those property lines abutting adjoining properties. This requirement may be modified or waived by the director of planning if it is found that said fence is not necessary for the protection of the adjoining properties.

11. If the property is graded to create a building pad for each lot, the minimum level area (no slope over five percent) of each pad shall be not less than 80 percent of the minimum lot size of the underlying zone, but in no case shall the minimum area be less than 5,000 square feet. Development proposed on existing natural topography, having an average natural slope of 10 percent or greater, and with less than 10 percent of the site to be graded, shall be subject to the approval of the director of planning, who shall consider whether such development will adversely affect adjacent properties or development.

12. Guest parking areas shall be adequately screened from on-site and adjacent residential properties.

H. No garage conversions shall be permitted.

I. Development shall be subject to site plan and architectural approval of the director of planning. (Ord. 2399 § 1, 1990; Ord. 1868 § 2, 1979).

19.22.160 Floor area ratio.

Construction of dwellings or any remodeling or additions to existing dwellings shall have a floor area ratio (FAR) which limits the maximum building area to 45 percent of the lot area for single-family dwellings on lots of 7,000 square feet or greater and 50 percent of the lot area or 3,150 square feet, whichever is less, for single-family dwellings on lots of less than 7,000 square feet. The floor area ratio calculation shall also include the square footage of patios, garages and other accessory structures present on the lot, but excluding covered patios open on at least two sides and covered porches open on at least one side with a total combined area of 300 square feet or less. For these purposes, an "accessory structure" is defined as any structure which rises four or more feet above finished grade. (Ord. 2559 § 3, 1993; Ord. 2144 § 2, 1986).

19.22.170 Building additions and remodeling.

A. Additions, Greater than 50 Percent. If an addition to a legal existing dwelling unit constitutes an increase of 50 percent or more of the floor area of the original building's square footage, the existing building, including the addition, shall comply with current zoning code standards, except for the current building setback standards which would only apply to the addition.



**B. Additions, Less than 50 Percent.** If an addition to a legal existing dwelling unit constitutes less than 50 percent of the floor area of the original building's square footage, the existing building may be expanded or altered along the existing horizontal side yard building plane; provided, all of the following criteria are met:

1. The proposed addition is located on a lot that is 60 feet wide or greater at the front setback line; and
2. The proposed addition maintains a minimum five-foot setback from the side property line; and
3. There is a minimum 10-foot separation between the horizontal building plane of the existing dwelling unit and the addition and the horizontal building plane of an existing residence on an adjacent lot; and
4. There is a minimum six-foot separation between the edge of the proposed addition and any accessory building on-site or on an adjacent property.

**C. Verification of Square Footage.** For purposes of this section, the original dwelling unit's square footage shall be determined by a dimensioned floor and site plan submitted by the applicant to the director of planning for review and verification. (Ord. 2711 § 1, 1997; Ord. 2144 § 2, 1986).

**Chapter 19.24**

**R-1 – SINGLE-FAMILY RESIDENCE ZONE**

**Sections:**

- 19.24.010 Purpose.
- 19.24.020 Permitted uses.
- 19.24.030 Accessory uses and buildings.
- 19.24.040 Conditional uses.
- 19.24.050 Repealed.
- 19.24.060 Height regulations.
- 19.24.070 Area, lot width and yard requirements.
- 19.24.080 Standards for application – R-1-7 zone classification.
- 19.24.090 Standards for application – R-1-5 zone classification.
- 19.24.100 Setbacks – Requirements generally.
- 19.24.110 Frontage requirements.
- 19.24.120 Setbacks – Rear yards – Exceptions permitted when.
- 19.24.130 Floor area per unit.
- 19.24.140 Off-street parking.
- 19.24.150 Performance standards.
- 19.24.160 Fencing requirements.
- 19.24.170 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.
- 19.24.180 Floor area ratio.
- 19.24.190 Building additions and remodeling.

**19.24.010 Purpose.**

The purpose of this zone is to stabilize and protect the residential characteristics of the areas so designated and to promote and encourage a suitable environment for family life. The R-1 zone is basically intended to provide communities primarily for single-

family detached homes and the services appurtenant thereto. (Ord. 1212 § 1, 1969; prior code § 33.503(A)).

**19.24.020 Permitted uses.**

Principal permitted uses in the R-1 zone include:

- A. One single-family dwelling on any lot;
- B. Factory-built home/mobilehome on any lot, subject to the provisions of CVMC 19.58.145 and 19.58.330;
- C. All portions of the dwelling, factory-built home or mobilehome used for living or sleeping purposes shall be attached by common walls;
- D. Large family day care homes, subject to the provisions of CVMC 19.58.147. (Ord. 2260 § 1, 1988; Ord. 2161 § 1, 1986; Ord. 1941 § 1, 1981; Ord. 1212 § 1, 1969; prior code § 33.503(B)).

**19.24.030 Accessory uses and buildings.**

Accessory uses permitted in the R-1 zone include:

- A. Rooming and boarding of not more than two persons; provided, off-street parking space is available for any automobile owned or operated by any boarder or roomer, in addition to any space required for the principal residents of the dwelling;
- B. Customary incidental home occupations and professional offices, subject to the provisions of CVMC 19.14.490;
- C. The keeping of cats and/or dogs, not to exceed the number permitted by the animal ordinance for each dwelling unit;
- D. Full-time foster homes and small family day care homes, as defined in CVMC 19.04.095 and 19.04.098;
- E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of Chapter 19.58 CVMC;
- F. Satellite dish antennas as per the provisions of CVMC 19.22.030(F);
- G. Temporary tract offices and tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;
- H. Agricultural uses as provided in CVMC 19.16.030;
- I. Satellite dish antennas as per the provisions of CVMC 19.22.030(F);
- J. Large family day care homes, subject to the provisions of CVMC 19.58.147;
- K. Accessory second dwelling units, subject to the provisions of CVMC 19.58.022. (Ord. 2897 § 4, 2003; Ord. 2269 § 5, 1988; Ord. 2160 § 1, 1986; Ord. 2145 § 1, 1986; Ord. 2138 § 1, 1986; Ord. 2124 § 5, 1985; Ord. 2117 § 1, 1985; Ord. 2111 § 4, 1985; Ord. 1575 § 1, 1974; Ord. 1494 § 1, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(C)).

**19.24.040 Conditional uses.**

The following uses shall be permitted in the R-1 zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090; Site plan and architectural approval as provided in CVMC

~~19.14.420 through 19.14.480 shall be required for the following conditional uses in the R-1 zone:~~

~~A. Dwelling groups, subject to the provisions of CVMC 19.58.130;~~

~~B. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;~~

~~C. Unclassified uses, see Chapter 19.54 CVMC;~~

~~BD. Private, noncommercial, recreational facilities, such as swimming pools, tennis courts, and clubhouses (for additional provisions, see CVMC 19.58.100 and 19.58.270);~~

~~CE. Professional offices (for additional provisions, see CVMC 19.58.244).~~

C. Existing developed lots of record (May 23, 1989) in the R-1-7 zone which measure less than 60 feet in width at the front setback may maintain the minimum side yards as noted above for the R-1-5 district for replacements or additions which constitute less than 50 percent of the floor area of the existing dwelling. (Ord. 2311 § 1, 1989; Ord. 1356 § 1, 1971; Ord. 1237 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.503(G)).

The following uses shall be permitted in the R-1 zone; provided a conditional use permit is issued by the planning commission or chula vista redevelopment corporation for projects with a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.

D. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

E. Unclassified uses see Chapter 19.54 CVMC.

(Ord. 2269 § 6, 1988; Ord. 2260 § 1, 1988; Ord. 2111 § 5, 1985; Ord. 1822 § 1, 1978; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(D)).

**19.24.060 Height regulations.**

Principal buildings may not exceed two and one-half stories or 28 feet in height; however, an increase in building height may be allowed subject to approval of a ~~varianceconditional use permit~~. No accessory building shall exceed one and one-half stories or 15 feet in height except as provided in CVMC 19.16.040. The height of a residential structure is measured from the highest point of the roof line to finished grade. (Ord. 2144 § 3, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503 (F)).

**19.24.070 Area, lot width and yard requirements.**

Area, lot width, and yard requirements in the R 1 zone are as follows (see CVMC 19.16.020, 19.16.050, 19.16.060 and 19.16.080 for exceptions and modifications):

A. All buildings, including accessory buildings and structures in the single-family residence zone shall not cover more than 40 percent of the lot.

B. Minimum Dimensions. The following minimum dimensions shall be observed; provided, however, that such dimensions may be modified by the granting of a conditional use permit. The minimum requirements shall be one of the following district classifications as designated on the zoning map:

Classification	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Setbacks in Feet				
			Front	Exterior Side Yard	One Side Yard	Both Side Yards	Rear
R-1-15	15,000	85	25	10	10	20	20
R-1-10	10,000	70	20	10	10	15	20
R-1-7	7,000	60	15	10	10	13	20
	6,000	60	15	10	10	13	20

19.24.080 Standards for application – R-1-7 zone classification.

The R-1-7 zone classification and the minimum dimensions requirement prescribed for said classification shall be considered to be the basic or standard lot size throughout the city; provided, however, that in those areas placed in the R-1-7 classification, if a subdivision map is filed, the minimum lot sizes for 20 percent of the lots created by said subdivision may be reduced to 6,000 square feet, and 10 percent of the lots thus created may be reduced to 5,000 square feet, said lots being subject to those minimum dimensional requirements as set forth hereinabove for such lot areas; provided, that the average lot size of all the lots within the subdivision shall equal a minimum of 7,000 square feet. (Ord. 1500 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.503(H)(1)).

19.24.090 Standards for application – R-1-5 zone classification.

The incorporation of any properties into the R-1-5 classification shall be restricted to those areas deemed most appropriate in accordance with the basic principles set forth herein. Particular attention will be given to the character of the topography involved so as to insure the capability of accommodating lots of this size in a manner that would provide appropriate usable level space for each lot. The filing and approval of a final subdivision map will be required prior to any such R-1-5 zoning becoming effective, and in addition, a precise plan may be required as provided in CVMC 19.12.120. Said map should insure that the density of the subdivision will be properly related to that existing or proposed in surrounding areas, and that the development will not be incompatible with sound neighborhood density standards, and further, that public facilities will not be overburdened. Open space should be provided or available in the form of natural canyons, green belts, park areas or such other forms which would contribute to better land use and design and accommodate the recreational needs of families who would be living in areas designated for 5,000 square foot minimum lot sizes. (Ord. 1212 § 1, 1969; prior code § 33.503 (H)(2)).

19.24.100 Setbacks – Requirements generally.

Front and side yard setback requirements for particular zone classifications shall be provided and maintained in accordance with the schedule set forth hereinabove, or in accordance with those specified in the building line map. Those setback requirements as shown on the adopted building line map of the city shall be adhered to in any case where said requirements differ from setbacks established in said schedule. Furthermore, regardless of any minimum side yard requirements as indicated in said schedule, the minimum distance between dwelling units shall be 10 feet, and no dwelling unit may be constructed closer than three feet to any side property line with the exception of the R-1-5 zone classification which shall maintain a minimum of five feet. Said minimum three-foot dimension shall be measured on a horizontal plane on the level of the

foundation of the dwelling unit. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(I)(1)).

19.24.110 Frontage requirements.

Every lot in the R-1 zone having an area between 5,000 square feet and 5,999 square feet shall have a minimum lot frontage upon a dedicated street of 50 feet, and every lot having an area of 6,000 square feet or greater shall have a minimum lot frontage upon a dedicated street of 60 feet, unless such lots front upon an approved easement or private road as provided for in this chapter (see CVMC 19.24.170) or unless such lots have been approved by the planning commission or city council pursuant to the provisions of this code or any ordinance which may hereafter be enacted providing for the subdivision of land or the dedication of public streets. (Ord. 1868 § 1, 1979; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(I)(2)).

19.24.120 Setbacks – Rear yards – Exceptions permitted when.

In the R-1 zone, single-story structures attached to the main building may be located within 10 feet of the rear property line, but shall not be closer than five feet from any retaining wall or toe of slope and said structure shall not occupy more than 30 percent of the rear yard area. Rear yards that have an elevation difference of six feet or more from the adjoining lot or parcel may reduce said 10 feet one foot for every foot over six feet but not more than five feet. Two-story portions of the building shall not be closer than the required rear yard setback. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(I)(3)).

19.24.130 Floor area per unit.

Minimum floor area in the R-1 zone shall be as follows:

A. One thousand (1,000) square feet for each dwelling unit containing one bedroom, two bedrooms, or one bedroom and den, family room or any other such room designated for miscellaneous purposes;

B. One thousand two hundred (1,200) square feet for each dwelling unit containing three bedrooms or two bedrooms and den, family room or any other such room designated for miscellaneous purposes;

C. One thousand three hundred (1,300) square feet for each dwelling containing four bedrooms or three bedrooms and den, family room or any other such room designated for miscellaneous purposes, or more.

Exception: Except in the case of the 1,000 square feet dwelling units, an applicant may reduce the above minimums by 200 square feet per unit for 30 percent of the dwellings within an approved subdivision; provided, the average house size within the development conforms to the minimum requirements specified above. (Ord. 1500 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(J)).

19.24.140 Off-street parking.

The two-car garage requirement applies in the R-1 zone (see CVMC 19.62.170 through 19.62.190 for garage requirements and conversions). (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(K)).

**19.24.150 Performance standards.**

All uses in the R-1 zone may be subject to the initial and continued compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(L)).

**19.24.160 Fencing requirements.**

See CVMC 19.58.150 for fencing requirements in the R-1 zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(M)).

**19.24.170 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.**

Panhandle lots, flag lots, or lots served by an easement shall be provided in the R-1 zone subject to the requirements and conditions of CVMC 19.22.150. (Ord. 1868 § 2, 1979).

**19.24.180 Floor area ratio.**

Construction of dwellings or any remodeling or additions to existing dwellings shall have a floor area ratio (FAR) which limits the maximum building area to 45 percent of the lot area for single-family dwellings on lots of 7,000 square feet or greater and 50 percent of the lot area or 3,150 square feet, whichever is less, for single-family dwellings on lots of less than 7,000 square feet. The floor area ratio calculation shall also include the square footage of patios, garages and other accessory structures present on the lot, but excluding covered patios open on at least two sides and covered porches open on at least one side with a total combined area of 300 square feet or less. For these purposes, an “accessory structure” is defined as any structure which rises four or more feet above finished grade. (Ord. 2559 § 4, 1993; Ord. 2144 § 3, 1986).

**19.24.190 Building additions and remodeling.**

See CVMC 19.22.170 for limitations to remodeling or additions to existing dwellings. (Ord. 2144 § 3, 1986).

**Chapter 19.26**

**R-2 – ONE- AND TWO-FAMILY RESIDENCE ZONE**

**Sections:**

- 19.26.010 Purpose and requirements generally.
- 19.26.020 Permitted uses.
- 19.26.030 Accessory uses and buildings.
- 19.26.040 Conditional uses.
- 19.26.050 Sign regulations.
- 19.26.060 Repealed.
- 19.26.070 Area, lot width and yard requirements – Minimum requirements – Schedule.
- 19.26.080 Area, lot width and yard requirements – Standards for R-2-T and R-2-X classifications.

- 19.26.090 Area, lot width and yard requirements – Setbacks.
- 19.26.100 Floor area per unit – Minimum – Purpose and intent.
- 19.26.110 Floor area per unit – Minimum – Regulatory provisions.
- 19.26.120 Off-street parking – Garages.
- 19.26.130 Fencing requirements.
- 19.26.140 Performance standards.
- 19.26.150 Rear yard setback exceptions.
- 19.26.160 Frontage requirements.
- 19.26.170 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.
- 19.26.180 Floor area ratio.
- 19.26.190 Building additions and remodeling.

**19.26.010 Purpose and requirements generally.**

A. The basic use permitted in the R-2 zone is the lowest density of multiple dwelling units, namely the duplex. It is the purpose of the city council to provide in this zone a density level commensurate with the density allowable under the most restrictive multiple-family zone but to retain the fundamental characteristics to be found in the R-1 zone, i.e., private yards and patios, individual recreational facilities, privately maintained open space, and privacy and self-containment of dwelling units. In order to provide these characteristics, the council hereby establishes a wider range of principal permitted uses to create greater diversity and flexibility of housing concepts; to extend the single-family private dwelling unit amenities to all economic levels; to provide a broader range of lot sizes; and to satisfy the full variety of tastes, needs and desires in housing.

B. It is the full intent of the city council to authorize as principal permitted uses, in addition to the duplex or two-family dwelling units on a single lot, two single-family attached dwelling units on two contiguous lots and dwelling groups as provided in this chapter. The attached single-family dwelling unit concept would permit the reduction of lot sizes to 3,500 square feet and the sale of individual attached single-family dwelling units constructed on such lots to separate ownerships.

C. Authorization for this latter housing concept for either new construction or existing duplex units would require filing of a subdivision or parcel map and provision for the amenities delineated herein as normally associated with the single-family housing concept to be found in the R-1 zone. In addition to site plan and architectural review, landscaping plans, fencing plans, housing floor plans and basic construction designs must be presented for the approval of the planning commission to insure the creation of an overall community environment similar to the R-1 zone.

The owners and developers applying for authorization for said attached single-family dwelling units in the R-2 zone must also provide covenants, conditions and restrictions to insure compatibility in the maintenance, repair or remodeling of the attached dwelling units held

under separate ownership. Said deed restrictions shall be subject to the approval of the planning commission and must be recorded concurrently with the recordation of the single subdivision map or parcel map. The commission may require the establishment of a maintenance district incorporating said conditions and obligations. (Ord. 1356 § 1, 1971; Ord. 1238 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.504 (A)).

**19.26.020 Permitted uses.**

The following are the principal permitted uses in an R-2 zone:

- A. One single-family dwelling on any lot;
- B. One duplex or two-family dwelling on any lot;
- C. Attached single-family dwelling units;
- D. Dwelling groups, subject to the provisions of CVMC 19.58.140;
- E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of CVMC 19.58.020;
- F. Agricultural uses as provided in CVMC 19.16.030. (Ord. 1494 § 2, 1973; Ord. 1356 § 1, 1971; Ord. 1238 § 1, 1969; prior code § 33.504 (B)).

**19.26.030 Accessory uses and buildings.**

The following are the accessory uses permitted in an R-2 zone:

- A. The rooming and boarding of not more than two persons per dwelling unit; provided, off-street parking space is available for any automobile owned or operated by any boarder or roomer, in addition to any space required for the principal residents of the dwelling;
- B. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;
- C. Temporary tract offices and tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;
- D. Full-time foster homes as defined in CVMC 19.04.098;
- E. Satellite dish antennas as per the provisions of CVMC 19.22.030(F). (Ord. 2160 § 1, 1986; Ord. 2145 § 1, 1986; Ord. 2124 § 6, 1985; Ord. 2108 § 1, 1985; Ord. 1575 § 1, 1974; Ord. 1542 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1238 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.504(C)).

**19.26.040 Conditional uses.**

The following uses shall be permitted in the R-2 zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090; Site plan and architectural approval as provided in CVMC 19.14.420 through 19.14.480 shall be required for the following conditional uses in the R-2 zone:

- ~~A. Off-street parking areas, subject to the provisions of Chapter 19.62 CVMC;~~
- ~~B. Electrical substations and gas regulators, subject to the provisions of CVMC 19.58.140;~~
- ~~C. Unclassified uses, see Chapter 19.54 CVMC;~~

~~B.D. Small family day care homes, as defined in CVMC 19.04.095, if not operating within a single-family dwelling;~~

~~C.E. Large family day care homes, as defined in CVMC 19.04.094, within a single-family dwelling.~~

~~D. Professional offices (for additional provisions, see CVMC 19.58.244).~~

The following uses shall be permitted in the R-2 zone; provided, a conditional use permit is issued by the planning commission or chula vista redevelopment corporation for projects with a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.

E. Electrical substations and gas regulators, subject to the provisions of CVMC 19.58.140;

F. Unclassified uses see Chapter 19.54 CVMC. (Ord. 2269 § 7, 1988; Ord. 2237 § 1, 1987; Ord. 2111 § 6, 1985; Ord. 1697 § 1, 1976; Ord. 1542 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.504(D)).

**19.26.060 Height regulations.**

Principal buildings may not exceed two and one-half stories or 28 feet in height; however, an increase in building height may be allowed subject to approval of a variance ~~conditional use permit~~. No accessory building height shall exceed one and one-half stories or 15 feet in height except as provided in CVMC 19.16.040. The height of a residential structure is measured from the highest point of the roof line to finished grade. (Ord. 2144 § 4, 1986; Ord. 1212 § 1, 1969; prior code § 33.504(F)).

**19.26.070 Area, lot width and yard requirements – Minimum requirements – Schedule.**

The following minimum dimensions shall be observed; provided, however, that such dimensions may be modified by the granting of a conditional use permit. The minimum requirements shall be one of the following district classifications as designated on the zoning map (for exceptions, see CVMC 19.16.020, 19.16.060 and 19.16.080):

			Setbacks in Feet				
Classification	Lot Area (sq. ft.)	Width (ft.)	Front	Exterior Side Yard	One Side Yard	Both Side Yards	Rear
R-2	7,000	60	15	10	5	10	20
R-2-T	3,500	*	15	10	0	10	15
R-2-X	7,000 (minimum)	60	15	10	5	10	20

\*Minimum lot width shall be 30 feet for all lots developed with single-car garages and 40 feet for lots developed with two-car garages.

NOTE: All buildings including accessory buildings and structures in the R-2 zones shall not cover more than 50 percent of the lot.

(Ord. 1356 § 1, 1971; Ord. 1238 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.504(G)(1)).

**19.26.080 Area, lot width and yard requirements – Standards for R-2-T and R-2-X classifications.**

The minimum dimensions included in the R-2-T classification are applicable only to the attached single-family dwelling unit permitted use. In those instances where a subdivision map and a site plan and architectural review have been approved for such use, said minimum dimensions may be observed. The R-2-X classification will indicate a minimum lot area as designated on the zoning map; this area shall not be less than 7,000 square feet. The number replacing the X for such zone classifications shall indicate the number of thousands of square feet in the lot area. (Ord. 1356 § 1, 1971; Ord. 1238 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.504(G)(2)).

**19.26.090 Area, lot width and yard requirements – Setbacks.**

(For exceptions, see CVMC 19.16.050.) Front and side yard setback requirements for particular zone classifications shall be provided and maintained in accordance with the schedule set forth hereinabove, or in accordance with those specified on the building line map. Those setback requirements as shown on the adopted building line map of the city shall be adhered to in any case where said requirements differ from setbacks established in said schedule. The required 10-foot side yard and 15-foot rear yard established for the R-2-T zone shall be level; however, direct access shall be provided to a usable open space area of not less than 600 square feet, maximum slope, five percent. Rear yards may be reduced as provided in CVMC 19.26.150. (Ord. 1356 § 1, 1971; Ord. 1238 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.504 (G)(3)).

neighborhood and the entire community. (Ord. 1212 § 1, 1969; prior code § 33.504 (H)(1)).

**19.26.110 Floor area per unit – Minimum – Regulatory provisions.**

The minimum floor area per main dwelling unit in the R-2 zone for any duplex shall be as follows:

- A. Six hundred fifty (650) square feet for each dwelling unit containing one bedroom;
- B. Eight hundred fifty (850) square feet for each dwelling unit containing two bedrooms, or one bedroom and den, family room or any other such room designated for miscellaneous purposes;
- C. One thousand (1,000) square feet for each dwelling unit containing three bedrooms, or two bedrooms and den, family room or any other such room designated for miscellaneous purposes;
- D. One thousand one hundred (1,100) square feet for each dwelling unit containing four bedrooms, or three bedrooms and den, family room or any other such room designated for miscellaneous purposes, or more.

The minimum floor area for a single-family residence in the R-2 zone shall be the same as in the R-1 zone. (Ord. 1212 § 1, 1969; prior code § 33.504(H)(2)).

**19.26.120 Off-street parking – Garages.**

Off-street parking shall be required for all uses, as provided in CVMC 19.62.170 through 19.62.190, except in the R-2-T zone which shall provide parking at a ratio of two spaces per unit with a minimum of 75 percent of the parking to be provided in garages; the remaining 25 percent may be accommodated by parking bays or garages. A minimum of 50 percent of the garages shall be two-car garages, 20 feet by 20 feet, the remaining one-car garages having a minimum floor area of 240 square feet, to provide storage area as well as parking space. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.504(I)(1)).

**19.26.130 Fencing requirements.**

Zoning fence shall be provided in the R-2 zone subject to the conditions of CVMC 19.58.150 through 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.504(I)(2)).

**19.26.140 Performance standards.**

All uses in the R-2 zone may be subject to initial and continued compliance with the performance standards of Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.504(J)).

**19.26.150 Rear yard setback exceptions.**

Single-story structures attached to the main building may be located within 10 feet of the rear property line, but shall not be closer than five feet from any retaining wall or toe of slope and said structure shall not occupy more than 30 percent of the rear yard area. Rear yards that have an elevation difference of six feet or more from the adjoining lot or parcel may reduce said 10 feet one foot for every foot over six feet, but not more than five feet. Two-story structures shall not be closer than the required rear yard setback. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.504(K)).

**19.26.160 Frontage requirements.**

Every lot in the R-2 and R-2-X zones shall have a minimum frontage upon a dedicated street of 60 feet, unless such lot fronts upon an approved easement or private road as provided in this chapter (see CVMC 19.26.170) or unless such lot has been approved by the planning commission or city council pursuant to the provisions of this code or any ordinance which may hereafter be enacted providing for the subdivision of land or the dedication of public streets. (Ord. 1868 § 2, 1979).

**19.26.170 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.**

Panhandle lots, flag lots, or lots served by an easement shall be provided in the R-2 and R-2-X

zones subject to the requirements and conditions of CVMC 19.22.150. (Ord. 1868 § 2, 1979).

**19.26.180 Floor area ratio.**

Construction of dwellings or any remodeling or additions to existing dwellings shall have a floor area ratio (FAR) which limits the maximum building area to 55 percent of the lot. The floor area ratio calculation shall also include the square footage of patios, garages and other accessory structures present on the lot. For these purposes, an "accessory structure" is defined as any structure which rises four or more feet above finished grade. (Ord. 2559 § 5, 1993; Ord. 2144 § 4, 1986).

**19.26.190 Building additions and remodeling.**

See CVMC 19.22.170 for limitations to remodeling or additions to existing dwellings. (Ord. 2144 § 4, 1986)

**Chapter 19.28**

**R-3 – APARTMENT RESIDENTIAL ZONE**

Sections:

- 19.28.010 Purpose.
- 19.28.020 Permitted uses.
- 19.28.030 Accessory uses and buildings.
- 19.28.040 Conditional uses.
- 19.28.050 *Repealed.*
- 19.28.060 Height regulations.
- 19.28.070 Area, lot width and yard requirements.
- 19.28.080 Floor area per unit.
- 19.28.090 Open space requirements.
- 19.28.100 Off-street parking.
- 19.28.110 Performance standards.
- 19.28.120 Off-street parking.
- 19.28.130 Planned unit development procedures.
- 19.28.140 Trash storage areas.
- 19.28.160 Landscaping.
- 19.28.170 Fencing requirements.
- 19.28.180 Design control.
- 19.28.190 Jurisdiction of the design review committee.

**19.28.010 Purpose.**

The purpose of the R-3 zone is to provide appropriate locations where apartment house neighborhoods of varying degrees of density may be established, maintained, and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment, with appropriate environmental amenities such as open areas, landscaping and off-street parking. To this end, the regulations permit, in accordance with the respective density districts, multiple dwellings ranging from garden apartments to multi-story apartment houses, and necessary public services and activities subject to proper controls. Also permitted, subject to special control, are certain retail and service activities intended for the convenience and service of the residents of the district. (Ord. 1212 § 1, 1969; prior code § 33.505(A)).

**19.28.020 Permitted uses.**

Principal permitted uses in the R-3 zone are as follows:

- A. Dwellings, multiple: R-3 zone;
- B. Dwellings, multiple, low-rise: R-3-G zone;
- C. Dwellings, multiple, medium-rise: R-3-M zone;
- D. Dwellings, multiple, high-rise: R-3-H zone;
- E. Dwellings, townhouses: R-3-T zone;
- F. Duplexes;
- G. Agricultural uses as provided in CVMC 19.16.030. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(B)).

**19.28.030 Accessory uses and buildings.**

Accessory uses and buildings in the R-3 zone include:

- A. The rooming and boarding of not more than two persons per dwelling unit; provided, off-street parking space is available for automobiles owned and operated by any roomer or boarder, in addition to any space required for the principal residents of the dwelling;
- B. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;
- C. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of CVMC 19.58.020;
- D. Temporary tract offices and tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;
- E. Full-time foster homes, as defined in CVMC 19.04.098;
- F. Satellite dish antennas as per the provisions of CVMC 19.22.030(F). (Ord. 2108 § 1, 1985; Ord. 1697 § 1, 1976; Ord. 1542 § 2, 1974; Ord. 1494 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1246 § 1, 1969; Ord. 1232 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.505(C)).

**19.28.040 Conditional uses.**

The following uses shall be permitted in the R-3 zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090. Site plan and architectural approval as provided in CVMC 19.14.420 through 19.14.480 shall be required for all of the following conditional uses in the R-3 zone:

- A. Single-family homes;
- ~~A.B. Boarding or lodging houses;~~
- B.C. Except in R-3-T, day nurseries;
- C.D. Except in R-3-T, incidental services, such as restaurants and retail sales to serve residents; provided, there is no exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building;
- D.E. Commercial parking garages and offstreet parking lots, in accordance with the provisions of CVMC 19.62.010 through 19.62.130;
- ~~F. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;~~
- ~~G. Unclassified uses, see Chapter 19.54 CVMC;~~
- E.H. Small family day care homes, as defined in CVMC 19.04.095;
- F.I. Private, noncommercial recreational facilities, such as swimming pools, tennis courts, and clubhouses (for additional provisions, see CVMC 19.58.100 and 19.58.270);
- G.J. Professional offices (for additional provisions, see CVMC 19.58.244);
- H.K. Large family day care homes, as defined in CVMC 19.04.094, within a single-family dwelling.

The following uses shall be permitted in the R-3 zone; provided a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

- I. Electric substations and gas regulators subject to the provisions of CVMC 19.58.140;
- J. Unclassified uses, see Chapter 19.54 CVMC.

(Ord. 2269 § 8, 1988; Ord. 2111 § 7, 1985; Ord. 2034 § 2, 1983; Ord. 1822 § 2, 1978; Ord. 1697 § 1, 1976; Ord. 1542 § 2, 1974; Ord. 1494 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(D)).

**19.28.050 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 35.505(E)).

**19.28.060 Height regulations.**



A. Height regulations in the R-3 zone and R-3-M, R-3-T and R-3-G classifications are as follows:

1. No principal building shall exceed either two and one-half stories or 28 feet in height and no accessory building shall exceed either two stories or 25 feet in height, except as provided in CVMC 19.16.040.

2. Principal buildings up to three and one-half stories or 45 feet in height may be approved by the design review committee; provided, it is found that the height, bulk, mass and proportion of all structures is compatible with the site, as well as in scale with structures on adjoining and surrounding properties in the area.

B. Height regulations in the R-3-H zone are as follows: No principal building shall be less than 46 feet or five stories in height and no accessory building shall exceed either two stories or 25 feet in height, except as provided in CVMC 19.16.040. (Ord. 2309A § 3, 1989; Ord. 1689 § 2, 1976; Ord. 1682 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(F)).

**19.28.070 Area, lot width and yard requirements.**

A. The following minimum area, lot width and yard requirements shall be observed, except as provided in CVMC 19.16.020 and 19.16.080, and as modified for conditional uses. The minimum requirements shall be designated on the zoning map.

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District Classification	Building Site (sq. ft.)	Site Width (ft.)	Area per Dwelling (sq. ft.)	Setbacks in Feet				
				Front (3)	Exterior Side Yard	One Interior Side Yard	Both Interior Side Yards	Rear
R-3	7,000	65	1,350(4)	15(1)	10(1)	5(2)	10(2)	15(2)
R-3-M	7,000	65	2,000(4)	15(1)	10(1)	5(2)	10(2)	15(2)
R-3-T	2,000	22	2,000	15(1)	10(1)	0	0	20
R-3-G	7,000	65	2,500	15(1)	10(1)	5(2)	10(2)	15(2)
R-3-H	10,000	80	800	15(1)	10(1)	20(2)	50(2)	20(2)
R-3-L	7,000	65	3,500	15(1)	10(1)	5(2)	10(2)	15(2)

The following are exceptions to the above chart:

(1) Front yards: The front setback shall not be less than that specified on the building line map. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(2) Side and rear yards: Side and rear yard requirements shall be increased an additional two feet for 25-foot-high structures (this dimension shall include the roof), and shall be increased at the rate of two feet for each story above 25 feet. Exception: When adjacent to an R-1, R-E or R-2 zone, the side yard setback shall be increased to 15 feet for any structure over one story or 15 feet in height, with an additional two-foot setback required for each story above 25 feet in height. In those cases where the rear yard abuts an R-3, commercial or industrial zone, the design review committee may grant up to a 10-foot reduction in the rear yard setback; provided, it is found that the affected open space has been transferred to a more beneficial location on the lot.

(3) A front yard of 25 feet shall be required for all parcels fronting upon streets designated as major or secondary thoroughfares on the adopted Chula Vista general plan; provided, however, that private patios and one-story portions of main buildings not exceeding 15 feet in height shall be permitted within said required front yard exclusive of the front 15 feet of said required front yard which shall be reserved for screening materials and landscaping. Said required front yard setback shall be increased an additional five feet for each story in excess of three stories.

(4) The net residential density permitted under the "Area per Dwelling" column of this section's table is maximum. On lots containing less than 15,000 square feet, the net area required for each dwelling unit established within the R-3 and R-3-M zones shall also be governed by the standards contained within the following table:

**Area requirements per dwelling unit based upon lot area and the number of bedrooms per dwelling unit**

REQUIRED AREA PER DWELLING UNIT (Square feet)								
Lot Area (sq. ft.)	Studio and One Bedroom		Two Bedroom		Three Bedroom		Four Bedroom or more	
	R-3	R-3-M	R-3	R-3-M	R-3	R-3-M	R-3	R-3-M
15,000 or more	1,350	2,000	1,430	2,080	1,510	2,160	1,590	2,240
10,000 to 14,999	1,500	2,200	1,580	2,280	1,660	2,360	1,740	2,440
7,000 to 9,999	1,700	2,500	1,780	2,580	1,860	2,660	1,940	2,740
Less than 7,000	2,000	3,000	2,080	3,040	2,160	3,120	2,240	3,200

B. In the R-3, R-3-M, R-3-T, R-3-G, and R-3-L zones, coverage shall not exceed 50 percent of the area of the site. In the R-3-H zone, coverage shall not exceed 25 percent of the site. (Ord. 2309A § 2, 1989; Ord. 1760 § 1, 1977; Ord. 1682 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1258 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.505(G)).

**19.28.080 Floor area per unit.**

The minimum floor area per dwelling unit in the R-3 zone shall be as follows:

- A. Four hundred (400) square feet for each efficiency dwelling unit;
- B. Five hundred (500) square feet for each dwelling unit having one bedroom;
- C. Six hundred fifty (650) square feet for each dwelling unit having two bedrooms;
- D. Seven hundred fifty (750) square feet for each dwelling unit having three bedrooms; an additional 100 square feet is required for each additional bedroom exceeding three. (Ord. 1212 § 1, 1969; prior code § 33.505(H)).

**19.28.090 Open space requirements.**

A. The following usable open space shall be required in the R-3 zone:

District Classification	Open Space per Dwelling Unit
R-3-H	200 sq. ft.
R-3	400 sq. ft.
R-3-T	300 sq. ft.
R-3-M	500 sq. ft.
R-3-G	600 sq. ft.
R-3-L	600 sq. ft.

B. The required usable open space per dwelling unit specified above shall be increased for each dwelling unit in a multiple-family dwelling which contains more than two bedrooms, at the rate of 20 percent for each bedroom over two.

C. Open space areas shall be any portion of a lot which has a minimum dimension of six feet, and not less than 60 square feet in area, that is landscaped and/or developed for recreational and leisure use, and is conveniently located and accessible to all the units. The following areas shall contribute to a required open space:

- 1. Private balconies and patios;
- 2. Roof areas designed and equipped to accommodate recreational and leisure activities;
- 3. Recreation rooms.

D. The following areas shall not contribute to required open space:

- 1. Driveways and parking areas;
- 2. Refuse storage areas;

3. Clothes-drying areas. (Ord. 1682 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(I)).

**19.28.100 Off-street parking.**

Covered or enclosed parking for residential development in the R-3 zone may be located in required side and rear yards, with the exception of the exterior side yard. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(J)).

**19.28.110 Performance standards.**

All uses in the R-3 zone may be subject to initial and continued compliance with the performance standards of Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505 (K)).

**19.28.120 Off-street parking.**

Offstreet parking is required in the R-3 zone for all uses as provided in CVMC 19.62.010 through 19.62.130. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(L)(1)).

**19.28.130 Planned unit development procedures.**

Planned unit development procedures for the R-3 zone, as set forth in CVMC 19.56.130 through 19.56.200, shall be utilized together with rezoning for any new R-3-T district. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(L)(2)).

**19.28.140 Trash storage areas.**

Trash storage areas shall be provided in the R-3 zone in accordance with CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(L)(3)).

**19.28.160 Landscaping.**

All landscaping in the R-3 zone shall conform to the requirements as specified in the landscaping manual of the city and as approved by the director of planning. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(L)(5)).

**19.28.170 Fencing requirements.**

Zoning fence in the R-3 zone shall be subject to the conditions of CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.505(L)(6)).

**19.28.180 Design control.**

The exterior design and arrangement of all residential uses and structures proposed for establishment, location, expansion or alteration in the R-3 zone shall be governed by the goal, general objectives, statements of policy and principles, and standards of the design manual of the city. (Ord. 1771 § 2, 1977).

19.28.190 Jurisdiction of the design review committee.

The design manual of the city shall be effectuated and administered by the design review committee, established and governed by CVMC 19.14.581 through 19.14.589. (Ord. 1771 § 2, 1977).

**Chapter 19.30  
C-O – ADMINISTRATIVE AND PROFESSIONAL  
OFFICE ZONE**

Sections:

- 19.30.010 Purpose.
- 19.30.020 Permitted uses.
- 19.30.030 Accessory uses and buildings.
- 19.30.040 Conditional uses.
- 19.30.050 *Repealed.*
- 19.30.060 Height regulations.
- 19.30.070 Area, lot width and yard requirements.
- 19.30.080 Off-street parking.
- 19.30.090 Parking and loading facilities.
- 19.30.100 Nonresidential uses in residential structures.
- 19.30.110 Site plan and architectural approval.
- 19.30.120 Outdoor storage.
- 19.30.130 Trash storage areas.
- 19.30.140 Wall requirements.
- 19.30.150 Landscaping.
- 19.30.160 Performance standards.

**19.30.010 Purpose.**

The purpose of the C-O zone is to provide appropriate locations where professional and administrative office zones may be established, maintained and protected. The regulations of this district are designed to promote a quiet and dignified environment for business administration, professional and government activities, free from the congestion and traffic of the usual retail business district. To this end, the regulations permit office buildings and medical and financial facilities; appropriate commercial facilities primarily for the service of the occupants of the district are permitted subject to special controls. The intensity of development of such a district is intended to reflect its environmental setting with building height and coverage generally similar to and harmonious with those of neighboring districts. (Ord. 1212 § 1, 1969; prior code § 33.506(A)).

**19.30.020 Permitted uses.**

Principal permitted uses in the C-O zone are as follows:

- A. Medical and dental offices and clinics and medical, optical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sale or distribution;
- B. Administrative and executive offices;
- C. Professional offices, for lawyers, engineers, and architects;
- D. Financial offices, including banks, and real estate and other general business offices;
- E. Any other office use which is determined by the commission to be of the same general character as the above-permitted uses;
- F. Agricultural uses as provided in CVMC 19.16.030;
- G. Prescription pharmacies (see CVMC 19.04.188 for definition). (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(B)).

**19.30.030 Accessory uses and buildings.**

- Accessory uses in the C-O zone are as follows:
  - A. Incidental services and incidental uses, such as restaurants, prescription pharmacies, and retail sales to serve occupants and patrons of the permitted uses, when conducted and entered from within the building; provided, there is no display or advertising visible from the public street;
  - B. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities (see CVMC 19.58.020);
  - C. A satellite dish antenna may be located in a commercial district when it complies with the provisions of the standards in CVMC 19.22.030(F)(1) through (9). In addition, nonconforming satellite dishes shall be amortized as per CVMC 19.22.030(F)(11). (Ord. 2138 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(C)).

**19.30.040 Conditional uses.**

The following uses shall be permitted in the C-O zone: provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090. ~~Conditional uses permitted in the C-O zone include:~~

- A. R-3 residential uses, as regulated therein;
- B. Public and quasi-public uses appropriate to the district, such as professional, business and technical schools of a public service type, but not including corporation yards, storage or repair yards and warehouses;
- C. Day nurseries, schools and studios for arts and crafts and photography, music, dance and art galleries, in accordance with the provisions of CVMC 19.58.220.

D. Commercial parking lots and parking garages, in accordance with the provisions of CVMC 19.62.010 through 19.62.130;

E. Radio and television broadcasting, excluding towers;

F. Restaurants;

~~G. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;~~

~~H. Plant nurseries and the sale of related hardware items; provided, they are clearly incidental and secondary to the plant nursery. Plant nurseries shall be allowed only on the peripheral areas of the C-O zone, so as not to disrupt the continuity of the professional and administrative office land uses;~~

~~I. Unclassified uses, see Chapter 19.54 CVMC;~~

H.J. Roof-mounted satellite dishes, subject to the following standards or conditions:

1. These dishes shall be screened, using appropriate matching architectural materials or parapet walls;
2. Dishes shall be of a neutral color, matching the building or as otherwise approved by the city;
3. A building permit shall be required;
4. No advertising material shall be allowed on the satellite dish antenna. Satellite dish antennas containing advertising material shall be considered a sign;

I.K. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the C-O zone; provided, a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

J. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

K. Unclassified uses see Chapter 19.54 CVMC.

(Ord. 2252 § 4, 1988; Ord. 2233 § 4, 1987; Ord. 2108 § 1, 1985; Ord. 1889 § 1, 1980; Ord. 1494 § 5, 1973; Ord.

1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(D)).

**19.30.050 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2309A § 5, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(E)).

**19.30.060 Height regulations.**

No principal building shall exceed three and one-half stories or 45 feet in height, and no accessory building shall exceed one and one-half stories or 15 feet in height, except as provided in CVMC 19.16.040. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(F)).

**19.30.070 Area, lot width and yard requirements.**

The following minimum area, lot width and yard requirements shall be observed in the C-O zone, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080, and where increased for conditional uses:

Lot Area* (sq. ft.)	Setbacks in Feet		
	Front and Exterior Side Yards	Side	Rear
7,000	10	None, except when abutting any R zone, then not less than five feet	Zero feet, except when abutting any R district or alley, then not less than 10 feet minimum from the alley or rear property line

\*See CVMC 19.16.070 for lot area.

(Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(G)).

**19.30.080 Off-street parking.**

Off-street parking is required for all uses in the C-O zone, as provided in CVMC 19.62.010 through 19.62.130 (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(1)).

**19.30.090 Parking and loading facilities.**

In any C-O district directly across a street or thoroughfare (excluding a freeway) from any R district, parking and loading facilities shall be distant at least 10 feet from said street and said setback shall be permanently landscaped. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(2)).

**19.30.100 Nonresidential uses in residential structures.**

Nonresidential uses permitted in this zone shall be located in buildings designed for nonresidential uses; except, that such uses may be located in existing residential structures existing at the time of the adoption of the ordinance codified in this title, remodeled for said use and subject to site plan approval by the planning commission. Such buildings may be enlarged, providing that all provisions of this title are complied with. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(3)).

**19.30.110 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses in the C-O zone, as required in CVMC 19.14.420 through 19.14.480. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(4)).

**19.30.120 Outdoor storage.**

Outdoor storage of merchandise, material or equipment shall be permitted in the C-O zone only when incidental to permitted or accessory uses located on the same premises; and provided, that:

A. Storage area shall be completely enclosed by walls, fences or buildings and shall be part of an approved site plan;

B. No outdoor storage of materials or equipment to a height greater than that of any enclosing wall, fence or building shall be permitted. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(5)).

**19.30.130 Trash storage areas.**

Trash storage areas in the C-O zone are subject to the conditions of CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(6)).

**19.30.140 Wall requirements.**

Zoning walls shall be provided, subject to the conditions of CVMC 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(7)).

**19.30.150 Landscaping.**

All landscaping in the C-O zone shall conform to the requirements as specified in the landscape manual and approved by the director of planning. Any parking visible from the street shall be screened with an appropriate screen not less than four feet in height or a masonry wall of three and one-half feet in height. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(8)).

**19.30.160 Performance standards.**

All uses in the C-O zone shall be subject to initial and continued compliance with the performance standards set forth in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.506(H)(8)).

C-B-ZONE Repealed and Replaced with Urban Core Specific Plan (in 2007)

~~Chapter 19.32  
C-B — CENTRAL BUSINESS ZONE~~

Sections:

- ~~19.32.010 Purpose.~~
- ~~19.32.020 Permitted uses.~~
- ~~19.32.030 Conditional uses.~~
- ~~19.32.040 Accessory uses and buildings.~~
- ~~19.32.050 Repealed.~~
- ~~19.32.060 Height regulations.~~
- ~~19.32.070 Area, lot coverage and yard requirements.~~
- ~~19.32.080 Enclosures required for all uses — Exceptions.~~
- ~~19.32.090 Setbacks from residential zone — Landscaping required.~~
- ~~19.32.100 Site plan and architectural approval required when.~~
- ~~19.32.110 Off-street parking and loading facilities.~~
- ~~19.32.120 Landscaping.~~
- ~~19.32.130 Trash storage areas.~~
- ~~19.32.140 Wall requirements.~~
- ~~19.32.150 Performance standards.~~

**19.32.010 Purpose.**

The purpose of the C-B zone is to stabilize, improve and protect the commercial pedestrian characteristics of the central business area of the community and to provide for the orderly growth of new central business commercial development in the area designated ~~as a central business district in the~~ general plan. The regulations of this zone are designed to encourage all uses to be of a retail commercial nature. (Ord. 1212 § 1, 1969; prior code § 33.507(A)).

**19.32.020 Permitted uses.**

Principal permitted uses in the C-B zone are as follows:

- A. ~~Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or the surrounding community, such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises;~~
- B. ~~Restaurants, cocktail lounges and nightclubs (dance floors, subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);~~
- C. ~~Business and technical schools, including photography, art, music and dance;~~
- D. ~~Cleaning agencies (limited dry-cleaning only);~~
- E. ~~Bona fide antique shops, but not including secondhand or junk stores;~~
- F. ~~Laundry (coin-operated and pick-up agencies);~~
- G. ~~Cabinet shops; electrical (small appliance); plumbing and heating shops; and printing and publishing or lithographic shops;~~
- H. ~~Blueprinting and photocopying;~~
- I. ~~Hotels and motels, subject to the provisions of CVMC 19.58.210;~~
- J. ~~Any other retail business or service establishment which the commission finds to be consistent with the purposes of this title and which will not impair the present or potential use of adjacent properties;~~
- K. ~~Parking garages and lots, operating independently from any retail sales, in accordance with the provisions of CVMC 19.58.230;~~
- L. ~~Agricultural uses as provided in CVMC 19.16.030. (Ord. 2273 § 4, 1988; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507 (B)).~~

**19.32.030 Conditional uses.**

- Conditional uses in the C-B zone include:
- A. ~~Automobile rental agencies;~~
  - B. ~~Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;~~
  - C. ~~Social and fraternal organizations, subject to the provisions of CVMC 19.58.100;~~
  - D. ~~Theaters;~~
  - E. ~~Bowling alleys, dancehalls, roller skating rinks and plant nurseries, subject to the provisions of CVMC 19.58.040;~~
  - F. ~~Furniture upholstery shops;~~
  - G. ~~R-3 residential uses above the ground floor as regulated in the R-3 zoning district; provided, that R-3 yard requirements may be modified where appropriate;~~
  - H. ~~Building height in excess of three and one-half stories when adjacent to any R or C-O zone;~~
  - I. ~~Knitting and weaving shops;~~
  - J. ~~Unclassified uses, see Chapter 19.54 CVMC;~~
  - K. ~~Automobile service stations, subject to the provisions of CVMC 19.58.280;~~
  - L. ~~Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;~~
  - M. ~~Recycling collection centers, subject to the provisions of CVMC 19.58.345. (Ord. 2252 § 3, 1988; Ord.~~

~~2233 § 3, 1987; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(C)).~~

**19.32.040 Accessory uses and buildings.**

All accessory uses and buildings customarily appurtenant to a permitted use are permitted in the C-B zone. (See CVMC 19.58.020.) A satellite dish antenna may be located in a commercial district when it complies with the provisions of standards in CVMC 19.22.030(F)(1) through (9). (Ord. 2108, § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(D)).

**19.32.050 Sign regulations.**

~~Repealed by Ord. 2924 § 3, 2003. (Ord. 2308A § 6, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1267 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.507(E)).~~

**19.32.060 Height regulations.**

None, except that no building shall exceed three and one-half stories or 45 feet in height when located adjacent to any C-O or residential zone except as provided in CVMC 19.32.030(H) and 19.16.040. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(F)).

**19.32.070 Area, lot coverage and yard requirements.**

The following area, lot coverage and yard requirements shall be observed, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080, and where increased for conditional uses:

Lot Area* (sq. ft.)	Yards in Feet		
	Front and Exterior Side Yards	Side	Rear
2,500	0*	Zero feet, except when abutting an R district, then not less than 15 feet	Zero feet, except when abutting any R district, then not less than required for said R district or 10 feet minimum from the alley

\*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(G)).



**Chapter 19.34  
C-N – NEIGHBORHOOD COMMERCIAL ZONE**

**19.32.080 Enclosures required for all uses –**

**Exceptions.**

All uses in the C-B zone shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, off-street parking and loading facilities, and other open uses specified under conditional use permits as determined by the planning commission. Permanent and temporary outside sales and display shall be subject to the provisions of CVMC ~~19.58.370~~. (Ord. 1436 § 1, 1973; Ord. 1212 § 1, 1969; prior code § 33.507(H)(1)).

**19.32.090 Setbacks from residential zone –**

~~Landscaping required.~~

In any C-B zone directly across a street or thoroughfare (excluding a freeway) from any R district, the parking and loading facilities shall be distant at least 10 feet from said street, ~~and the building or structures at least 20 feet~~ from said street and said space permanently landscaped with no parking allowed within this area. (Ord. 1212 § 1, 1969; prior code § 33.507(H)(2)).

**19.32.100 Site plan and architectural approval required when.**

Site plan and architectural approval is required for all uses in the C-B zone as provided in CVMC ~~19.14.420~~ through ~~19.14.480~~. (Ord. 1212 § 1, 1969; prior code § 33.507(H)(3)).

**19.32.110 Off-street parking and loading facilities.**

Off-street parking and loading facilities are required for all uses in the C-B zone, as provided in CVMC ~~19.62.040~~ through ~~19.62.140~~. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(H)(4)).

**19.32.120 Landscaping.**

All landscaping in the C-B zone shall conform to the requirements as specified in the landscaping manual of the city and as approved by the planning director. (Ord. 1212 § 1, 1969; prior code § 33.507(H)(5)).

**19.32.130 Trash storage areas.**

Trash storage areas in the C-B zone are subject to the conditions of CVMC ~~19.58.340~~. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(H)(6)).

**19.32.140 Wall requirements.**

Zoning walls shall be provided in the C-B zone subject to the conditions of CVMC ~~19.58.150~~ and ~~19.58.360~~. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(H)(7)).

**19.32.150 Performance standards.**

All uses in the C-B zone shall be subject to initial and continued compliance with the performance standards set forth in Chapter ~~19.66~~ CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.507(I)).

Sections:

- 19.34.010 Purpose and intent.
- 19.34.020 Permitted uses.
- 19.34.030 Conditional uses.
- 19.34.040 ~~Repealed.~~
- 19.34.050 Height requirements.
- 19.34.060 Area, lot width and yard requirements.
- 19.34.070 Additional conditions and requirements.
- 19.34.080 Enclosures required for all uses – Exceptions.
- 19.34.090 Restrictions on sales of goods.
- 19.34.100 Site plan and architectural approval required.
- 19.34.110 Off-street parking and loading facilities.
- 19.34.120 Employee activity restrictions.
- 19.34.130 Market analysis required when.
- 19.34.140 Curb cuts and internal traffic circulation – Approval required.
- 19.34.150 Shopping centers – Presentation as planned development required.
- 19.34.160 Design of buildings.
- 19.34.170 Hours for conducting business.
- 19.34.180 Evidence of certain compliance required annually.
- 19.34.190 Trash storage areas.
- 19.34.200 Wall requirements.
- 19.34.210 Landscaping.
- 19.34.220 Prohibited uses.
- 19.34.230 Existing nonconforming shopping centers – Conformance with rules and regulations required when – Time limit.
- 19.34.240 Performance standards.

**19.34.010 Purpose and intent.**

The purpose of this chapter is to provide a shopping center for convenience shopping in a residential neighborhood where analysis of residential population demonstrates that such facilities are necessary and desirable. C-N zoning shall be applied to property having a minimum area of three acres and a maximum area of eight acres. It is the intent of the city council to insure that the character of the C-N zone will be compatible with and will complement the surrounding residential area. Therefore, parking areas must be landscaped as required herein, in

order to relieve the barren appearance which most parking lots possess. It is further the intent of this chapter to prescribe the number, type, size and design of all signs to protect the general welfare of the surrounding residential property owners and of the merchants and property owners within the shopping center by avoiding wasteful and costly competition among sign users resulting from the uncontrolled use of signs. (Ord. 1212 § 1, 1969; prior code § 33.508(A)).

**19.34.020 Permitted uses.**

The following are the principal permitted uses in a C-N district:

- A. Grocery, fruit or vegetable store;
- B. Bakery;
- C. Drugstore;
- D. Barbershop and beauty shop;
- E. Clothes-cleaning pickup agency with incidental pressing;
- F. Business or professional office;
- G. Restaurant, cafe or soda fountain, not including entertainment, dancing or sale of liquor, beer, or other alcoholic beverages for consumption on the premises or drive-in car service;
- H. Commercial parking lot for passenger vehicles, subject to the requirements of CVMC 19.62.010 through 19.62.130;
- I. Coin-operated laundry, with maximum capacity washing units of 20 pounds and comparable drying equipment, and clothes-cleaning agency;
- J. Any other retail business or service establishment supplying commodities or performing services for residents of the neighborhood which is determined by the planning commission to be of the same general character as the above-mentioned retail business or service uses, and open during normal business hours of the above uses;
- K. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities and satellite dish antennas, in accordance with the provisions of CVMC 19.22.030 (F)(1) through (9);
- L. Agricultural uses as provided in CVMC 19.16.030. (Ord. 2526 § 2, 1992; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(B)).

**19.34.030 Conditional uses.**

The following uses shall be permitted in the C-N zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090. The following uses shall be permitted in the C-N zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.060 through 19.14.130:

- A. Automobile service stations, in accordance with the provisions of CVMC 19.58.280;
- B. Sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental with the sale of food;
- C. ~~Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;~~
- D. ~~Unclassified uses, see Chapter 19.54 CVMC;~~
- CE. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
- DF. Recycling collection centers, subject to the provisions of CVMC 19.58.345;
- EG. Automated, drive-through car washes, in accordance with the provisions of CVMC 19.58.060;
- FH. Establishments contained in the list of permitted uses above, but which include the sale of alcoholic beverages for off-site use or consumption, including any new facilities and any facilities which expand the area devoted to alcohol sales or which require the issuance of a type of alcoholic beverage license by the State Alcohol Beverage Control different from the license previously held, in accordance with the procedures in CVMC 19.58.34044.030;
- GI. Liquor store (package, off-sale only), in accordance with the procedures in CVMC 19.58.34044.030;
- HJ. Drive-through restaurants, those fast food facilities offering drive-through lanes in which food is both ordered and picked up from the vehicle, and taken off-site for consumption; but not including "drive-in" restaurants, those at which food is ordered from and consumed in the parked car on the premises.

The following uses shall be permitted in the C-N zone; provided a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

- I. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;
- J. Unclassified uses see Chapter 19.54 CVMC. (Ord. 2715 § 3, 1998; Ord. 2560 § 3, 1993; Ord. 2552 § 1, 1993; Ord. 2526 § 3, 1992; Ord. 2491 § 2, 1992; Ord. 2252 § 2, 1988; Ord. 2233 § 2, 1987; Ord. 2152 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1571 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(C)).

**19.34.040 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2309A § 7, 1989; Ord. 1734 § 1, 1977; Ord. 1575 § 1, 1974;

Ord. 1356 § 1, 1971; Ord. 1275 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.508(D)).

**19.34.050 Height requirements.**

No principal building shall exceed two and one-half stories or 35 feet in height, and no accessory building shall exceed one and one-half stories or 15 feet in height, except as provided in CVMC 19.16.040, (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(E)).

**19.34.060 Area, lot width and yard requirements.**

The following minimum lot area and yard requirements shall be observed in the C-N zone, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080, and where increased for conditional uses:

sidewalk cafes. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(1)).

**19.34.090 Restrictions on sales of goods.**

In a C-N zone, goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(2)).

**19.34.100 Site plan and architectural approval required.**

Site plan and architectural approval is required for all uses in a C-N zone, as provided in CVMC 19.14.420 through 19.14.480 (Ord. 1212 § 1, 1969; prior code § 33.508(G)(3)).

Lot Area* (sq. ft.)	Setbacks in Feet		
	Front and Exterior Side Yards	Side	Rear
5,000	15 feet* for buildings Zero feet for signs	None, except when abutting an R district, then not less than 15 feet	None, except when abutting an R district, then not less than 15 feet; provided, however, that where such yard is contiguous and parallel with an alley, one-half the width of such alley shall be assumed to be a portion of such yard

\*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

**19.34.070 Additional conditions and requirements.**

The following additional conditions set forth in CVMC 19.34.080 through 19.34.210 shall apply in a C-N zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(G)).

**19.34.080 Enclosures required for all uses – Exceptions.**

Except as otherwise provided, all uses in a C-N zone shall be conducted wholly within a completely enclosed building except for service stations, as stipulated in their conditional use permit, nurseries, and off-street parking and loading facilities and

**19.34.110 Off-street parking and loading facilities.**

Off-street loading and parking is required for all uses in a C-N zone, as provided in CVMC 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508 (G)(4)).

**19.34.120 Employee activity restrictions.**

The number of employees in any business establishment in a C-N zone shall be limited to those necessary for the conduct of the on-site business and no person shall be engaged in the activity of processing, fabricating or repairing goods for delivery

or sale at other locations. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(5)).

**19.34.130 Market analysis required when.**

A market analysis showing demand for new or additional C-N facilities shall be submitted together

with any application for rezoning of a new C-N district, or extension by one acre or more of any existing C-N district. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(6)).

**19.34.140 Curb cuts and internal traffic circulation – Approval required.**

All curb cuts and internal traffic circulation for ingress and egress shall be approved by the planning commission subject to a recommendation from the city traffic engineer. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(7)).

**19.34.150 Shopping centers – Presentation as planned development required.**

Shopping centers proposed to be located in a C-N zone shall be presented as a planned development; each unit shall then proceed in accordance with the approved planned development. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(8)).

**19.34.160 Design of buildings.**

All buildings in a C-N zone shall be designed so as to be compatible with surrounding neighborhood; and the general character of the development shall continue and promote the established theme of the community. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(9)).

**19.34.170 Hours for conducting business.**

No business shall be open in a C-N zone between the hours of 11:00 p.m. and 7:00 a.m., unless specifically approved by the planning commission. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(10)).

**19.34.180 Evidence of certain compliance required annually.**

Each year, prior to issuing a business license or the renewal of a business license, establishments within the neighborhood shopping center shall present evidence of compliance with the requirements of this title, particularly in regard to the nature of the business as set forth in CVMC 19.34.090 and 19.34.120. (Ord. 1212 § 1, 1969; prior code § 33.508(G)(11)).

**19.34.190 Trash storage areas.**

Trash storage areas in the C-N zone are subject to the conditions of CVMC 19.58.340. (Ord. 1356 § 1,

1971; Ord. 1212 § 1, 1969; prior code § 33.508(G)(12)).

**19.34.200 Wall requirements.**

Zoning walls shall be provided in the C-N zone subject to the conditions of CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(G)(13)).

**19.34.210 Landscaping.**

The site shall be landscaped in conformance with the landscape manual of the city, and approved by the director of planning. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(G)(14)).

**19.34.220 Prohibited uses.**

Uses expressly prohibited in a C-N zone include:

- A. Residential uses;
- B. Any combination of residential and nonresidential uses on a lot, parcel of land, or in any structure thereon;
- C. Industrial uses;
- D. Public address systems and/or loudspeakers outside of any building. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(H)).

**19.34.230 Existing nonconforming shopping centers – Conformance with rules and regulations required when – Time limit.**

All existing shopping centers which may, in the future, be classified in the neighborhood-commercial (C-N) zone shall, within the time established herein, be made to conform to the requirements and regulations of the zone as applicable. The planning department shall submit a letter to the property owner and managers of the businesses being conducted within said shopping center, outlining the requirements and changes necessary to bring the center into conformance with the zone requirements. All of said changes shall be accomplished within one year of the date of such notification. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(I)).

**19.34.240 Performance standards.**

All uses in a C-N zone shall be subject to initial and continued compliance with the performance standards set forth in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.508(J)).

**Chapter 19.36  
C-C – CENTRAL COMMERCIAL ZONE**

Sections:

- 19.36.010 Purpose.
- 19.36.020 Permitted uses.

- 19.36.030 Conditional uses.
- 19.36.040 *Repealed.*
- 19.36.050 Height regulations.
- 19.36.060 Area, lot coverage and yard requirements.
- 19.36.070 Enclosures required for all uses – Exceptions.
- 19.36.080 Setbacks from residential zone – Landscaping required.
- 19.36.090 Landscaping.
- 19.36.100 Employee activity restrictions.
- 19.36.110 Site plan and architectural approval required.
- 19.36.120 Off-street parking and loading facilities.
- 19.36.130 Trash storage areas.
- 19.36.140 Outdoor storage.
- 19.36.150 Wall requirements.
- 19.36.160 Performance standards.

**19.36.010 Purpose.**

The purpose of the C-C zone is to stabilize, improve and protect the commercial characteristics of the major community business centers. The C-C zone designation shall only be applied in the general location of such centers as designated in the Chula Vista general plan. (Ord. 1212 § 1, 1969; prior code § 33.509(A)).

**19.36.020 Permitted uses.**

Principal permitted uses in the C-C zone are as follows:

- A. Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or the surrounding community such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises;
- B. Restaurants, cocktail lounges and night clubs (dance floors subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);
- C. Bona fide antique shops, but not including secondhand stores or junk stores;
- D. Parking structures and off-street parking lots, subject to the provisions of CVMC 19.58.230;
- E. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;
- F. Any other retail business or service establishment which the commission finds to be consistent with the purpose of this title and which will not impair the present or potential use of adjacent properties;

G. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC 19.20.030(F)(1) through (9);

H. Agricultural uses as provided in CVMC 19.16.030. (Ord. 2273 § 5, 1988; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(B)).

**19.36.030 Conditional uses.**

The following uses shall be permitted in the C-C zone; provided a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090;  
~~Conditional uses in the C-C zone include:~~

- A. Car washes, subject to the provisions of CVMC 19.58.060;
  - ~~B. Skating rinks, subject to the conditions of CVMC 19.58.040;~~
  - ~~C. Signs in excess of maximum as established in CVMC 19.60.540;~~
  - ~~B.D.~~ Automobile rental and towing services;
  - ~~E.~~ Billiard parlors;
  - ~~F.~~ Bowling alleys, subject to the provisions of CVMC 19.58.040;
  - ~~C.G.~~ Social and fraternal organizations (nonprofit), subject to the provisions of CVMC 19.58.100;
  - ~~D.H.~~ Trailer rentals;
  - ~~E.I.~~ Veterinarian clinics, subject to the provisions of CVMC 19.58.050;
  - ~~J.~~ ~~Unclassified uses, see Chapter 19.54 CVMC;~~
  - ~~F.K.~~ Automobile service stations, subject to the provisions of CVMC 19.58.280, and automobile maintenance and repair (minor);
  - ~~L.~~ Cardrooms;
  - ~~G.M.~~ Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
  - ~~H.N.~~ Recycling collection centers, subject to the provisions of CVMC 19.58.345;
  - ~~I.O.~~ Mixed commercial-residential projects, subject to the provisions of CVMC 19.58.205.
- The following uses shall be permitted in the C-C zone; provided, a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.
- J. Skating rinks, subject to the conditions of CVMC 19.58.040;
  - K. Billiard parlors subject to the provisions of CVMC 19.58.040;
  - L. Bowling alleys subject to the provisions of CVMC 19.58.040;
  - M. Cardrooms;
  - N. Unclassified uses, see Chapter 19.54 CVMC.

(Ord. 2633 § 4, 1995; Ord. 2295 § 1, 1989; Ord. 2252 § 5, 1988; Ord. 2233 § 5, 1987; Ord. 2160 § 1, 1986; Ord. 2152 § 2, 1986; Ord. 2108 § 1, 1985; Ord. 1757 § 1, 1977; Ord. 1746 § 1, 1977; Ord. 1571 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(C)).

**19.36.040 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2309A § 8, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1295 § 1, 1970; Ord. 1251 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.509(D)).

**19.36.050 Height regulations.**

None, except that no building shall exceed three and one-half stories or 45 feet in height when located adjacent to any C-O or residential zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(E)).

**19.36.060 Area, lot coverage and yard requirements.**

The following minimum area, lot coverage and yard requirements shall be observed in the C-C zone, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080 and where increased for conditional uses:

Lot Area* (sq. ft.)	Setbacks in Feet		
	Front and Exterior* Side Yards	Side	Rear
5,000	25 feet	None, except when abutting an R district, then not less than 15 feet	None, except when abutting an R district, then not less than required for said R district

\*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(Ord. 1356 § 1, 1971; Ord. 1251 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.509(F)).

**19.36.070 Enclosures required for all uses – Exceptions.**

All uses in the C-C zone shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, off-street parking and loading facilities, and other open uses specified under conditional use permits as determined by the planning commission. Permanent and temporary outside sales and display shall be subject to the provisions of CVMC 19.58.370. (Ord.

1436 § 1, 1973; Ord. 1212 § 1, 1969; prior code § 33.509(G)(1)).

**19.36.080 Setbacks from residential zone – Landscaping required.**

In any C-C zone directly across a street or thoroughfare (excluding a freeway) from any R district, the parking and loading facilities shall be distant at least 10 feet from said street, and the buildings and structures at least 20 feet from said street and said space permanently landscaped. (Ord. 1212 § 1, 1969; prior code § 33.509(G)(2)).

**19.36.090 Landscaping.**

The site shall be landscaped in conformance with the landscaping manual of the city and approved by the director of planning. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(3)).

**19.36.100 Employee activity restrictions.**

In the C-C zone, not more than five persons shall be engaged in the fabrication, repair and other processing of goods in any establishment, except when permitted by conditional use permit. (Ord. 1212 § 1, 1969; prior code § 33.509(G)(4)).

**19.36.110 Site plan and architectural approval required.**

Site plan and architectural approval is required for all uses in the C-C zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1212 § 1, 1969; prior code § 33.509(G)(5)).

**19.36.120 Off-street parking and loading facilities.**

Off-street parking and loading facilities are required for all uses in the C-C zone, as provided in 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509 (G)(6)).

**19.36.130 Trash storage areas.**

Trash storage areas shall be provided in the C-C zone, subject to the conditions of CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(7)).

**19.36.140 Outdoor storage.**

Outdoor storage of merchandise, material or equipment shall be permitted in the C-C zone only when incidental to a permitted or accessory use located on the premises; and provided, that:

A. Storage area shall be completely enclosed by walls, fences, or buildings, and shall be part of an approved site plan;

B. No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building. (Ord. 1212 § 1, 1969; prior code § 33.509(G)(8)).

**19.36.150 Wall requirements.**

Zoning walls shall be provided in the C-C zone subject to the conditions in CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(G)(9)).

**19.36.160 Performance standards.**

All uses in the C-C zone shall be subject to initial and continued compliance with the performance standards set forth in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.509(H)).

**Chapter 19.38  
C-V – VISITOR COMMERCIAL ZONE**

Sections:

- 19.38.010 Purpose.
- 19.38.020 Permitted uses.
- 19.38.030 Conditional uses.
- 19.38.040 Repealed.
- 19.38.050 Height regulations.
- 19.38.060 Area, lot coverage and yard requirements.
- 19.38.070 Setbacks from residential zone – Parking and loading facilities.
- 19.38.080 Landscaping.

- 19.38.090 Site plan and architectural approval.
- 19.38.100 Off-street parking and loading facilities.
- 19.38.110 Enclosures required for all uses – Exceptions.
- 19.38.120 Outdoor storage.
- 19.38.130 Wall requirements.
- 19.38.140 Trash storage areas.
- 19.38.150 Performance standards.

**19.38.010 Purpose.**

The purpose of the C-V zone is to provide for areas in appropriate locations where centers providing for the needs of tourists and travelers may be established, maintained and protected. The regulations of this zone are designed to encourage the provision of transient housing facilities, restaurants, service stations and other activities providing for the convenience, welfare or entertainment of the traveler. (Ord. 1212 § 1, 1969; prior code § 33.510).

**19.38.020 Permitted uses.**

Principal permitted uses in the C-V zone are as follows:

- A. Hotels, motels and motor hotels, subject to the provisions of CVMC 19.58.210, with such incidental businesses to serve the customer or patron; provided, such incidental uses and businesses not otherwise permitted in this zone shall be operated in the same building and in conjunction with this permitted use;
- B. Restaurants with a cocktail lounge as an integral part;
- C. Art galleries;
- D. Handicraft shops and workshops;
- E. Bona fide antique shops, but not including secondhand stores or junk stores;
- F. Theaters;
- ~~G. Any other establishments serving visitors determined by the commission to be of the same general character as the above permitted uses;~~
- ~~G~~H. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC 19.22.030(F)(1) through (9) and (11) through (13);
- ~~H~~I. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;
- ~~I~~J. Agricultural uses as provided in CVMC 19.16.030.
- ~~J~~. Artists' supply and materials stores;
- ~~K~~. Clothing sales (new);  
(Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(B)).

**19.38.030 Conditional uses.**

The following uses shall be permitted in the C-V zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090. The following uses may be permitted in the C-V zone, subject to the issuance of a conditional use permit subject to the findings set forth in CVMC 19.14.080:

A. Car washes, subject to the provisions of CVMC 19.58.060;

B. Automobile service stations and towing services, subject to the provisions of CVMC 19.58.280;

C. Bait and tackle shops, including marine sales, supplies and rentals;

~~D. Bars or night clubs (dance floors subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);~~

D.E. Commercial parking lots and parking garages, subject to the provisions of CVMC 19.62.010 through 19.62.130;

~~F. Commercial recreation facilities, subject to the conditions of CVMC 19.58.040, as follows:~~

- ~~1. Bowling alley;~~
- ~~2. Miniature golf course;~~
- ~~3. Billiard hall;~~
- ~~4. Skating rink;~~

~~G. Public stables, subject to the provisions of CVMC 19.58.310;~~

~~H. Artists' supply and materials stores; (added to Permitted uses - no need for CUP)~~

~~I. Clothing sales (new);~~

~~J. Unclassified uses, see Chapter 19.54 CVMC;~~

~~E.K. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;~~

~~F.L. Recycling collection centers, subject to the provisions of CVMC 19.58.345.~~

The following uses shall be permitted in the C-V zone; provided, a conditional use permit is issued by the planning commission or chula vista redevelopment corporation for projects within a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

G. Bars or night clubs (dance floors subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);

H. Commercial recreation facilities, subject to the conditions of CVMC 19.58.040 as follows:

1. Bowling alley;
2. Miniature golf course;
3. Billiard hall;
4. Skating rink;

I. Public stables, subject to the provisions of CVMC 19.58.310;

J. Unclassified uses, see Chapter 19.54 CVMC.

(Ord. 2273 § 6, 1988; Ord. 2252 § 6, 1988; Ord. 2233 § 6, 1987; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(C)).

**19.38.040 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003. (Ord. 2309A § 9, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(D)).*

**19.38.050 Height regulations.**

No building or structure shall exceed three and one-half stories or 45 feet in height except as provided in CVMC 19.16.040; provided, however, that said limitation may be adjusted by conditional use permit. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(E)).



**19.38.060 Area, lot coverage and yard requirements.**

The following minimum area, lot coverage and yard requirements shall be observed, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080 and where increased as determined by the issuance of a conditional use permit:

		Yards in Feet			
Lot Area (sq. ft.)	Lot Coverage (max. %)	Front	Exterior Side Yard	Side	Rear
10,000	40	20* for buildings 0 for signs	10* for buildings 0 for signs	None, except when abutting an R district, then not less than 25 feet	10 feet, except when abutting an R district, then not less than 25 feet; none when abutting a side yard with no side yard requirement
*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.					
(Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(F)).					

**19.38.070 Setbacks from residential zone – Parking and loading facilities.**

In any C-V zone directly across a street or thoroughfare (excluding a freeway) from any R zone, the parking and loading facilities shall be distant at least 10 feet from said street and the buildings and structures at least 20 feet from said streets. (Ord. 1212 § 1, 1969; prior code § 33.510(G)(1)).

**19.38.080 Landscaping.**

The site shall be landscaped in conformance with the landscaping manual of the city, and approved by the director of planning. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510 (G)(2)).

**19.38.090 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses in a C-V zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1212 § 1, 1969; prior code § 33.510(G)(3)).

**19.38.100 Off-street parking and loading facilities.**

Offstreet parking and loading facilities are required for all uses in a C-V zone, as provided in CVMC 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510 (G)(4)).

**19.38.110 Enclosures required for all uses – Exceptions.**

All uses in a C-V zone shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, off-street parking and loading facilities, and other open uses specified under conditional use permits as determined by the planning commission. Permanent and temporary outside sales and display shall be subject to the provisions of CVMC 19.58.370. (Ord. 1436 § 1, 1973; Ord. 1212 § 1, 1969; prior code § 33.510(G)(5)).

**19.38.120 Outdoor storage.**

Outdoor storage of merchandise, material or equipment shall be permitted in a C-V zone only when incidental to a permitted or accessory use located on the same premises; and provided, that:

A. Storage areas shall be completely enclosed by walls, fences or buildings, and shall be part of an approved site plan;

B. No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building. (Ord. 1212 § 1, 1969; prior code § 33.510(G)(6)).

**19.38.130 Wall requirements.**

Zoning walls shall be provided in a C-V zone, subject to the conditions in CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(G)(7)).

**19.38.140 Trash storage areas.**

Trash storage areas shall be provided in a C-V zone, subject to the conditions of CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(G)(8)).

**19.38.150 Performance standards.**

All uses in a C-V zone shall be subject to initial and continued compliance with the performance standards set forth in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.510(H)).

**Chapter 19.40**

**C-T – THOROUGHFARE COMMERCIAL ZONE**

Sections:

- 19.40.010 Purpose.
- 19.40.020 Permitted uses.
- 19.40.030 Conditional uses.
- 19.40.040 *Repealed.*
- 19.40.050 Height regulations.
- 19.40.060 Area, lot coverage and yard requirements.
- 19.40.070 Setbacks from residential zone – Parking and loading facilities.
- 19.40.080 Landscaping.
- 19.40.090 Site plan and architectural approval required.

- 19.40.100 Off-street parking and loading facilities.
- 19.40.110 Enclosures required for all uses – Exceptions.
- 19.40.120 Outdoor storage.
- 19.40.130 Wall requirements.
- 19.40.140 Trash storage areas.
- 19.40.150 Performance standards.

**19.40.010 Purpose.**

The purpose of the C-T zone is to provide for areas in appropriate locations adjacent to thoroughfares where activities dependent upon or catering to thoroughfare traffic may be established, maintained and protected. The regulations of this district are designed to encourage the centers for retail, commercial, entertainment, automotive and other appropriate highway-related activities. C-T zones are to be established in zones of one acre or larger, and shall be located only in the immediate vicinity of thoroughfares, or the service drives thereof. (Ord. 1212 § 1, 1969; prior code § 33.511(A)).

**19.40.020 Permitted uses.**

Principal permitted uses in a C-T zone are as follows:

- A. Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or the surrounding community, such as department stores, banks, business offices and other financial institutions and personal service enterprises;
- B. New car dealers and accessory sale of used cars (see CVMC 19.40.030 for used car lots); boat and equipment sales and rental establishments, subject to the provisions of CVMC 19.58.070;
- C. Motor hotels and motels, subject to the provisions of CVMC 19.58.210;
- D. Retail shops for the sale of auto parts and accessories, souvenirs, curios and other products, primarily to serve the ~~travelling~~traveling public;
- E. Restaurants and cocktail lounges (dance floors subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);
- F. Animal hospitals and veterinary clinics, subject to the provisions of CVMC 19.58.050;
- G. Bakery and creamery establishments;
- H. Printing and publishing or lithographic shops;
- I. Commercial recreation facilities, such as swimming pools, bowling alleys, and skating rinks, subject to the provisions of CVMC 19.58.040;
- J. Plant nurseries;
- K. ~~Any other retail business or service establishment determined by the commission to be of the same general character as the above permitted uses;~~

KL. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antennas in accordance with the provisions in CVMC 19.22.030(F)(1) through (9) and (11) through (13);

LM. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;

MN. Agricultural uses as provided in CVMC 19.16.030;

NO. Adult-oriented recreation businesses, subject to the provisions of CVMC 19.58.024.

O. Used clothing sales;

P. Knitting and weaving shops;

Q. Upholstery shops.

(Ord. 2273 § 7, 1988; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1954 § 1, 1981; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511 (B)).

**19.40.030 Conditional uses.**

The following uses shall be permitted in the C-T zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090:

Conditional uses in a C-T zone include:

A. Used car lots and motorcycle sales and repair, subject to the provisions of CVMC 19.58.070;

B. Trailer and equipment sales and rental establishments and towing service;

C. Drive-in theaters, subject to the provisions of CVMC 19.58.120; and provided, that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than 100 feet from any street or thoroughfare;

CD. Automobile service stations, garages for major and minor repairs, as defined herein, and car-washing establishments, subject to the provisions of CVMC 19.58.060 and 19.58.280;

DE. Carpenter, electrical, plumbing or heating shops;

F. Dancehalls, subject to the provisions of CVMC 19.58.040;

G. Truck and trailer service, including major repair;

H. Building material sales yards, not including concrete mixing;

I. Automobile storage, contractor's equipment storage yards, or storage, sale and rental of equipment commonly used by contractors;

J. Signs in excess of maximum, as established in CVMC 19.60.560;

GK. Bait and tackle shops;

L. Commercial recreation facilities (outdoor);

M. Upholstery shops;

N. Automobile paint and body shops;

O. Wholesale bakeries;

P. Laundries, except industrial, and cleaning and dyeing plants;

Q. Used clothing sales;

HR. Lumbeyards;

S. Radiator repair shops;

T. Unclassified uses, see Chapter 19.54 CVMC;

U. Knitting and weaving shops;

V. Cardrooms;

W. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;

X. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the C-T zone; provided, a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.

K. Drive-in theaters, subject to the provisions of CVMC 19.58.120; and provided that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than 100 feet from any street or thoroughfare;

L. Dancehalls subject to the provisions of CVMC 19.58.040;

M. Commercial recreation facilities (outdoor);

N. Automobile paint and body shops;

O. Wholesale bakeries;

P. Laundries, except industrial, and cleaning and dyeing plants;

Q. Radiator repair shops;

R. Truck and trailer service, including major repair;

S. Cardrooms;

T. Unclassified uses, see Chapter 19.54 CVMC.

(Ord. 2252 § 7, 1988; Ord. 2233 § 7, 1987; Ord. 2160 § 1, 1986; Ord. 2152 § 3, 1986; Ord. 2108 § 1, 1985; Ord. 1954 § 1, 1981; Ord. 1855 § 3, 1979; Ord. 1757 § 1, 1977; Ord. 1746 § 1, 1977; Ord. 1716 § 1, 1976; Ord. 1464 § 1, 1973; Ord. 1456 § 1, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.522(C)).

**19.40.040 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2309A § 10, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1295 § 1, 1970; Ord. 1251 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.511(D)).

**19.40.050 Height regulations.**

No building or structure shall exceed three and one-half stories or 45 feet in height, except as provided in CVMC 19.16.040; provided, however, that said limitation may be adjusted by conditional use permit. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511(E)).

**19.40.060 Area, lot coverage and yard requirements.**

The following minimum area, lot coverage and yard requirements shall be observed, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080 and where increased for conditional uses:

		Setbacks in Feet		
Lot Area (sq. ft.)	Lot Coverage (max. %)	Front & Exterior Side Yards	Side	Rear
5,000	50%	10 feet* for buildings	None, except when abutting an R district, then not less than 25 feet	10 feet, except when abutting an R district, then not less than 25 feet; zero when abutting a zero side yard.
*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.				
(Ord. 1356 § 1, 1971; Ord. 1251 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.511(F)).				

**19.40.070 Setbacks from residential zone – Parking and loading facilities.**

In any C-T district directly across a street or thoroughfare (excluding a freeway) from any R district, the parking and loading facilities shall be distant at least 10 feet from said street, and the buildings and structures at least 20 feet from said street. All access drives or curb cuts across a street from any R district are prohibited unless specifically approved by the staff. (Ord. 1212 § 1, 1969; prior code § 33.511(G)(1)).

**19.40.080 Landscaping.**

The site shall be landscaped in conformance with the landscaping manual of the city, and approved by the director of planning. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511 (G)(2)).

**19.40.090 Site plan and architectural approval required.**

Site plan and architectural approval is required for all uses in a C-T zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1212 § 1, 1969; prior code § 33.511(G)(3)).

**19.40.100 Off-street parking and loading facilities.**

Offstreet parking and loading facilities are required for all uses in a C-T zone, as provided in CVMC 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511 (G)(4)).

**19.40.110 Enclosures required for all uses – Exceptions.**

All uses in a C-T zone shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, off-street parking and loading facilities, and other open uses specified under conditional use permits as determined by the planning commission. Permanent and temporary outside sales and display shall be subject to the provisions of CVMC 19.58.370. (Ord. 1436 § 1, 1973; Ord. 1212 § 1, 1969; prior code § 33.511(G)(5)).

**19.40.120 Outdoor storage.**

Outdoor storage of merchandise, material or equipment shall be permitted in a C-T zone only when incidental to a permitted or accessory use located on the premises; and provided, that:

A. Storage areas shall be completely enclosed by walls, fences or buildings, and shall be part of an approved site plan;

B. No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building. (Ord. 1212 § 1, 1969; prior code § 33.511(G)(6)).

**19.40.130 Wall requirements.**

Zoning walls shall be provided in a C-T zone, subject to the conditions of CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511(G)(7)).

**19.40.140 Trash storage areas.**

Trash storage areas shall be provided in a C-T zone, subject to the conditions of CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511(G)(8)).

**19.40.150 Performance standards.**

All uses in a C-T zone shall be subject to initial and continued compliance with the performance standards set forth in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.511(H)).

**Chapter 19.42  
I-R – RESEARCH INDUSTRIAL ZONE**

Sections:

- 19.42.010 Purpose.
- 19.42.020 Permitted uses.
- 19.42.030 Accessory uses and buildings.
- 19.42.040 Conditional uses.
- 19.42.050 Prohibited uses and processes.
- 19.42.060 *Repealed.*
- 19.42.070 Height regulations.
- 19.42.080 Area, lot coverage and yard requirements.
- 19.42.090 Performance standards.
- 19.42.100 Enclosures required for all uses – Exceptions.
- 19.42.110 Fuel restrictions.
- 19.42.120 Setbacks required from residential zone – Parking and loading facilities.
- 19.42.130 Landscaping.
- 19.42.140 Site plan and architectural approval.
- 19.42.150 Off-street parking and loading facilities.
- 19.42.160 Outdoor storage.
- 19.42.170 Trash storage areas.
- 19.42.180 Wall requirements.

**19.42.010 Purpose.**

The purpose of the I-R zone is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale research and specialized manufacturing organizations, all of a non-nuisance type. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(A)).

**19.42.020 Permitted uses.**

Permitted uses in an I-R zone are as follows:

- A. Laboratories; research, experimental, film, electronic or testing;
- B. Manufacture and assembly of electronic instruments and devices;
- C. Manufacture and assembly of office computing and accounting machines and typewriters;
- D. Manufacture and assembly of electric measuring instruments and test equipment;
- E. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;

F. Temporary tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470.\*

G. Any other research or any light manufacturing use determined by the commission to be of the same general character as the above-permitted uses. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(B)).

\* Code reviser's note: This subsection amended to conform with provisions of Ord. 1575, 1974.

**19.42.030 Accessory uses and buildings.**

Accessory uses permitted in an I-R zone include the following:

- A. Administrative, executive and financial offices and incidental services, such as restaurants to serve employees when conducted on the premises;
- B. Wholesale business storage or warehousing for products of the types permitted to be manufactured in the zone;
- C. Other accessory uses and buildings customarily appurtenant to a permitted use;
- D. Retail sales of products produced or manufactured on the site;
- E. Caretaker houses;
- F. Satellite dish antennas are permitted in accordance with the provisions of CVMC 19.22.030 (F)(1) through (9) and (11) through (13). (Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512 (C)).

**19.42.040 Conditional uses.**

The following uses shall be permitted in the I-R zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as may be applicable; and 19.14.050 through 19.14.090:  
~~Conditional uses permitted in an I-R zone include:~~

- A. Retail commercial uses necessary to serve the I-R zone;
- B. Manufacture of pharmaceuticals, drugs and the like;
- ~~C. Building height in excess of three and one-half stories or 45 feet;~~
- C. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
- D. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the I-R zone; provided, a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.

- ~~E. Unclassified uses, as set forth in Chapter 19.54 CVMC;~~
- ~~E. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;~~
- ~~F. Recycling collection centers, subject to the provisions of CVMC 19.58.345;~~

FG. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission, or chula vista redevelopment corporation if located within a designated redevelopment project area in accordance with CVMC 19.14.070(B). (Ord. 2542 § 3, 1993; Ord. 2252 § 9, 1988; Ord. 2233 § 9, 1987; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(D)).

**19.42.050 Prohibited uses and processes.**

Prohibited uses in an I-R zone include manufacturing uses and processes involving primary production of products from raw materials. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(E)).

**19.42.060 Sign regulations.**

Repealed by Ord. 2924 § 3, 2003. (Ord. 2309A § 11, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(F)).

**19.42.070 Height regulations.**

No structure shall exceed three and one-half stories or 45 feet in height; however, no structure shall exceed two stories or 35 feet in height when located within 200 feet of any residential zone or any area designated for future residential development on the general plan, except as provided in CVMC 19.16.040. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(G)).

**19.42.080 Area, lot coverage and yard requirements.**

The minimum lot areas required shall be one of the following for this zone classification, as designated on the zoning map, except as provided in CVMC 19.16.020 and 19.16.060 to 19.16.080 and where increased for conditional uses:

Lot Area (sq. ft.)	Lot Coverage (max. %)	Setbacks in Feet			
		Front	Exterior Side Yard	Side	Rear
20,000	40	Buildings 20* Signs 0	15* 0	20	25

\*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.512(H)).

**Chapter 19.44**  
**I-L – LIMITED INDUSTRIAL ZONE**

Sections:

- 19.44.010 Purpose.
- 19.44.020 Permitted uses.
- 19.44.030 Accessory uses and buildings.
- 19.44.040 Conditional uses.
- 19.44.050 Prohibited uses and processes.
- 19.44.060 *Repealed.*
- 19.44.070 Height regulations.
- 19.44.080 Area, lot coverage and yard requirements.
- 19.44.090 Performance standards.
- 19.44.100 Fuel restrictions.
- 19.44.110 Setbacks from residential or agricultural zone – Loading facilities.
- 19.44.120 Landscaping.
- 19.44.130 Site plan and architectural approval.
- 19.44.140 Off-street parking and loading facilities.
- 19.44.150 Outdoor storage.
- 19.44.160 Trash storage areas.
- 19.44.170 Enclosures required for all uses – Exceptions.
- 19.44.180 Wall requirements.

**19.44.010 Purpose.**

The purpose of the I-L zone is to encourage sound limited industrial development by providing and protecting an environment free from nuisances created by some industrial uses and to insure the purity of the total environment of Chula Vista and San Diego County and to protect nearby residential, commercial and industrial uses from any hazards or nuisances. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(A)).

**19.44.020 Permitted uses.**

- Permitted uses in an I-L zone are as follows:
- A. Manufacturing, printing, assembling, processing, repairing, bottling, or packaging of products from previously prepared materials, not including any prohibited use in this zone;
  - B. Manufacturing of electrical and electronic instruments, devices and components;
  - C. Wholesale businesses, storage and warehousing;

- D. Laboratories; research, experimental, film, electronic and testing;
- F. Public and private building material sales yards, service yards, storage yards, and equipment rental;
- G. Minor auto repair;
- H. Laundries, laundry services, and dyeing and cleaning plants, except large-scale operations;
- I. Car washing establishments, subject to the provisions of CVMC 19.58.060;
- J. Plumbing and heating shops;
- K. Exterminating services;
- L. Animal hospitals and veterinarians, subject to the provisions of CVMC 19.58.050;
- M. The manufacture of food products, drugs, pharmaceuticals and the like, excluding those in CVMC 19.44.050;
- N. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;
- O. Temporary tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;\*
- P. Any other limited manufactured use which is determined by the commission to be of the same general character as the above uses;
- Q. Agricultural uses as provided in CVMC 19.16.030. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(B)).

\* Code reviser's note: This section amended to conform with provisions of Ord. 1575, 1974.

**19.44.030 Accessory uses and buildings.**

- Accessory uses permitted in an I-L zone include:
- A. Administrative, executive and financial offices and incidental services, such as restaurants to serve employees, when conducted on the premises;
  - B. Other accessory uses and buildings customarily appurtenant to a permitted use;
  - C. Retail sales of products produced and manufactured on the site;
  - D. Caretaker houses;
  - E. Satellite dish antennas are permitted in accordance with the provisions of CVMC 19.22.030(F)(1) through (9) and (11) through (13). (Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(C)).

**19.44.040 Conditional uses.**

The following uses shall be permitted in the I-L zone: provided a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040 as

- may be applicable; and 19.14.050 through 19.14.090: Conditional uses permitted in an I-L zone include:
- A. Machine shops and sheet metal shops;
  - AB. Service stations, subject to the conditions in CVMC 19.58.280;
  - C. Steel fabrication;
  - BD. Restaurants, delicatessens and similar uses;
  - E. Drive-in theaters, subject to the conditions of CVMC 19.58.120;
  - CF. Major auto repair, engine rebuilding and paint shops;
  - DG. Commercial parking lots and garages;
  - H. Plastics and other synthetics manufacturing;
  - I. Building heights exceeding three and one-half stories or 45 feet;
  - J. Unclassified uses, as set forth in Chapter 19.54 CVMC;
  - K. Trucking yards, terminals and distributing operations;
  - L. The retail sale of such bulky items as furniture, carpets and other similar items;
  - M. Retail distribution centers and manufacturers' outlets which require extensive floor areas for the storage and display of merchandise, and the high volume, warehouse-type sale of goods and retail uses which are related to and supportive of existing, on-site retail distribution centers of manufacturers' outlets. Conditional use permit applications for the establishment of retail commercial uses, covered by the provisions of this subsection, shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission;
  - EN. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
  - FQ. Recycling collection centers, subject to the provisions of CVMC 19.58.345;
  - P. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178;
  - GQ. Brewing or distilling of liquors requiring a Type 23 Alcoholic Beverage Control License;
- The following uses shall be permitted in the I-L zone: provided a conditional use permit is issued by the planning commission or chula vista redevelopment corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.
- H. Machine shops and sheet metal shops;
  - I. Steel fabrication;
  - J. Plastics and other synthetics manufacturing;
  - K. Drive-in theaters, subject to the conditions of CVMC 19.58.120;



L. Trucking yards terminals and distributing operations;

M. The retail sale of such bulky items as furniture, carpets and other similar items;

N. Retail distribution centers and manufacturers' outlets which require extensive floor areas for the storage and display of merchandise, and the high-volume, warehouse-type sale of goods and retail uses which are related to and supportive of existing on-site retail distribution centers of manufacturers' outlets.

O. Unclassified uses as set forth in Chapter 19.54 CVMC;

P. Hazardous waste facilities subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission, or chula vista redevelopment corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B). Conditional use permit applications for the use in subsection (Q) of this section shall be considered and approved by the zoning administrator. (Ord. 3031 § 1, 2006; Ord. 2542 § 4, 1993; Ord. 2252 § 10, 1988; Ord. 2233 § 10, 1987; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 2031 § 1, 1983; Ord. 1927 § 1, 1980; Ord. 1698 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(D)).

**19.44.050 Prohibited uses and processes.**

Prohibited uses in an I-L zone include:

A. Manufacturing uses and processes involving the primary production of products from raw materials, including the following materials and uses:

1. Asphalt, cement, charcoal and fuel briquettes,
2. Rubber, chemical and allied products, and soap and detergents,
3. Coal, coke and tar products and the manufacturing of explosives, fertilizers, gelatin, animal glue and size,
4. Turpentine, matches, paint and other combustible materials,
5. Stockyards, slaughterhouses and rendering plants,
6. The storage of fireworks or explosives,
7. Industrial metal, waste rag, glass or paper salvage operations and slag piles,
8. Fish, sauerkraut, vinegar and similar uses,
9. Brewing or distilling of liquors except for businesses requiring Type 23 licenses from the Department of Alcoholic and Beverage Control or perfume manufacturing;

B. The following processes: nitrating of cotton or other materials; foundries; reduction, refining, smelting, alloying, rolling, drawing and extruding of metal or metal ores; refining of petroleum products; distillation of wood or bones; storage, curing or

tanning of raw, green or salted hides or skins; and grain milling;

C. Any other use which is determined by the commission to be of the general character as the above uses. (Ord. 3031 § 2, 2006; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(E)).

**19.44.060 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2309A § 12, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(F)).

**19.44.070 Height regulations.**

No building or structure shall exceed three and one-half stories or 45 feet; except, that any building or structure erected to such a height or less that would be detrimental, in the opinion of the commission, to the light, air or privacy of any other structure or use, existing or reasonably to be anticipated, may be reduced. Exceptions are provided in CVMC 19.16.040. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(G)).

**19.44.080 Area, lot coverage and yard requirements.**

The following minimum requirements shall be observed, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080 and where increased for conditional uses:

**19.44.090 Performance standards.**

All uses permitted by this title shall be subject to initial and continued compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(I)(1)).

**19.44.100 Fuel restrictions.**

Manufacturing and industrial processes in an I-L zone shall use only gas or electricity as a fuel; provided, however, that oil burning equipment may be installed for standby purposes only. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513 (I)(2)).

		Setbacks in Feet			
Lot Area (sq. ft.)	Lot Coverage (max. %)	Front	Exterior Side Yard	Side	Re
10.000	50	Buildings 20* Signs 0	15* 0	0**	0*

\*Or not less than that specified on the building line map which takes precedence shall be provided and maintained. (S CVMC 19.44.090 through 19.44.180 for other required setbacks.)

\*\*Except when adjoining an R or A zone, or areas designated for future residential or agricultural development on the Chula Vista general plan, then not less than 50 feet.

(Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; ode § 33.513(H)).

**19.44.110 Setbacks from residential or agricultural zone – Loading facilities.**

In any I-L zone directly across the street from any R or A zone, or areas designated for future residential or agricultural development on the general plan, the loading facilities and structures shall be a distance of at least 30 feet from said street. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(I)(3)).

**19.44.120 Landscaping.**

The site shall be landscaped in conformance with the landscaping manual of the city, and approved by the planning department. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513 (I)(4)).

**19.44.130 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses in an I-L zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513 (I)(5)).

**19.44.140 Off-street parking and loading facilities.**

Off-street parking and loading facilities are required for all uses in an I-L zone, as provided in CVMC 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(I)(6)).

Outdoor storage and sales yards in an I-L zone shall be completely enclosed by solid walls, fences or buildings, or a combination thereof, not less than six feet in height. No merchandise, materials, equipment or other goods shall be stored or displayed higher than the enclosing fence. For other fencing requirements, see CVMC 19.58.150. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(I)(6)).

**19.44.160 Trash storage areas.**

Trash storage in an I-L zone shall be subject to the provisions of CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513(I)(7)).

**19.44.170 Enclosures required for all uses – Exceptions.**

All uses in an I-L zone, except sales yards, service yards, storage yards and loading and equipment rental, shall be conducted entirely within an enclosed building. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513 (I)(9)).

**19.44.180 Wall requirements.**

Zoning walls shall be provided in an I-L zone, subject to the conditions of CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.513 (I)(10)).

**Chapter 19.46  
I – GENERAL INDUSTRIAL ZONE**

Sections:  
19.46.010 Purpose.

- 19.46.020 Permitted uses.
- 19.46.030 Accessory uses and buildings.
- 19.46.040 Conditional uses.
- 19.46.041 Prohibited uses and processes.
- 19.46.050 *Repealed.*
- 19.46.060 Height regulations.
- 19.46.070 Area, lot coverage and yard requirements.
- 19.46.080 Performance standards.
- 19.46.090 Site plan and architectural approval.
- 19.46.100 Off-street parking and loading facilities.
- 19.46.110 Setbacks from residential or agricultural zone – Loading facilities.
- 19.46.120 Landscaping.
- 19.46.130 Outdoor storage.
- 19.46.140 Trash storage areas.
- 19.46.150 Wall requirements.

**19.46.010 Purpose.**

The purpose of the I zone is to encourage sound industrial development by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the airs and waters in Chula Vista and San Diego County, and the protection of nearby residential, commercial and industrial uses of the land from hazards and noise or other disturbances. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(A)).

**19.46.020 Permitted uses.**

Permitted uses in an I zone are as follows:

- A. Any manufacturing, processing, assembling, research, wholesale, or storage uses except as hereinafter modified;
- B. Automobile and metal appliance manufacturing and assembly, structural steel fabricating shops and machine shops;
- C. Brick or pottery manufacturing and stone or monument works;
- D. Trucking yards, terminals, and distributing operations;
- E. Electrical generating plants and liquefied natural gas plants;
- F. Temporary tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;
- G. Any other use which is determined by the commission to be of the same general character as the above uses. (Ord. 2064 § 1, 1984; Ord. 1361 § 1, 1971; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514 (B)).

\* Code reviser's note: This section amended to conform with provisions of Ord. 1575, 1974.

**19.46.030 Accessory uses and buildings.**

Accessory uses in an I zone include:

- A. Administrative, executive and financial offices, and incidental services, such as restaurants to serve employees, when conducted on premises;
- B. Other accessory uses and buildings customarily appurtenant to a permitted use;
- C. Retail sale of products produced and manufactured on the site;
- D. Caretaker houses;
- E. Satellite dish antennas are permitted in accordance with the provisions of CVMC 19.22.030 (F)(1) through (9) and (11) through (13). (Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514 (C)).

**19.46.040 Conditional uses.**

The following uses shall be permitted in the I zone; provided, a conditional use permit is issued by the zoning administrator in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable; and

19.14.050 through 19.14.090: Conditional uses in an I district include:

- A. Motels;
- B. Restaurants;
- C. Service stations, subject to the provisions of CVMC 19.58.280;

D. Roof-mounted satellite dishes subject to the standards set forth in CVMC 19.30.040;

E. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the I zone; provided, a conditional use permit is issued by the planning commission, or chula vista redevelopment corporation if located within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020.

FD. The retail sale of such bulky items as furniture, carpets and other similar items;

GE. Retail distribution centers and manufacturers' outlets which require extensive floor areas for the storage and display of merchandise, and the high-volume, warehouse type sale of goods and retail uses which are related to, and supportive of, existing on-site retail distribution centers or manufacturers' outlets. Conditional use permit applications for the establishment of retail commercial uses, covered by the provisions of this subsection, shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission;

F. The following uses covered by this subsection shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission:

H4. Brewing or distilling of liquor, or perfume manufacturing,

I2. Meat packing,

J3. Large-scale bleaching, cleaning and dyeing establishments,

K4. Railroad yards and freight stations,

L5. Forges and foundries,

M6. Automobile salvage and wrecking operations, and industrial metal and waste rag, glass or paper salvage operations; provided, that all operations are conducted within a solid screen not less than eight feet high, and that materials stored are not piled higher than said screen;

G. Any other use which is determined by the commission to be of the same general character as the above uses;

H. Unclassified uses, as provided in Chapter 19.54 CVMC;

N. Auctions of vehicles, heavy machinery and equipment, subject to the provisions of CVMC 19.58.055, and only where the P precise plan modifier has been

applied to the general industrial (I) zone. I. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;

O. Unclassified uses, as set forth in Chapter 19.54 CVMC;

J. Recycling collection centers, subject to the provisions of CVMC 19.58.345;

K. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178;

P. Hazardous waste facilities subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission, or chula vista redevelopment corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B).

L. Auctions of vehicles, heavy machinery and equipment, subject to the provisions of CVMC 19.58.055, and only where the P precise plan modifier has been applied to the I general industrial zone. (Ord. 2584 § 4, 1994; Ord. 2542 § 5, 1993; Ord. 2252 § 11, 1988; Ord. 2233 § 11, 1987; Ord. 2160 § 1, 1986; Ord. 2108 § 1, 1985; Ord. 2064 § 1, 1984; Ord. 2031 § 1, 1983; Ord. 1927 § 2, 1980; Ord. 1698 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(D)).

**19.46.041 Prohibited uses and processes.**

Prohibited uses in the I zone include:

A. Any of the following manufacturing uses, involving primary production of the following products from raw material, such as:

1. Asphalt, cement, charcoal and fuel briquettes;
2. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulphuric acids;
3. Coal, coke and tar products and manufacturing of explosives, fertilizers, gelatin, animal glue and size;
4. Turpentine, matches and paint;
5. Rubber and soaps;
6. Grain milling;
7. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; products such as gasoline, kerosene, naphtha, and lubricating oil; distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins;

- 8. Stockyards and slaughterhouses, except as allowed elsewhere in this title, and slag piles; and
- 9. Storage of fireworks or explosives, except where incidental to a permitted use. (Ord. 2064 § 2, 1984).

All uses in an I zone shall be subject to initial and continued compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514 (H)(1)).

**19.46.050 Sign regulations.**

Repealed by Ord. 2924 § 3, 2003. (Ord. 2309A § 13, 1989; Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(E)).

**19.46.090 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses in an I zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514 (H)(2)).

**19.46.060 Height regulations.**

Within 200 feet of any R zone or A zone designated for future residential use in the general plan, no structure shall exceed three stories or 50 feet in height; otherwise, no building or structure shall be erected to such a height that it would be detrimental, in the opinion of the commission, to the light, air or privacy of any other structure or use, existing or reasonably to be anticipated. For other requirements, see CVMC 19.16.040. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(F)).

**19.46.100 Off-street parking and loading facilities.**

Off-street parking and loading facilities are required for all uses in an I zone, as provided in CVMC 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(H)(3)).

**19.46.070 Area, lot coverage and yard requirements.**

The minimum lot area required shall be one of the following for this zone classification as designated on the zoning map, except as provided in CVMC 19.16.020 and 19.16.060 through 19.16.080 and where increased for conditional uses:

**19.46.110 Setbacks from residential or agricultural zone – Loading facilities.**

In any I zone directly across the street from any R zone or A zone designated for residential use in the general plan, the loading facilities shall be distant at least 30 feet from said street, and the structures at least 50 feet from said street. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514 (H)(4)).

Minimum Lot Area (sq. ft.)	Setbacks in Feet			
	Front	Exterior Side Yard	Side	Rear
20,000	Buildings 25* Signs 0	Buildings 15* Signs 0	0 feet, except when adjoining an R zone or A zone, designated for future development in the Chula Vista general plan, then not less than 50 feet	0
*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.				
NOTE: For other setback requirements, see CVMC 19.46.080 through 19.46.150.				
(Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(G)).				

**19.46.080 Performance standards.**

**19.46.120 Landscaping.**

The site shall be landscaped in conformance with the landscaping manual of the city, and approved by the director of planning. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(H)(5)).

**19.46.130 Outdoor storage.**

Outdoor storage or sales yards in an I zone visible from any public right-of-way shall be completely enclosed by solid walls, fences, buildings or combinations thereof not less than six feet in height. No merchandise, materials, equipment or other goods shall be stored or displayed higher than the enclosing fence. For other fencing requirements, see CVMC 19.58.150. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(H)(6)).

**19.46.140 Trash storage areas.**

Trash storage areas in an I zone are subject to the provisions of CVMC 19.58.340. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(H)(7)).

**19.46.150 Wall requirements.**

Zoning walls shall be provided in an I zone, subject to the conditions of CVMC 19.58.150 and 19.58.360. (Ord. 1356 § 1, 1971; Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514 (H)(8)).

**Chapter 19.47**

**P-Q – PUBLIC/QUASI-PUBLIC ZONE**

**Sections:**

- 19.47.010 Purpose.**
- 19.47.020 Permitted uses.**
- 19.47.030 Accessory uses and buildings.**
- 19.47.040 Conditional uses.**
- 19.47.050 Performance standards.**
- 19.47.060 Siting standards.**
- 19.47.070 Area, lot coverage and yard requirements.**
- 19.47.080 Site plan and architectural approval.**
- 19.47.090 Landfill closure.**
- 19.47.100 Exceptions.**

**19.47.010 Purpose.**

The purpose of the public/quasi-public zone is to provide a zone with uses in appropriate locations which are maintained by public or publicly controlled agencies such as municipal and/or county agencies, school districts, or utility companies (e.g., water, gas, electricity, etc.), including, but not limited to, uses

such as the county landfill and various water reservoir sites. The regulations of this district also provide for the appropriate closure of existing landfill sites. (Ord. 2672, 1996).

**19.47.020 Permitted uses.**

Permitted uses in the P-Q zone are as follows:

- A. Agricultural uses including grazing and livestock raising;**
- B. Water reservoirs; and**
- C. Public parks. (Ord. 2672, 1996).**

**19.47.030 Accessory uses and buildings.**

Accessory uses permitted in the P-Q zone include the following:

- A. Caretakers units, as accessory to the principal permitted or conditionally permitted use; and**
- B. Public utility service and corporation yards. (Ord. 2672, 1996).**

**19.47.040 Conditional uses.**

The following uses shall be permitted in the P-Q zone; provided a conditional use permit is issued by the zoning administrator in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable; and 9.14.050 through 19.14.090. Conditional uses permitted in the P-Q zone include:

- ~~A. Sanitary landfills, unless excepted by CVMC 19.47.100;~~
- ~~B. Schools;~~
- ~~C. Utility substations;~~
- ~~AD. Cellular facilities;~~
- ~~E. Fire stations;~~
- ~~F. Post offices;~~
- ~~G. Land reclamation projects;~~
- ~~H. Recycling collection centers, subject to the provisions of recycling collection centers standards in CVMC 19.58.345;~~

The following uses shall be permitted in the P-Q zone; provided a conditional use permit is issued by the planning commission or chula vista redevelopment corporation if located within a designated redevelopment project area or for unclassified uses as defined in CVMC 19.54.020.

- C. Land reclamation projects;
- D. Fire stations;
- E. Post offices;
- I. Golf driving ranges, with or without lighting;
- J. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178;
- F. Sanitary landfills, unless excepted by CVMC 19.47.100;
- G. Schools;
- H. Utility substations;
- I. Golf driving ranges, with or without lighting;
- JK. Unclassified uses, as provided in Chapter 19.54 CVMC; and

~~L. Any other use which is determined by the planning commission to be of the same general character as the above uses. (Ord. 2672, 1996).~~

K. Hazardous waste facilities subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission, or chula vista redevelopment corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B).

Ord. 2672, 1996).

**19.47.050 Performance standards.**

All existing and future uses permitted by this title shall be subject to initial and continued compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 2672, 1996).

**19.47.060 Siting standards.**

The following standards shall govern the siting of facilities in the public/quasi-public zone:

A. All solid waste management operations within the P-Q zone shall comply with all applicable federal, state, and local regulations, including regulations of the State Water Resources Control Board, the California Waste Management Board, and the Department of Health Services.

B. The distance from the site to the nearest residential structure shall be in compliance with all of the state minimum standards for solid waste management. The distance of such sites to residences shall be sufficient to permit adequate control of noise levels, odor nuisances, traffic congestion, litter nuisances and vectors. (Ord. 2672, 1996).

**19.47.070 Area, lot coverage and yard requirements.**

The area, lot coverage and yard requirements will be established through the site plan and architectural permit process. (Ord. 2672, 1996).

**19.47.080 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses in the P-Q zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 2672, 1996).

**19.47.090 Landfill closure.**

Any sanitary landfill existing within the P-Q zone which is subject to closure shall be terminated in a manner which complies with any and all applicable federal, state, and local regulations, including regulations of the State Water Resources Control Board, the California Waste Management Board, and the Department of Health Services, and in accordance with any agreements entered into with the city. (Ord. 2672, 1996).

**19.47.100 Exceptions.**

**Any sanitary landfill use existing prior to May 21, 1996, shall be permitted to continue operating as a legally permitted use; provided, that the property owner has entered into an agreement with the city that establishes specific regulations and/or guidelines. (Ord. 2672, 1996).**

**Chapter 19.54  
UNCLASSIFIED USES**

Sections:

- 19.54.010 Authorized when – Purpose of review.
- 19.54.020 Designated – Limitations and standards.
- 19.54.030 Yard requirements.
- 19.54.040 Height regulations.
- 19.54.050 Off-street parking and loading facilities.
- 19.54.060 Site plan and architectural approval.

**19.54.010 Authorized when – Purpose of review.**

A. All of the following, and all matters directly related thereto, are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various zones herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit; provided, however, that conditional use permits may not be granted for a use in a zone in which it is specifically excluded by the provisions of this title.

B. The purpose of this review shall be to determine that the characteristics of such use shall not be incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purposes of this title shall be served. Factors to be considered and the manner in which conditional use applications are to be processed shall be as set forth in CVMC 19.14.060, et seq. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535).

**19.54.020 Designated – Limitations and standards.**

The following uses may be considered for location in any zone, subject to the provisions set forth herein, and additional conditions set forth in Chapter 19.58 CVMC (references indicated for uses):

- A. Borrow pits and quarries for rock, sand and gravel;
- B. Campgrounds: See CVMC 19.58.040;
- C. Cemeteries: See CVMC 19.58.080;
- D. Colleges, universities, private schools, and elementary and secondary public schools;
- E. Columbariums, crematoriums and mausoleums; provided, that these uses are specifically excluded from all R zones unless inside of a cemetery: See CVMC 19.58.080;
- F. Churches: See CVMC 19.58.110;
- G. Dumps, public or private;
- H. Hospitals, including, but not limited to, emergency, general, convalescent, rest homes, nursing homes (for the

aged, crippled, and mentally retarded of all ages), psychiatric, etc.: See CVMC 19.58.110.:

Further, approval shall not be granted until the following findings can be made (homes for mentally retarded children):

1. The size of the parcel to be used shall provide adequate light and air in proportion to the number of residents,

2. The location of windows and open play areas shall be so situated as to not adversely impact adjoining uses,

3. Spacing between these facilities shall be such that the character of the neighborhood is not affected by the grouping of these homes;

I. Mortuaries: See CVMC 19.58.080;

J. Establishments or enterprises involving large assemblages of people or automobiles, as follows; provided, that these uses shall be deemed to be generally undesirable in the R zones:

1. Airports and heliports: See CVMC 19.58.180;

2. Amusement parks and amusement enterprises: See CVMC 19.58.040;

3. Arenas: See CVMC 19.58.040;

4. Fairgrounds: See CVMC 19.58.040;

5. Museums,

6. Open air theaters, except drive-in theaters: See CVMC 19.58.120(B);

7. Race tracks and rodeos: See CVMC 19.58.040;

8. Recreational centers, commercially operated: See CVMC 19.58.040;

9. Stadiums,

10. Shooting clubs: See CVMC 19.58.290;

K. Golf courses: See CVMC 19.58.090;

L. Passenger stations for rail or bus travel;

M. Public and quasi-public uses;

N. Radio or television transmitters;

O. Trailers (commercial coaches): See CVMC 19.58.330;

P. Senior housing developments: See CVMC 19.58.390;

Q. Recreational vehicle storage yards: See CVMC 19.58.400;

R. Off-site advertising signs: See CVMC 19.60.050(E);

S. Water distribution facilities: See CVMC 19.58.420;

T. Certified farmers' markets: See CVMC 19.58.148;

U. Ambulance services: See CVMC 19.58.245.

Conditional use permit applications for the uses listed in this section shall be considered and approved by the following body or official. The zoning administrator shall approve all ambulance services-uses, trailers (commercial coaches), and certified farmers markets. ~~The planning commission shall approve campgrounds, recreational vehicle storage yards, churches, amusement arcades and centers, trailers (commercial coaches), water distribution facilities and borrow pits of not more than two acres. The city council, subsequent to its receipt of recommendations thereon from the planning commission, or chula vista redevelopment corporation for projects located within a designated redevelopment project area, shall approve~~

~~establishments or enterprises involving large assemblages of people or automobiles (Item J) and public or quasi public uses (Item M). The planning commission or chula vista redevelopment corporation for projects located within a designated redevelopment project area, shall approve all other conditional use permits for unclassified uses not mentioned in this paragraph. (Ord. 2958 § 1, 2004; Ord.~~

~~2921 § 2, 2003; Ord. 2449 § 1, 1991; Ord. 2296 § 6, 1989; Ord. 2169 § 1, 1986; Ord. 2075 § 3, 1984; Ord. 2054 § 1, 1983; Ord. 1878 § 2, 1979; Ord. 1711 § 1, 1976; Ord. 1697 § 1, 1976; Ord. 1626 §§ 1, 2, 1975; Ord. 1464 § 2, 1973; Ord. 1456 § 2, 1973; Ord. 1356 § 1, 1971; Ord. 1281 § 2, 1970; Ord. 1246 § 2, 1969; Ord. 1232 § 2, 1969; Ord. 1212 § 1, 1969; prior code § 33.535(A)).~~

**19.54.030 Yard requirements.**

The requirements for front, side, and rear yards applicable to the particular property and zone in which such use is proposed shall prevail unless, in the findings and conditions recited in the resolution dealing with each matter, specific exceptions, additions or modifications are made with respect thereto. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535(B)).

**19.54.040 Height regulations.**

The requirements for building height limit applicable to the particular property and zone in which such use is proposed shall prevail unless, in the findings and conditions recited in the resolution dealing with each matter, specific exceptions, additions or modifications are made with respect thereto. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535(C)).

**19.54.050 Off-street parking and loading facilities.**

Off-street parking and loading facilities for the specific use proposed shall be determined by the planning commission in the event such requirements are not enumerated in CVMC 19.62.010 through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 3.535 (D)).

**19.54.060 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535(E)).



**Chapter 19.58  
USES**

Sections:

- 19.58.010 Purpose of provisions.
- 19.58.020 Accessory buildings.
- 19.58.022 Accessory second dwelling units.
- 19.58.024 Adult-oriented recreation businesses.
- 19.58.030 Agricultural processing plants.
- 19.58.040 Amusement and entertainment facilities.
- 19.58.042 Carnivals and circuses.
- 19.58.050 Animal hospital, veterinarian facilities.
- 19.58.055 Auctions of vehicles, heavy machinery and equipment.
- 19.58.060 Automobile car wash facilities.
- 19.58.070 Automobile sales facilities.
- 19.58.080 Cemetery, crematory, mausoleum, or columbarium.
- 19.58.090 Club, country – Golf course.
- 19.58.100 Club, community building, social hall, lodge and fraternal organization.
- 19.58.110 Church, hospital, convalescent hospital, religious or eleemosynary institution.
- 19.58.115 Dance floors.
- 19.58.120 Drive-in establishments.
- 19.58.130 Dwelling groups.
- 19.58.140 Electric substations.
- 19.58.145 Factory-built housing.
- 19.58.147 Family day care homes, large.
- 19.58.148 Certified farmers' markets.
- 19.58.150 Fences, walls and hedges.
- 19.58.160 Fertilizer plants and yards.
- 19.58.170 Golf driving ranges.
- 19.58.175 Hay and feed stores.
- 19.58.178 Hazardous waste facilities.
- 19.58.180 Heliports or landing strips for aircraft.
- 19.58.190 Kennels, riding academies and public stables.
- 19.58.200 Labor camps.
- 19.58.205 Mixed commercial-residential projects in the C-C-P zone.
- 19.58.210 Motels and hotels.
- 19.58.220 Nursing homes.
- 19.58.225 *Repealed.*
- 19.58.230 Parking lots and public garages.
- 19.58.240 Poultry farm.
- 19.58.244 Professional offices in the R-1 and R-3 zones.
- 19.58.245 Ambulance services.
- 19.58.260 Repair of vehicles.
- 19.58.270 Retail sales for guests only.
- 19.58.280 Service stations.
- 19.58.290 Shooting clubs.
- 19.58.310 Stables and corrals.
- 19.58.320 Tract office, temporary.
- 19.58.330 Trailers.

- 19.58.340 Recycling and solid waste storage.
- 19.58.345 Recycling collection centers.
- 19.58.350 Commercially zoned double frontage lots.
- 19.58.360 Zoning wall or fence.
- 19.58.370 Outside sales and display – Permanent and temporary.
- 19.58.380 Special events.
- 19.58.390 Senior housing development.
- 19.58.400 Recreational vehicle storage yards.
- 19.58.410 Prohibition of flashing lights.
- 19.58.420 Water distribution facilities.
- 19.58.430 **Liquor Stores in the CN zone.**

**19.58.010 Purpose of provisions.**

The purpose of these special provisions is to establish clear and definite terms and conditions governing the development of certain uses, possessing unique characteristics or problems, which will enable diverse uses to be accommodated harmoniously within the City, and to provide uniform standards and guidelines for such development. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(A)).

**19.58.020 Accessory buildings.**

A. An accessory building may be erected detached from the principal building or, except when a stable, may be erected as an integral part of the principal building or it may be attached thereto by a breezeway or similar structure.

B. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this title applicable to the main building. Unless attached, an accessory building in an R zone shall be at least six feet from any dwelling existing or under construction on the same lot or any adjacent lot. Except in the R-3-T zone, the following shall apply:

1. No building may occupy any portion of a required yard; except, that a detached garage or carport, covered patio enclosed on not more than two sides, or other accessory one-story building may disregard any rear or side yard requirements if located in the rear 30 percent of the lot, or back of the front 70 feet of the lot;

2. An accessory building or covered patio located 70 feet or less from the front property line shall have the same side yard as that required for the main building, regardless of whether said accessory building is detached from the main building;

3. A covered patio, detached garage or carport, or other accessory one-story building, may cover an area not to exceed 30 percent, except as allowed for parking structures in multiple-family zones (see CVMC 19.28.100), of the area of any required rear yard; except, that no accessory building in a rear

yard shall be required to have less than 400 square feet;

4. A covered patio or detached accessory building located in the rear 30 percent of the lot, or back of the front 70 feet of the lot, shall be located either on a property line or not less than three feet from such line.

C. All accessory buildings shall be considered in the calculation of lot coverage; garden shelters, greenhouses, storage shelters and covered patios shall be permitted as accessory buildings; provided, that these uses are not equipped for use as living quarters.

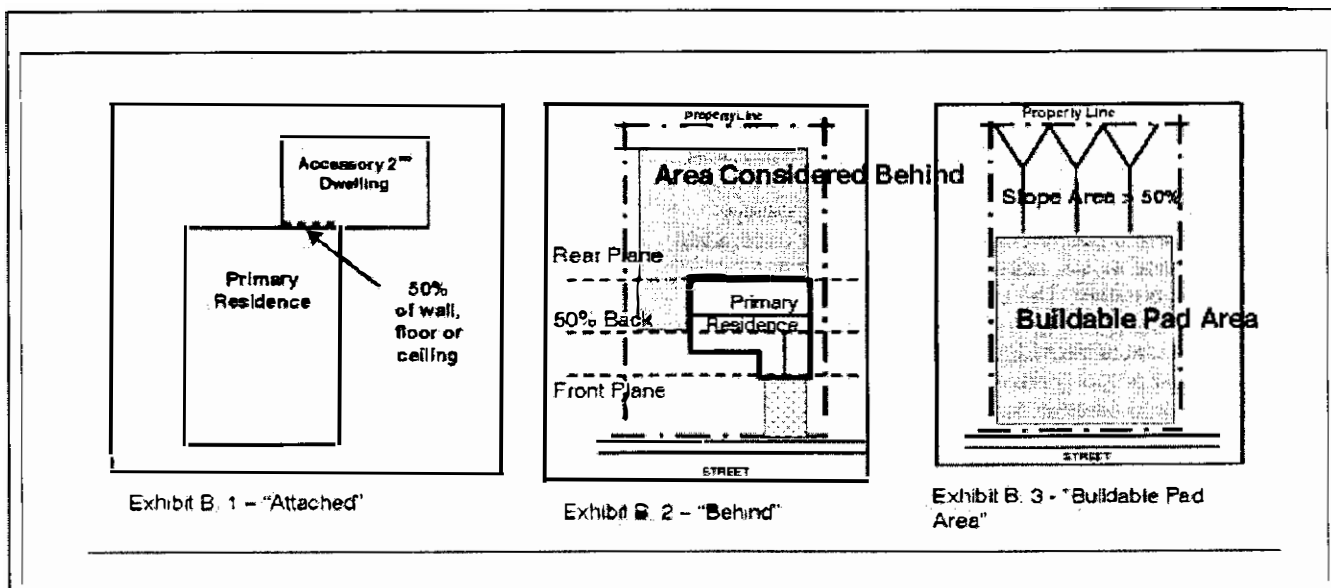
D. Guest house accessory buildings shall not be closer than 10 feet to the nearest point of the main building. (Ord. 2145 § 2, 1986; Ord. 2124 § 7, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(1)).

**19.58.022 Accessory second dwelling units.**

A. The purpose of this section is to provide regulations for the establishment of accessory second dwelling units in compliance with California Government Code Section 65852.2. Said units may be located in residential zone districts where adequate public facilities and services are available, and impacts upon the residential neighborhood directly affected would be minimized. Accessory second dwelling units are a potential source of affordable housing and shall not be considered in any calculation of allowable density of the lot upon which they are located, and shall also be deemed consistent with the General Plan and zoning designation of the lot as provided. Accessory second dwelling units shall not be considered a separate dwelling unit for the purpose of subdividing the property into individual condominium or lot ownership.

B. For the purposes of this section, the following words are defined:

“Above” as used in this section means an accessory second dwelling unit that is attached and built over a primary residence including an attached garage.



“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 according to the provisions of subsection (C) of this section.

"Attached" means that 50 percent of the accessory second dwelling unit's wall, floor or ceiling will be shared with the primary residence on the property (Exhibit B.1).

"Basement" shall mean the same as defined in CVMC 19.04.026.

"Behind" shall mean an accessory second dwelling unit constructed either entirely between the rear of the primary dwelling and the rear property line, or to the side of the primary residence but set back from the front plane of the primary residence at least 50 percent of the distance between the front and back planes of the primary residence (Exhibit B.2).

"Buildable pad area" as used in this section means the level finish grade of the lot not including slopes greater than 50 percent grade (Exhibit B.3).

"Detached" means an accessory second unit separated from the primary residence as specified in subsection (C)(5)(d) of this section.

"Gross floor area" as used in this section means those enclosed portions of the primary residence not including the garage or other attached accessory structures, such as covered but unenclosed patios, balconies, etc.

"Primary residence" means the single-family dwelling constructed on a lot as the main permitted use by the zone on said parcel.

C. Accessory second dwelling units shall be subject to the following requirements and development standards:

1. **Zones.** Accessory second dwelling units must accompany an existing primary residence on an A, R-E, R-1, or PC zoned lot. However, construction of the primary residence can be in conjunction with the construction of an accessory second dwelling unit. Where a guesthouse, or other similar accessory living space exists, accessory second dwelling units are not permitted. The conversion of a guest house or other similar living areas into an accessory second dwelling unit is permitted provided they meet the intent and property development standards of this section, and all other applicable CVMC requirements. Accessory second dwelling units shall not be permitted on lots within a planned unit development (PUD), unless an amendment to the PUD is approved and specific property development standards are adopted for the construction of said dwelling units for lots within the PUD. Accessory second dwelling units are precluded from R-2 and R-3 zoned lots.

2. **Unit Size.** The maximum size of an accessory dwelling unit on a given lot shall be determined by either the buildable pad area of the lot, or the size of the primary residence according to the following table, so long as the combined living spaces do not exceed the floor area ratio of the underlying zone. The original buildable pad area of a lot may not

be increased by more than 20 percent through regrading and/or the use of retaining walls or structures.

<b>Buildable Pad Area</b>	<b>Maximum Gross Floor Area for ASDUs</b>
Less than 5,000 sq. ft.	Not permitted
5,000 – 9,999 sq. ft.	650 sq. ft. or 50% of primary residence, whichever is less
10,000 sq. ft. or greater	750 sq. ft. or 50% of primary residence, whichever is less

3. **Structure Relationships.** The relationship of an accessory second dwelling unit to the primary residence shall be determined by the size of the buildable pad area as follows:

<b>Buildable Pad Area</b>	<b>Location of Unit</b>
Less than 5,000 sq. ft.	Not permitted
5,000 – 6,999 sq. ft.	Attached, above, or basement (detached not permitted)
7,000 sq. ft. or greater	Attached, above or basement; or detached, behind and on the same buildable pad.

4. **Structure Height.** When attached, above, or in a basement of the primary residence, an accessory second dwelling unit is subject to the same height limitation as the primary residence. When detached from the primary residence, an accessory second dwelling unit is limited to a single story or 15 feet, whichever is less. Height of an accessory second dwelling unit is measured according to the underlying zone.

5. **Development Standard Exceptions.** The accessory second dwelling units shall conform to the underlying zoning and land use development standard requirements in regards to the main or primary residence setbacks with the following exceptions:

a. All second floor units shall be located a minimum of 10 feet from any interior side or rear lot lines.

b. For lots with up-slopes between the side or rear of the house and the interior side or rear

property line, required yard setbacks are measured from the toe of slope.

c. For lots with down-slopes between the side or rear of the house and the interior side or rear property line, required yard setbacks shall be measured from the top of slope.

d. A detached accessory second dwelling unit shall be located a minimum of 12 feet from a primary residence.

6. Lot Coverage. Accessory second dwelling units and all other structures on the lot are limited to the maximum lot coverage permitted according to the underlying zone. A detached accessory second dwelling unit and all other detached accessory structures shall not occupy more than 30 percent of the required rear yard.

7. Access and Parking. Accessory second dwelling units and the primary residence shall adhere to the following access and parking regulations:

a. Accessory second dwelling units shall be provided with one standard-sized parking space for studio, one-bedroom, or two-bedroom units; or two standard-sized parking spaces for units with three or more bedrooms.

b. The required parking space(s) shall be on the same lot as the accessory second dwelling unit. This parking is in addition to the parking requirements for the primary residence as specified in CVMC 19.62.170.

c. If the addition of an accessory second dwelling unit involves the conversion of an existing garage used by the primary residence, a replacement two-car garage, per CVMC 19.62.190, shall be provided prior to or concurrently with the conversion of the garage into the accessory second dwelling unit. If the existing driveway is no longer necessary for the access to the converted garage or other required parking, the paving for said driveway shall be removed and appropriate landscaping shall be installed in its place.

d. The access to all required parking shall be from a public street, alley or a recorded access easement. Access from a designated utility easement or similar condition shall not be permitted. For any lot proposing an accessory second dwelling unit and served by a panhandle or easement access, the access must be a minimum 20 feet in width.

e. Curb cuts providing access from the public right-of-way to on-site parking spaces shall be acceptable to the City Engineer. An encroachment permit from the City Engineer shall be obtained for any new or widened curb cuts.

f. The Zoning Administrator may approve the use of an existing driveway and curb cut if the primary residence driveway is 50 feet deep or deeper as measured from the back of the public sidewalk to the front of the primary structure, and

vehicular ingress and egress does not interfere with the normal use of the driveway for access to the primary residence's required parking.

g. Required parking spaces or required maneuvering area shall be free of any utility poles, support wires, guard rails, stand pipes or meters, and be in compliance with CVMC 19.62.150.

h. Tandem parking may be allowed to satisfy required parking for an accessory second dwelling unit if it is consistent with all other requirements of this section.

i. Parking screening consisting of a decorative wall, fence, landscaping or other technique satisfactory to the Zoning Administrator shall be provided to screen the required parking spaces from public view. If a gate is used to screen the required parking space(s) from public view, an automatic gate/door opener shall be provided and maintained for the duration of the use. Parking shall not be allowed in a location where an RV parking permit has been issued for the storage of a recreational vehicle.

j. When a required parking space abuts a fence or wall on either side, the space shall be a minimum of 10 feet wide. If this area also serves as the pedestrian access from an accessory second dwelling unit to the street, the paving shall be a minimum 12 feet wide.

k. A required parking space or garage shall be kept clear for parking purposes only. This requirement shall be included in the land use agreement for the proposed accessory second dwelling unit.

8. Existing Nonconforming Situations. For the purpose of evaluating existing nonconforming structures or uses for compliance with Chapter 19.64 CVMC, the addition of an accessory second dwelling unit shall be considered an addition to the primary residence. Required corrections of any nonconforming situations shall occur prior to or concurrent with the addition of the accessory second dwelling unit. In the event that the primary residence does not include a two-car garage, plans and permits for an accessory second dwelling unit shall include the construction of a two-car garage for the primary residence, per CVMC 19.62.170. The garage shall be conveniently located to serve the primary residence.

9. Utilities. The accessory second dwelling unit shall be served by the same water and sewer lateral connections that serve the primary residence. A separate electric meter and address may be provided for the accessory second dwelling unit.

10. Waste and Recycling. In accordance with Chapters 8.24 and 8.25 CVMC, the property owner shall establish and maintain a single refuse and recycling collection service account from the city or its solid waste and recycling contractor for both the primary residence and the accessory second dwelling unit.

11. Design Standards. The lot shall retain a single-family appearance by incorporating matching architectural design, building materials and colors of the primary dwelling with the proposed accessory second dwelling unit, and any other accessory structure built concurrently with the accessory second dwelling unit. However, the primary residence may be modified to match the new accessory second dwelling unit. Color photographs of the four sides of the primary residence shall be submitted as part of the accessory second dwelling unit building permit application. The accessory second dwelling unit shall be subject to the following development design standards:

- a. Matching architectural design components shall be provided between the primary residence, accessory second dwelling unit, and any other accessory structures. These shall include, but are not limited to:
  - i. Window and door type, style, design and treatment;
  - ii. Roof style, pitch, color, material and texture;
  - iii. Roof overhang and fascia size and width;
  - iv. Attic vents color and style;
  - v. Exterior finish colors, texture and materials.
- b. The main entrance to an attached accessory second dwelling unit and, if applicable, a stairway leading to the unit, shall not be located on the same side of the building as the primary residence's main entrance. For detached accessory second dwelling units, the entrance for the unit shall be strategically located to preserve the lot's single-family character, and shall not be clearly visible from the street serving as the main entrance to the primary residence.
- c. A useable rear yard open space of a size at least equal to 50 percent of the required rear yard area of the underlying zone shall be provided contiguous to the primary residence. Access to this open space shall be directly from a common floor space area of the primary residence such as living or dining rooms, kitchens or hallways, and without obstruction or narrow walkways.
- d. A useable open space that has a minimum dimension of six feet, and an area not less than 60 square feet in area shall be provided contiguous to an accessory second dwelling unit. A balcony or deck may satisfy this requirement for second story units.
- e. A minimum three-foot-wide pedestrian walk that connects the accessory second dwelling unit with its required parking space and the public sidewalk shall be provided. The pedestrian

walk shall be strategically located to provide the shortest walking distance to parking or the street.

f. Windows on second story accessory second dwelling units shall be staggered and oriented away from adjacent residences closer than 10 feet. The location and orientation of balconies or decks shall also be oriented away from adjacent neighbors' backyard and living space windows.

g. Trash and recycling containers must be stored between pick-up dates in an on-site location that is screened from public view and will not compromise any required open space areas.

12. Designated Historical Sites. An accessory second dwelling unit may be allowed on designated or historical sites provided the location and design of the accessory second dwelling unit meets corresponding historical preservation requirements in place at the time the accessory second dwelling unit is built, and complies with the requirements of this section including the following:

- a. Regardless of the lot size that qualifies the property for an accessory second dwelling unit, the accessory second dwelling unit shall be detached and located behind the primary residence or historic structure.
- b. The construction of the accessory second dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.
- c. The accessory second dwelling unit shall be designed in substantially the same architectural style and finished materials composition as the primary residence or historic structure.
- d. Construction of an accessory second dwelling unit shall not result in demolition, alteration or movement of the primary residence/historic house and any other on-site features that convey the historic significance of the house and site.
- e. If the historic house/site is under a Mills Act contract with the City, the contract shall be amended to authorize the introduction of the accessory second dwelling unit on the site.

13. Inspections. The addition of an accessory second dwelling unit to a property shall include two site inspections at the following times:

- a. Prior to the approval of the building permit, the Planning Division staff shall conduct a field inspection to verify the drawings submitted for the permit are accurate with regard to grading, on-site building location, primary residence design color and materials composition, location of adjacent structures, etc. Any discrepancies on the drawings must be corrected so that the subject property and resulting structures are in compliance with this section and other related sections of the CVMC.
- b. Prior to or concurrent with the final

inspection of the new accessory second dwelling unit

and the issuance of an occupancy permit by the Building Official, Planning Division staff shall conduct an inspection of the lot to verify that the accessory second dwelling unit has been constructed and the lot has been improved per the approved plans, and that the required land use agreement outlining the accessory second dwelling unit requirements has been filed and recorded and complied with prior to occupancy.

14. **Occupancy Requirement.** At the time a building permit is issued and continuously thereafter, the owner of the property shall reside on the lot on which the accessory second dwelling unit is located or constructed. The Zoning Administrator shall have the authority to suspend this occupancy requirement for a period not to exceed five years when evidence has been submitted that one of the following situations exists:

a. The property owners' health requires them to temporarily live in an assisted living or nursing facility.

b. The property owner is required to live outside the San Diego region as a condition of employment.

c. The property owner is required to live elsewhere to care for an immediate family member.

d. The current property owner has received the property as the result of the settlement of an estate.

15. **Land Use Agreement.** Concurrent with the issuance of building permits for the construction of an accessory second dwelling unit, the property owner shall sign a land use agreement prepared by the City which sets forth the occupancy and use limitations prescribed in this section. This agreement will be recorded by the City Clerk with the County of San Diego Recorder on title to the subject property. This agreement shall run with the land, and inure to the benefit of the City of Chula Vista.

D. **Annual Report.** An annual report outlining the number of accessory second dwelling units, their size, number of bedrooms and number of parking spaces provided shall be prepared by the Zoning Administrator and presented to the Planning Commission in January of every year for the purpose of monitoring the construction of accessory second dwelling units. The Planning Commission may recommend to the City Council changes to this section based on their evaluation of the annual report. (Ord. 3074 § 1, 2007; Ord. 2957 § 1, 2004; Ord. 2951 § 1, 2004; Ord. 2897 § 6, 2003).

**19.58.024 Adult-oriented recreation businesses.**

A. The following described businesses are deemed to be adult-oriented recreation businesses, and shall only be permitted in the C-T zone:

1. Adult bookstores;

2. Adult motion picture theaters;
3. Adult mini-motion picture theaters;
4. Cabarets;
5. Coin-operated adult entertainment facilities;

6. Massage parlors;
7. Body painting studios;
8. Dancehalls;
9. Model studios;
10. Sexual encounter studios and rap parlors;

11. Narcotic or drug paraphernalia shops.

B. **Location Requirements.** An adult-oriented recreation business shall only be located in the C-T zone, and no such business shall be located within 500 feet of residentially zoned territory, which is located upon the same street or streets, or is within 500 feet of residentially zoned or residentially used properties as measured along street rights-of-way from the proposed location to the boundary line of said residentially zoned or used properties, or is located within 500 feet measured radially of any building site containing a school, park, church or playground. Furthermore, no adult-oriented recreation business shall be located within 1,000 feet of another adult-oriented recreation business.

C. **Specific Standards – View of Interior from Public Way.** All building openings, entries and windows from adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area, including public sidewalks, streets, arcades, hallways or passageways, of any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or of drug paraphernalia, as defined in this title. Further, such businesses may not have signs, graphics, or window displays which in any way present, depict, illustrate or describe any such material. (Ord. 1954 § 1, 1981; Ord. 1855 § 1, 1979).

**19.58.030 Agricultural processing plants.**

Agricultural processing plants in an A zone, which process agricultural products produced on the premises or within a contiguous agricultural area, shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic and shall provide parking and loading spaces. Proponents shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance, and shall show that the proposed source of water will not deprive others of normal supply. (Ord. 1356 § 1,

1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(2)).

**19.58.040 Amusement and entertainment facilities.**

Amusement and entertainment facilities such as bowling alleys, dancehalls, amusement parks and other similar recreational facilities shall be subject to the following development standards:

A. All structures shall maintain a minimum setback of 20 feet from any residential zone.

B. Ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards.

C. Adequate controls or measures shall be taken to prevent offensive noise and vibration from any indoor or outdoor activity onto adjacent properties or uses.

D. Amusement arcades or centers shall also be subject to the following:

1. Game play (except mechanical rides) by minors is prohibited during normal school hours, 7:30 a.m. and 3:00 p.m.,\* and between the hours of 10:00 p.m. and 6:00 a.m. prior to a school day, except when accompanied by an adult 21 years of age or older;

2. There shall be adult supervision (persons 18 years of age or older) at all times;

3. A bicycle rack for at least 10 bicycles shall be provided at or near the main entrance into the establishment;

4. No alcoholic beverages shall be sold or consumed on the premises, except in those instances where a restaurant in conjunction with said use has been approved through the conditional use permit process;

5. At least one public restroom shall be provided on the premises; and

6. The license for the game(s) shall be displayed on the premises.

The planning commission has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.

All existing establishments with four or more amusement games which are operating without a conditional use permit must apply for such within 120 days from the adoption of this provision. The application will be processed by the zoning administrator.

E. Amusement games as accessory uses (fewer than four game machines) shall be subject to the following:

1. Except for mechanical rides, all amusement games shall be located within the establishment;

2. Adult supervision (persons 18 years of age or older) shall be provided at all times;

3. Game play (except mechanical rides) by minors is prohibited during normal school hours, 7:30 a.m. and 3:00 p.m.,\* and between the hours of 10:00 p.m. and 6:00 a.m. prior to a school day, except when accompanied by an adult 21 years of age or older;

4. Game play by minors is prohibited in liquor stores;

5. A zoning permit shall be obtained from the planning department and a business license issued

by the finance department prior to the installation of any amusement game; and

6. The license for the game(s) shall be displayed on the premises.

The zoning administrator may modify or waive any of the above regulations upon a determination that the provision is being satisfied by another acceptable means.

Any violation of the above regulations which has been substantial shall be sufficient grounds for the zoning administrator to revoke the zoning permit and removal of the games from the premises. (Ord. 2053 § 1, 1983; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33901(B)(3)).

\* Note: Game play during normal school hours will be allowed if verification of holiday or year-around school schedule is presented to the operator.

**19.58.042 Carnivals and circuses.**

Carnivals and circuses shall be subject to the following development standards:

A. Carnivals shall be restricted to locations where the ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards and provide adequate parking.

B. Adequate controls or measures shall be taken to prevent offensive noise, vibration, dust and glare from any indoor or outdoor activity onto adjacent property or uses.

C. The time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. The frequency of operation at a particular location shall be a consideration in determining whether or not to grant the permit. Carnivals and circuses shall have adequate insurance, pursuant to city council policy, to indemnify the city from liability. A business license shall be required.

D. The site shall be cleared of weeds and obstructions. Fire regulations shall be met as established by the fire marshal including inspection prior to opening. Security guards as required by the police department shall be provided. Uniformed

parking attendants are to be determined by the traffic engineer. The number of sanitary facilities shall be as determined by the department of planning and building. All electrical installations shall be inspected and approved by the department of planning and building.

E. The zoning administrator has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.

F. A bond shall be posted to cover any work and compliance with conditions to be done once the carnival is over. Any violation of the above regulations which has been substantial shall be sufficient grounds for the zoning administrator to revoke the conditional use permit and require removal of the circus or carnival from the property. (Ord. 2790, 1999; Ord. 2074 § 4, 1984).

**19.58.050 Animal hospital, veterinarian facilities.**

Animal hospital and veterinarian facilities shall be located no closer than 100 feet to any residential zone, or restaurant, hotel or motel in any zone, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor before a zoning permit is granted (see CVMC 19.66.080 through 19.66.150). No incineration of refuse or animal carcasses shall be permitted on the premises. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(4)).

**19.58.055 Auctions of vehicles, heavy machinery and equipment.**

A. Subject use shall only be allowed by the issuance of a conditional use permit by the planning commission in the I-P (general industrial – precise plan) zone.

B. The applicant shall list specific items proposed to be auctioned. Said items shall meet the categories "vehicle, heavy machinery and equipment." The conditional use permit, if issued, shall clearly specify the types of items authorized for auctioning as determined by the issuing authority (the planning commission, or city council if appealed).

C. Auctions shall be limited to one per week with a minimum of one week between auctions.

D. Auctions shall only be held between the hours of 8:00 a.m. and 5:00 p.m.

E. All areas shall be properly paved, striped and improved to city standards, and screened to the satisfaction of the city engineer and the director of planning.

F. Outdoor loudspeakers shall be prohibited unless a noise study conducted by a certified acoustician

determines that the proposal can meet the city's noise standards.

G. The on-site repair or dismantling of automobiles or equipment by purchasers is prohibited. (Ord. 2584 § 5, 1994).

**19.58.060 Automobile car wash facilities.**

A. All equipment used for the facility shall be soundproofed so that any noise emanating therefrom, as measured from any point on adjacent property, shall be no more audible than the noise emanating from the normal street traffic at a comparable distance.

B. Hours of operation shall be from 7:00 a.m. to 11:00 p.m., unless specifically approved by the planning commission.

C. Vacuuming facilities shall be located to discourage the stacking of vehicles entering the car wash area and causing traffic congestion adjacent to any areas used for ingress or egress.

D. The car wash location, technology and related drainage facilities shall be designed and constructed so as to prevent damage to pavement or other infrastructure from water from the car wash operation being carried off-site, to provide a means to collect and retain potentially toxic material, and to use recycled water to the extent possible. (Ord. 2491 § 3, 1992; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(5)).

**19.58.070 Automobile sales facilities.**

Automobile sales facilities, new and used, shall provide customer off-street parking equal to one-tenth of the car storage capacity of the facility, with ingress and egress designed to minimize traffic congestion, and shall provide a six-foot-high masonry wall separating the entire area from abutting residential property, except as provided under CVMC 19.58.055 for auctions. Said wall may be replaced with a fence subject to department approval. (Ord. 2584 § 6, 1994; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(6)).

**19.58.080 Cemetery, crematory, mausoleum, or columbarium.**

Cemeteries, crematories, mausoleums, or columbariums shall provide entrance on a major or secondary thoroughfare with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six-foot-high evergreen hedge or provide a minimum of 20 feet of permanently maintained landscaped strip on all property lines abutting any R zone or residential street. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(7)).



**19.58.090 Club, country – Golf course.**

Country club and golf course regulations are as follows:

- A. No building shall be located within 20 feet of any property line.
- B. Facilities, such as restaurants and bars, may be permitted when conducted and entered from within the building.
- C. Swimming pools, tennis courts, and the like shall be located not less than 25 feet from any property line, and when adjoining property in an R or C zone, shall be effectively landscaped, subject to the approval of the director of planning and building. (Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(8)).

**19.58.100 Club, community building, social hall, lodge and fraternal organization.**

For clubs, community buildings, social halls, lodges and fraternal organizations in R zones, the following provisions apply:

- A. All buildings must be a minimum of 10 feet from the side lot lines, and 25 feet from the rear lot line.
- B. There shall be no external evidence of any incidental commercial activities nor any access to any space used for such activity other than from within the building.
- C. Any such use must be able to provide access without causing heavy traffic on local residential streets. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(9)).

**19.58.110 Church, hospital, convalescent hospital, religious or eleemosynary institution.**

- A. Any church, hospital, convalescent hospital or other religious or eleemosynary institution in any R zone shall be located on collector street or thoroughfare with a minimum parcel of one acre; shall maintain a 10-foot-wide minimum landscaped strip or solid six-foot fence or masonry wall on all property lines abutting said R zone; except, that said fence or wall may be reduced to three and one-half feet in a landscaped front setback area not containing parking facilities; and shall have side yard and rear yard setbacks of at least 20 feet and a front yard setback of at least 20 feet. These shall be considered guidelines rather than standards in the case of churches.
- B. The provision of temporary shelter for the homeless in accordance with the following standards and requirements is considered accessory to church use subject to compliance with the following standards:

1. A shelter may accommodate a maximum of 12 guests for two weeks per year. Two additional nonconsecutive two-week periods may be authorized by the zoning administrator provided no opposition has been expressed by surrounding property owners or residents; otherwise the city council shall have the authority to grant such extensions.

2. The guests shall be prescreened by a recognized social service agency to determine resident suitability. Active alcohol or drug abusers as well as those with criminal convictions of a felony or any crime of violence or significant mental illness shall be excluded from the program. Supervision shall be provided at all times both on-site and during arrivals and departures from the shelter.

3. A floor plan and set-up of the space to be occupied shall be submitted along with a description of the prescreening agency and criteria.

A post set-up, pre-shelter inspection shall be conducted by the city in order to determine compliance with applicable building, health, safety and fire regulations.

4. A church which is providing shelter for the first time, or which has not provided shelter in the last 18 months, shall provide the city with certification that written notice of the proposal has been given to properties within 300 feet of the shelter site. The host congregation is encouraged to hold a neighborhood meeting to inform residents of the proposal and answer questions well before the commencement date.

5. The shelter may be subject to closure for the violation of the standards or determination by the zoning administrator that the shelter guests have been the negligent or intentional cause of one or more neighborhood disturbances.

6. Shelter proposals beyond the limit noted in subsection (B)(1) of this section, including extensions, are considered conditional uses and may only be permitted by issuance of a conditional use permit. (Ord. 2485 § 1, 1991; Ord. 2290 § 1, 1989; Ord. 2287 § 2, 1988; Ord. 2285 § 1, 1988; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(10)).

**19.58.115 Dance floors.**

Dance floors in conjunction with restaurants, bars, cocktail lounges or night clubs shall be subject to the following standards:

- A. Any structure containing a dance floor shall maintain a minimum setback of 20 feet from any residential zone;
- B. Ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards;
- C. Adequate controls or measures shall be taken to prevent offensive noise and vibration from within

the establishment adversely affecting adjacent properties or uses;

D. Parking requirements, as established in CVMC 19.62.050.

The zoning administrator may modify or waive any of the above regulations upon a determination that the provision is being satisfied by another acceptable means. The zoning administrator may require additional conditions of approval based on an analysis of the site.

Any violation of the above regulations or other conditions attached to the permit shall be sufficient grounds for the city council to suspend or revoke the dance floor license pursuant to CVMC 5.26.120. (Ord. 2273 § 8, 1988).

**19.58.120 Drive-in establishments.**

A. Drive-in establishments, except theaters, shall be permitted only where:

1. They are clearly required by public convenience and necessity;
2. They do not break up continuity of retail store frontage for pedestrians;
3. They will not cause traffic hazards or undue traffic congestion;
4. An enclosed area with containers is provided for waste and trash;
5. They will not be a nuisance to residences or other surrounding uses.

B. Theaters shall be located only on major or secondary thoroughfares; shall provide ingress and egress so designed as to minimize traffic congestion; shall be located not less than 200 feet from any R zone, and so screened from such district that any noise shall not disturb residents or prospective residents; and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents. Any projection screen image shall be so located or screened as not to be easily visible from any major or secondary thoroughfare. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(11)).

**19.58.130 Dwelling groups.**

A dwelling group as defined in CVMC 19.04.076 may be permitted; provided, that all of the following conditions and requirements are met:

A. The area of the lot devoted to each structure used for dwelling purposes shall be equal to the minimum lot size of the underlying zone exclusive of the access road and guest parking areas.

B. Each dwelling shall be connected to a gravity sewer or any other means approved by the city engineer.

C. All on-site utilities shall be undergrounded.

D. No garage conversions shall be permitted.

E. All roadways, driveways and guest parking areas shall be paved with a minimum of five inches of portland concrete cement.

F. The minimum width of an access roadway serving one dwelling structure shall be 15 feet and 20 feet for two or more structures.

G. Guest parking shall be provided for those dwellings served by an access roadway. The number of spaces shall be as follows:

1. One dwelling structure, one space;
2. Two or more dwelling structures, one and one-half spaces per dwelling structure.

H. An on-site fire hydrant may be required by the fire department when it is deemed necessary.

I. If the property is graded to create a building pad for each dwelling structure, the minimum level pad area (no slope over five percent) of each pad shall be not less than 80 percent of the minimum lot size required for said dwelling, but in no case shall the minimum level area be less than 5,000 square feet.

J. Development proposed on existing natural topography having an average natural slope of 10 percent or greater, and with less than 10 percent of the site to be graded, shall be subject to the approval of the director of planning, who shall consider whether such development will adversely affect adjacent properties or development.

K. The following yards shall be based upon the front orientation of the structures:

1. Front yard, 15 feet from the access roadway and from any setback line set forth in this section. Any garage facing the access roadway shall be a minimum of 22 feet from the access roadway;
2. Side yard, not less than that required by the underlying zone;
3. Rear yard, not less than that required by the underlying zone upon initial construction.

L. In addition to the setbacks established in this section, the minimum separation between dwellings shall not be less than the combined total of the yards required by the underlying zone, except where the dwellings face each other, in which case an additional 20 feet shall be provided between dwellings.

M. All development permitted under this provision shall be subject to the regulations and requirements of this title except as otherwise regulated in this section.

N. The development shall be subject to site plan and architectural approval of the director of planning.

O. The types of dwelling structures permitted under this provision shall be limited to those listed under the permitted uses of the underlying zone. (Ord. 1874 § 1, 1979; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(13)(12)).

**19.58.140 Electric substations.**

Electric substations, when located in A, R, C-O, C-V and C-N zones, shall conform to the following requirements:

A. All buildings and equipment shall be required to observe the same yards applicable to buildings in each specific zone.

B. The property shall be surrounded by a solid masonry wall, or chain-link fence subject to staff approval, not less than six feet in height, with locked gates at all points of access. Facilities may also be housed inside an approved structure. The wall or fence may be waived by the planning commission if they find there would be no detrimental effect on the adjacent areas by elimination of this requirement.

C. The wall or fence shall be set back not less than 20 feet from principal street frontage and the space between said wall and street lot line provided with permanent landscaping and adequate sprinklers or appropriate automatic irrigation devices. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(13)).

**19.58.145 Factory-built housing.**

"Factory-built housing" means any housing unit prefabricated or constructed off-site of the building site in modular increments of whatever nature in accordance with the standards established by state and local government. In accordance with the provisions of this title, such units, subject to any architectural controls which may be established for particular areas, may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:

A. It may be occupied only as a residential use;

B. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and

C. The foundation is in compliance with all applicable building regulations. (Ord. 1941 § 2, 1981).

**19.58.147 Family day care homes, large.**

A large family day care home shall be allowed in the R-E and R-1 zones, and within the P-C designated R-E and R-S zones, upon the issuance of a large family day care permit by the zoning administrator and in compliance with the following standards:

A. Notice shall be given to properties within 5300 feet of the proposed large family day care home at least 10 days prior to consideration of the permit.

B. The permit shall be considered without public hearing unless a hearing is requested by the applicant or other affected party by the hearing deadline date. The applicant or other affected party may appeal the zoning administrator's decision to the city council/planning commission.

C. The family day care function shall be incidental to the residential use of the property.

D. A large family day care home shall not locate within:

1. Three hundred (300) feet of another such facility with said measurement being defined as the shortest distance between the property lines of any such facilities; and

2. One thousand two hundred (1,200) feet of another such facility along the same street with said measurements being defined as the shortest distance between front property lines, as measured along the same street, of any such facilities.

E. The owner must provide a double-wide driveway which shall be paved to meet city standards and be a minimum of 16 feet wide and 19 feet in depth as measured from the edge of sidewalk to any vertical obstruction. The driveway shall be available during all hours of operation for the loading and unloading of children. If a garage exists on-site, it must be utilized for parking of personal vehicle(s). In the event that less than a two-car garage exists on-site, the owner must designate an area on-site other than on the driveway so that a total of two personal vehicles can be parked on-site, including the garage. Notwithstanding the foregoing, the applicant must comply with all other municipal code provisions as to parking and traffic.

F. If, in the opinion of the zoning administrator, there is a potential for significant traffic problems, the zoning administrator shall request review of the application by the city traffic engineer. The city traffic engineer may impose accessory requirements for the day care permit in these instances to insure maintenance of traffic safety levels within the vicinity of the home.

G. Adequate outdoor play space shall be required and determined on a case-by-case basis. Outdoor play activity shall not be allowed in the front or exterior side yard of the home.

H. Play areas shall be designed and located to reduce the impact of noise on surrounding properties.

I. A business license will be obtained concurrently with the use permit.

J. At the city's discretion, an annual review of the permit may be done to determine compliance with state and city requirements and the permit's conditions of approval. (Ord. 2793 § 1, 1999; Ord. 2717 § 1, 1998; Ord. 2269 § 2, 1988; Ord. 2123 § 1, 1985; Ord. 2111 § 8, 1985).

**19.58.148 Certified farmers' markets.**

"Certified farmers' market" means a retail sales operation, generally outdoors, selling predominantly fresh produce and/or flowers which is subject to the certification regulations of the State of California Department of

Agriculture, Weights and Measures, and the county of San Diego's Department of Environmental Health.

A certified farmers' market shall operate under the following rules:

A. Operational Requirements.

- 1. A farmers' market shall operate no more than once a week, with the day and hours of operation established by the conditional use permit.
- 2. The sales area shall maintain a 25-foot setback from the street.
- 3. The market shall be located on a paved surface, except for areas used for animal rides.
- 4. The sales area shall be kept in a neat and well-kept manner at all times.

B. Signs. The operator of a farmers' market shall obtain approval of a planned sign program for all signs. The development and approval of the planned sign program shall comply with the provisions of CVMC 19.60.050 and the following:

- 1. Temporary signs, whether a part of or not a part of the planned sign program, identifying the farmers' market and hours thereof may only be displayed during the event, and not more than four hours before and one hour after said event.
- 2. Pennants may be used only for safety and precautionary purposes.
- 3. Price signs may be used only when of a size and location as to benefit the pedestrian shopper and not passing vehicles.

C. Required Conditions. The conditional use permit shall include requirements or standards for the following:

- 1. Live animals, live entertainment or rides if any are proposed.
- 2. On- and off-site security and traffic controls.
- 3. Emergency access provisions.
- 4. Restrooms.
- 5. Waste management and recycling.
- 6. The initial term of a certified farmers' market use permit shall be for a period not to exceed one year. ~~Any extension or renewal of said use permit must be heard and acted upon by the city council, unless the city council expressly delegates such authority to the planning commission.~~

D. Parking. A certified farmers' market shall provide customer parking at a ratio of one space per 200 square feet of the maximum shopping area proposed. The term "shopping area" includes the area occupied by produce stands, vendor storage, walkways and aisles. If adequate parking is not available on-site, the operator shall provide off-site parking within 300 feet of the market area as measured along permanently available pedestrian routes. Said off-site parking shall be clearly identified as parking for the farmers' market, including signs at the market directing patrons to the off-site parking location.

E. If a certified farmers' market is located in a residential zone, it must be on property used primarily for public or quasi-public uses.

F. Any other conditions of approval set forth in the conditional use permit. (Ord. 2958 § 2, 2004).

**19.58.150 Fences and walls and hedges.**

A fence or, wall ~~or~~ hedge subject to the provisions of CVMC 12.12.120 and 12.12.130, not more than three and one-half feet in height, may be maintained and located on any part of a lot. Those in excess of three and one-half feet may be located as follows:

A. A fence or, wall ~~or~~ hedge not more than six feet in height may be maintained ~~and~~ located on any part of an interior or corner lot, to the rear of the required front and exterior side yard setbacks.

B. In any residential zone, a fence or, wall ~~or~~ hedge, not more than six feet in height, may be maintained and located within a required exterior side yard subject to approval of the zoning administrator, who shall consider adjacent driveways, traffic hazards and topographic differences. A masonry wall shall consist of decorative features and a fence shall be interspersed with masonry pilasters, a maximum of 15 feet apart to insure a pleasing and aesthetic effect to the adjacent areas. Landscaping shall be required between the wall or, fence ~~or~~ hedge and the sidewalk if said wall or, fence ~~or~~ hedge is not located at the edge of a sidewalk.

C. Portions of fences or walls over six feet in height, to enclose tennis courts or other game areas, and located where six-foot fences are otherwise permitted, shall be composed of wire mesh capable of admitting at least 90 percent of available light as measured on a light meter. Such fences over six feet in height may be permitted subject to approval of the zoning administrator based on a finding that such fences will not constitute a nuisance to abutting property.

D. In any commercial or industrial zone, fences or, walls ~~or~~ hedges may be allowed or required to a maximum height of nine feet if it is determined by the zoning administrator that said increase in height is necessary to protect the public health, safety or general welfare and would have no detrimental effect upon the surrounding neighborhood. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(14)).

**19.58.160 Fertilizer plants and yards.**

Fertilizer plants and yards shall be no closer than 200 feet to any residential district; shall provide automobile parking and truck loading areas, together with ingress and egress so designed as to minimize traffic hazard and congestion; and shall show that odor, dust, noise and drainage will not constitute a nuisance to surrounding properties. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(15)).

**19.58.170 Golf driving ranges.**

Golf driving ranges shall be located only on major or secondary thoroughfares except when incidental to

a golf course. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf driving platform shall be not less than 200 feet from any adjacent R zone. The driving area shall be planted with grass, equipped with a sprinkler system, and maintained in good condition at all times. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(16)).

**19.58.175 Hay and feed stores.**

Retail hay and feed stores in A – agricultural zone shall conform to the following:

A. Whenever a hay and feed store is located within 100 feet of any residence not on the same lot as the store, storage of hay and feed shall be totally enclosed within the building(s) and properly ventilated.

B. Storage of readily combustible materials which exceed a volume of 2,500 cubic feet shall be permitted only upon approval by the fire marshal.

C. At the time of filing an application for a conditional use permit, the applicant shall show that odor and dust will not constitute a nuisance or hazard to adjoining properties or uses. (Ord. 1604 § 2, 1975; prior code § 33.901(B)(16.1)).

**19.58.178 Hazardous waste facilities.**

A hazardous waste facility as defined in CVMC 19.04.107 may be considered for permitting only within an industrial zone which is also located within a general area identified in Section 5.5 of the public facilities element of the general plan as an area appropriate for the acceptance and consideration of an application for such a facility. A hazardous waste facility may be allowed within a location as indicated above upon the issuance of a conditional use permit, subject to the following standards and guidelines:

A. Purpose and Intent. It is the intent of this section to establish and clarify local requirements and procedures for the review and approval of conditional use permit applications for a hazardous waste facility, consistent with the provisions of Section 25199, et seq., of the California Health and Safety Code (Tanner Act), and with the objectives, policies, and criteria of the public facilities element of the general plan regarding hazardous waste management planning, and the siting and permitting of hazardous waste facilities.

B. Applicability. Any conditional use permit granted for a hazardous waste facility pursuant to CVMC 19.14.060 through 19.14.130 shall comply with the applicable provisions of this section which are supplementary to, and in the event of conflict shall supersede, the regulations set forth in CVMC 19.14.070 through 19.14.130. Subsections (D), (E),

(F), (G), (H), (I), (J), and (K) of this section shall apply to all hazardous waste facilities as defined in CVMC 19.04.107, and as herein defined.

C. Definitions.

1. "Hazardous waste" shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

In addition, "hazardous waste" shall include the following:

a. Any waste identified as a hazardous waste by the State Department of Toxic Substances Control.

b. Any waste identified as a hazardous waste under the Resource Conservation Recovery Act, as amended, 42 USC Section 6901, et seq., and any regulations promulgated thereunder.

c. Extremely or acutely hazardous waste, which includes any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration, or chemical characteristics.

2. "Hazardous waste facility" means any facility used for the storage, transfer, treatment, recycling, and/or disposal of hazardous wastes or associated residuals as defined in CVMC 19.04.107.

3. "Land use decision" shall mean a discretionary decision of the city concerning a hazardous waste facility project, including the issuance of a land use permit or a conditional use permit, the granting of a variance, the subdivision of property, or the modification of existing property lines pursuant to Title 7 (commencing with Section 65000) of the California Government Code.

D. Notice of Intent To Apply – Application for a Land Use Decision – Completeness of Application.

1. Pursuant to the provisions of State Health and Safety Code Section 25199.7(a) and (b), at least 90 days before filing an application for a conditional use permit for a hazardous waste facility, the applicant shall file with the planning department and with the Office of Permit Assistance in the State Office of Planning and Research a notice of intent (NOI) to make the application. The NOI shall be on such form as approved by the director of planning, and shall specify the project location to which it applies, and contain a complete description of the nature, function, and scope of the project.

2. The planning department shall provide public notice of the applicant's intent to apply for a conditional use permit, pursuant to the noticing procedure in CVMC 19.12.070, and by posting notices in the location where the proposed project is located.

3. Costs incurred by the city in processing said public notice shall be paid by the project proponent through establishment of a deposit account for such purposes with the planning department at the time the NOI is filed.

4. The NOI shall remain in effect for one year from the date it is filed, unless it is withdrawn by the proponent. However, a NOI is not transferable to a location other than that specified in the NOI, and in such instance the proponent proposes to change the project location, a new NOI shall be prepared, and the procedure shall begin again for the new location.

5. Within 30 days of the filing of the NOI, the applicant shall schedule a preapplication conference with the planning department to be held not later than 45 days thereafter, at which time the applicant and the planning department shall discuss information and materials necessary to evaluate the application. Within 30 days after this meeting, the director of planning shall inform the applicant, in writing, of all submittals necessary in order to deem the conditional use permit application complete.

6. The applicant may not file an application for a conditional use permit unless the applicant has first complied with the above items, and presented the required application fee. Furthermore, said application shall not be considered and acted upon until it is deemed complete as provided by CVMC 19.14.070, and until all materials necessary to evaluate the application as set forth by the director of planning pursuant to subsection (D)(5) of this section have been received and accepted as to content.

7. An application is not deemed to be complete until the planning department notifies the applicant, in writing, that the application is complete. Said notification of completeness, or incompleteness, shall be provided within 30 days of the application submittal, or resubmittal, as applicable. After an application is determined to be complete, the planning department may request additional information where necessary to clarify, modify, or supplement previously submitted materials, or where resulting from conditions which were not known, and could not reasonably have been known, at the time the application was received.

8. The planning department shall notify the Office of Permit Assistance in the State Office of Planning and Research within 10 days after an

application for a conditional use permit is accepted as complete by the planning department.

E. Preapplication Public Meeting.

1. Within 90 days after a NOI is filed with the planning department and Office of Permit Assistance in the State Office of Planning and Research pursuant to subsection (D)(1) of this section, the Office of Permit Assistance will, in cooperation with the planning department, convene a public meeting ("preapplication meeting") in the city of Chula Vista for the express purpose of informing the public on the nature, function, and scope of the proposed project and the procedures that are required for approving applications for the project.

2. The city shall arrange a meeting location in a public facility near the proposed project site, and shall give notice of said meeting pursuant to the noticing procedures in CVMC 19.12.070 and by posting at the proposed project site.

3. All affected agencies, including, but not limited to, the State Department of Health Services/ Toxic Substance Control Program, regional water quality control board, county department of health services – hazardous materials management division, and the air pollution control district, shall send a representative who will explain to the public their agency's procedures for approving permit applications for the project, and outline the public's opportunities for review and comment on those applications.

F. Local Assessment Committee – Formation and Role.

1. At any time after filing of the NOI, but not later than 30 days after an application for a land use decision has been accepted as complete, the city council shall appoint a seven member local assessment committee (LAC) to advise the city in considering the hazardous waste facility proposal.

2. The membership of the LAC shall be broadly constituted to reflect the makeup of the city, and shall include three representatives of the city at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of the LAC shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed project.

3. The LAC is solely an advisory committee, and is not empowered with any decision-making authority relative to the proposed project, nor with the legal standing to assert specific project conditions. Rather, the LAC provides a mechanism for direct input on matters of concern to the general public into the environmental review process, and presents the opportunity for framing questions that should be addressed in that process, as well as in seeing that

these questions are addressed as early in the process as possible.

4. As such, the LAC shall, within the time period prescribed by the city council, advise the city of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community, as follows:

a. Adopt rules and procedures which are necessary to perform its duties.

b. Enter into a dialogue with the project proponent to reach an understanding on:

i. The suggested terms, provisions and conditions for project approval and facility operation which would ensure protection of public health, safety and welfare, and the environment of the city of Chula Vista and adjacent communities, and

ii. The special benefits and remuneration the proponent will provide the city as compensation for all local costs and impacts associated with the facility and its operation. Such discussions shall address fair share concepts as set forth in Section 5.5 of the general plan public facilities element, including the consideration of establishing intergovernmental agreements, and/or other compensation and incentive programs.

Said dialogue shall be responsive to the issues and concerns identified at the meeting described in subsection (G)(1) of this section.

c. With regard to subsection (F)(4)(b) of this section, any resulting proposed mitigation measures not already defined in the environmental review or permitting process would be subject to the negotiation process with the proponent, with the negotiation results forwarded as recommended terms of approval to the planning commission and city council.

d. Represent generally, in meetings with the project applicant, the interests of the residents of the city of Chula Vista and the interests of adjacent communities, as principally made known through the post-application meeting.

e. Receive and expend, subject to the approval of the city manager and authorization of the city council, any technical assistance grants made available as described in subsection (J) of this section.

f. Advise the planning department, planning commission, and the city council of the terms, provisions, and conditions for project approval which have been successfully negotiated by the committee and the proponent, and any additional information which the committee deems appropriate. The planning department, planning commission, and city council may use this advice for their independent consideration of the project.

5. The city shall allocate staff resources to assist the LAC in performing its duties, and the project proponent shall be responsible to pay the city's costs in establishing, convening, and staffing the LAC, through establishment of a deposit account for such purposes with the planning department at the time of filing an application for a land use decision.

6. The LAC shall cease to exist after final administrative action by state and local agencies has been taken on the permit applications for the project for which the committee was convened.

G. Notice of Permit Application – Post-Application Meeting.

1. Within 60 days after receiving the notice of a complete application as required by subsection (D)(8) of this section, the Office of Permit Assistance in the State Office of Planning and Research will convene a public meeting ("post-application meeting") in the city of Chula Vista of the lead and responsible agencies for the project, the proponent, the LAC, and the interested public for the purpose of determining the issues which concern the agencies that are required to approve the project, and the issues which concern the public. The planning department shall provide notice to the public of the date, time, and place of the meeting.

2. The issues of concern raised at the post-application meeting must include all environmental and permitting issues which will need to be addressed in the environmental document to ensure the document's adequacy in supporting the actions of all permitting and responsible agencies for the project.

3. The post-application meeting should be held as soon as an environmental initial study or notice of preparation is available for review and comment, so that adequate opportunity is provided for meeting input to be employed in the scoping of subsequent environmental review activities.

H. Environmental and Health Risk Assessments.

1. All hazardous waste facility proposals shall be required to undergo an environmental review and health risk assessment regardless of facility type, size, or proximity to populations or immobile populations.

2. As hazardous waste facilities may vary greatly in their potential public health and safety, and environmental risks, the depth and breadth of environmental review and health risk assessments must be tailored on a case-by-case basis.

3. The environmental review and health risk assessment shall serve as the primary vehicles for identifying community and involved agency concerns, and providing data to be used by the LAC and the city in negotiating project conditions. As such, within 30 days following the post-application meeting, the city shall:

a. Create an ad hoc technical committee to advise the city and the LAC on technical issues regarding the scoping and preparation of the environmental review and health risk assessment. The membership should consist of staff from each of the involved permitting or responsible agencies, an epidemiologist, a toxicologist, and any other technical experts deemed necessary or desirable.

b. Convene a meeting of involved city staff, the environmental document preparer, the LAC, the ad hoc technical committee, and the project proponent to establish the scope and content for the environmental document and health risk assessment, and the need for any other technical studies. The city council shall review the meeting outcome, and approve a final scope for the environmental review and health risk assessment prior to the commencement of work.

4. A traffic/transportation study shall be required as part of the environmental review for all hazardous waste facility proposals, and at minimum shall account for all factors addressed under the safe transportation siting criteria contained in Section 5.5 of the public facilities element of the city general plan.

5. Upon selection of a reasonable range of project alternatives under the California Environmental Quality Act, Public Resources Code Section 21000, et seq., the city, upon the advice of the LAC and ad hoc technical committee, shall establish a preferred hierarchy among those alternatives for the purpose of determining the level of qualitative and quantitative analysis that should be performed for the health risk assessment on those alternatives. In determining this preferred hierarchy and associated level of health risk assessment, consideration shall be given to the relative feasibility of each alternative to attain the stated project objectives, and the relative merits of each alternative.

6. The health risk assessment shall serve as an evaluative and decision-making tool, and shall not be construed as providing definitive answers regarding facility siting.

7. The ad hoc technical committee shall remain intact to assist, as requested, the city and the LAC in the evaluation of the final health risk assessment and any technical studies to determine acceptable levels of risk, and/or to determine the extent and type of related conditions and mitigation measures which should be applied to the project.

8. The LAC shall not finalize its recommendations for forwarding for planning commission and city council consideration until after the public review period for the draft environmental document has closed, and the LAC has had sufficient time to review any comments received.

9. Any costs associated to the formation or work of the ad hoc technical committee, in addition to any other consultant(s) the LAC deems necessary, including costs incurred in the preparation of any technical studies, shall be paid for through technical assistance grants as described in subsection (J) of this section.

I. Initial Consistency Determination.

1. At the request of the applicant, the city council shall, within 60 days after the planning department has determined that an application for a conditional use permit is complete and after a noticed public hearing, issue an initial written determination on whether the proposed project is consistent with both of the following:

a. The applicable provisions of the city general plan and zoning ordinances in effect at the time the application was accepted as complete.

b. The county hazardous waste management plan authorized by Article 3.5 (commencing with Section 25135) of the California Health and Safety Code, if such plan is in effect at the time of application.

2. The planning department shall send to the applicant a copy of the written determination made pursuant to subsection (I)(1) of this section.

3. The determination required by subsection (I)(1) of this section does not prohibit the city from making a different determination when the final decision to approve or deny the conditional use permit is made, if the final determination is based on information which was not considered at the time the initial determination was made.

J. Technical Assistance Grants – Local Assessment Committee Negotiations.

1. Following the post-application meeting, the LAC and the proponent shall meet and confer on the project proposal pursuant to the provisions of subsection (F) of this section.

2. Given that the rules, regulations, and conditions relative to hazardous waste facility projects are extremely technical in nature, as are the associated assessments of potential public health and environmental risks, the LAC may find that it requires assistance and independent advice to adequately review a proposed project and make recommendations. In such instance, the LAC may request technical assistance grants from the city to enable the hiring of a consultant(s) to do any, or all, of the following:

a. Assist the LAC in the review and evaluation of the project application, environmental documents, technical studies, and/or any other documents, materials and information required in connection with the project application.



b. Interpret the potential public health and safety and environmental risks associated with the project, and help to define acceptable mitigation measures to substantially minimize or eliminate those risks.

c. Advise the LAC in its meetings and discussions with the proponent to seek agreement on the terms and conditions under which the project will be acceptable to the community.

3. The proponent shall be required to pay a fee equal to the amount of any technical assistance grant authorized for the LAC. Said fee(s) shall be paid to the city, and deposited in an account to be used exclusively for the purposes set forth in subsection (J)(2) of this section.

4. If the local assessment committee and the applicant cannot resolve any differences through the meetings, the Office of Permit Assistance in the State Office of Planning and Research may be called upon to mediate disputes.

5. The proponent shall pay one-half of the costs of any mediation process which may be recommended or undertaken by the Office of Permit Assistance in the State Office of Planning and Research. The remaining costs will be paid, upon appropriation by the legislature, from the State General Fund.

K. Additional Findings Required for Hazardous Waste Facilities. Before any conditional use permit for a hazardous waste facility may be granted or modified, in addition to the findings required by CVMC 19.14.080, it shall be found that the proposed facility is in compliance with the following:

1. The general areas policies of Section 5.5 of the public facilities element of the city general plan.

2. The siting criteria as set forth in Section 5.5 of the public facilities element of the city general plan.

3. The fair share principles established in Section 5.5 of the public facilities element of the city general plan.

4. The county of San Diego hazardous waste management plan. (Ord. 2542 § 6, 1993).

**19.58.180 Heliports or landing strips for aircraft.**

Heliports or landing strips for aircraft, except as part of an approved residential subdivision providing for aircraft landing, taxiing and hangaring, shall be located no closer than 600 feet from any R zone, and shall provide runways so oriented that aircraft landing and taking off do not normally pass below 200 feet directly over dwellings. Proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights, and proponents shall show that the field in

question conforms to standards of the Federal Aeronautics Authority for the particular class of field. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(17)).

**19.58.190 Kennels, riding academies and public stables.**

Kennels (commercial) for dogs and cats and riding academies and public stables shall be located not less than 200 feet from any adjoining zone which prohibits such uses; shall provide automobile and truck ingress and egress; shall provide parking and loading spaces so designed as to minimize traffic hazard and congestion; and the proponent shall show that odor, dust, noise or drainage shall not constitute a nuisance or a hazard to adjoining property or uses. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(18)).

**19.58.200 Labor camps.**

No labor camp structure shall be located closer than 20 feet from any property line, and not closer than 50 feet from the front lot line. When adjoining an R zone, no structure shall be closer than 100 feet from the adjoining property line. The aggregate site area shall contain not less than 3,000 square feet of land area for each tent or trailer space or cabin or for each three workers, and no structure shall be closer than 10 feet from any other structure. A usable recreation area shall be provided for each labor camp, and shall contain not less than 200 square feet of area for each dwelling space or unit or each three workers. Access roads and parking areas shall have a durable and dustless surface and areas shall be so graded as to dispose of all surface water accumulated within the area. A temporary certificate of occupancy will be issued for a period not to exceed one year, subject to renewal. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(19)).

**19.58.205 Mixed commercial-residential projects in the C-C-P zone.**

Mixed commercial-residential projects may be allowed in the C-C-P zone upon the issuance of a conditional use permit and subject to the following standards and guidelines:

A. The conditional use permit shall be subject to review and approval of the ~~city council following the recommendation of the planning commission,~~ or chula vista redevelopment corporation if within the boundaries of a designated redevelopment area;

B. The commercial and residential components shall be planned and implemented together;

C. The maximum allowable residential density will be governed by the provisions of the R-3 zone based on the total project area, less any area devoted exclusively to commercial use, including commercial parking and

circulation areas. The approved density may be significantly less than the maximum allowable density depending on site specific factors, including the density and relationship of surrounding residential areas, if any;

D. Parking, access and circulation shall be largely independent for the commercial and residential components of the project. Each use component shall provide off-street parking in accordance with city standards;

E. The residential component shall meet the private and common open space requirements of the R-3 zone;

F. The conditional use permit may include a restriction on commercial uses and/or business hours in order to avoid conflicts with residential units. (Ord. 2295 § 1, 1989).

**19.58.210 Motels and hotels.**

Any motel or hotel/site shall have a minimum site area of 20,000 square feet and shall contain not less than 1,000 square feet per sleeping unit for one-story units, 800 square feet per sleeping unit for two-story units, or 600 square feet per sleeping unit for units over two stories. The buildings shall not occupy in the aggregate more than 40 percent of the area of the lot. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site shall be maintained in good condition. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(21)).

**19.58.220 Nursing homes.**

The following requirements shall apply to nursing homes (see Definitions, CVMC 19.04.162):

A. Approval must be obtained from proper agencies concerning health and safety conditions, and said home must be licensed by such agencies;

B. An off-street loading area shall be provided (see CVMC 19.62.140);

C. If an unenclosed incinerator is provided, it shall be located on the rear one-half of the property and the stack shall not be closer than 30 feet to any neighboring dwelling. The effluent from such stack shall comply with the performance standards of this title. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(22)).

**19.58.225 Off-site advertising signs.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2296 § 7, 1989).

**19.58.230 Parking lots and public garages.**

Parking lots and public garages shall be permitted only where:

A. They are clearly required by public convenience and necessity;

B. They do not break up continuity of retail store frontage for pedestrians;

C. They will not be a nuisance to residences or other surrounding uses;

D. They will not cause traffic hazards or undue traffic congestion;

E. They conform architecturally to the surrounding area;

F. Street trees are provided. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(23)).

**19.58.240 Poultry farm.**

(See definition in CVMC 19.04.184).

A. Any building housing over 10 chickens or other poultry shall be distant not less than 100 feet from every lot line.

B. The proponent shall show that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining property or uses. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(24)).

**19.58.244 Professional offices in the R-1; R-2 and R-3 zones.**

It is the intent of this section to allow for limited professional offices on certain lots with existing buildings in the R-1 and R-3 zones, when the zoning administrator ~~planning commission~~ approves a conditional use permit ~~therefor by applying~~ the following guidelines:

A. The lot should contain at least 12,500 square feet of level, developable land;

B. The lot is developed with a house or other structure which has been designated a historic site or has been recognized as having historic importance and has been entered into the historic register, as provided in Chapter 2.68 CVMC;

C. The lot is within 300 feet of a thoroughfare or a heavily traveled collector road;

D. The use proposed on the lot is limited in scope so as not to generate substantial vehicular traffic on residential streets;

E. Physical changes to the structure or structures and landscaping which are not in keeping with the basic design and character of the property are prohibited. (Ord. 1822 § 3, 1978).

**19.58.245 Ambulance services.**

Ambulance services may be located in any zone. Ambulance services can be incorporated into a hospital complex or other governmental facility. When approving a conditional use permit for ambulance services in a residential zone that is not part of a hospital complex and not located in a federal, state or local government facility, the ~~zoning administrator~~ ~~planning commission~~ shall incorporate the following conditions:

A. The service must be limited to the staging and dispatching of one ambulance from a residential structure or unit.

B. At least three dedicated parking spaces for an ambulance and two employees are required. The parking spaces shall be on-site and meet city standards for size, paving, access and screening.

C. Except for shift changes and periodic inspections by managers, no more than three employees shall be on-site at any given time.

D. Any other requirements the zoning administrator~~planning commission~~ deems appropriate to minimize impacts on the residential neighborhood.

Fleet maintenance or the storing of multiple ambulances shall not be allowed in a residential zone, even if the use is part of a hospital complex or located at a government facility. Vehicles that are on-call shall not be considered "stored." (Ord. 2958 § 3, 2004).

**19.58.260 Repair of vehicles.**

A. Repair, except as stated in subsection (B) of this section, of motorcycles, motor trucks and motor vehicles, as defined in the Vehicle Code of the state of California, as well as boats, campers, and trailers, is prohibited in any residential zone unless all of the following conditions are met:

1. Repair (except as stated in subsection (B) of this section) of vehicles, boats, campers and trailers shall be conducted within a garage or carport or behind a solid fence, gate or wall not less than six feet in height;

2. No repair of vehicles, boats, campers and trailers shall be conducted as a business;

3. No repair of vehicles, boats, campers and trailers shall take place between the hours of 10:00 p.m. and 8:00 a.m.

B. Nothing in this section is intended to prohibit the making of minor repairs, such as tire changing or repair, replacement of spark plugs and minor engine adjustments or repair, lubrication, battery and brake adjustments or repair by an owner on the vehicle on said owner's lot, where said vehicle may be legally parked as determined by other sections of this code.

C. Storage of Inoperable Vehicles.

1. No more than one vehicle or one boat, or one camper, or one trailer shall be in a state of disrepair or in an inoperable condition at any one time on any lot.

2. No vehicle in a state of disrepair or in an inoperable condition may be located outside of a garage or carport or solid fence, gate or wall not less than six feet in height for a period of more than 72 hours.

3. No parts of a vehicle, boat, camper or trailer shall be located outside of a garage, carport or solid fence, gate or wall not less than six feet in height for a period of more than 72 hours. (Ord. 2308

§ 1, 1989; Ord. 2176 § 5, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(26)).

**19.58.270 Retail sales for guests only.**

Community buildings, private clubs, lodges and social or recreational establishments may engage in retail sales for guests only; provided, that:

A. There shall be no external evidence of any commercial activity, nor any access to any space used for commercial activity other than from within the building;

B. There shall be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(27)).

**19.58.280 Service stations.**

Service stations are subject to the following requirements and conditions:

A. They are clearly required by public convenience;

B. They will not cause traffic hazards or undue congestion;

C. They should be located only on property abutting the intersection of major or collector streets or combination thereof, or within shopping centers as part of an approved site plan; except, that they shall be limited to the periphery of the central business area. They may be located on an interior lot if they do not disrupt the continuity of retail store frontage for pedestrians;

D. They will not be a nuisance to residences or other surrounding uses;

E. The site shall be landscaped in accordance with the landscape manual of the city; except, that a six-foot minimum planter area in front of the pump islands and not closer than three feet to any driveway shall be required. The pump islands shall be located no closer than 12 feet from the planter;

F. Architectural and site plan approval subject to the conditions of CVMC 19.14.420 through 19.14.480 shall be obtained.

Note: Where a service station is a secondary land use, i.e., accessory to another principal use and consisting of no more than a single pump island with no more than three fuel pumps, the following provisions shall not apply:

G. Outside sales and display may be allowed in an area beneath a canopy when specifically approved as part of an approved site plan. Structures used to display merchandise shall be designed to be architecturally compatible with the main building. In no case shall a display area interfere with vehicular circulation or obscure required landscaped areas. Accessory uses may also be stored outside subject to the conditions herein;

H. Accessory outdoor uses, other than parking and service lanes, shall also be allowed but shall not occupy more than 10 percent of the area of the site. Such accessory uses may include rental, utility or travel trailers, but not more than six such trailers shall be permitted on the lot at any one time and shall be screened from the street or highway. Under no circumstances shall any use be located in such a way that would interfere with normal traffic flow onto, within or from the site, or which creates dangerous impediments to traffic visibility. Only those areas shown on the approved site plan will be allowed for parking or storage;

I. All items offered for sale on the site shall be items normally incidental to service station business except accessory uses as provided herein. (Ord. 2162 § 1, 1986; Ord. 1436 § 2, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33 901(B)(28)).

**19.58.290 Shooting clubs.**

An outdoor shooting club shall be located not less than one-half mile from any developed residential, commercial or industrial area, or place of public assembly. A conditional use permit for an indoor or outdoor shooting club may be granted to be in force for one year only, after which a certificate may be resumed for a period of one year at the expiration of each temporary certificate, provided the above requirements can continue to be met. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(29)).

**19.58.310 Stables and corrals.**

A. The minimum lot area upon which one or two horses may be kept is 20,000 square feet. One additional horse may be kept for each 20,000 square feet over the minimum lot area of 20,000 square feet.

B. The horse(s) must be maintained within an enclosure.

C. A distance of 100 feet shall be maintained from the enclosure to any neighbor's residence, school, church, or any other building, excluding the owner's, used for human habitation.

D. A distance of 25 feet shall be maintained from the owner's residence to the enclosure.

E. The horse enclosure must maintain all existing setbacks as stated in the applicable zone.

F. Stables and corrals shall be located on the rear portion of the lot behind the residence.

G. Any horse(s) presently being maintained in conformity with the regulations of either the city of Chula Vista or the county of San Diego on the effective date of the ordinance codified in this title as applied to the property where said horses are being

maintained may continue to be so maintained in accordance with said rules. (Ord. 1364 § 1, 1971; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(31)).

**19.58.320 Tract office, temporary.**

Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing zone may be used as follows:

A. One building for a temporary real estate sales office, and not more than six dwellings for temporary demonstration or model home purposes, may be provided. In addition, a subdivision containing more than 60 lots may use up to 10 such lots for model home purposes. Such temporary uses shall be made only in conjunction with the sale or rental of land or buildings within such subdivisions, and such use or uses shall terminate two years after the filing in the office of the county recorder of the final subdivision map thereon, or 60 days after the sale of the last house, whichever comes first. After the time limit has expired, all commercial activity shall cease and the temporary office building, if any, shall be converted to a conforming use or removed at the owner's expense. At the termination of such office use, all necessary alterations to convert the temporary office to residential use or removal of said building shall be made.

B. If alterations are needed in the initial conversion from a house to a temporary office, the following shall be done: a \$250.00 penal bond shall be filed with the city clerk to assure said work will be completed. Upon a recommendation from the director of planning and building or his authorized deputy, he shall approve or reject the final alteration work.

C. The zoning administrator shall determine the need for off-street parking, based on the location of model homes in relationship to adjoining subdivisions, the size of the subdivision, the character of the street, and the expected duration of model home area use. (Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(32)).

**19.58.330 Trailers.**

(See definition in CVMC 19.04.298.)

A. It is unlawful to use a camping trailer, motor home, camper, or travel trailer for living or sleeping purposes except when parked within a licensed recreational vehicle park or mobilehome park, as provided elsewhere in this title, or when used on a temporary basis not to exceed a period of seven days by guests or visitors of residents of the city and said vehicle is parked upon the property of the resident.

B. It is unlawful to use a trailer, excluding commercial coach units, as a business office in any zone; except, that

a general contractor and/or property owner or lessee may obtain a temporary permit for the parking of one or more mobilehomes, motor homes, campers or travel trailers for watchmen, supervisory or other special personnel, or for use as a temporary office at or immediately adjoining a major construction site upon commencement of such construction. Any such permit shall be issued only by the director of planning and building of the city after an application, in writing, is submitted by the general contractor specifying:

1. The number and type of such vehicles;
2. The reasons their presence is necessary at the site at times other than normal work hours;
3. The period for which the permit is sought;
4. The vehicles for which a permit was issued

shall be removed from the premises 10 days after final inspection.

C. Commercial coach units may be utilized for a maximum of 25 percent of the total industrial and/or commercial floor area available to a particular use; provided, that if visible from a public street or from adjoining properties, the coach units shall be made architecturally compatible with and complementary to the balance of the structures on the same and adjacent sites.

D. Commercial coach units may be utilized as temporary building space in conjunction with public or quasi-public uses located in residential zones, and in conjunction with public, quasi-public, and private uses, such as banks, insurance offices, savings and loan institutions, public utility offices, and similar public-service-based uses in commercial and industrial zones; provided, that a conditional use permit is procured for each commercial coach so utilized. All conditional use permits granted for the utilization of commercial coaches as temporary building space shall be limited to a period of not more than two years; provided, however, that the permittee may apply to the ~~zoning administrator~~planning commission for an extension of time, which the commission may grant for a maximum of one additional year.

E. A mobilehome, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (USC Section 5401, et seq.), may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:

1. It may be occupied only as a residential use;
2. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and

3. The foundation is in compliance with all applicable building regulations. (Ord. 2790, 1999; Ord. 1941 § 1, 1981; Ord. 1711 § 2, 1976; Ord. 1518 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(33)).

**19.58.340 Recycling and solid waste storage.**

A. All subdivisions or any new construction requiring a building permit and costing more than \$20,000 to construct

("qualifying project") shall include adequate, accessible, and convenient areas dedicated for the accumulation, temporary storage and removal of designated recyclables and solid waste. These recycling and solid waste areas shall be enclosed within a minimum five-foot-high masonry wall or higher if deemed necessary by the director of planning to adequately screen the area, built to standards adopted by the city for a freestanding wall (No. 4 steel and fully grouted) and shall be designed to accommodate the containers used by the recycling and solid waste service company contracted with the city. A wooden enclosure may be substituted for a wall in the C-O zone and multiple-family zones by the development services director-of ~~planning~~.

B. A recycling and solid waste plan shall be submitted by the applicants of any qualifying project. Said plan shall be reviewed and approved by the city manager or his/her designee. A plan must comply with city and state solid waste and recycling regulations/standards before it can be approved. Building permits may not be issued until the plan is approved.

C. A recycling and solid waste planning manual setting forth recycling and solid waste space allocation regulations, design standards, and guidelines shall be drafted by the city manager and adopted by the city council.

D. The precise location of any recycling and solid waste area shall be approved by the director of planning upon review of the site plan. Recycling and solid waste areas shall be accessible and convenient to both the occupants and franchise hauler and shall only be used for the temporary storage, collection and loading of solid waste and recyclables.

E. Recycling and solid waste enclosures shall be permanently maintained; recycling and solid waste areas shall be kept neat and clean; and approved recycling and solid waste plans shall be adhered to and followed. (Ord. 2993 § 1, 2005; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(34)).

**19.58.345 Recycling collection centers.**

Recycling collection centers may be permitted within any commercial or industrial zone which is also located within a convenience zone identified by the state of California Department of Resources, under the provisions of the California Beverage Container Recycling and Litter Reduction Act of 1986. Establishment of such centers shall comply with the following:

A. Reverse vending machines with a combined area of no more than 150 square feet and a height of no more than eight feet total may be permitted as an accessory use subject to site plan approval by the planning department. Reverse vending machines which are placed within an enclosed building occupied by the primary use do not require approval of a site plan.

B. Small collection facilities occupying an area of no more than 300 square feet may be permitted as an accessory use subject to approval of a conditional use

permit granted by the zoning administrator, pursuant to 19.14.030(A).

C. Large recycling collection centers with a combined area of over 300 square feet, but not exceeding the floor area equivalent of a 30-person occupancy load, may be permitted as an accessory or primary use subject to the approval of a conditional use permit granted by the zoning administrator, pursuant to 19.14.040, planning commission, and with approval of an application for site plan and architectural review by the design review board committee.

D. The premises of all recycling collection centers shall be kept free of all litter and debris, and all recyclable articles removed prior to any storage container reaching capacity. Approval of a site plan or conditional use permit may be revoked by the permitting authority upon presentation of evidence that a recycling collection center is not maintained in a safe and sanitary manner.

E. Recycling collection centers shall be developed and operated in accordance with the design standards for recycling centers adopted by city council policy.

F. The regulations set forth in this section shall also apply to recycling collection facilities in existence prior to adoption of the ordinance codified in this chapter. Existing facilities shall have 60 days from the date of adoption to obtain required discretionary permits. (Ord. 2252 § 1, 1988; Ord. 2233 § 1, 1987).

**19.58.350 Commercially zoned double frontage lots.**

Any commercially zoned parcel which has double frontage, one such frontage being on a local street, across which street is residentially zoned land, shall observe the following regulations:

A. Vehicular access to the local street shall be discouraged and permitted only upon planning commission approval.

B. A six-foot-high decorative masonry wall shall be constructed across the entire width of the parcel at a minimum of 10 feet behind the edge of the sidewalk or as otherwise designated by the zoning administrator planning commission. The design of the wall shall be uniform throughout the area in which located, and such design shall be subject to the approval of the director of planning.

C. The area between the wall and the edge of the sidewalk shall be permanently landscaped. Such landscaped area shall be provided with an automatic irrigation system and shall be permanently maintained and kept free of debris. A landscape plan shall be submitted to the development services director of planning for approval prior to any planting.

D. The wall and landscaping shall be provided prior to the final building inspection of any improvements to be constructed on the premises.

E. If any dwelling units which face the local street exist on such parcel, the dwelling units shall be removed prior to the new commercial development or enlarging of existing commercial development, unless such dwellings are converted for commercial purposes (this situation does not negate the other provisions of this section).

F. If new or enlarged commercial development occurs adjacent to the existing dwelling units which face a local street, a fence separating the property shall also be constructed on the side lot line, the length of such fence to be determined by the development services director of planning. Such a fence may be of wood construction. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(35)).

**19.58.360 Zoning wall or fence.**

A six-foot-high minimum solid masonry wall subject to the provisions of CVMC 19.58.150 shall be erected along the property line or zoning boundary to separate any C or I zones and/or uses from adjacent residential zones. A six-foot-high maximum solid fence shall be erected along the property line or zoning boundary to separate multiple-family zones and/or uses from abutting single-family residential zones or areas. Said wall or fence may be waived by the zoning administrator planning commission if it is found that the adjacent areas would be sufficiently screened and protected without said wall or fence. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(36)).

**19.58.370 Outside sales and display – Permanent and temporary.**

A. Permanent. The permanent outside sales and display of merchandise, including vending machines of all types and coin-operated amusements, shall be permitted only when included as part of an approved site plan subject to the conditions herein. Service stations are subject to the provisions of CVMC 19.58.280.

1. The following items shall be considered for outside display:

- a. Vending machines of all types;
- b. Coin-operated amusements, excluding games such as pinball machines;
- c. Vehicles of all types, including boats;
- d. Magazines, newspapers and books;
- e. Flowers, including artificial;
- f. Art displays;
- g. Plants;
- h. Model storage buildings, patios and additions;
- i. Any other item which is determined by the planning commission to be of the same general character;
- j. Any other item specifically approved by the planning commission to be displayed in an area specifically designed for said merchandise.

2. Conditions.

- a. Vending machines and coin-operated amusements shall whenever possible be within an enclosed area or structure specifically designed to accommodate said items;
- b. The outside display shall not interfere with pedestrian or vehicular circulation;
- c. Model storage buildings, patios and additions shall not be located in any area facing a major or collector street, or at the main entrance to the building;
- d. Plants shall be the only items in a plant nursery visible from the street;
- e. No outside display shall be of such size or quantity as to alter the architectural appearance of the building;
- f. A 10-foot landscaped area shall be provided between vehicle display areas and the street. Any item not located within a building or solid enclosure shall be deemed to be outside display and subject to the conditions herein.

3. The following merchandise shall be expressly prohibited from outside display:

- a. Furniture;
- b. Clothing;
- c. Appliances;
- d. Play equipment;
- e. Dry goods;
- f. Soil additives;
- g. Tires, excluding service station as provided herein;
- h. Used goods, except as provided herein.

B. Temporary. Temporary outside sales and display of merchandise for a period of 24 days in any calendar year, but not exceeding seven consecutive days, shall be permitted upon approval of a temporary outside sales permit by the zoning administrator. Not more than six permits a year shall be issued to any one business or shopping complex. Each such permit shall be accompanied by the required filing fee(s).

Upon application for a permit, the applicant shall submit two site plans showing the location of the proposed outside sales area. The plan shall include sufficient information to insure that the display and sales will be conducted in a safe and proper manner and will not obstruct traffic or cause a hazardous condition based on the standards adopted by the city. The permit shall designate the commencement and termination dates.

1. Other Required Conditions.

- a. The application shall be submitted for approval a minimum of two days prior to the requested date of commencement.
- b. There shall be a minimum of 30 days between the commencement dates of the permit.

- c. Temporary outside sales are prohibited in the C-O, C-N and C-V zones.
- d. The sales area shall maintain a 25-foot setback from the street when within an area designated for parking.
- e. The sales area may utilize a portion of required parking to a maximum of 20 percent.
- f. The sales area shall not interfere with the internal circulation of the site.
- g. Pennants may be used only for safety and precautionary purposes.
- h. The sales area shall be kept in a neat and well-kept manner at all times.
- i. Price signs may be used but shall not exceed 12 by 16 inches.
- j. Other signs may be allowed subject to zoning administrator approval. Said signs shall not exceed two square feet of lineal street frontage of the sales area.
- k. Promotional items allowed in conjunction with a special event, such as anniversaries and grand openings, are not subject to the provisions herein except when an outside sales permit is requested.
- l. Only merchandise customarily sold on the premises shall be considered for temporary outside sales and display. (Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982; Ord. 1436 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(37)).

**19.58.380 Special events.**

A. Any business may request a permit for the use of temporary promotional signs and promotional items in conjunction with the following special events: grand openings, change of business address, change of ownership or lessee, and business anniversaries. If a business is part of a parent organization, the anniversary of the parent company may be used in lieu of the business anniversary during the calendar year.

B. The maximum time limit for a special event shall not exceed 14 consecutive days.

C. The applicant shall submit a statement stating the reason for the special event and indicating the commencement and ending date. The applicant shall also submit a site plan indicating the location and area of signs and location of promotional items. Each permit shall also be accompanied by the required filing fee(s).

D. Promotional items are subject to the following approval:

- 1. They may not be located in the front setback;
- 2. They shall not interfere with internal circulation or eliminate required parking;
- 3. They shall not be indiscriminately placed or be of such quantity as to present a cluttered and unsightly appearance.

E. Pennants may only be used in conjunction with grand openings and change of ownership or lessee.

F. The development services/planning department shall issue to the applicant a special event permit, upon approval of the applicant's request. The reason for the special event shall be conspicuously displayed on a sign for the duration of the event. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1436 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(38)).

**19.58.390 Senior housing development.**

Pursuant to CVMC 19.54.020, housing developments for seniors, as defined in CVMC 19.04.201, may be allowed in any zone except the R-1, R-2, C-V, C-T and industrial zones. Because the residents of such development have dwelling characteristics which differ from those of families and younger persons, it is not appropriate to apply all of the normal zoning standards thereto. Accordingly, pursuant to the processing of a conditional use permit for such developments, as required by CVMC 19.54.020(P), the planning commission, or chula vista redevelopment corporation if project is within a designated redevelopment project area, and city council may make exceptions to the density, off-street parking, minimum unit size, open space, and such other requirements as may be appropriate. The planning commission and city council may also adjust required setbacks, building height, and yard areas as appropriate to provide an adequate living environment both within the development and on nearby properties. Any exceptions and adjustments shall be subject to the condition that the development will be available for occupancy by seniors only. (Ord. 1878 § 3, 1979).

**19.58.400 Recreational vehicle storage yards.**

An application to establish a recreational vehicle (RV) storage yard (storage area for motorhomes, camping trailers, boats and other recreation equipment) shall address the following issues: (1) height limit for stored items, (2) screening (landscaping and fencing), (3) surfacing, (4) access to the site, (5) office facilities, (6) customer parking, (7) lighting, (8) hours of operation, (9) security, (10) signing, (11) surrounding land uses and structures. The application shall also be accompanied by a comprehensive list of items which would be eligible for storage. Any subsequent additions to the list shall be subject to the approval of the development services director of planning and building.

The approval of an RV storage yard judged by the commission or chula vista redevelopment corporation if located within a designated redevelopment project area, to represent an interim use of land based upon zoning, development patterns, and/or pending plans in the area shall be subject to a review and report filed each year by the owner with the city zoning administrator. Failure to file the report or abide by the conditions of approval shall cause the matter to be set for a rehearing before the commission or chula vista redevelopment corporation if located within a designated redevelopment project area, to

consider revocation of the permit or other appropriate corrective action. Permits for interim RV storage yards shall be granted for a maximum period of five years with extensions subject to rehearing before the commission or chula vista redevelopment corporation if located within a designated redevelopment project area. (Ord. 2790, 1999; Ord. 2169 § 2, 1986).

**19.58.410 Prohibition of flashing lights.**

Lights in view of any public street of adjoining properties used to convey the effect of movement are prohibited. Intermittent or variable intensity lights or flashing lights are prohibited, with the exception of holiday lights during the month of December. (Ord. 2353 § 1, 1990).

**19.58.420 Water distribution facilities.**

Water distribution facilities shall be limited by permit in their scope of activities and operations to a level commensurate with the nature and character of the surrounding area. Permits shall be further limited to a duration of six months, subject to zoning administrator extension of not to exceed one additional year, in six-month increments, as necessary to meet a continuing water state of emergency. Permits shall be expressly conditioned to expire automatically upon the effective date that the metropolitan water district declares that the drought severity falls below Stage VI of its incremental interruption and conservation plan. (Ord. 2449 § 2, 1991).

**19.58.430 Liquor Stores in the CN zone.**

Establishments that include the sale of alcoholic beverages for off-site use or consumption may be allowed in the C-N zone upon issuance of a conditional use permit. The zoning administrator shall hold a public hearing in accordance with CVMC 19.14.060 through 19.14.090 upon giving notice thereof in accordance with CVMC 19.12.070 and 19.12.080. A conditional use permit shall not be granted unless the zoning administrator or other issuing authority finds in his or her sole discretion and based on substantial evidence in view of the entire record, that all of the facts required by CVMC 19.14.080 exist, and that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (a) the number and location of existing facilities; (b) compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (c) the impact of the proposed facility on crime; and (d) the impact of the proposed facility on traffic volume and traffic flow. The police department or other appropriate city departments may provide evidence at the hearing. A permit to operate may



be restricted by any reasonable conditions including but not limited to, limitations on hours of operation.

The city council shall be informed of the decision on each such permit by the city clerk when the decision is filed in accordance with CVMC 19.14.090. The decision of the zoning administrator may be appealed.

Such appeal shall be directed to the city council and must be filed within 10 business days after the decision is made, as provided in CVMC 19.14.100. If appealed within the time limit, said appeal shall be considered in a public hearing conducted by the city council, in the same manner as other appeals pursuant to CVMC 19.14.120 and 19.14.130; except, that the city council must make the same written findings required of the zoning administrator herein in order to grant the permit.

~~Chapter \_\_\_\_\_ 19.70  
ZONING REGULATIONS FOR MONTGOMERY~~

~~Sections:~~

~~Repealed pursuant to citywide zoning approved in the 1990s and 2005 General Plan which sunset the Montgomery Specific Plan~~

- ~~19.70.010 Intent.~~
- ~~19.70.013 Large family day care homes.~~
- ~~19.70.014 Large family day care homes within multiple family zones.~~
- ~~19.70.015 Regulation of satellite dishes.~~
- ~~19.70.016 Repealed.~~
- ~~19.70.017 Recycling collection centers.~~
- ~~19.70.018 Cardrooms.~~
- ~~19.70.020 Adoption of county zoning regulations.~~
- ~~19.70.021 Adoption of county ordinance exceptions.~~
- ~~19.70.030 Terms.~~
- ~~19.70.040 Fees.~~
- ~~19.70.050 Duties of zoning administrator.~~

~~19.70.010 Intent.~~

~~A. The city council of the city of Chula Vista intends to maintain the zoning regulations of the county of San Diego in the Montgomery area which will be a part of the city of Chula Vista on December 31, 1985. This area is specifically described in the annexation maps as filed with the local agency formation commission and encompasses the area formerly served by the Montgomery Fire Protection District. This chapter shall only apply to the Montgomery area.~~

~~B. In the event that conflicts arise as to the provisions of this chapter and any other provisions of the Chula Vista Municipal Code, the latter shall take precedence, except as to those items specifically relating to land use regulation.~~

~~C. The establishment, location, expansion or alteration of multiple family dwelling uses, uses subject to major use permits, and commercial or industrial projects or structures shall be subject to design review procedures specified in CVMC 19.14.581 through 19.14.600.~~

~~D. In the event that this chapter, any section within this chapter, or any portion of any section in this chapter is held to be invalid by a court of competent jurisdiction, the remainder of this chapter shall be in full force and effect. (Ord. 2142 § 1, 1986; Ord. 2137 § 1, 1985).~~

~~19.70.013 Large family day care homes.~~

~~Notwithstanding the provisions of Section 6156(y), large family day care homes shall be permitted for a single-family dwelling within an R-S zone subject to approval of a large family day care permit by the zoning administrator, and to compliance with the following standards:~~

~~A. Notice shall be given to properties within 300 feet of the proposed large family day care home at least 10 days prior to consideration of the permit.~~

~~B. The permit shall be considered without public hearing unless a hearing is requested by the applicant or other affected party. The applicant or other affected party may appeal the zoning administrator's decision to the planning commission.~~

~~C. The family day care function shall be incidental to the residential use of the property.~~

~~D. A large family day care home shall not locate within 1,200 feet of another large family day care facility on the same street as measured from the exterior boundaries of the property.~~

~~E. An area shall be provided for the temporary parking of at least two vehicles for the safe loading and unloading of children. In most cases the driveway in front of a two-car garage will satisfy this requirement.~~

~~F. If in the opinion of the zoning administrator there is a potential for significant traffic problems, the zoning administrator shall request review of the application by the city traffic engineer. The city traffic engineer may impose accessory requirements for the day care permit in these instances to insure maintenance of traffic safety levels within the vicinity of the home.~~

~~G. A usable rear yard play area of 1,200 square feet shall be provided. Outdoor play activity shall not be allowed in the front or exterior side yard of the home.~~

~~H. Play areas shall be designed and located to reduce the impact of noise on surrounding properties. The zoning administrator may impose reasonable requirements to alleviate noise, including, but not limited to, installation of a six-foot high block wall around the perimeter of the rear yard. (Ord. 2269 § 1, 1988).~~

~~19.70.014 Large family day care homes within multiple family zones.~~

~~Notwithstanding the provisions of Sections 6156(y), 2104, and 2144, large family day care homes may be permitted for a single-family dwelling within the R-V, R-D, R-M, and R-U residential zones upon issuance of a minor use permit granted by the zoning administrator. (Ord. 2269 § 1, 1988).~~

~~19.70.015 Regulation of satellite dishes.~~

A. In addition to the zoning regulations of the county of San Diego in the Montgomery area which have been adopted by the city council of the city of Chula Vista, placement of satellite dishes within Montgomery shall comply with the satellite dish regulations outlined in this section. "Satellite dish antenna" is defined as 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.

B. Satellite dishes are permitted within all use regulations which allow residential use types subject to compliance with the following conditions:

1. It is ground-mounted.
2. It is not located in a front yard or exterior side yard, said yard to be measured from any portion of the building to the front or exterior side property line.
3. It complies with setback requirements of the underlying zone for accessory buildings.
4. It does not exceed 12 feet in height above existing grade.
5. It shall be located on lots where at least a five-foot-high solid wall or fence is installed between the dish antenna and adjacent properties.
6. It shall be adequately screened from any adjacent residential zone, right-of-way, or private street easement, at horizontal grade level, to the satisfaction of the zoning administrator.
7. Only one satellite dish antenna shall be permitted per lot.
8. Satellite dish antennas with a diameter measuring less than one meter may be installed in a manner consistent with typical television antennas.
9. Satellite dish antennas shall be used for private, noncommercial purposes.
10. All satellite dish antennas, in any zone, constructed and erected prior to the effective date of the ordinance codified herein, which do not conform to the requirements of the provisions of this title for the particular zone in which they are located, shall be accepted as nonconforming antennas for a period of three years to expire January 1, 1989. Thereafter, the satellite dish antennas shall be subject to immediate abatement via removal or through modification or relocation to comply with the standards of this title.
11. Replacement of an existing nonconforming antenna with another satellite dish antenna, or removal of a nonconforming antenna for a period longer than 60 days, shall constitute abandonment of the nonconforming antenna, and is subject thereafter to the standards of this title.
12. A building permit shall be required.

C. Satellite dishes are permitted within use regulations which allow commercial and industrial use types subject to compliance with standards outlined in subsections (B)(1) through (8) and (B)(10) through (12) of this section. Roof-mounted satellite dishes may be permitted subject to

approval of a minor use permit granted by the zoning administrator for the city of Chula Vista, and to compliance with the following standards or conditions:

1. These dishes shall be screened, using appropriate matching architectural materials or parapet walls.
2. Dishes shall be of a neutral color, match the building, or as otherwise approved by the city.
3. A building permit shall be required.
4. ~~No advertising material shall be allowed on the satellite dish antenna. Satellite dish antenna containing advertising material shall be considered a sign. (Ord. 2453 § 1, 1986).~~

**19.70.016 Off-premises temporary real estate open house signs.**

~~Repealed by Ord. 2924 § 3, 2003. (Ord. 2494 § 1, 1987).~~

**19.70.017 Recycling collection centers.**

~~Notwithstanding the provisions of the commercial and industrial use regulations specified in Sections 2300 through 2585 of the ordinance with respect to recycling collection centers, recycling collection centers which are located within a convenience zone identified by the state of California Department of Resources, under the provisions of the California Beverage Container Recycling and Litter Reduction Act of 1986, shall comply with the following:~~

~~A. Reverse vending machines with a combined area of no more than 150 square feet and a height of no more than eight feet total may be permitted as an accessory use subject to site plan approval by the planning department. Reverse vending machines which are placed within an enclosed building occupied by the primary use do not require approval of a site plan.~~

~~B. Small collection facilities occupying an area of no more than 300 square feet total may be permitted as an accessory use subject to approval of a minor use permit granted by the zoning administrator.~~

~~C. Large collection centers with a combined area of over 300 square feet, but not exceeding the floor area equivalent of a 30-person occupancy load, may be permitted as an accessory or a primary use subject to the approval of a major use permit granted by the planning commission, and with approval of an application for site plan and architectural review by the design review committee.~~

~~D. The premises of all recycling collection centers shall be kept free of all litter and debris, and all recyclable articles removed prior to any storage container reaching capacity. Approval of a site plan or conditional use permit may be revoked by the permitting authority upon presentation of evidence that a recycling collection center is not maintained in a safe and sanitary manner.~~

~~E. Recycling collection centers shall be developed and operated in accordance with the design standards for recycling centers as adopted by the city council.~~

~~F. The regulations set forth in this section shall also apply to recycling facilities in existence prior to adoption of the ordinance codified in this chapter. Existing facilities shall have 60 days from the date of adoption to obtain required discretionary permits. (Ord. 2252 § 12, 1988; Ord. 2233 § 12, 1987).~~

**19.70.018 Cardrooms.**

~~Notwithstanding the provisions of CVMC 19.70.020, cardrooms may be permitted within those use regulations which allow participant sports and recreation for indoor uses upon approval of a major use permit by the city council, except that cardrooms shall not be permitted within any residential zone. (Ord. 2247 § 1, 1988).~~

**19.70.020 Adoption of county zoning regulations.**

~~For the purpose of regulating the use of land, the height of buildings, and the area of lots, building sites, yard spaces and other matters relating to zoning, the city council of the city of Chula Vista hereby adopts ~~San Diego County Ordinance No. 5281 (New Series), commonly referred to as the "Zoning Ordinance San Diego County" as the zoning ordinance for the Montgomery area as though fully set forth herein. Said ordinance is adopted in its entirety except for Sections 1000 through 1049 and Part 7. (Ord. 2137 § 1, 1985).~~~~

**19.70.021 Adoption of county ordinance exceptions.**

~~Sections 6799 and 6787(c) of the County Zoning Ordinance are hereby repealed. CVMC 19.58.260 Repair of vehicles; CVMC 19.62.110 Limitations of areas to be used; and CVMC 19.62.150 Residential parking front setback restrictions, shall be applicable to the Montgomery area identified in CVMC 19.70.040. (Ord. 2176 § 8, 1986).~~

**19.70.030 Terms.**

~~A. Wherever the phrase "board of supervisors" appears in CVMC 19.70.020, it shall be read as the "city council of the city of Chula Vista."~~

~~B. Wherever the phrase "San Diego County Planning Commission," "planning commission" or "board of planning and zoning appeals" appears in CVMC 19.70.020, it shall be read as the "Chula Vista planning commission."~~

~~C. Wherever the phrase "zoning administrator" appears in CVMC 19.70.020, it shall be read as the "zoning administrator of the city of Chula Vista."~~

~~D. Wherever the phrase "minor use permit," "administrative permit" or "major use permit" appears in CVMC 19.70.020, it shall be read as "conditional use permit." (Ord. 2137 § 1, 1985).~~

**19.70.040 Fees.**

~~Notwithstanding any provisions to the contrary in CVMC 19.70.020, the master fee schedule of the city of Chula Vista shall be used to determine the appropriate fee for the processing of zoning applications, land use application and variances. (Ord. 2137 § 1, 1985).~~

**19.70.050 Duties of zoning administrator.**

~~The city council of the city of Chula Vista recognizes that the adoption of the county of San Diego Zoning Ordinance for the Montgomery area will create ambiguities with the zoning regulations for the remainder of the city of Chula Vista. The city council, therefore, authorizes the zoning administrator to use the council's expressed intent for the Montgomery area to resolve these ambiguities in an administrative process. (Ord. 2137 § 1, 1985).~~

**Chapter 19.62  
OFF-STREET PARKING AND LOADING**

**Sections:**

- 19.62.010 Required when.
- 19.62.020 Size and access requirements.
- 19.62.030 Floor area defined.
- 19.62.040 ~~Alternatives to on-site parking; Alternative parking arrangements; Off-site shared parking agreements; on-site shared parking agreements~~
- 19.62.050 Number of spaces required for designated uses.
- 19.62.060 Parking areas – Development and maintenance generally.
- 19.62.070 Parking areas – Curbing required when – Specifications.
- 19.62.080 Parking areas – Screening requirements.
- 19.62.090 Parking areas – Landscaping.
- 19.62.100a Parking areas – Surfacing requirements – Waiver permitted when.
- 19.62.100b Pavement standards for private vehicular areas.
- 19.62.110 Limitation on areas to be used.
- 19.62.120 Parking areas – Lighting arrangements.
- 19.62.130 Waiver or modification of provisions permitted when.
- 19.62.140 Off-street loading – Number and size of spaces to be maintained.
- 19.62.150 Residential parking – Front setback restrictions – Generally.
- 19.62.160 Residential parking – Front setback restrictions – Exceptions.
- 19.62.170 Residential parking – Two-car garage requirement – Intent and purpose.
- 19.62.180 Residential parking – Two-car garage requirement – Garage setbacks.

19.62.190 Residential parking – Procedure for conversion to living purposes – Approval required.

19.62.200 Enforcement of this chapter.

**19.62.010 Required when.**

There shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, or any use is established, off-street parking spaces for automobiles in accordance with the requirements herein; provided, however, that when an addition is made to an existing building, only the square feet in the addition need be used in computing the required parking. (Ord. 1212 § 1, 1969; prior code § 33.801(A)).

**19.62.020 Size and access requirements.**

Size and access of off-street parking and loading facilities shall be as follows:

A. No parking area, except for a single-family or duplex residence, may be located so as to require or encourage the backing of automobiles or other vehicles across any street lot line, to affect egress from the places of parking.

B. Access to parking spaces for a single-family dwelling may be not less than nine feet in width throughout and paved in accordance with engineering specifications as adopted by the planning commission.

C. Driveways used to serve two to four dwelling units shall be not less than 12 feet if the furthest unit is 80 feet or less from the front property line, and a minimum of 15 feet if the distance is over 80 feet long. Driveways used to serve five or more dwelling units shall be not less than 15 feet for one single lane entrance; the combination of two separate driveways (an entrance and an exit) shall be not less than 25 feet; except, that a combined entrance and exit (two-way access) need not exceed 18 feet in width.

Driveways for parking areas serving other than residential units shall be a minimum of 15 feet wide for one-way traffic and 24 feet wide for two-way traffic. The minimum vertical clearance shall be 10 feet to allow for the passage of emergency vehicles, based on minimum standards administered by the city traffic engineer.

D. All aisles and turning areas shall be adequate to provide safe and efficient access to and from parking spaces, based on minimum standards administered by the city traffic engineer.

E. Tandem parking shall not qualify as required parking unless specifically approved by the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area. (Ord. 1212 § 1, 1969; prior code § 33.801(B)).

**19.62.030 Floor area defined.**

"Floor area," in the case of offices, merchandising or service types of uses, means the gross floor area used or intended to be used by tenants, and including floor area for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and

equipment used for display or sales of merchandise. (Ord. 1212 § 1, 1969; prior code § 33.801(C)).

**19.62.040 Alternatives to on-site parking arrangements: Off-site shared parking agreements; on-site shared parking agreements**

A. For any new nonresidential use, structure or building, required off-street parking which, due to the size or location of the parcel, cannot be provided on the premises may be provided on other property not more than 200 feet distant by publicly available pedestrian access from said use, structure or building, subject to an off-site shared parking ~~and~~ agreement with the city as to permanent reservation of said space and access thereto; or if the proposed nonresidential use lies within the boundary of a parking district, off-street parking requirements shall be considered to be met; provided, that any developer of a new commercial building within a parking district, or a developer of a commercial addition to an existing building therein, shall pay the required fee(s).

B. For any new use except single family residential uses in the R-1 zone, shared parking for two or more different land uses on the same site may be approved as part of the discretionary permit or where no discretionary permit is required, through a building permit subject to the following requirements:

- (1) Shared parking shall be for uses that are located on the same site.
- (2) Shared Parking Analysis Required. Shared parking is based upon the variations in the number of parking spaces needed (parking demand) over the course of the day for each of the proposed uses. The hour in which the highest number of parking spaces is needed (peak parking demand) for the proposed development determines the minimum number of required off-street parking spaces for the proposed development. The shared parking analysis shall be reviewed and approved by the director of development services and the city engineer.
- (3) Shared parking shall be enforced through a shared parking agreement in a form approved by the City.
- (4) Adequate signage shall be provided for tenants and/or residents which indicate the availability of the facility for patrons of the participating uses.
- (5) Modifications to the structure in which the uses are located or changes in tenant occupancy requires review by the development services director. (Ord. 2506 § 1 1992 Ord. 1894 § 1 1980 Ord. 1212 § 1 1969; prior code § 33.801(D)).

**19.62.050 Number of spaces required for designated uses.**

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, or in the opinion of the approving authority is not similar to any use found herein, the approving authority may apply a ratio based on a similar existing use not found herein. In

computing parking requirements, a resultant fractional space of one-half shall count as a full space.

The number of off-street parking spaces required shall be as set forth in the following:

**Businesses or Use and Number of Spaces Required**

**1. Auctions (See CVMC 19.04.015 and 19.58.055):**

At the time of application for a conditional use permit, the applicant shall submit parking information justifying the amount of parking proposed to be provided and the parking ratio. The information must consist of data upon which the approving authority can reasonably base a determination of adequacy, such as expected patronage or a comparison with the patronage of similar uses. Said parking ratio shall range from one space for each 50 square feet of net usable lot area to one space for each 4,000 square feet of net usable lot area.

Note: For purposes of this subsection, "net usable lot area" means the area of the parcel exclusive of setbacks, slopes, easements, required right-of-way dedications or other constraints which would preclude use of the land. If complaints are filed with the city regarding impacts related to off-site parking, the project shall be modified to add additional parking for employees and customers, and/or by reducing the auction and/or storage area, subject to the review and approval of the development services director of ~~planning and city engineer~~. Failure to resolve such off-site ~~public~~ parking problems by the owner of the property constitutes grounds for revocation of the conditional use permit.

**2. Automobile sales facilities, new or used (see CVMC 19.58.070):**

One for each 400 square feet of gross floor area, or one-tenth of the maximum car storage capacity, whichever is greater.

**3. Automobile repair and service garages:**

One for each 400 square feet of floor area.

**4. Banks and savings and loans:**

One for each 200 square feet of floor area; minimum of five.

**5. Bowling alleys:**

Five for each alley.

**6. Business and professional offices:**

One for each 300 square feet of gross floor area; minimum of four.

**7. Car wash (coin-operated), self-service or attendant-operated:**

Three for each stall, plus one for each employee.

**8. Children's homes:**

One for each four beds, plus one for each employee.

**9. Churches and private schools:**

One for each three and one-half seats in an auditorium or one for each 17 classroom seats, whichever is greater.

**10. Dancehalls and assembly halls without fixed seats, and exhibition halls, except church assembly rooms in conjunction with auditoriums, nonprofit clubs and lodges:**

One for each 50 square feet of floor area used for assembly or dancing.

**11. Dwellings, single-family, duplex:**

Two for each family or dwelling unit; both spaces shall be in a garage with a minimum area of 400 square feet (see Chapter 19.22 CVMC for remodeling of garages).

**12. Dwellings, townhouses:**

Two for each dwelling unit; both spaces shall be in a garage or carport, a minimum area of 400 square feet.

**13. Dwellings, multiple:**

One and one-half per unit for each studio or one-bedroom apartment.

Two per unit for each two-bedroom apartment.

Two per unit for each three-bedroom or larger apartment.\*

\*For every 10 parking spaces required, one of this total may be a "compact" space.

Note: No parking space shall be located within 20 feet of any curb return of intersection streets, or eight feet of any side property line, unless approved by the city traffic engineer.

**14. Funeral homes and mortuaries:**

One for each four seats of the aggregate number of seats provided in all assembly rooms of the mortuary.

**15. Furniture and appliance stores, and household equipment or furniture repair shops:**

One for each 600 square feet of floor area.

**16. Hospitals:**

One and one-half for each bed.

**17. Nursing homes and convalescent hospitals and homes for aged:**

One for each three beds.

**18. Houseboats:**

See dwellings, subsection (11) of this section.

**19. Hotels, motels, motor hotels:**

One space for each living or sleeping unit, plus one space for every 25 rooms or portion thereof to be provided on the same lot as use.

**20. Machinery sales and service garages:**

One for each 400 square feet of floor area.

**21. Manufacturing plants, research or testing laboratories, and bottling plants:**

One for each one and one-half persons employed at any one time in the normal operation of the plant or one for each 800 square feet, whichever is greater.

**22. Medical and dental clinics or offices:**

One for each 200 square feet of gross floor area; minimum of five.

**23. Mobilehome parks:**

Two spaces on each pad, one-third guest space per mobilehome located within 400 feet of the farthest unit, and at the community center, one space for each five pads up to 50 pads and one space for each 10 pads thereafter.

**24. Restaurants, bars and night clubs:**

One for each two and one-half permanent seats, excluding any dance floor or assembly area without fixed seats which shall be calculated separately as one space per 50 square feet of floor area.

25. Restaurants – Drive-in, take-out, snack stands: 15 spaces (minimum). Queue space for a minimum of five cars shall be provided for each drive-up service window or position. The queue space for each car shall be 10 feet wide and 20 feet long. Required queue spaces shall not obstruct access to parking aisles parking spaces, or pedestrian circulation.

26. Retail stores, shops, etc., except as provided for furniture stores, in subsection (15) of this section:

One for each 200 square feet of floor space.

27. Rooming and lodging houses:

One for each bedroom.

28. Schools:

Elementary – one per teacher or employee, plus five spaces.

Junior high – one per teacher or employee, plus five spaces.

High – one per four students.

29. Technical or Vocational Schools – one per three students plus one per full time equivalent employee.

30.29. Sports arenas, auditoriums, theaters, assembly halls and meeting rooms:

One for each three and one-half seats of maximum seating capacity.

31.30. Wholesale establishments, warehouses, service and maintenance centers, and communication equipment buildings:

One for each one and one-half persons employed at one time in the normal operation of the establishment, or one for each 1,000 square feet, whichever is greater.

(Ord. 2584 § 7, 1994; Ord. 2132 § 1, 1985; Ord. 1856 § 1, 1979; Ord. 1531 § 2, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.801(E)).

**19.62.060 Parking areas – Development and maintenance generally.**

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the requirements set forth in CVMC 19.62.070 through 19.62.120, and the City of Chula Vista Parking Table as may be amended from time to time. Where five or more required spaces are provided, each space shall be clearly delineated with paint or other more durable material contrasting in color with the surface to which it is applied. (Ord. 1212 § 1, 1969; prior code § 33.801(F)).

**19.62.070 Parking areas – Curbing required when – Specifications.**

Offstreet parking areas for more than three vehicles shall be provided with a suitable concrete curb or horizontal timber barrier not less than six inches in height, located not less than two feet from any street walkway or alley right-of-way line. All curbs or barriers shall be permanently anchored in a manner satisfactory to the

director of public works, to confine vehicles entirely within said premises, except in those cases where a wall is provided on the boundaries of the premises which, in the opinion of the zoning administrator, is of such construction as to suitably protect the adjoining property. (Ord. 1212 § 1, 1969; prior code § 33.801 (F)(1)).

**19.62.080 Parking areas – Screening requirements.**

Off-street parking areas for more than five vehicles shall be effectively screened by a 10-foot-wide landscaped strip and a masonry wall or fence of acceptable design. Such wall or fence shall be not less than three and one-half feet or more than six feet in height and shall be maintained in good condition without any advertising thereon. The requirements specified herein may be eliminated in whole or in part where, in the opinion of the zoning administrator, such requirements are not necessary for the proper protection of abutting property because of substantial grade differentials, the existence of adequate walls or other equally valid reasons. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.801(F)(2)).

**19.62.090 Parking areas – Landscaping.**

The total parking area shall be landscaped in accordance with the landscape manual of the city. (Ord. 1212 § 1, 1969; prior code § 33.801(F)(3)).

**19.62.100a Parking areas – Surfacing requirements – Waiver permitted when.**

Any off-street parking areas shall be surfaced in accordance with CVMC 19.62.100b; Surfacing-Pavement standards, so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles. The planning commission or chula vista redevelopment corporation for projects within a designated redevelopment project area, may, by resolution, waive or modify the standards for any use within the agricultural zone, or any use deemed as temporary (operating for a maximum of one year); provided, however, such temporary use shall be done in accordance with the surfacingpavement standards noted in CVMC 19.62.100b (A). (Ord. 2743 § 3, 1998; Ord. 1212 § 1, 1969; prior code § 33.801(F)(4)).

**19.62.100b SurfacingPavement standards for private vehicular areas.**

Areas upon private property which are required to be surfacedpaved per the various city regulations, or pursuant to conditional approval of the planning commission, or chula vista redevelopment corporation for projects within a designated redevelopment project area, shall be surfacedpaved in accordance with the requirements contained herein and with the standard specifications for public works construction and any amendments or supplements thereto, including the San Diego regional supplement amendments and the city of Chula Vista

standard special provisions. Such requirements shall apply to all areas to be surfaced/paved for the movement, parking or storage of vehicles except as specifically noted.

A. Temporary Use (Maximum of One Year). Temporary surfacing/pavement shall consist of permeable road base material suitable for light traffic or other intended use ~~two inches of compacted decomposed granite, the top one inch of which has been treated with CRS-2 or GMS-2 asphalt emulsion to form a permeable water-resistant and dust-free wearing surface. The asphalt emulsion shall be applied at such rates or a sufficient number of times to produce the specified wearing surface. A weed killer shall be applied to the entire area to be surfaced/paved in accordance with the manufacturer's recommendations.~~

As an alternative for pavements which will be used exclusively for the movement and parking of heavy trucks, ~~processed miscellaneous base, including recycled asphaltic concrete base, may be substituted for disintegrated granite.~~

B. Semi-Permanent Use (Maximum of Five Years). ~~Semi-permanent pavement shall consist of two inches of asphaltic concrete pavement with seal coat placed upon native soil. Asphalt concrete shall be Type III, Class B2 or Class C2, as specified in Section 400-4.3 of the standard specifications for the public works construction; except, that it shall be permissible to use AR-2000 asphalt cement as an alternate to AR-4000 asphalt cement. A seal coat in conformance with Section 302-5.10 of the San Diego regional supplement amendments using an RS-1 or equivalent high viscosity asphalt emulsion shall be applied to the entire paved surface.~~

~~Native soil to receive pavement shall be graded, scarified, and compacted to 95 percent minimum relative compaction per ASTM D-1557 to a minimum depth of six inches prior to installation of paving material. A weed killer shall be applied to the entire prepared native soil in accordance with the manufacturer's recommendations.~~

BC. Permanent Use (for areas less than 5,000 square feet). Permanent pavement for areas less than 5 000 square feet shall consist of a minimum of two inches of asphaltic concrete pavement with seal coat, ~~as described under "semi-permanent use" above,~~ applied over a four-inch-thick Class II aggregate base or better. Aggregate base shall comply with Section 400-2 of the San Diego regional supplement amendments and shall be compacted to 95 percent minimum relative compaction per ASTM D-1557. Native subgrade shall be graded, scarified, and compacted to 95 percent minimum relative compaction per ASTM D-1557 to a minimum depth of six inches prior to application of the asphaltic concrete structural section.

Permanent areas less than 5 000 square feet for the storage only of passenger-type vehicles may be surfaced/paved as specified under "temporary" "semi-permanent use." This provision/reduction in structural section shall apply only to the specific storage areas and does not include areas designated for parking or movement of vehicles. (Ord. 2743 § 3, 1998).

C. Permanent Use (for areas greater than 5 000 square feet) Permanent pavement for areas greater than 5 000 square feet for private vehicular areas shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Permit for San Diego Region and the City's Development Storm Water Manual and shall be constructed of pervious pavements such as permeable unit pavers, or porous asphalt or concrete. If impervious pavements are proposed, the runoff shall be directed to Low Impact Development (LID) or Treatment Control facilities such as vegetated swales or bioretention areas. Such LID and Treatment Control Best Management Practices (BMPs) shall be designed in accordance with acceptable design standards established in the City's Development Storm Water Manual. Pervious pavements, LID features, and Treatment Control BMPs shall be maintained for the life of the project to function as designed to infiltrate, filter, or treat runoff from impervious areas.

19.62.110 Limitation on areas to be used.

No part of any front yard or exterior side yard (i.e., street side of a corner lot) shall be used for off-street parking or access, except as noted in CVMC 10.84.020 and 19.62.150, unless so authorized by the zoning administrator, pursuant to an approved site plan. (Ord. 2743 § 3, 1998; Ord. 2176 § 6, 1986; Ord. 1212 § 1, 1969; prior code § 33.801 (F)(5)).

**19.62.120 Parking areas – Lighting arrangements.**

Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R zone. (Ord. 1212 § 1, 1969; prior code § 33.801(F)(6)).

**19.62.130 Waiver or modification of provisions permitted when.**

The commission or chula vista redevelopment corporation for projects within a designated redevelopment project area may, by resolution, waive or modify the provisions as herein set forth, establishing required parking areas for such uses as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses requiring a very limited number of persons as compared to the number of persons required by the usual industry of comparable size expressed in square footage. (Ord. 1212 § 1, 1969; prior code § 33.801(G)).

**19.62.140 Off-street loading – Number and size of spaces to be maintained.**

A. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use requiring the receipt of distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading space for

each additional 40,000 square feet or major fraction thereof.

B. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height clearance.

C. If such space occupies any part of any required yard or court spaces, it may not be located closer than 50 feet to any lot in any R zone, unless enclosed by a masonry wall not less than eight feet in height. (Ord. 1212 § 1, 1969; prior code § 33.802).

**19.62.150 Residential parking – Front setback restrictions – Generally.**

No required parking spaces or required maneuvering area may be located in the front or exterior setback area (except as noted in CVMC 10.84.020); the total combination of driveways and adjacent parking areas shall not occupy more than 50 percent of the front or exterior side yard. (Ord. 2176 § 6, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(A)).

**19.62.160 Residential parking – Front setback restrictions – Exceptions.**

In those cases where street improvements are at their ultimate width, the front setback area, for parking purposes, may be measured from the back of the sidewalk. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(B)).

**19.62.170 Residential parking – Two-car garage requirement – Intent and purpose.**

It is the intent of this section and CVMC 19.62.180 and 19.62.190 to require that all dwelling units in the A, R-E, R-1 and R-2 zones as well as single-family and two-family developments in the P-C zone shall have constructed on the same lot, as a necessary and essential accessory building to the residential use of said lot, a two-car enclosed garage containing a minimum of 400 square feet and minimum dimension of 20 feet. The purpose of said requirement is to provide adequate off-street parking so as to alleviate the congestion on residential streets and space for the necessary storage of materials in an enclosure. The enclosed garage is necessary to protect the general welfare of residential areas by preventing the establishment of parking spaces in an open parking lot situation inappropriate to residential development and the open and disorderly display of gardening equipment, tools, boxes and other materials which would be stored in enclosures to avoid an unsightly appearance. (Ord. 2151 § 1, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(C)(1)).

**19.62.180 Residential parking – Two-car garage requirement – Garage setbacks.**

Notwithstanding requirements contained in this chapter, minimum front yard shall be 22 feet from the inside edge of the sidewalk to the door of a garage or structure of a carport in the case of a driveway approximately perpendicular to the front property line. Any garage that

has its access from an alley shall be located 25 feet from the opposite side of the alley with a minimum setback of five feet from the alley. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(C)(2)).

**19.62.190 Residential parking – Procedure for conversion to living purposes – Approval required.**

Prior to the issuance of a building permit for the conversion of any existing garage or carport for living purposes, the property owner desiring such conversion shall be required to meet the following conditions:

A. A new enclosed two-car garage as set forth in CVMC 19.62.170 shall be provided to replace the garage or carport being converted. Tandem parking as provided in this chapter will not satisfy the parking requirements.

B. All plans for the conversions of existing garages or carports for living purposes, as well as plans for new garages, shall be submitted to the development services planning department for approval by the zoning administrator to insure that the conversion is compatible in design and materials with the existing dwelling. Plans for garage conversions shall show either:

1. The exterior of the garage unchanged; or
2. The exterior of the garage fully altered to match the existing house elevation in colors, materials and trim.

C. A filing fee as set forth in the master fee schedule shall accompany each application for a garage conversion. (Ord. 2151 § 2, 1986; Ord. 2011 § 1, 1982; Ord. 1669 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803 (C)(3)).

**19.62.200 Enforcement of this chapter.**

The ~~development services planning and building director, code enforcement officers and other employees~~ designated by the development services planning and building director shall have the authority to enforce this ~~chapter~~ in accordance with the procedures as set forth in Chapters 1.40 and 1.41 CVMC. Any violation of this chapter shall constitute an infraction, and the administrative citation provisions contained in Chapter 1.41 CVMC shall be applicable. (Ord. 2790, 1999; Ord. 2718 § 1, 1998; Ord. 2176 § 7, 1986).

**~~Chapter 19.64~~  
NONCONFORMING USES**

Sections:

- ~~19.64.010~~ Declaration of policy.
- ~~19.64.020~~ Continuance of existing uses.
- ~~19.64.030~~ Completion of construction started prior to certain date.



- ~~19.64.040~~ Existing conditional uses to be considered nonconforming when.
- ~~19.64.050~~ Enlargement, extension or reconstruction prohibited — Exceptions.
- ~~19.64.060~~ Substitution or extension restrictions.
- ~~19.64.070~~ Cessation of use defined — Time limits.
- ~~19.64.080~~ Uses subject to mandatory discontinuance.
- ~~19.64.090~~ Timing of discontinuance — Generally.
- ~~19.64.110~~ Discontinuance of structures having certain replacement value required — Time limit.
- ~~19.64.120~~ Removal of other uses and structures required — Notification — Time limits.
- ~~19.64.130~~ Uses not conforming to performance standards — Time limit for conformance.
- ~~19.64.140~~ Uses without conditional use permit — or subject to fence requirements — Time limit for conformance.
- ~~19.64.150~~ Nonresidential structures — Replacement restrictions.
- ~~19.64.155~~ Residential — Replacement permitted.
- ~~19.64.160~~ Modification of provisions permitted when.
- ~~19.64.170~~ Repair or alteration permitted when.
- ~~19.64.180~~ Uses not conforming to setback or height requirements — Alteration or enlargement permitted when.
- ~~19.64.190~~ Reconstruction permits.

**19.64.010 Declaration of policy.**

Many nonconforming uses within the city are detrimental to the orderly development of the city and adverse to the general welfare of persons and property, in that said nonconforming uses constitute a special benefit or monopoly. In conformance with good zoning practices, it is the policy of the city that nonconforming uses shall be eliminated as soon as it is economically feasible and equitable to do so. (Ord. 1212 § 1, 1969; prior code § 33.1101 (A)).

**19.64.020 Continuance of existing uses.**

Except as hereinafter specified, any use, building or structure existing as of July 8, 1969, may be continued, even though such use, building or structure may not conform with the provisions contained herein for the zone in which it is located; provided, however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect in Chula

Vista, unless said use, building or structure now conforms with the provisions herein.

Except as otherwise provided by law, nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority. (Ord. 1212 § 1, 1969; prior code § 33.1101(B)).

**19.64.030 Completion of construction started prior to certain date.**

A building, structure or part thereof which does not conform to the regulations for the zone in which it is situated, but for which a building permit was issued and construction started prior to July 8, 1969, may be completed in accordance with such plans, providing the work is prosecuted continuously and without delay. Such building shall be deemed to be a nonconforming use and shall thereafter be subject to the regulations set forth herein. (Ord. 1212 § 1, 1969; ~~Ord. 1212 § 33.1101(C)~~).

**19.64.040 Existing conditional uses to be considered nonconforming when.**

Any use legally existing as of July 8, 1969, which is listed as a conditional use in the zone wherein located, shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this title. (Ord. 1212 § 1, 1969; prior code § 33.1101(D)).

**19.64.050 Enlargement, extension or reconstruction prohibited — Exceptions.**

A nonconforming use shall not be enlarged, extended, reconstructed, substituted or structurally altered, except in conformity with the order of a duly constituted authority, unless the use is changed to a use permitted in the zone in which such building or premises is located, and except as set forth in CVMC 19.64.060 through 19.64.180. (Ord. 1212 § 1, 1969; prior code § 33.1102).

**19.64.060 Substitution or extension restrictions.**

A. When authorized in accordance with the provisions herein, a nonconforming use which is determined by the commission to be of the same or a more desirable nature may be substituted for another nonconforming use.

B. Whenever a nonconforming use has been changed to a conforming use, such use shall not be changed to a nonconforming use thereafter.

C. When authorized by the commission, in accordance with the provisions herein, a building devoted to a nonconforming use may be enlarged or completed upon the same lot or parcel where such completion is necessary and incidental to its use. (Ord. 1212 § 1, 1969; prior code § 33.1102(A)).

**19.64.070 Cessation of use defined — Time limits.**

A use shall be deemed to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon said use or not.

A. Cessation of Use of Building Designed for Nonconforming Use. A building or structure which was originally designed for a nonconforming use shall not be put to a nonconforming use again when such use has ceased 12 months or more.

B. Cessation of Use of Building Not Designed for Nonconforming Use. A building or structure which was not originally designed for a nonconforming use shall not be put to a nonconforming use again when such use has ceased for six months or more.

C. Cessation of Use of Nonconforming Use of Land. A nonconforming use of land, not involving any building or structure, except minor structures such as fences, signs and buildings less than 400 square feet in area, shall not be resumed when such use has ceased for six months or more. (Ord. 1212 § 1, 1969; prior code § 33.1102(B)).

**19.64.080 Uses subject to mandatory discontinuance.**

The following nonconforming uses are illegal and shall be discontinued in Chula Vista after the useful economic value of the principal structures used in said uses has been realized by the owners of such structures:

A. All nonconforming signs, billboards or commercial advertising structures;

B. All nonconforming uses involving no structure or structures of an assessed value of \$500.00 or less;

C. Use permitted in an I-R or I-L or I zone when nonconforming in any C-N zone;

D. Nonconforming residential uses located in an I-R, I-L or I zone. (Ord. 1356 § 1, 1974; Ord. 1212 § 1, 1969; prior code § 33.1102(C)).

**19.64.090 Timing of discontinuance — Generally.**

For determination of the time when such uses must be discontinued, the following tests and procedures are established, as set forth in CVMC 19.64.110 through 19.64.160. (Ord. 1295 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.1102(D)).

**19.64.110 Discontinuance of structures having certain replacement value required — Time limit.**

Nonconforming structures having a permit value, or by an appraisal made by the building inspector, of \$500.00 or less, shall be abated in three years from date of notification. (Ord. 1212 § 1, 1969; prior code § 33.1102(D)(2)).

**19.64.120 Removal of other uses and structures required — Notification — Time limits.**

A. Every nonconforming building in any of the R zones, except residential buildings, churches and schools, which nonconforming building was designed or intended for a use not permitted in the R zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located, and the use of such building shall be changed to conform with the uses permitted in the zone in which it is located within the times specified in this chapter, upon notice from the planning commission, which time is measured from the date of construction, or from the date of the last transfer of title prior to July 8, 1969, whichever is the lesser.

B. The provisions of this chapter shall also apply to every nonconforming building or use in the industrial zones which is used for, or devoted to, any residential purpose; hospitals (except emergency hospitals); hotels; institutions or homes for the treatment of convalescent persons, alcoholics, the wounded or mentally infirm; lodginghouses; schools; trailers used for human habitation or trailer camps; and which nonconforming building was designed or intended for a use not permitted in the I zone in which it is located.

C. In no case where the property is improved by structures requiring a building permit shall this period of time be less than 10 years from date of notification by the planning commission, except as provided in subsection (C)(1) of this section. As used in this section, the designations "Type I building," "Type II building," "Type III building," "Type IV building," and "Type V building" are employed as defined in the building code:

1. Where property is unimproved or is occupied by structures of a type for which the building code does not require a building permit, or any trailer park, five years after receipt of notification from the planning commission;

2. Type IV or Type V buildings (light incombustible frame and wood frame), 15 years;

3. Type I, Type II or Type III buildings (fire resistant, ordinary masonry or heavy timber construction), 25 years.

D. Where more than one type of building has been constructed on the property and such buildings are used as a part of the business conducted on the property, the longest period of time permitted before removal is required for any such building by the provisions of this chapter shall apply to all such buildings.

E. Where buildings have been constructed on the property at different times, and where the abatement period is measured by the date of construction, the date of removal shall be measured from the date of the construction of the building most recently

constructed. (Ord. 1212 § 1, 1969; prior code § 33.1102(D)(3)).

**19.64.130 Uses not conforming to performance standards—Time limit for conformance.**

All uses nonconforming as of July 8, 1969, by reason of noncompliance with performance standards established herein, shall adopt measures necessary to conform therewith within five years of July 8, 1969. (Ord. 1212 § 1, 1969; prior code § 33.1102(D)(4)).

**19.64.140 Uses without conditional use permit or subject to fence requirements—Time limit for conformance.**

Any use that is not conducted wholly within an enclosed building as required herein and any use that has fencing requirements shall be considered nonconforming. It shall be subject to the requirements of applying for a conditional use permit or conformed to the fencing regulations as notified within one year of notification and shall be abated in three years from the date of notification. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1102(D)(5)).

**19.64.150 Nonresidential structures — Replacement restrictions.**

Any nonresidential nonconforming building damaged more than 60 percent of its value, as established by the director of planning and building, at the time of damage by fire, explosion, wind, earthquake, war, riot, or other calamity or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 60 percent damaged, it may be restored, reconstructed or used as before; provided, that such be initiated within six months and be substantially completed within 12 months of such beginning. (Ord. 2700, 1998; Ord. 2760 § 1, 1998; Ord. 2708, 1997; Ord. 2599 § 2, 1994; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1102(D)(6)).

**19.64.155 Residential—Replacement permitted.**

Any residential unit which was legally constructed and is nonconforming with respect to the current zoning and/or density of the property shall be allowed to be reconstructed in the event of any damage or destruction of the existing residential improvements as defined in CVMC 19.64.150; provided, such be initiated within six months and be substantially completed within 12 months of such happening. This allowance shall not apply to industrial-zoned properties. Said reconstruction shall meet all applicable code requirements in place at the time of reconstruction and shall not be built beyond the existing building footprint. (Ord. 2708, 1997; Ord. 2599 § 3, 1994).

**19.64.160 Modification of provisions permitted when.**

Requirements prohibiting restoration or reconstruction or requiring discontinuance of nonconforming uses may be modified by the planning commission for dwellings located in any R zone or for buildings nonconforming only on the basis of yard or height requirements. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1102(D)(7)).

**19.64.170 Repair or alteration permitted when.**

Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure; provided, no structural alterations shall be made except such as are required by law or ordinance or authorized as permitted by the zoning administrator. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1102(E)(1)).

**19.64.180 Uses not conforming to setback or height requirements—Alteration or enlargement permitted when.**

Any structure that is nonconforming because of setback or height requirements may be altered and/or enlarged by approval of the zoning administrator on the basis that such alteration and/or enlargement shall conform to the regulations herein except as provided for in CVMC 19.22.170. (Ord. 2711 § 2, 1997; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1102(E)(2)).

**19.64.190 Reconstruction permits.**

A reconstruction permit may be approved to allow for the reconstruction of a nonresidential nonconforming structure in the event that such building has been damaged or destroyed by fire, explosion, or act of God. Said permit shall allow for reconstruction consistent with the original configuration of the building with the exception that no reconstruction can take place within the city's current right-of-way. The zoning administrator, in accordance with CVMC 19.14.180 and following a noticed public hearing, may approve a reconstruction permit based upon the following findings:

- A. The nonconformity of the building was not caused by any action of the building owner.
- B. The granting of the reconstruction permit will not cause the reconstruction of a building with a nonconformity which is or will be materially detrimental or injurious to the neighborhood or public welfare based upon factors including, but not limited to, parking, traffic, noise, and incompatible land uses in the immediate surrounding area.

C. The reconstruction does not exceed the existing nonconformity.

D. There are specific site constraints affecting the property which would make conformance with current zoning regulations an undue hardship and burden on the property owner. Such site constraints include, but are not limited to, factors such as minimal street frontage or limited vehicular access to the site.

E. The nonconformity allowed by the permit shall only apply to its current use. Said reconstruction permit shall be conditioned in that any new construction must meet current building and fire codes and not be permitted within the city right-of-way. The director of planning and building may waive certain other current development standards including building setbacks and landscaping regulations based upon hardship and upon the finding they will not cause a detrimental impact to the surrounding area. (Ord. 2760 § 2, 1998).

19.64.130	Previously conforming structure – Expansion of – Approval Process.
19.64.140	Previously conforming structure – Repair.
19.64.150	Previously conforming structure – Replacement – Residential.
19.64.160	Previously conforming structure – Replacement – Nonresidential.
19.64.170	Previously conforming structure – Replacement – Conditions of.
19.64.180	Previously conforming structure – Reconstruction permit - General.
19.64.190	Previously conforming structures – Reconstruction permit – Findings.
19.64.200	Previously conforming structure – Reconstruction permit – Conditions.
19.64.210	Previously conforming structure – Replacement – Modification of provisions permitted when.
19.64.220	Previously conforming structure – Abandonment.

**Chapter 19.64  
PREVIOUSLY CONFORMING USES  
AND STRUCTURES**

Sections:

19.64.010	Purpose and Intent.
19.64.020	Definitions.
19.64.030	Previously conforming use – Continuation of - Generally.
19.64.040	Previously conforming use – Expansion of - Generally.
19.64.050	Previously conforming use – Expansion – Conformance to performance standards.
19.64.060	Previously conforming use – Expansion of – Approval Process.
19.64.070	Previously conforming use – Outdoor uses subject to fence requirements – Time limit for conformance.
19.64.080	Previously conforming use – Abandonment.
19.64.090	Previously conforming structure – Continuation – Generally.
19.64.100	Previously conforming structure – Continuation – Construction started prior to regulation change.
19.64.110	Previously conforming structure – Expansion, alteration, repair, or replacement - Generally.
19.64.120	Previously conforming structure – Expansion or alteration – Setbacks and height.

19.64.010 Purpose and intent.

It is the general policy of the city to ensure that uses and structures that do not conform with existing regulations, either be brought into compliance with such regulations, discontinued or removed. The purpose of this section is to provide certain limited exceptions to the general policy for those uses and structures that were established and/or constructed in compliance with all applicable regulations at the time of development and which are compatible with surrounding development although they do not conform with existing regulations.

19.64.020 Definitions.

Whenever any words or phrases used in this chapter are not defined herein, but are defined in other sections of the city of Chula Vista's Municipal Code or in the certified local coastal program of the city, such definitions shall be incorporated herein and shall apply to such words or phrases used herein as though set forth fully herein, unless context clearly indicates a contrary intention.

A. "Development" means the uses to which land is put, the buildings constructed thereon, and all alterations of the uses land and construction incident thereto.

B. "Previously conforming structure" means any structure existing as of July 8, 1969, any structure on property annexed into the City after such date and that was established in compliance with the applicable regulations at the time of its construction, or any structure that was established in compliance with the applicable regulations at the time of its construction, which based on changes in zoning or annexation into the city, no longer complies with zoning regulations.

C. "Previously conforming use" means any use on a property existing as of July 8 1969 any use on a property annexed into the city after such date which was established in compliance with applicable regulations at the time of its initiation, or any use on a property established in compliance with applicable regulations at the time of its initiation, which based on subsequent changes in zoning, no longer complies with zoning regulations.

19.64.030 Previously conforming use - Continuation of - Generally.

Except as hereinafter specified, a previously conforming use may continue only if the following conditions are satisfied:

A. The city determines that the continuation of the previously conforming use does not endanger the health, safety, or general welfare of the public.

B. The use has not been abandoned pursuant to section 19.64.080

C. The owner or person claiming previously conforming status provides the director of development services sufficient documentation supporting a claim that the use is previously conforming.

D. The use has not been brought into conformance with existing zoning regulations.

19.64.040 Previously conforming use - Expansion of - Generally.

A previously conforming use may be expanded if specific findings are made by the Zoning Administrator that indicate the previously conforming use represents a long-term or traditional use of the site and is compatible with the surrounding area.

19.64.050 Previously conforming uses - Expansion - Conformance to performance standards.

If a previously conforming use is permitted to expand measures shall be adopted as necessary to conform with the applicable performance standards as set forth in CVMC Section 19.66.

19.64.060 Previously conforming use - Expansion of - Approval Process

The approval process for expansion of a previously conforming use shall be pursuant to CVMC Sections 19.14.030 or 19.14.040, as applicable.

19.64.070 Previously conforming use - Outdoor uses subject to fence requirements - Time limit for conformance.

Any previously conforming use that is conducted outdoors, but is required to be conducted wholly within an enclosed building or screened from public view as required in the zone, shall be required to obtain site plan and architectural approval pursuant to CVMC 19.14, following notification by the appropriate authority. Otherwise said use shall be abated within sixty days from the date of notification.

19.64.080 Previously conforming use - Abandonment.

A previously conforming use shall be deemed abandoned if such use has not been in use or operation or has ceased for 12 consecutive months. If the previously conforming use has been discontinued for the purpose of repair, remodeling, or reconstruction the maintenance of an active construction permit and continuance of a business license shall constitute conclusive evidence that such use has not been abandoned during the period of repair, remodeling, or reconstruction provided the work is conducted diligently to completion.

The Director of Development Services may extend for no longer than six months, the period of abandonment identified in section 19.64.080 due to demonstrated, overriding economic hardship during periods of regional economic distress.

19.64.090 Previously conforming structure - Continuation - Generally.

Except as hereinafter specified, a previously conforming structure may continue subject to the conditions herein provided all of the following conditions are satisfied:

A. The city determines that the continuation of the previously conforming structure does not endanger the health, safety, or general welfare of the public.

B. The structure has not been abandoned pursuant to section 19.64.220

C. The owner or person claiming previously conforming status provides the director of development services sufficient documentation supporting a claim that the structure is previously conforming.

D. The structure has not been brought into conformance with existing zoning regulations.

19.64.100 Previously conforming structure - Continuation - Construction started prior to regulation change.

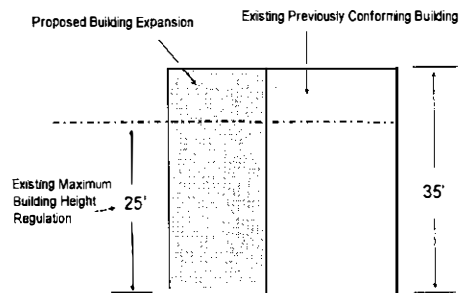
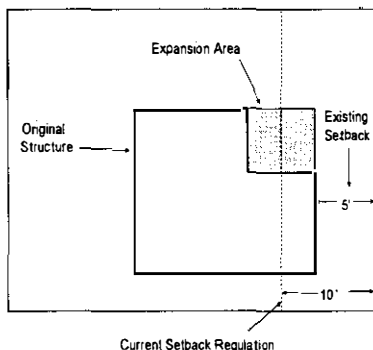
A building, structure or part thereof for which construction has begun prior to a change in regulations, which change would make the structure once completed a nonconforming structure, may be completed in accordance with the approved permit and plans, provided the work is implemented continuously and without delay. Such structure shall be deemed to be a previously conforming structure and shall thereafter be subject to the regulations set forth herein.

19.64.110 Previously conforming structure - Expansion alteration, repair, or replacement - Generally.

A previously conforming structure may be expanded, altered, repaired, or replaced in the manner and subject to conditions provided for herein.

19.64.120 Previously conforming structure - Expansion or alteration - Setbacks and height.

Any previously conforming structure that is nonconforming due solely to an intrusion into a setback and/or exceeds height limitations shall be permitted to expand provided the expansion does not increase the intrusion into the setback or the current height of the structure, as shown below, and such expansion complies with all other provisions of the code.



19.64.130 Previously conforming structure – Expansion of - Approval Process

The approval process for expansion of a previously conforming structure shall be pursuant to CVMC Sections 19.14.582 (A) or (I) as applicable.

19.64.140 Previously conforming structure – Repair.

Except as otherwise provided by law, previously conforming structures may be repaired or maintained as required to keep such structure in safe and sound condition; however, no structural alterations shall be made except such as are required by law or ordinance or authorized as permitted herein.

19.64.150 Previously conforming structure – Replacement – Residential.

Any previously conforming residential unit incurring damage by fire, explosion, wind, earthquake, war, riot, or

other calamity or act of God may be reconstructed, subject to the conditions in Section 19.64.170.

19.64.160 Previously conforming structure – Replacement – Nonresidential.

A. A previously conforming nonresidential structure incurring damage by fire, explosion, wind, earthquake, war, riot, or other calamity or act of God, which damage does not exceed 60 percent of its value, as established by the City Manager or designee at the time of damage, may be reconstructed subject to the conditions in Section 19.64.170.

1. Notwithstanding Section 19.64.160(A), reconstruction shall not be permitted in the city right-of-way.

B. In no event shall a previously conforming nonresidential structure incurring damage exceeding 60 percent of its value, as established by the City Manager or designee, at the time of damage, be reconstructed or restored to its condition prior to such damage.

19.64.170 Previously conforming structure – Replacement – Conditions of.

A. In order to reconstruct a previously conforming nonresidential structure in accordance with Sections 19.64.160 building permits must be applied for within 6 months of the event causing such destruction, and the construction must reach substantial completion within two (2) years of the event. Said reconstruction shall meet all applicable building code requirements in place at the time of reconstruction and shall not be built beyond the existing building footprint.

B. Reconstruction that does not satisfy the conditions in Section 19.64.170(A) shall be deemed nonconforming, the permits issued shall be void, and such construction if initiated shall either be abated or brought into compliance with all existing regulations as of the date a new construction permit is issued.

19.64.180 Previously conforming structure – Reconstruction permit - General.

Reconstruction of a previously conforming structure shall require the issuance of a reconstruction permit.

19.64.190 Previously conforming structures – Reconstruction permit – Findings.

The zoning administrator may approve a reconstruction permit only after making all of the following findings:

A. The reconstruction of the previously conforming structure will not be detrimental or injurious to the neighborhood or public welfare based upon factors including but not limited to parking, traffic, noise, and incompatible land uses in the immediate surrounding area.

B. The reconstruction as planned will not increase the previously conforming aspect of the original structure.

C. There are specific site constraints affecting the property which would make conformance with current zoning regulations an undue hardship and burden on the property owner. Such site constraints include, but are not limited to, minimal street frontage or limited vehicular access to the site.

D. The previously conforming structure will have the same use as immediately prior to the event causing the damage to the structure.

19.64.200 Previously conforming structure – Reconstruction permit – Conditions. Any reconstruction permit issued shall require that the structure being reconstructed meet current building codes.

19.64.210 Previously conforming structure – Replacement - Modification of provisions permitted when. Requirements prohibiting restoration or reconstruction or requiring abandonment of previously conforming structures may be modified for such structures if the previously conforming status is based solely on yard and/or height requirements.

The Director of Development Services may waive certain other current development standards including building setbacks and landscaping regulations based upon hardship and upon the finding they will not cause a detrimental impact to the surrounding area.

19.64.220 Previously conforming structure – Abandonment.

A previously conforming structure shall be deemed abandoned if such structure has not been occupied for 12 consecutive months. If the previously conforming structure has been unoccupied for the purpose of repair, remodeling, or reconstruction, the maintenance of an active construction permit and a continuance of a Business Tax Certificate shall constitute conclusive evidence that such structure not been abandoned during the period of repair, remodeling, or reconstruction, provided the work is conducted diligently to completion.

The Director of Development Services may extend, for no longer than six months, the period of abandonment identified in section 19.64.220, due to demonstrated overriding economic hardship during periods of regional economic distress.

**CVMC CHAPTER 2.55 ADMINISTRATION and PERSONNEL**

**2.55.050 Previous Planning Commission functions.**

A.. Administrative Activities. The corporation shall assume the functions of the Planning Commission with respect to administrative and quasi judicial items that relate to lands or uses within the geographic areas of the City that the City Council designates as areas within which the corporation has the authority to exercise planning and redevelopment functions. In those cases where a project straddles areas both within and outside redevelopment areas, planning functions shall be deferred to the decision making body with the majority of the project area within their authority. Any action by the corporation under this subsection shall be subject to appeal to the City Council pursuant to Chapter 19.12 or 19.14 CVMC, as applicable. (Ord. 3008 § 1, 2005).

**2.55.100 Operation of the corporation.**

A. Time of Meetings. The regular meetings of the corporation Board of Directors shall be held on the second and fourth Thursdays of each month, at 4:00 p.m., and at such other dates and times as the Board of Directors may designate as adjourned or special meetings of the Board of Directors of the corporation.



## Exhibit C

3/18/10

### Title 18 SUBDIVISIONS

Chapters:

18.04 Subdivision Policy and Procedure

18.08 Definitions

18.12 Tentative Maps

18.13 Vesting Tentative Maps

18.16 Final Maps

18.17 Improvements

18.18 Tentative Parcel Maps

18.19 Vesting Tentative Parcel Maps

18.20 Parcel Maps

18.24 Adjustment Plats

18.28 Deposits and Fees

18.32 Design Requirements

18.36 Improvements

18.40 Dedications

18.44 Covenants, Planned Unit Developments  
and Condominium Subdivisions

18.48 Violations and Remedies

18.52 Appeals

18.54 Recodified

#### Chapter 18.04 SUBDIVISION POLICY AND PROCEDURE\*

Sections:

18.04.010 Statutory authority.

18.04.020 Purpose, intent and scope of provisions.

18.04.040 Criteria for division and development of land – Adherence to general plan, zoning ordinance and, where applicable, local coastal program required.

18.04.050 Criteria for division and development of land – Street design and alignment and environmental protection.

18.04.060 Criteria for division and development of land – Community facilities to be provided – Procedure.

18.04.120 Provisions to be construed as restatements and continuations.

\* For provisions of the statutory Subdivision Map Act, see Government Code § 66410; for statutory authority for cities to regulate division of land which is not subdivision, see Bus. and Prof. Code § 11540.1; for statutory exclusions of land from subdivision, see Bus. and Prof. Code § 11700, et seq.

#### 18.04.010 Statutory authority.

This chapter is enacted pursuant to the authority granted by Section 66421 of the Government Code of the state of California and in accordance with the limitations of Section II of Article XI of the Constitution of the state, the general laws of the state, and Section 66410, et seq., of the Government Code of the state, known as the Subdivision Map Act. The provisions of this chapter are in addition to the regulations of said Subdivision Map Act and are supplemental thereto, consistent with and not in conflict with the provisions of said act. Within the Coastal Zone, in the event of any conflict arising between the provisions of the certified local coastal program (LCP) and the

## **Exhibit C**

subdivision ordinance or other legal authorities applying to the subdivision ordinance, the LCP shall control. (Ord. 2100 § 1, 1985).

### **18.04.020 Purpose, intent and scope of provisions.**

The purpose of this title, and any rules, regulations, standards or specifications adopted pursuant hereto, is to control and regulate the division or consolidation of land within the city as well as such land as may be hereafter annexed to the city and to provide for a clear and expeditious procedure for this purpose. Said rules and regulations adopted pursuant to this title as well as the regulations contained herein shall be applicable to the resubdivision of land or the alteration of the size and shape of any existing parcel of record. It is the specific intent of the city council to establish by local ordinance requirements for the recordation of a final subdivision map when land is to be divided into five or more parcels, or a parcel map where land is to be divided into less than five parcels, in conformity with the authorization of the State Subdivision Map Act, excepting those subdivisions of land identified herein. It is further the purpose of these regulations to require the subdivider to properly install streets and drains in accordance with the provisions of the State Subdivision Map Act and the standards and specifications adopted by the city; to require the subdivider to do the original work of placing the streets in a proper condition before the maintenance thereof is taken over by the city; to provide for the regulation and control of the design and improvement of a subdivision with proper consideration of its relation to adjoining areas and the effect said

subdivision would have on such areas; to require the establishment of open spaces and recreational areas in accordance with rules and regulations that presently exist or may hereafter be adopted; to provide for the designation and acquisition of sites for necessary public facilities to serve residential areas that are developed as the result of the subdivision of land; in the coastal zone, as defined in Public Resources Code Section 30103, to require full compliance with the provisions of the certified local coastal program; and to prevent fraud and exploitation in the sale of subdivisions or parts thereof in the interests of protecting the public, which has been declared to be the public policy of the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.102).

### **18.04.040 Criteria for division and development of land – Adherence to general plan, zoning ordinance and, where applicable, local coastal program required.**

The general plan of the city, as presently adopted or as it may hereafter be amended, is accepted as a guide for the use of all land within the boundaries of the city and for those properties located in the unincorporated area wherein land use is defined in said general plan. All land shall be subdivided and developed in accordance with the provisions and regulations of the comprehensive zoning ordinance of the city as it may be applied to the property subject to subdivision at the time of the filing of a subdivision map, or in accordance with such zoning as may later be applied to the property as a condition of a zoning ordinance incorporating land into a particular zone

subject to the filing of a subdivision map. In the coastal zone, as defined in Public Resources Code Section 30103, the certified local coastal program shall constitute the standard for all use of land. No subdivision approval shall be given to any project located in the coastal zone which is found to be in conflict with the certified local coastal program. The type and intensity of land use as shown in the Bayfront Land Use Plan shall determine the types of streets, roads, highways, utilities, and public services that shall be provided by the subdivider. For lands within the coastal zone, the subdivider shall obtain a coastal development permit, as prescribed in Chapter 19.83 CVMC, in addition to the other requirements of this code. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104(1)).

**18.04.050 Criteria for division and development of land – Street design and alignment and environmental protection.**

In designing and aligning streets within the subdivision, consideration shall be given to the previously established street and highway network contiguous to the proposed subdivision, the effect of the extension of said streets and alignment thereof in undeveloped land surrounding the subdivision, provision for uniformity of street widths, and for the total program of properly relating street alignments and street names. Preservation of the privacy and safety of streets in residential areas shall be encouraged by the minimizing of through traffic in such areas. The number of intersections on through streets and highways shall be reduced to a minimum consistent with the basic needs of ingress and egress

while ensuring adequate access to all areas. Intersections shall be so designed to provide for the greatest safety, both for pedestrians and motorists. Provision shall be made for assuring adequate light, air and privacy on all parcels of property, regardless of the land use. The trees, topography and other natural cover of the land shall be respected, and streets shall be designed so as to prevent excessive grading and scarring of the landscape. In the coastal zone, as defined in Public Resources Code Section 30103, the design and alignment of streets shall be consistent with the provisions of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104(2)).

**18.04.060 Criteria for division and development of land – Community facilities to be provided – Procedure.**

The subdivision procedures contained in this title and other requirements and regulations adopted by ordinance and incorporated in this code or by resolution of the city council shall provide necessary land and development thereof for parks, open space, schools, playgrounds and other required public facilities serving said subdivision. This title establishes procedures for the referral of proposed subdivision maps to those boards, bureaus and other governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner coincident with a subdivision of land and in accordance with such standards as may be adopted in the general plan for the city. In order to facilitate the acquisition of land areas required to

implement this policy, the commission may recommend that land be reserved by the subdivider for a certain period of time and subject to such conditions as prescribed herein, to permit the acquisition by the appropriate public agency of said land for open space, parks, playgrounds, and schools and other public purposes. The council may, under such conditions and circumstances as provided in this code, require that land be dedicated or fees be levied to accomplish this purpose. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104(3)).

#### **18.04.120 Provisions to be construed as restatements and continuations.**

The provisions of this title, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.111(2)).

### **Chapter 18.08 DEFINITIONS**

#### Sections:

18.08.010 Definitions – Generally.

18.08.020 Alley.

18.08.030 Block.

18.08.040 City manager.

18.08.050 Coastal Commission.

18.08.060 Coastal zone.

18.08.070 Commission.

18.08.080 Committee.

18.08.090 Council.

18.08.100 Cul-de-sac.

18.08.110 CVMC

18.08.120 Director of development services.

18.08.130 City engineer.

18.08.140 Freeway, major road and collector road.

18.08.150 Frontage road.

18.08.160 General plan.

18.08.170 Interested person

18.08.180 Local coastal program.

18.08.190 Lot.

18.08.00 Map Act.

18.08.210 Map, final.

18.08.220 Map, parcel.

18.08.230 Map, tentative.

18.08.240 Map, tentative parcel.

18.08.250 Map, vesting tentative.

18.08.260 Map, vesting tentative parcel.

18.08.270 Map package, approvable final.

18.08.280 Standard specifications.

18.08.290 Street, residential and industrial service street.

18.08.300 Street, residential collector.

18.08.310 Subdivider.

18.08.320 Subdivider's engineer.

18.08.330 Subdivision.

18.08.340 Subdivision, major.

18.08.350 Subdivision manual.

18.08.360 Subdivision, minor.

18.08.370 Usable park land.

#### **18.08.010 Definitions generally.**

Whenever any words or phrases used in this title are not defined herein, but are defined in the Government Code or Public Resources Code of the

state of California, the city's zoning ordinance, or the city's certified local coastal program, such definitions are incorporated herein and shall apply to such words and phrases used herein as though set forth herein in full, unless the context clearly indicates a contrary intention. Where words are used in a single gender and number, they shall be deemed to mean and include the feminine, masculine, or neuter gender and plural number whenever required (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.020 Alley.**

"Alley" means a street providing only secondary access to abutting property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.030 Block.**

"Block" means an area of land within a subdivision, which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.040 City manager.**

"City manager" means the city manager of Chula Vista or his duly authorized representative. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.050 Coastal Commission.**

"Coastal Commission" means the California Coastal Commission as defined in Public Resources Code Section 30105. (Ord. 2100 § 1, 1985).

**18.08.060 Coastal zone.**

"Coastal zone" means that land and water area of the city of Chula Vista as defined in Public Resources Code Section 30103 and that is more particularly delineated on the map adopted by the California Coastal Commission. (Ord. 2100 § 1, 1985).

**18.08.070 Commission.**

"Commission" means the Planning Commission of Chula Vista or the Chula Vista Redevelopment Corporation in redevelopment areas. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.080 Committee.**

"Committee" shall mean the Subdivision and development committee.

**18.08.090 Council.**

"Council" means the city council of Chula Vista. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.100 Cul-de-sac.**

"Cul-de-sac" means a street open at one end only, and providing at the other end special facilities for the turning around of vehicular traffic. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.110 CVMC**

"CVMC" shall mean the Chula Vista Municipal Code.

**18.08.120 Director of development services.**

"Director of development services" means the director of development services of Chula Vista or his authorized representative. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.130 City engineer.**

"City engineer" means the city engineer of Chula Vista or his duly authorized representative. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.140 Freeway, major road and collector road.**

"Freeway," "major road" and "collector road" means any vehicular route so designated on the general plan and shall be for the purpose of collecting and carrying large volumes of traffic. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.150 Frontage road.**

"Frontage road" means a street contiguous to a freeway, major road, or collector road, separated therefrom by a dividing strip and providing access to abutting property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.160 General plan.**

"General plan" means the general plan of the city, adopted September 22, 1964, and any amendments thereto. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.170 Interested person.**

"Interested person" means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the

decision maker at that public hearing or a person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing or a decision on an action from which an appeal may be filed.

**18.08.180 Local coastal program.**

"Local coastal program" means the City of Chula Vista Bayfront Local Coastal Program, which consists of the land use plan as certified by the Coastal Commission in March, 1984, and the specific plan and other implementing actions as certified by the Coastal Commission or any amendments thereto. (Ord. 2100 § 1, 1985).

**18.08.190 Lot.**

"Lot" means a parcel or portion of land legally separated from other parcels or portions by description, as on a subdivision map, record of survey map, parcel map or by metes and bounds, for purpose of sale, lease or separate use as of the effective date of the ordinance codified herein or as subsequently created in accordance with this title. The term "lot" shall further include any parcel which, at the time of annexation to the city, is a parcel of record. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.200 Map Act.**

"Map Act" means the Subdivision Map Act of the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.210 Map, final.**

"Final map" means a map prepared in accordance with the provisions of this title and the Subdivision Map Act of the state, which map is designed to be placed on record in the office of the San Diego County recorder. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.220 Map, parcel.**

"Parcel map" means a map and/or the process of dividing, adjusting or consolidating land under the conditions set forth in Chapter 18.20 CVMC for the purpose of sale, lease, transfer or financing, whether immediate or future, by any person. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.230 Map, tentative.**

"Tentative map" means a map made for the purpose of showing the design of a proposed major subdivision and the existing conditions in and around it, and need not be based upon a detailed final survey of the property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.240 Map, Tentative parcel.**

"Tentative parcel map" means a map made for the purpose of showing the design of a proposed parcel map and the existing conditions in and around it, and need not be based upon a detailed survey of the property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.250 Map, vesting tentative.**

"Vesting tentative map" means a tentative map for a residential subdivision, which conforms with the

requirements of Chapter 18.13 CVMC and confers upon the subdivider certain rights established by this title.

**18.08.260 Map, vesting tentative parcel**

"Vesting tentative parcel map" means a vesting tentative map prepared in conjunction with a parcel map. (Ord. 2134 § 1, 1985).

**18.08.270 Map package, approvable final.**

"Approvable final map package" means 1) a final map that meets all the requirements of the municipal code and the Map act and 2) is accompanied by the associated signed agreements guaranteeing the fulfillment of the tentative map conditions in a form approved by the city attorney.

**18.08.280 Standard specifications.**

"Standard specifications" means standard specifications and standard drawings prepared by the city engineer and approved by resolution of the city council. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.290 Street, residential and industrial service street.**

"Residential street" and "industrial service street" mean a street intended wholly or principally for local traffic, or service to abutting property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.300 Street, residential collector.**

"Residential collector street" means a street intermediate in importance between a residential

street and a collector road and which has the purpose of collecting traffic from local streets and carrying it to a major road. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.310 Subdivider.**

“Subdivider” means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this title to cause land to be divided into a subdivision for himself or for another. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.320 Subdivider’s engineer.**

“Subdivider’s engineer” means any individual or firm retained by the subdivider, and who is duly qualified to perform the duties of the engineer of work. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.330 Subdivision.**

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in subsection (f) of Section 1351 of the Civil Code; a community apartment project, as defined in subsection (d) of Section 1351 of the Civil

Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subsection (m) of Section 1351 of the Civil Code. Any division made solely for the purpose of street widening shall not be a subdivision, nor shall any land given under eminent domain proceedings or threat thereof.

**18.08.340 Subdivision, major.**

“Major subdivision” means any subdivision creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.



(e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Map act.

(Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.350 Subdivision manual.**

“Subdivision manual” means the manual of procedure entitled Subdivision Manual, pertaining to the division, adjustment, or consolidation of land as prepared by the city engineer and approved by resolution of the city council, including amendments to said manual, which may be made from time to time. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.360 Subdivision, minor.**

“Minor subdivision” means any Subdivision not considered a Major Subdivision pursuant to Municipal Code 18.08.270. .

(Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.370 Usable park land.**

“Usable park land” means land which meets the following minimum requirements and is determined to be acceptable by the director of parks and recreation:

A. Graded in conformance with a plan approved by the city;

B. All street improvements have been installed, or bonded for;

C. Turf and/or turf and decomposed granite;

D. All utilities required by the city have been installed and extended to the property line;

E. Irrigation system has been installed. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**Chapter 18.12  
TENTATIVE MAPS\***

Sections:

18.12.010 Filing – Fees.

18.12.020 Filing – Number of copies.

18.12.030 Filing – Title report.

18.12.040 Filing – Time of.

18.12.050 Map preparation – Registered engineer.

18.12.060 Map preparation – Compliance with subdivision manual.

18.12.070 Processing – Transmission and review of documents and data.

18.12.080 Processing – Pre-commission conference.

18.12.090 Processing – Report to commission.

18.12.100 Commission – Review and duties.

18.12.110 City Council – Setting date for consideration.

18.12.120 City Council – Determination.

18.12.130 City Council – Variance or suspension of requirements.

18.12.140 City Council – Public hearing required when.

18.12.150 City Council – Public hearing – Notice.

18.12.160 City Clerk – Notice of determination.

18.12.170 Filing of approved or conditionally approved maps.

18.12.180 Expiration of tentative map.

18.12.190 Extension of tentative map – Application and hearing.

\* For statutory provisions relating to tentative maps, see Bus. and Prof. Code § 11550, et seq.

**18.12.010 Filing - Fees.**

Fees shall be paid in accordance with CVMC 18.28.020 through 18.28.090. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.202).

**18.12.020 Filing – Number of copies.**

Each subdivider of a major subdivision shall file with the development services department such number of copies of the tentative map as may be required in the subdivision manual.

**18.12.030 Filing – Title report.**

Two copies of a preliminary title report on the property to be subdivided shall accompany the tentative map.

**18.12.040 Filing - Time of.**

The time of filing of a tentative map shall be construed to be the time at which the same, together with the required data, is received in the office of the director of development services, who shall indicate the date of filing upon all copies of the tentative map and accompanying data.

**18.12.050 Map Preparation - Registered engineer.**

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a civil engineer registered in the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.203).

**18.12.060 Map Preparation - Compliance with subdivision manual specifications.**

The tentative map shall be drawn to such size and scale and contain such information as set forth in the subdivision manual, including, but not limited to, a depiction of the property proposed to be subdivided and all lands in or under option to the subdivider and/or the owner of the property proposed to be subdivided. The development services department shall make available to the subdivider or his representative a copy of the subdivision manual and such other instruction sheets providing information relative to the preparation of said tentative map. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.204).

**18.12.070 Processing – Transmission and review of documents and data.**

Within five working days of the filing of a tentative map, the director of development services shall transmit the requested number of copies of said map together with accompanying data to such public agencies and public and private utilities as may be concerned. Each of the public agencies and utilities may, within 15 days after the tentative map has been received by such agency, forward to the commission a written report of its findings and recommendations thereon. Within 14 days after submittal of an application package and all required documents as required by the director of development services, the director of development services or his designee will hold a pre-commission conference on the tentative map with the subdivider and the committee. (Ord.

2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(1)).

**18.12.080 Processing - Pre-Commission conference.**

The director of development services or designated members of his staff shall make such recommendations to the subdivider as seem proper regarding the tentative map, and shall recommend consultations by the subdivider with relevant organizations, including public and private utilities, and report conclusions and findings to the subdivider within seven days of said conference. This procedure is not required in the processing of a parcel map. However, consultation with the director of development services, prior to the preparation of a tentative parcel map is recommended. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(2)).

**18.12.090 Processing – Report to commission.**

The director of development services or his designee shall prepare a written report of recommendations on the tentative map in relation to the requirements of this chapter and other applicable regulations of the city or public and private utilities, and shall submit the same to the commission within 21 days after receipt of the map. In the coastal zone, the report of the director of development services shall also state how the tentative map complies with the requirements of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(3)).

**18.12.100 Commission – Review and report duties.**

The commission shall consider the tentative map as submitted by the subdivider together with the recommendations prepared by the city engineer and the director of development services. The director of development services may, with a minimum of three working days' prior to commission's consideration of the project, require that all or any part of the boundaries and/or streets of a proposed subdivision be flagged at the site to facilitate any field review of the commission. The commission shall report, in writing, on the map of any subdivision submitted to it within 50 days after the tentative map has been filed which report shall recommend to the council approval, conditional approval or disapproval of the tentative map. The 50 day time period shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination that the project is exempt from the requirements of Division 13 (Commencing with Section 21000) of the Public Resources Code. The number, size and configuration of lots to be created and the alignment and width of streets and easements shall be clearly depicted upon the tentative map prior to recommendation of the commission. Conditions to make the tentative map approvable, which involve modifications to lots in terms of number, size or configuration, or to streets in terms of alignment or width, may be set forth by the commission for the guidance of the subdivider. However, when such conditions are substantial, the commission may require that these changes be incorporated upon a revised tentative map and returned to the director of

development services who shall have the authority to determine on behalf of the commission if the map is clearly in conformity with the conditions established by the commission and forward such map along with the commission's report to the council for decision. The director of development services may, at his discretion, require that the revised map be submitted to the commission for further review in any instance where the map is not clearly in conformity with such conditions. (Ord. 2091 § 1, 1984; Ord. 1369, 1971; prior code § 28.205(4)).

**18.12.110 City council – Setting date for consideration.**

At its next regularly scheduled meeting after receipt of the report of the commission, the council shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter.

**18.12.120 City council – Determination.**

On the date set for consideration of the tentative map, the council shall approve the tentative map if it finds that the tentative map complies with the requirements of this chapter. If the council finds that the tentative map does not meet the requirements of this chapter, it shall conditionally approve or disapprove said map. In the coastal zone, the tentative map shall, in addition, meet the requirements of the certified local coastal program and not result in the creation of a parcel or lot proposed for development that is totally located within an environmentally sensitive habitat area or flood

hazard area. (Ord. 2100 § 1, 1985; Ord. 2091 § 1, 1984; Ord. 1369, 1971; prior code § 28.205(5)).

**18.12.130 City Council - Variance or suspension of requirements.**

In approving a tentative map, the council may grant a suspension of any of the subdivision requirements set forth or referred to in this code, provided that such suspensions are not inconsistent with state law. A variance from the lot area, frontage, width, depth and front yard or setback requirements of the various zones set forth in this code may also be granted by the council. Any such suspension or variance shall be based upon a sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance, if granted, will not be materially detrimental to the general welfare of adjacent persons or property, and such other findings for suspension or variance as may be required in other sections of this code. The council may grant a variance from the requirements of the certified local coastal program and this chapter only if it does not affect environmentally sensitive habitat or public access to and along the Bayfront, will not otherwise create adverse environmental effects on coastal resources, and written findings based on substantial evidence are adopted in support thereof

**18.12.140 City Council – Public hearing required when.**

In certain instances, council shall hold a hearing on the tentative map prior to their determination. Those specific situations follow:

A. If the subdivision and development committee determines that a tentative map is possessed of sufficient public or community interest to justify the holding of a public hearing by the commission prior to action being taken on the tentative map, it may request the director of development services to set such hearing before council.

B. If a suspension or variance is requested.

**18.12.150 City Council - Public hearing – Notice.**

In the event that a public hearing is held, notice shall be mailed to the subdivider and to the owners of all property within 500 feet of the exterior boundaries of the property involved at least 10 days prior to the date of the hearing. The last known name and address of each owner as shown on the records of the county assessor may be used for the aforementioned notice. In the coastal zone, notice shall be given at least 10 calendar days before the public hearing of the time, date, and place of such hearing, including a general description of the area to be affected, and the street address, if any, of the property involved. Said notice shall be published at least once in a newspaper of general circulation in the city. In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property within 500 feet of the property that is the subject of the proposed change, as well as all residents within 100 feet of the property which is the subject of the proposed change, the California Coastal Commission, and any person who has filed a written request with the city clerk or secretary of the

redevelopment agency. Such a request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. A reasonable fee may be imposed on persons requesting such notice for purpose of recovering the cost of such mailing. Substantial compliance with these provisions shall be sufficient, and technical failure to comply shall not affect the validity of any action taken pursuant to the procedures of this chapter or the certified local coastal program. (Ord. 2100 § 1, 1985).

**18.12.160 City clerk – Notice of determination.**

The city clerk shall notify the subdivider, in writing, of the action taken by the council. In the coastal zone, the city clerk shall provide notice within seven calendar days of the final decision on the application for a tentative map. Such notice shall include conditions of approval, if any, written findings to support the decision, and the procedures for filing an appeal to the Coastal Commission, if applicable, and shall be sent by first class mail to the subdivider, the Coastal Commission, and any person who specifically requested notice of final decisions on subdivision applications. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205 (7)).

**18.12.170 Filing of approved or conditionally approved maps.**

One copy of the map and accompanying data, together with the commission's report and a record of the council's action with conditions of approval, if any, shall be filed in the office of the city clerk and retained until recordation of the final map or maps

encompassing the total area included in the tentative map. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.207).

**18.12.180 Expiration of tentative map.**

The approved or conditionally approved tentative map shall expire in 36 months in accordance with the total authorized period of the present, or as-amended requirements of Section 66452.6 of the Map act, unless it is extended in accordance with the provisions of section 18.12.180. Within such time period or the period of any extension thereof, the subdivider may cause a final map to be prepared and submitted to the city engineer for approval or disapproval in accordance with the tentative map as approved or conditionally approved and in accordance with the Map act and the provisions of this title.

**18.12.190 Extension of tentative map – Application and hearing.**

The subdivider may request an extension of the approved or conditionally approved tentative map by written application to the director of development services. Such application shall be filed at least 30, and not more than 90, calendar days before the approval or conditional approval is due to expire. The application shall state the reasons for the requested extension. The director of development services shall determine whether a public hearing is required based on changing conditions in the area. After conducting a public hearing or reviewing the requested extension, the council may approve or deny the requested extension. An extension shall not exceed 24 months

as provided in Section 66452.6(e) of the Map act.. (Ord. 2790, 1999; Ord. 2100 § 1, 1985; Ord. 2008 § 1, 1982; Ord. 1369, 1971; prior code § 28.208).

**Chapter 18.13  
VESTING TENTATIVE MAPS**

Sections:

18.13.010 Authority.

18.13.020 Filing and processing.

18.13.030 Rights conferred.

18.13.040 Consistency with zoning and general plan.

18.13.050 Expiration of rights conferred.

18.13.060 Extension of time.

**18.13.010 Authority.**

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California – Subdivision Map Act, and is intended to implement the provisions of that chapter. (Ord. 2134 § 3, 1985).

**18.13.020 Filing and processing.**

A. Whenever this title requires the filing of a tentative map for a residential development, the subdivider may file and have processed a vesting tentative map in the same manner and subject to the same requirements as a tentative map, except as provided in this chapter.

B. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face “vesting tentative map.”

C. In addition to the other information required by this title to be shown on or provided with a tentative map, a vesting tentative map shall show or be accompanied by the following information in a form satisfactory to the director of development services and the city engineer:

1. The height, bulk and location of proposed buildings.

2. The design and specifications of all public facilities including, but not limited to, on- and off-site sewer, water, drainage, roads, and other improvements. The subdivider shall submit detailed geological, drainage, flood control, soils, traffic, or other reports deemed necessary by the city engineer or the director of development services to permit complete review of the design and improvements for the subdivision. The subdivider, for subdivisions over five units, shall also submit a fiscal impact report prepared by an independent economic analyst, analyzing the projected impacts the development will have on services; the report shall include marketing information and a cost benefit analysis for the project.

3. Detailed final grading plans showing existing and proposed finished grades at two-foot intervals.

4. Information on the uses to which the buildings will be put and general architectural renderings of the buildings.

5. Detailed landscape plans.

D. Notwithstanding any other provisions of this code to the contrary, all vesting tentative maps, regardless of the number of lots, shall be considered by the council after a report and recommendation by the commission.

E. A vesting tentative map shall not be approved or conditionally approved unless the council finds on the basis of studies and reports submitted by the subdivider that all public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be available for the entire time that the vesting tentative map is valid, plus any time during which the rights conferred by CVMC 18.13.030 exist. (Ord. 2134 § 3, 1985).

#### **18.13.030 Rights conferred.**

A. Approval or conditional approval of a vesting tentative map shall confer a right to proceed with residential development in substantial compliance with the ordinances, policies and standards described in Section 66474.2 of the Government Code. However, if Section 66474.2 is repealed, the approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map was approved or conditionally approved. Any disputes whether a development substantially complies with the approved or conditionally approved map, or with ordinances, policies or standards described in this subsection, shall be resolved by the council.

B. Notwithstanding subsection (A) of this section, the permit or entitlement for development may be conditionally approved or denied if at the time of the issuance of the permit approval or entitlement, it is determined by the issuing authority or the council on appeal that:

1. A failure to condition or deny the permit or entitlement would place the residents of the

subdivision or of the immediate community or both in a condition dangerous to their health or safety; or

2. The condition or denial is required in order to comply with state or federal law.

C. Notwithstanding subsection (A) of this section, the amount of any fees which are required to be paid either as a condition of the map approval or by operation of any law shall be determined by application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative map. (Ord. 2134 § 3, 1985).

#### **18.13.040 Consistency with zoning and general plan.**

No vesting tentative map shall be approved if the proposed map or the design or improvement of the proposed development is not consistent with the applicable general, specific or master plans or with applicable provisions of CVMC Title 19. If development of the project for which a vesting tentative map requires any permits or approvals pursuant to CVMC Title 19, those permits or approval shall be processed concurrently with the vesting tentative map. A vesting tentative map shall not be approved if all other discretionary permits or approvals have not been approved either prior to or concurrently with the approval of the map. (Ord. 2134 § 3, 1985).

#### **18.13.050 Expiration of rights conferred.**

Unless extended pursuant to section 18.13.060, a vesting tentative map shall expire one year from the date of approval or conditional approval, and all rights

conferred by this section shall cease and the project shall be considered as the same as any subdivision which was not processed pursuant to this chapter if:

1. A final map is not approved prior to the expiration of the vesting tentative map.

2. The applicant has requested, and the city has approved, a change in the type, density, bulk or design of the development unless an amendment to the vesting tentative map has been approved.

#### **18.13.060 Extension of time.**

A. Upon the filing of a final map for a vesting tentative map, the rights conferred by section 18.13.030(A) of this chapter shall continue for one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this period shall begin for each phase when the final map for that phase is recorded.

B. The time period set forth in subsection (A) of this section shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds 30 days from the date a complete application is accepted.

C. The subdivider may apply to the council for a one-year extension of the time period set forth in subsection (A) of this section at any time before such time period expires. An extension may be granted only if the council finds that the map still complies with the requirements of this chapter. The city council may approve, conditionally approve, or deny the extension in its sole discretion.

D. If the subdivider submits a complete application for a building permit during the periods of time set forth in subsections (A) through (C) of this section, the



rights referred to therein shall continue until the expiration of that building permit or any extension of that permit.

E. Notwithstanding any provisions of this code to the contrary, the time for filing a final map for a vesting tentative map shall not be extended. Failure to file a final map within the time period established by this code for vesting tentative maps shall terminate all proceedings, and no final map for all or any part of the property included within the vesting tentative map shall be filed without first processing a new map pursuant to this title.

## **Chapter 18.16 FINAL MAPS\***

### Sections:

- 18.16.010 Filing – Fees.
- 18.16.020 Filing – Number of copies.
- 18.16.030 Filing – Deadline.
- 18.16.040 Filing – Map preparation - Qualifications.
- 18.16.050 Filing – Map preparation – Compliance.
- 18.16.060 Filing – Map preparation – Monumentation.
- 18.16.070 Filing – Documents required - Generally.
- 18.16.080 Filing – Documents required – Closures.
- 18.16.090 Filing – Documents required – Grading plans.
- 18.16.100 Filing – Documents required – Improvement plans.
- 18.16.110 Filing – Documents required – Design data.
- 18.16.120 Filing – Documents required – Report and guarantee of clear title.
- 18.16.130 Filing – Documents required – Title sheet.

- 18.16.140 Filing – Documents required – Certificates and documents regarding taxes and assessments.
- 18.16.150 Initial review – Examination and determination.
- 18.16.160 Post review – Engineer’s estimate of improvement costs – Contents - Scope.
- 18.16.170 Approval – Prerequisites – Notice.
- 18.16.180 Approval – Prerequisites – Completion of improvements.
- 18.16.190 Approval – Prerequisites – Documents and signatures.
- 18.16.200 Approval – Prerequisites – Payment of fees.
- 18.16.210 Approval – Timeframe.
- 18.16.220 Approval – Appeal.
- 18.16.230 Approval – Review of authority.
- 18.16.240 Action following approval – Recordation.
- 18.16.250 Amending of final maps.
- 18.16.260 Required easements to be shown for subsequent purchasers.
- 18.16.270 Abandonment of public easements.

\* For statutory provisions regarding form and content of final maps, see California Government Code § 66410.

### **18.16.010 Filing – Fees.**

Upon the filing of a final map, fees shall be paid in accordance with CVMC sections 18.28.020 through 18.28.090.

### **18.16.020 Filing – Number of Copies.**

Six blue-line or black-line prints of the final map and such other copies as may be required for checking and approval shall be submitted to the city engineer.

**18.16.030 Filing – Deadline.**

A final map of the subdivision or any unit thereof shown in the approved tentative map, shall be filed within 36 months after approval of the tentative map, or an extension of said approval.

**18.16.040 Filing – Map preparation - Qualifications.**

The subdivision or any unit thereof shown in the tentative map shall be surveyed and the final map thereof prepared by a registered civil engineer or licensed surveyor, in conformation with the tentative map as approved or conditionally.

**18.16.050 Filing – Map preparation – Compliance.**

The final map shall conform in size, material, scale and content with the requirements as set forth in the subdivision manual and with the requirements set forth in this chapter.

**18.16.060 Filing – Map preparation – Monumentation.**

Monumentation shall conform with the requirements as set forth in the subdivision manual, and the map shall show fully and clearly what monuments have been or are to be set.

**18.16.070 Filing – Documents required – generally.**

At the time of submitting the final map to the city engineer, the subdivider shall submit therewith the documents listed in CVMC 18.16.080 through 18.16.140. The final map shall not be considered as filed until all documents listed are completed and submitted except as specifically noted. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302).

**18.16.080 Filing – Documents required – Closures.**

Closures of the various lots and blocks, in number and in form approved by the city engineer, shall accompany a closure of the subdivision boundary. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(1)).

**18.16.090 Filing – Documents required – Grading plans.**

Detailed plans, soil reports, geologic reports and other data shall be included if required under the grading ordinance of the city. In the coastal zone, detailed grading plans, soil reports, liquefaction reports, geologic reports, and other data required by the certified local coastal program shall be included at the time of submittal of the final map to the city engineer. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(2)).

**18.16.100 Filing – Documents required – Improvement plans.**

Detailed plans, cross-sections, profiles and specifications in the number specified by the city engineer of the improvements to be installed as required by the provisions of this chapter and by the standard specifications, and of all other improvements

proposed to be installed by the subdivider in, on, over or under any street right-of-way, easement or parcel of land dedicated by the map or previously dedicated, shall be included. All such plans shall be prepared in accordance with the requirements of the city engineer. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(3)).

**18.16.110 Filing – Documents required – Design data.**

Complete design data, assumptions and computations, in accordance with sound engineering practice, shall be submitted to substantiate hydraulic and structural designs. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(4)).

**18.16.120 Filing – Documents required – Report and guarantee of clear title.**

A. The final map shall be accompanied by a report, prepared by a duly authorized title company, naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys and other public places and environmentally sensitive habitat areas shown on the map and certifying that, as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision.

B. In addition to the certificate required hereinabove, a subdivision guarantee shall be prepared and filed with the city engineer from a title company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided.

C. The owner's certificate shall bear the signatures of all parties owning any record title interest in the land subdivided, except those which have been omitted pursuant to Section 66436(a) of the Map act.

D. In addition to the subdivision title guarantee provided for herein, evidence satisfactory to the city attorney shall be submitted prior to the approval by the city of the final map showing that title insurance has or will be issued covering the property subject of the map. (Ord. 2100 § 1, 1985; Ord. 1391 § 1, 1972; Ord. 1369 § 2, 1971; prior code § 28.302(5)).

**18.16.130 Filing – Documents required – Title sheet.**

A fully executed title sheet by all parties having record title interest may be submitted no less than 10 days prior to city the city engineer's consideration of the final map. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(6)).

**18.16.140 Filing – Documents required – Certificates and documents regarding taxes and assessments.**

Prior to the filing of the final map with the city engineer, the subdivider shall file the certificates and documents set forth in Chapter 4, Article 8 of the State Subdivision Map Act or any amendments thereto relating to taxes and assessments. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.305).

**18.16.150 Initial Review – Examination and determination.**

Upon receipt of the final map and other data submitted therewith, the city engineer shall refer said

map and data to the appropriate departments, which shall examine them to determine:

A. That the subdivision as shown is substantially the same as it appeared on the approved tentative map, and any approved alterations thereof;

B. That all provisions of law and of this chapter applicable at the time of approval of the tentative map have been complied with; and

C. That the map is technically correct.

If the city engineer, upon review of reports by other departments, so determines the above criteria, he shall certify thereto on said map. If the city engineer does not so determine, he shall advise the subdivider of the changes or additions necessary to enable him to make such determination, and shall afford the subdivider an opportunity to make such changes or additions.. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.307).

**18.16.160 Post review – Engineer’s estimate of improvement costs – Contents – Scope.**

The subdivider’s engineer shall prepare and file a detailed cost estimate approved by the city engineer and an estimate of time reasonably necessary to complete the same. Subdivider’s engineer’s estimate of improvement costs shall include all public improvements within and immediately adjacent to the proposed subdivision, and shall include all grading and slope planting costs unless such work is to be performed under separate grading permit. The estimate shall be submitted following the initial review of the final map and improvement plans by the city.

**18.16.170 Approval – Prerequisites – Notice.**

Pursuant to Government Code 66458(d) the city engineer shall notify council at its next regular meeting after the city engineer receives an approvable final map package that the final map is being reviewed for final approval. The city clerk shall notice any final maps under final review on the city council agenda and shall notify any interested parties who have requested notice.

**18.16.180 Approval – Prerequisites – Completion of improvements.**

Prior to the approval of a final map, subdivider shall have completed all improvements and satisfied all conditions imposed as conditions of approval under the provisions of this chapter or by law required for such subdivision. In the event that all improvements required or conditions imposed are not completed before the filing of the final map, the subdivider shall enter into a subdivision improvement agreement with the city engineer, guarantying the installation of improvements in conformance with the tentative map and approved plans and specifications. The subdivision improvement agreement shall be secured by bonds, deposit, instrument of credit, or alternative form of security in the amount and type identified in Section 18.17.040 through 18.17.090, which security shall be approved by the City Attorney as to form and the city engineer as to sufficiency.

**18.16.190 Approval – Prerequisites – Documents and signatures.** All signatures, except those of the city clerk, city attorney, clerk of the board of supervisors and the county recorder shall be affixed to the title sheet prior to the city engineer’s

signature on the final map. The abstract of title or chain of title may be required by the city engineer prior to approval of the final map. The bond and agreement provided for in this section shall be filed with the city engineer prior to approval of the final map.

**18.16.200 Approval – Prerequisites – Payment of fees.**

No final map shall be approved until all water, sewer or other charges established by the master fee schedule and pertaining to the property being subdivided have been paid.

**18.16.210 Approval – Timeframe.**

The director of development services and the city engineer, and a registered land surveyor if the city engineer was registered in the state of California later than 1982, shall approve or disapprove said map within 10 days of the date council was noticed that the final map was under review for final approval pursuant to 66458(d) of the map act, unless the time for taking action shall have been extended by mutual consent of the city engineer and the subdivider.

**18.16.220 Approval – Appeal.**

The decision of the director of development services' and the city engineer's decision may be appealed to the council within 10 business days of the date council was noticed that the final map was under review for final approval. Within 30 days of the filing of a valid application for appeal the council shall hear the matter at a regularly scheduled meeting.

**18.16.230 Approval – Review of Authority.**

The city council shall periodically review the delegation of authority to the city engineer to approve final maps.

**18.16.240 Action following approval – Recordation.**

Upon approval by the city engineer of the final map, and receipt of the necessary recording fee, the city clerk shall cause the map to be transmitted to the county recorder. No final map shall have any force or effect, and no title to any property described in any offer of dedication thereon shall pass, until recordation of the final map. The subdivider shall present to the recorder evidence that, upon the date of recording as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land subdivided, whose signatures are required by the provisions Map act; otherwise the map will not be recorded. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.309).

**18.16.250 Amending of Final Maps**

To the extent consistent with other provisions of this Code, and pursuant to Government Code section 66472.1, amending maps may be filed only if all of the following are satisfied:

A. changes in circumstances make any or all of the conditions of the map no longer appropriate or necessary.

B. The modifications do not impose any additional burden on the fee owners of the real property.

C. The modifications do not alter any right, title or interest in the real property reflected on the recorded map.

D. The map conforms to Section 66474 of the Government Code.

**18.16.260 Required easements to be shown for subsequent purchasers.**

In the event a private access road or drainage or utility easement for the use of subsequent purchasers is required within the boundaries of the land to be divided, pursuant to the provisions of this chapter, said easements shall be delineated on the final map, and said easements as delineated shall be conveyed to subsequent purchasers of the parcels created.

Said easements shall be shown on the final map by a dashed line and a notation that the area so delineated represents a future easement to be conveyed to subsequent purchasers pursuant to Government Code 65870 and the requirements of this section.

**18.16.270 Abandonment of public easements.**

Maps approved by the city engineer with abandonment certificates by the City clerk pursuant to Section 66434(g) and 66499.201/2 of the government code shall constitute the abandonment of such easements upon the filing of the final map with the County Recorder.

**Sections:**

18.17.010 Construction prerequisites – Requirements generally.

18.17.020 Construction prerequisites – Soils report.

18.17.030 Construction prerequisites – Subdivision improvement agreement.

18.17.040 Construction prerequisites – Security – Generally.

18.17.050 Construction prerequisites – Security – Bonds.

18.17.060 Construction prerequisites – Security – Cash deposits.

18.17.070 Construction prerequisites – Security – Instruments of credit.

18.17.080 Construction prerequisites – Security – Other forms.

18.17.090 Construction prerequisites – Security – Unapproved plans.

18.17.100 Construction prerequisites – Security – Posting required prior to endorsement.

18.17.110 Construction prerequisites – Security – Applicability to parcel maps.

18.17.120 Work prior to improvement agreement – Construction permit required.

18.17.130 Security – Progress payments.

18.17.140 Security – Release of surety.

18.17.150 Security – Forfeiture of surety – Liability of subdivider when.

18.17.160 Security – Maintenance bond required.

18.17.170 Security - Required by reason other than subdivision of land – Applicability of this chapter.

**Chapter 18.17  
CONSTRUCTION OF IMPROVEMENTS**

**18.17.010 Construction prerequisites – Requirements generally.**

Prior to any construction of improvements and/or land development required, the subdivider shall have complied with and performed the following requirements, set forth in CVMC 18.17.020 through 18.17.120. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312).

**18.17.020 Construction prerequisites –Soil report.**

The city may require the subdivider to file detailed soil reports which shall be approved by the city engineer prior to commencement of any work. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(A)).

**18.17.030 Construction prerequisites – Subdivision improvement agreement.**

In the event that the subdivider has not completed the improvements prior to the filing and approval of the final map, in accordance with section chapter 18.16.180, the subdivider shall have entered into a subdivision improvement agreement, secured in the manner identified in this chapter, which agreement shall require the subdivider to make, install and complete within a time fixed, but in no case more than two years from the date of execution of said agreement, all improvements and/or land development in accordance with approved plans. In the coastal zone, all required public facility improvements, resource restoration, or resource enhancement shall be implemented to the maximum extent feasible either prior to or concurrently with the

approved subdivision development. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(B)).

**18.17.040 Construction prerequisites – Security arrangements – Generally.**

The subdivider shall file surety to guarantee completion of improvements in the amount and type identified in section 18.17.050, 18.17.060, 18.17.070, 18.17.080, or 18.17.090 as deemed appropriate by the city.

**18.17.050 Construction prerequisites – Security – Bonds.**

Bonds shall be executed by a surety company authorized to transact a surety business in California, and shall be approved as to form by the city attorney, and shall include:

A. A faithful performance bond in an amount deemed sufficient by the city engineer to cover up to 50 percent of the total cost of all required on-site and adjacent off-site improvements including 25 percent of grading and slope planting expenses as applicable.

B. A labor and material bond in a like amount.

C. A monumentation bond in an amount stipulated by the subdivider's engineer to cover the cost of placing lot corners and other related monuments.

D. If a separate landscape and irrigation bond is provided for the project, the amount of the bond shall be in an amount deemed sufficient by the city engineer to cover up to 50 percent of the planting and irrigation.

**18.17.060 Construction prerequisites – Security – Cash deposits.**

In lieu of the faithful performance and labor and material bonds, the subdivider may submit cash deposits under the conditions hereinafter described. Total cash deposit surety shall include:

A. A faithful performance cash deposit in an amount deemed sufficient by the city engineer to cover 50 percent of the total cost of all required on-site and adjacent off-site improvements including 25 percent of grading and slope planting expenses as applicable.

B. A labor and material cash deposit in a like amount.

C. A monumentation cash deposit in an amount stipulated by the subdivider's engineer to cover the cost of placing lot corners and other related monuments. Upon approval by the city engineer of the required monument-setting work, and upon subdivider's request, such cash deposit may be released as payment directly to the engineer or surveyor performing such work.

Disbursements from cash deposits shall be made in accordance with a separate agreement between the subdivider and the city. The required bookkeeping fee(s) shall be submitted with each such bond. Disbursements from a cash deposit filed with an approved escrow agency shall be made in accordance with a separate agreement between the subdivider and the city. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by both the subdivider and the city engineer.

**18.17.070 Construction prerequisites – Security – Instruments of credit.**

Instruments of Credit. In lieu of the faithful performance and labor and material bonds or cash deposits, the subdivider may submit instruments of credit under the conditions hereinafter described:

A. Such instruments of credit shall be issued by a financial institution subject to regulation by the state or federal government.

B. They shall be in a form and content approved by the city attorney.

C. They shall pledge that the funds necessary to meet the performance are on deposit, that they are guaranteed for payment, that the city can draw on demand, and that they shall become trust funds for the purposes set forth in the instrument.

D. They shall be accompanied by the following:

1. A current statement of assets

2. A resolution of the board of directors of the responsible organization authorizing the issuance and the amount of the letter.

3. A statement setting forth the date upon which the responsible organization was established.

E. The amounts and types of the Instruments of credit shall be as follows:

1. Faithful performance instrument of credit in an amount deemed sufficient by the city engineer to cover 50 percent of the total cost of all required on-site and adjacent off-site improvements including 25 percent of grading and slope planting expenses as applicable.

2. A labor and material instrument of credit in a like amount.

3. A monumentation instrument of credit in an amount stipulated by the subdivider's engineer to



cover the cost of placing lot corners and other related monuments.

**18.17.080 Construction prerequisites – Security – Other forms.**

Alternative forms of security may be acceptable; provided, that:

A. In the determination of the city engineer, the costs of completing the improvements being secured for a project do not exceed \$5,000,000.

B. In the determination of the finance director, the proposed security is backed by a guarantee and/or pledged assets with a net value equal to at least 50 times the estimated cost of the improvements being secured.

C. In the determination of the city attorney, there exists adequate remedies to access such security in the event that the party obligated to construct such improvements defaults on such obligation.

D. The form of such security and the terms and conditions upon which such security may be accepted are subject to the approval of the city attorney and the city engineer. Such conditions shall include, at a minimum:

1. The right of the city to require that conventional replacement security be submitted for any uncompleted secured improvements at the time a certificate of occupancy is issued for the project.

2. Developer's agreement to pay the city's attorneys' fees and costs if the city must enforce its remedies under the alternative security arrangement.

**18.17.090 Construction prerequisites – Security – Unapproved plans.**

Notwithstanding the sections 18.17.040 through 18.17.080, bonds or securities for improvements or grading that do not have approved plans shall be 150% of the aforementioned amounts; bonds or securities for improvements or grading for which there are no plans shall be 200% of the aforementioned amounts. (Ord. 2625 § 1, 1995; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312 (C)).

**18.17.100 Construction prerequisites – Security – Posting required prior to endorsement.**

The city clerk and city attorney shall not endorse or sign their respective certificates contained on the final map unless and until improvement security as hereinabove specified has been posted. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312 (C)(4)).

**18.17.110 Construction prerequisites – Security – Applicability to parcel maps.**

The security requirements identified in this chapter are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(C)(5)).

**18.17.120 Work prior to improvement agreement – Construction permit required.**

Should the subdivider desire to do certain work prior to entering into an agreement with the city to install and complete all subdivision improvements and land development work, he may make an application to do so under a construction permit. An application for such permit shall be accompanied by detailed

plans describing the work which is proposed. The city engineer may issue the construction permit to the subdivider or his contractor upon application of the applicant; provided, a bond has been posted in an amount which would assure the rehabilitation of the land, including grading and planting, in the event the subdivision map does not record. The performance bond and contractor's qualifications shall be as provided in this code.

A. When such a construction permit is for all work required in connection with the subdivision and the work has been completed, the agreement identified in CVMC 18.16.180 will not be required.

B. This section shall not apply in the coastal zone. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.313).

#### **18.17.130 Security – Progress payments.**

As construction of improvements progresses, the city may make progress payments to the subdivider from any deposited money or instrument of credit which the subdivider may have made in lieu of providing a surety bond; provided, however, that no such progress payment shall be made for more than 90 percent of the value of any installment of work; and provided, that the aggregate amount thus paid is not in excess of 50 percent of the total amount posted as improvement security. No progress payments from cash deposits shall be made except upon joint certification by the city engineer and the subdivider that work covered thereby has been completed. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(1)).

#### **18.17.140 Security – Release of surety.**

A. Improvement security given for faithful performance of the agreement shall be released upon the performance of the act secured or final completion and acceptance of the required work.

Notwithstanding the foregoing, the Director of Public Works may approve the partial release of the faithful performance security after the completion of all improvements in accordance with approved plans, to the satisfaction of the City Inspector in an amount not to exceed seventy-five percent of the dollar amount of the original security for faithful performance, provided the remaining balance of such security for faithful performance equals or exceeds the estimated cost, as determined by the Director of Public Works, in his sole discretion, to complete the outstanding work required under the Subdivision Improvement Agreement and/or any Supplemental Subdivision Improvement Agreement.

B. The 50 percent labor and material bond shall be retained to secure payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or material for 35 days after completion and acceptance of the work. Following such 35-day period, this labor and material security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the city.

(Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(2)).

#### **18.17.150 Security – Forfeiture of surety – Liability of subdivider when.**

In the event the subdivider fails to complete all improvement work in accordance with the provisions of this chapter and the improvement agreement, and the city shall have to complete same, the city shall call on the surety for reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of the surety bond, cash deposit or instrument of credit exceeds all costs and expenses incurred by the city, it shall release the remainder of such bond, cash deposit or instrument of credit, and if the amount of the surety bond, cash deposit or instrument of credit shall be less than the cost and expense incurred by the city, the subdivider shall be liable to the city for such difference. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(3)).

**18.17.160 Security – Maintenance bond required.**

The subdivider shall guarantee all public improvements for a period of one year from the date of final acceptance and shall correct any and all defects or deficiencies arising during said period as a result of the acts or omissions of the subdivider, his agents or employees. The subdivision guarantee shall be backed by a bond or cash deposit in the amount of 15 percent of the surety posted for improvements. The city shall provide written notice of the defect or deficiency. In any instance where the subdivider fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the city may cause the work to be performed and call on the surety for reimbursement. The maintenance bond shall be submitted prior to final acceptance by city. In the coastal zone, the maintenance bond shall guarantee

all public improvements, including such habitat restoration or enhancement work as is required by the certified local coastal program, for a period of one year from the date of final acceptance or until the habitat restoration or enhancement has permanently established itself, whichever is greater. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(4)).

**18.17.170 Security – Required by reason other than subdivision of land – Applicability of this chapter.**

To the extent consistent with other applicable provisions of this code, and all other applicable laws or regulations, the standards for performance, security obligations, and other requirements set forth in this chapter with respect to subdivision improvements shall also apply, under circumstances approved by the city attorney and the city engineer, to any and all other work or improvements constructed within the city requiring completion guaranties in favor of the city. (Ord. 2625 § 3, 1995).

**Chapter 18.18  
TENTATIVE PARCEL MAPS**

Sections:

- 18.18.010 Tentative parcel maps – Generally.
- 18.18.020 Application – Fee.
- 18.18.030 Application – Documents required.
- 18.18.040 Approval - Timeframe.
- 18.18.050 Approval – Prerequisite – Notice.
- 18.18.060 Approval – Findings required.
- 18.18.070 Approval – Certification.

- 18.18.080 Grounds for disapproval.
- 18.18.090 Appeals – Procedure.
- 18.18.100 Appeals – Modification authority.
- 18.18.110 Waiver - Procedure.
- 18.18.120 Waiver – Appeal.

**18.18.010 Tentative parcel maps – Generally.**

The provisions contained herein shall require the subdivider of land to file a tentative parcel map for any division, lot line adjustment or consolidation of land for which a parcel map is required, which tentative parcel map shall, in all respects, be in full compliance with the provisions of this code. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.401).

**18.18.020 Application – Fee.**

The applicant for a tentative parcel map shall file an application with the city engineer on a form prescribed by the city. The application shall be accompanied by a fee as set forth in CVMC 18.28.020 through 18.28.090, which will not be refundable, together with sufficient copies of a tentative parcel map prepared in accordance with the requirements set forth in the subdivision manual. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.402(A)).

**18.18.030 Application – Documents required.**

The following documents shall accompany the tentative parcel map at time of submission:

A. A legal description of the original parcel or parcels of record upon which the division or consolidation is proposed;

B. A statement setting forth the complete name and address of each of the owners of each original parcel of record involved;

**18.18.040 Approval – Timeframe.**

Within 21 days after receipt of the tentative parcel map the tentative parcel map shall be certified or approved. The 21 day time period shall commence following the certification of an environmental impact report, the adoption of a negative declaration, or a determination that the project is exempt from the requirements of Division 13 (Commencing with Section 21000) of the Public Resources Code.

**18.18.050 Approval – Prerequisite – Notice.**

The approval of a tentative parcel map shall be at a noticed time and date pursuant to 66451.3 of the map act. Notice shall be provided to the affected properties within a 500' radius that the proposed tentative parcel map is under consideration by the director of development services and the city engineer, or their designees.

**18.18.060 Approval – Findings.**

No tentative parcel map shall be either approved or deemed approved unless:

A. City engineer has made an express finding that the project is consistent with the general plan.

B. The project meets all the requirements of the local coastal program (for those projects within the local coastal zone). (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.403).

**18.18.070 Approval – Certification.**

A tentative parcel map shall be approved or deemed approved if either:

A. The city engineer determines that the tentative parcel map meets the requirements of this chapter. If he so determines, he shall certify to this fact on the face of the tentative parcel map.

B. The 21 time period for approval has passed and the tentative parcel map meeting all of the requirements of this chapter has not been approved, in which case, it shall be deemed approved in accordance with the Permit Streamlining Act (§65920 et. seq), and the city clerk shall so certify.

An approved tentative map shall be valid for 3 years following the date of approval, unless extended pursuant to section 18.18.130.

#### **18.18.080 Tentative Parcel map – Grounds for disapproval.**

The city engineer may disapprove any tentative parcel map which is sought to be submitted as a parcel map for any of the following reasons:

A. When the land involved is subject to flooding, sliding, slipping or other similar hazards as determined by the city engineer.

B. When said map does not conform substantially in its purpose and design to the general plan or any of the various elements thereof, or to any community, precise or specific plans which have been approved by the commission and council.

C. When the city engineer finds that the public health, safety or welfare justifies such action.

D. In the coastal zone, when said map does not conform in its purpose and design to the certified local

coastal program. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.405).

#### **18.18.090 Appeals from determinations – Procedure.**

In the event that the applicant or any interested party is dissatisfied with any determination of the city engineer as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions which they seek to impose, then the applicant may appeal to the council by filing a statement in writing with the director of development services stating the reasons for appeal within 10 business days following the determination. The matter shall be placed on the council agenda and heard within 30 days of receipt of a valid application for appeal. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.406).

#### **18.18.100 Appeal – Modification authority.**

Subject to the requirements of this chapter, the council may affirm, reverse or modify any determination of the city engineer with respect to the tentative parcel map. In the coastal zone, subject to the requirements of the certified local coastal program and this chapter, the council may affirm, revise, or modify any determination of the city engineer with respect to the tentative parcel map. Notice of a final decision by the council shall be provided to the applicant, Coastal Commission, and any known interested person as provided in this code. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.407).

**18.18.110 Tentative parcel map – Waiver – Procedure.**

The city engineer may waive the requirement of a tentative parcel map provided a 10 day notice is given to all properties within a 500' radius of the subject property of the time and date of the administrative hearing therefore.

**18.18.120 Tentative Parcel Map – Waiver – Appeal**

All interested parties are provided the opportunity to appeal the decision within 10 business days of decision of the city engineer. The appeal shall be heard within 30 days of filing a valid application for appeal by the council. Any application for a tentative parcel map waiver shall be filed as outlined in the Subdivision Manual.

**18.18.130 Tentative Parcel map – Extension of approval.**

Upon application, an extension of the approval of the tentative parcel map, both within the coastal zone and otherwise, not to exceed five years, may be granted by the commission. Notice of the decision shall be provided to the applicant, the Coastal Commission for tentative parcel maps within the Coastal Zone, and any known interested person as provided in this code. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.408).

**Chapter 18.19  
VESTING TENTATIVE PARCEL MAPS**

Sections:

18.19.010 Authority.

18.19.020 Filing and processing.

18.19.030 Rights conferred.

18.19.040 Consistency with zoning and general plan.

**18.19.010 Authority.**

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California – Subdivision Map Act, and is intended to implement the provisions of that chapter. (Ord. 2134 § 3, 1985).

**18.19.020 Filing and processing.**

A. Whenever this title requires the filing of a tentative parcel map for a residential development, the subdivider may file a vesting tentative parcel map in the same manner and subject to the same requirements as a tentative parcel map, except as provided in this chapter.

B. At the time a vesting tentative parcel map is filed, the words "vesting tentative parcel map" shall appear conspicuously on its face.

C. In addition to the other information required by this title to be shown on tentative parcel map, a vesting tentative parcel map shall show or be accompanied by the following information in a form satisfactory to the director of development services and the city engineer:

1. The height, bulk and location of proposed buildings.

2. The design and specifications of all public facilities including, but not limited to, on- and off-site sewer, water, drainage, roads, and other improvements. The subdivider shall submit detailed

geological, drainage, flood control, soils, traffic, or other reports deemed necessary by the city engineer or the director of development services to permit complete review of the design and improvements for the subdivision. The subdivider, for subdivisions over five units, shall also submit a fiscal impact report prepared by an independent economic analyst, analyzing the projected impacts the development will have on services; the report shall include marketing information and a cost benefit analysis for the project.

3. Detailed final grading plans showing existing and proposed finished grades at two-foot intervals.

4. Information on the uses to which the buildings will be put and general architectural renderings of the buildings.

5. Detailed landscape plans.

D. Notwithstanding any provisions of this code to the contrary, all vesting tentative parcel maps shall be referred to the city engineer for consideration. The decision of the city engineer shall be final unless the decision is appealed to the council pursuant to applicable provisions of this code.

E. Notwithstanding any provision of this code to the contrary, the time for filing a parcel map for a vesting tentative parcel map shall not be extended. Failure to file a parcel map within the time period established by this code shall terminate all proceedings, and no parcel map for all or any part of the property included within the vesting tentative parcel map shall be filed without first processing a new tentative parcel map pursuant to this title.

F. A vesting tentative parcel map shall not be approved or conditionally approved unless the city engineer finds on the basis of studies and reports

submitted by the subdivider that all public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be available for the entire time that the vesting tentative parcel map is valid, plus any time during which the rights conferred by CVMC 18.19.030 exist. (Ord. 2134 § 3, 1985).

#### **18.19.030 Rights conferred.**

A. Approval or conditional approval of a vesting tentative parcel map shall confer a right to proceed with residential development in substantial compliance with the ordinances, policies and standards described in Section 66474.2 of the Government Code. However, if Section 66474.2 is repealed, the approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative parcel map was approved or conditionally approved. Any disputes whether a development substantially complies with the approved or conditionally approved vesting tentative parcel map, or with ordinances, policies or standards described in this subsection, shall be resolved by the council.

B. Notwithstanding subsection (A) of this section, the permit or entitlement for development may be conditionally approved or denied if at the time of the issuance of the permit approval or entitlement, it is determined by the issuing authority or the council on appeal that:

1. A failure to condition or deny the permit or entitlement would place the residents of the

subdivision or of the immediate community or both in a condition dangerous to their health or safety; or

2. The condition or denial is required in order to comply with state or federal law.

C. The rights conferred by a vesting tentative parcel map shall expire if:

1. A parcel map is not approved prior to the expiration of the vesting tentative parcel map.

2. The applicant has requested, and the city has approved, a change in the type, density, bulk or design of the development unless an amendment to the vesting tentative parcel map has been approved.

D. Upon the filing of a parcel map for a vesting tentative parcel map, the rights conferred by subsection (A) of this section shall continue for one year. Where several parcel maps are recorded on various phases of a project covered by a single vesting tentative parcel map, this period shall begin for each phase when the parcel map for that phase is recorded.

E. The time period set forth in subsection (D) of this section shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds 30 days from the date a complete application is accepted.

F. The subdivider may apply to the city council for a one-year extension of the rights conferred by subsection (D) of this section at any time before the time period set forth in subsection (D) expires. An extension may be granted only if the council finds that the map still complies with the requirements of this chapter. The council may approve, conditionally approve, or deny the extension in its sole discretion.

G. If the subdivider submits a complete application for a building permit during the periods of time set forth in subsections (D) through (F) of this section, the rights referred to therein shall continue until the expiration of that building permit or any extension of that permit.

H. Upon the expiration of the time limit specified in subsections (A), (D), (E), (F) or (G) of this section, all rights conferred by this section shall cease and the project shall be considered as the same as any subdivision which was not processed pursuant to this chapter.

I. Notwithstanding subsection (A) of this section, the amount of any fees which are required to be paid either as a condition of the map approval or by operation of any law shall be determined by application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative parcel map. (Ord. 2134 § 3, 1985).

#### **18.19.040 Consistency with zoning and general plan.**

No vesting tentative parcel map shall be approved if the proposed map or the design or improvement of the proposed development is not consistent with the applicable general, specific or master plans or with applicable provisions of CVMC Title 19. If development of the project for which a vesting tentative parcel map requires any permits or approvals pursuant to CVMC Title 19, those permits or approval shall be processed concurrently with the vesting tentative parcel map. A vesting tentative parcel map shall not be approved if all other



discretionary permits or approvals have not been approved either prior to or concurrently with the approval of the vesting tentative parcel map. (Ord. 2134 § 3, 1985).

## **Chapter 18.20 PARCEL MAPS**

### Sections:

18.20.010 Parcel maps – Generally.

18.20.020 Filing – Application.

18.20.030 Filing – Fees.

18.20.040 Filing – Number of copies.

18.20.050 Filing – Deadline.

18.20.060 Filing – Map preparation – Qualifications.

18.20.070 Filing – Map preparation – Compliance.

18.20.080 Filing – Map preparation – Monumentation.

18.20.090 Filing – Map preparation – Adjacent parcels.

18.20.100 Filing – Documents required – Generally.

18.20.110 Filing – Documents required – Legal description.

18.20.120 Filing – Documents required – Owners statement.

18.20.130 Filing – Documents required – Closures.

18.20.140 Filing – Documents required – Consent.

18.20.150 Approval – Prerequisites – Notice.

18.20.160 Approval – Prerequisites – Completion of Improvements.

18.20.170 Approval – Prerequisites – Setting monuments.

18.20.180 Approval – Prerequisites – Additional requirements.

18.20.190 Approval – Authority.

18.20.200 Approval – Certification.

18.20.210 Approval – Appeal – Procedure.

18.20.220 Approval – Appeal – Review and final decision.

18.20.230 Action following approval – Recordation.

18.20.240 Required easements to be shown for subsequent purchasers.

18.20.250 Abandonment of public easements.

18.20.260 Waiver of requirement for parcel map.

### **18.20.010 Parcel Maps – Generally.**

In those instances where a tentative and final map are not required pursuant to section 66426 of the map act, a parcel map shall be required. A parcel map may also be used to adjust a lot line or consolidate land for those lot line adjustments and consolidations identified in section 66412(d) of the map act.

### **18.20.020 Filing – Application.**

An applicant for a parcel map shall file an application with the city engineer on a form prescribed by the city.

### **18.20.030 Filing – Fees.**

Upon the filing of a parcel map, fees shall be paid in accordance with CVMC sections 18.28.020 through 18.28.090, which fees shall not be refundable.

### **18.20.040 Filing – Number of copies.**

The filing shall include the number of prints as required in the Subdivision Manual, and such other copies as may be required for the checking and approval shall be submitted with the application.

**18.20.050 Filing – Deadline.**

A parcel map shall be filed with the city engineer within three years, or any approved extension thereof, of the approval of the tentative parcel map.

**18.20.060 Filing – Map preparation – Qualifications.**

The parcel map shall be prepared in accordance with Section 66445 of the Map act by a registered civil engineer licensed in the State of California prior to 1982 or licensed land surveyor and, in accordance with the Land Surveyors Act, shall bear certificates as prescribed in Section 66449 and 66445(i) of the Map act (shown below), executed by the licensed surveyor or registered civil engineer responsible for presentation of the parcel map:

This map was prepared by me or under my direction and is based on a field survey in conformance with the requirements of the State Subdivision Map Act and local ordinance at the request of [name of person authorizing the map] on \_\_\_\_\_, 20\_\_\_. Monuments of the character indicated have been set or found as shown, I will set all other monuments of the character and position indicated by legend on this map within 30 days after the completion of the required improvements and their acceptance by the city of Chula Vista; and that such monuments are, or will be sufficient to enable the survey to be retraced. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative parcel map, if

any, and that the survey is true and complete as shown.

Signed and Sealed \_\_\_\_\_.

(L.S. or R.C.E. No.) \_\_\_\_\_.

**18.20.070 Filing – Map preparation – Compliance.**

The parcel map shall conform in size, material, content, and in all other respects, with the requirements set forth in the map act, the CVMC, including zoning, and the subdivision manual.

**18.20.080 Filing – Map preparation – Monumentation.**

Monumentation shall conform with the requirements as set forth in the subdivision manual, and the map shall show fully and clearly what monuments have been or are to be set.

**18.20.090 Filing – Map preparation – Adjacent parcels.**

Record information concerning adjacent property shall be shown upon the parcel map to the extent that such information has a direct bearing upon the parcels being created.

**18.20.100 Filing – Documents required - Generally.**

At the time of submitting the parcel map to the city engineer, the subdivider shall submit therewith the documents listed in CVMC 18.20.110 through 18.20.140. The parcel map shall not be considered as filed until all documents listed are completed and submitted except as specifically noted.

**18.20.110 – Filing – Documents required – Legal description.**

A legal description of the original parcel or parcels of record upon which the division or consolidation is proposed.

**18.20.120 Filing – Documents required – Owners statement.**

A statement setting forth the complete name and address of each of the owners of each original parcel of record involved.

**18.20.130 Filing – Documents required – Closures.**

Mathematical closures of each parcel to be created and, if feasible, of each original parcel of record.

**18.20.140 Filing – Documents required – Consent.**

Submission of a report by a duly authorized title company naming the person whose consent is necessary to the preparation and recordation of the parcel map may be required.

**18.20.150 Approval – Prerequisites – Notice.**

If it is determined that the approval of a parcel map would deprive substantial or significant property rights of other property owners, notice and opportunity for a hearing shall be provided.

**18.20.160 Approval – Prerequisites – Completion of improvements.**

Prior to the approval of a parcel map, the subdivider shall install and complete all necessary improvements and meet all drainage and grading requirements, unless, pursuant to CVMC section 12.24.070, it is

determined by the city engineer that such installation would create a dangerous condition, be infeasible, or be impractical. In the event that the applicant does not complete such improvements prior to filing the parcel map, the subdivider shall execute an agreement, backed by sufficient security in accordance with CVMC section 18.17.110, with the city to ensure that all necessary improvements are installed.

**18.20.170 Approval – Prerequisites – Setting monuments.**

Prior to the approval of a parcel map, all lots created shall be monumented at all corners and points of curvature by a licensed surveyor or registered civil engineer licensed in the State of California prior to 1982, unless the engineer or surveyor certifies on the map that the monuments will be set within 30 days following the recordation of the parcel map or acceptance of improvements, whichever is applicable, and the subdivider provides sufficient security to guarantee such delayed installation of monumentation in accordance with section 66496 of the map act.

**18.20.180 Approval – Prerequisites – Additional requirements.**

The city may require such additional information and documentation to ensure the provisions and purpose of this title are met, including, but not limited to, proof that there are adequate utilities including water, gas, electricity, communication and sewerage for the proposed use of the land or that they will be provided. All such requirements shall be in written

form, a copy of which shall be delivered to the applicant with the approved parcel map.

**18.20.190 Approval – Authority.**

The city engineer is authorized to make all of the findings necessary for approval of and to approve, conditionally approve, or disapprove parcel maps; however, no parcel map shall be approved, which makes an existing building or structure substandard in respect to yard or other zoning requirements specified in this code, nor shall any existing easement in favor of the public be rendered impractical by the creation of a parcel on a parcel map.

**18.20.200 Approval - Certification.**

Within 20 days after receiving the parcel map accompanied by all required documents, the city engineer (and a registered land surveyor if the city engineer was registered in the state of California later than 1982), shall examine the parcel map for survey information shown thereon, compliance with the provisions of this chapter, and conformity to the tentative parcel map. If he is satisfied that the submission is technically correct and complete, he shall place the following certification on the map:

I hereby certify that I have examined this map and have found that the subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereof; and that it complies with all the provisions of the Subdivision Map Act of the state of California, and any local ordinance of the City of Chula Vista applicable at the time of approval of the Tentative Parcel Map.

(Signed and Stamped)

\_\_\_\_\_

City Engineer

I, the undersigned hereby certify that this map is technically correct

(Signed and Stamped by a Registered Land Surveyor or a Civil engineer registered in the state of California prior to 1982)

\_\_\_\_\_

**18.20.210 Approval – Appeal - Procedure.**

In the event that the applicant or any interested party is dissatisfied with any determination of the city engineer as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions imposed, then the applicant or interested party may appeal to the council by filing a statement in writing with the city engineer stating his reasons for appeal within 10 business days following the determination. The matter shall be placed on the council agenda and heard by the council within 30 days of the appeal.

**18.20.220 Approval – Appeal – Review and final decision.**

Subject to the requirements of this chapter, the council may affirm, reverse or modify any determination of the city engineer with respect to the proposed parcel map. In the coastal zone, notice of a final decision by the council shall be provided to the

applicant, Coastal Commission, and any known interested person as provided in this code. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.407).

**18.20.230 Action following approval – Recordation.**

Upon certification of the parcel map and receipt of the necessary recording fee, the city engineer shall cause the map to be transmitted to the county recorder. The parcel map shall be recorded prior to sale, lease, financing or separate use of any parcel created or to the issuance of any building permit related thereto. Following recordation, the applicant shall supply one mylar copy of the recorded map to the city engineer. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.409(D)).

**18.20.240 Required easements to be shown for subsequent purchasers.**

In the event a private access road or drainage or utility easement for the use of subsequent purchasers is required within the boundaries of the land to be divided, pursuant to the provisions of this chapter, said easements shall be delineated on the parcel map, and said easements as delineated shall be conveyed to subsequent purchasers of the parcels created.

Said easements shall be shown on the parcel map by a dashed line and a notation that the area so delineated represents a future easement to be conveyed by separate instrument to subsequent purchasers pursuant to Government Code 67870 and the requirements of this section. (Ord. 2100 § 1, 1985;

Ord. 1511 § 1, 1973; Ord. 1369 § 2, 1971; prior code § 28.410).

**18.20.250 Abandonment of public easements.**

Parcel Maps approved by the city engineer with abandonment certificates by the City clerk pursuant to Section 66445(j) and 66499.201/2 of the government code shall constitute the abandonment of such easements upon the filing of the parcel map with the County Recorder.

**18.20.260 Waiver of requirement for parcel map.**

The city engineer shall have the authority to waive the requirement for a parcel map, including the requirement identified in section 66426(f) of the map act, provided the city engineer can make the findings identified in subsection (A), below.

A. The proposed division of land complies with the requirements established by the map act, the CVMC, and the subdivision manual as to:

1. Area;
2. Improvements and design;
3. Floodwater drainage control;
4. Appropriate improved public roads;
5. Sanitary disposal facilities;
6. Water supply availability;
7. Environmental protection; and
8. Other requirements established by the authority identified in section (A) above.

B. A waiver of the requirement for a parcel map may be appealed in the same manner as a parcel map in 18.20.210.

C. Where the requirement for a parcel map has been waived pursuant to this section, the city engineer may require a tentative parcel map.

## **Chapter 18.24 ADJUSTMENT PLATS**

Sections:

18.24.010 Purpose and intent of provisions.

18.24.020 Applicable when – Scope – Boundary adjustments – Consolidations.

18.24.030 Application – Form and specifications.

18.24.040 Application – Contents required.

18.24.050 Fee for examination.

18.24.060 Approval authority – Notice of determination.

18.24.080 Conditions for approval.

18.24.100 Recordation of deeds required.

### **18.24.010 Purpose and intent of provisions.**

It is the purpose of this chapter to establish a procedure to facilitate the consolidation of lots and adjustment of boundary lines when it is determined that conditions exist as delineated herein which would eliminate the need for the preparation and filing of either a subdivision map or a parcel map .

This chapter does not apply in the coastal zone. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369 § 2, 1971; prior code § 28.501).

### **18.24.020 Applicable when – Scope – Boundary adjustments – Consolidations.**

In lieu of a subdivision map or a parcel map, an adjustment plat may be filed pursuant to the provisions of this section under the following situations:

A. To adjust the boundaries between two or more lots; provided, the director of development services and the city engineer determine that the exchange of property does not:

1. Create any new lots,
2. Include any lots or parcels created illegally,
3. Result in any lots which do not meet applicable zoning regulations,
4. Impair any existing access or create a need for access to any adjacent lots or parcels,
5. Impair any existing easements or create a need for any new easements serving any adjacent lots or parcels,
6. Require substantial alteration of any existing improvements or create a need for any new improvements;

B. To consolidate two or more lots; provided, the director of development services and the city engineer determine that the consolidation does not:

1. Include any lots or parcels created illegally,
2. Result in any lots which do not meet applicable zoning regulations,
3. Impair any existing access or create a need for access to any adjacent lots or parcels,
4. Impair any existing easements or create a need for any new easements serving any adjacent lots or parcels,
5. Require substantial alteration of any existing improvements or create a need for any new improvements;

**18.24.030 Application – Form and specifications.**

Application for an adjustment plat shall be made with the development services department in accordance with the following specifications:

A. The plat shall be drawn on a form prescribed by the director of development services. Such forms are available in the development services department upon request.

B. The plat shall be drawn to a minimum scale of one inch equals 100 feet.

C. All parcels proposed for adjustment shall be shown, including all contiguous property to be retained by the owner. Property to be retained shall be designated on the plat as a separate parcel.

D. All existing lots or parcels shown on final maps, parcel maps or final division plats shall be designated by dotted lines, and said maps shall be identified by map type and number. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(1)).

**18.24.040 Application – Contents required.**

Each adjustment plat shall contain the following information:

A. A plat number as issued by development services department;

B. North arrow and scale;

C. Name, address, telephone number and signature of owner(s);

D. If prepared by an engineer or surveyor, his name, address, telephone number, and registration or license number;

E. The location, width and names, if any, of all existing streets; and the location, width and purpose

of all easements which lie within the boundaries of the land proposed for division;

F. The names of the owners and the assessor's numbers, to be labeled within or adjacent to the parcels involved;

G. The existing boundary, to be shown as a dashed line;

H. The proposed boundary, to be shown as a solid line;

I. Sufficient legal description of the land to define the boundaries of the ownerships involved;

J. A vicinity map with north arrow and scale indicated;

K. The net area of each proposed lot;

L. The dimensions of each boundary of each proposed lot;

M. The location of all existing buildings and structures and their uses, the distance between said buildings and structures, and the minimum distance between each building or structure, and the boundary of the proposed lot on which it is located;

N. A statement of the existing zoning and the proposed use of each lot. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(2)).

**18.24.050 Fee for examination.**

At the time of filing an adjustment plat, the applicant shall pay the fee(s) to the city, for each plat filed, in amount(s) identified in the master fee schedule or any amendments thereto. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(3)).

**18.24.060 Approval authority – Notice of determination.**

Within 15 calendar days after an adjustment plat has been filed, the director of development services and the city engineer shall approve, conditionally approve, or disapprove such plat. The applicant shall be notified of the action by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(4)).

**18.24.080 Conditions for approval.**

Whenever applicable, the director of development services may prescribe the following requirements as conditions of approval of an adjustment plat:

A. Parcel Boundaries. Relocation of lot lines to provide lots that comply with any applicable zoning regulations, and conform to standards of lot design specified in this title;

B. Access. The provision of safe and adequate access to each lot or parcel within the adjustment;

C. Inundation Line. The addition of a distinctive boundary line, clearly labeled, which delineates the limits of any area determined by the city engineer to be subject to flooding or inundation. The plat shall contain an appropriate note stating said area is subject to flooding or inundation. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(6)).

**18.24.100 Recordation of deeds required.**

Following approval of the adjustment plat, the applicant must have the necessary deeds prepared

and recorded in the office of the county recorder. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(C)).

**Chapter 18.28  
DEPOSITS AND FEES\***

Sections:

18.28.010 Deposits for street trees – Required – Amounts – Disposition – Labor costs.

18.28.020 Tentative parcel map fee.

18.28.030 Tentative map fee.

18.28.040 Final map and improvement plan fee.

18.28.050 Public works inspection – Computation of fee.

18.28.060 Schedule of fees – Exemptions and additions.

18.28.080 Recordation fee.

18.28.090 Public works inspection – Additional payments required when.

\* CROSS REFERENCE: Street plantings, see Ch. 12.32 CVMC.

**18.28.010 Deposits for street trees – Required – Amounts – Disposition – Labor costs.**

A. The subdivider is required to install approved street trees in accordance with CVMC 18.32.110 as lots within the development are occupied. For those street trees which have not been installed at the time of acceptance of public improvements, the subdivider shall deposit with the director of finance the required deposit fee(s). For subdivisions in which full landscape improvements, including but not limited to the installation of irrigation systems and the planting



of vegetation and street trees, are required in the area between the public curb line and the public sidewalk and in which the subdivider has provided sufficient surety to guarantee completion of said landscape improvements, no deposit fee is required as a prerequisite to the acceptance of public improvements.

No acceptance of public improvements shall be given until such sums, if required pursuant to this subsection (A), are received by the director of finance. Such sums shall be deposited in the public works street tree trust fund. Sums in this fund shall be used for the purchase and planting of trees at such time as the lots become occupied.

B. Costs for labor and equipment required to plant trees for which deposits have been made shall be determined by the city engineer. The director of finance shall transfer sums so determined to appropriate operating accounts upon receipt of a summary of planting costs and request for transfer of funds from the city engineer.

C. In any instance where the planting of a tree at a specific site is determined by the city engineer to be impractical or where the adjacent property owner makes practical objection to the planting of a tree, the deposit for such tree may be utilized for the purchase and planting of trees at any location within the public street system of the city. (Ord. 2824 § 1, 2000; Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1687 § 1, 1976; Ord. 1369, 1971; prior code § 28.801).

#### **18.28.020 Tentative parcel map fee.**

Prior to the submission of a tentative parcel map with the director of development services for

processing, the property owner shall pay to the city clerk the required fee(s) in the amount(s) identified in the master fee schedule or any amendment thereto. Said fee shall cover the entire processing of the parcel map to recordation, but shall not include checking of any required improvement plans or inspection of improvements. Required fee(s) shall also be charged for plan review and inspection of public improvements for parcel maps. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(1)).

#### **18.28.030 Tentative map fee.**

Prior to the submission of a tentative map or a vesting tentative map to the development services department for processing, the property owner or subdivider shall pay to the city the required filing fee(s) in the amount(s) identified in the master fee schedule or any amendment thereto. (Ord. 2506 § 1, 1992; Ord. 2134 § 4, 1985; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(2)).

#### **18.28.040 Final map and improvement plan fee.**

Prior to the submission of a final map and improvement plans or any portion thereof to the development services department and/or the city engineer for processing, the property owner or subdivider shall pay to the city the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(3)).

**18.28.050 Public works inspection – Computation of fee.**

Following the City Engineer's approval of the final map but prior to the recordation of said map or the issuance of a construction permit for the project, the property owner or subdivider shall pay to the city the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(4)).

**18.28.060 Schedule of fees – Exemptions and additions.**

A. The schedule of fees is as shown on the master fee schedule as presently designated or as may be in the future amended.

B. The fee schedule is intended to cover expense to the city involved in processing a subdivision, from checking the tentative map through acceptance of the public improvements, including inspection services. Soils and materials testing are specifically excluded from services encompassed within the subdivision fee schedule as shown on the master fee schedule.

C. On-site improvements within the public rights-of-way, as well as off-site improvements within the public rights-of-way immediately adjacent to the subdivision boundary, shall be considered as included within the fee schedule. However, review of plans and inspections required of extensive off-site improvements shall be paid as a separate and additional fee. Such fee shall be as presently designated, or as may be in the future amended, in the master fee schedule.

D. Where grading and/or slope planting is to be accomplished under the subdivision agreement, a

separate and additional fee for such items only shall be collected in accordance with the master fee schedule as presently designated, or as may be in the future amended. (Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1534 § 1, 1974; Ord. 1369, 1971; prior code § 28.802(5)).

**18.28.080 Recordation fee.**

Upon the filing of the final map with the city Engineer, the property owner or subdivider shall deposit with the city clerk the required fee(s) to cover the cost of recording the map or direct a bonded title officer to record the map. Upon recordation of the final map, the property owner or subdivider shall submit to the city engineer one mylar print of the recorded final map. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 2011 § 1, 1982; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(7)).

**18.28.090 Public works inspection – Additional payments required when.**

In addition to other required fee(s) relative to public works inspections, the subdivider or contractor shall pay to the city, prior to the acceptance of public improvements in any subdivision or street right-of-way or easement for public purposes, the required fee(s) for those public works inspections undertaken outside of regular working hours or on Saturdays, Sundays and legal holidays during the course of construction of any public improvements. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 2011 § 1, 1982; Ord. 1812 § 1, 1978; Ord. 1601 § 1, 1975; Ord. 1369, 1971; prior code § 28.802(8)).

**Chapter 18.32**  
**DESIGN REQUIREMENTS\***

Sections:

- 18.32.010 Conformance to standards required – Modifications permitted when.
- 18.32.020 Lots – To constitute practical building site.
- 18.32.030 Access to public streets – Development plan required.
- 18.32.040 Streets – Conformance to general plan required.
- 18.32.050 Streets – Minimum standards and specifications.
- 18.32.060 Streets – Pattern of development – Extensions – Stub-end streets – Intersections.
- 18.32.070 Requirements for developments adjacent to major roads.
- 18.32.080 Streets – Grades, curves and sight distances required.
- 18.32.090 Curbs, sidewalks and pedestrian ways – Principles and standards.
- 18.32.100 Hillside subdivisions and planned unit developments.
- 18.32.110 Street trees to be provided by subdivider.
- 18.32.120 Public utility facilities – Underground installation requirements.
- 18.32.130 Easements – Width.
- 18.32.140 Lots – Standards and specifications.
- 18.32.150 Nonresidential subdivisions – Conformance to general plan required.
- 18.32.160 Nonresidential subdivisions – Principles and standards for development.

\* For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

**18.32.010 Conformance to standards required – Modifications permitted when.**

Except where modified by the council upon recommendation of the commission, as provided by this title, each subdivision and map thereof shall be in conformity with the standards set forth or referred to herein. In the coastal zone, any modification of any requirements of this chapter or the certified local coastal program will require filing by the city of a local coastal program amendment and approval thereof by the Coastal Commission before such modification becomes effective. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.901(1)).

**18.32.020 Lots – To constitute practical building site.**

All subdivisions should result in the creation of lots which are developable and capable of being built upon. No subdivision should create lots which are impractical for improvement due to steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or natural physical conditions.

In the coastal zone, no lots intended for urban development shall be created so as to consist totally of land or water designated as environmentally sensitive habitat areas in the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.901(2)).

**18.32.030 Access to public streets – Development plan required.**

All lots or parcels created by the subdivision of land shall have access to a public street improved to standards hereinafter required. Private streets, common driveways, or access easements shall not normally be permitted. However, if the city engineer determines that the most logical development of the land requires that lots be created which cannot feasibly be served by a public street, a private access may be approved. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private improvements, the topography and means of access to each lot, drainage and sewerage of the lots served by such private improvements, and a plan satisfactory to the city engineer for ownership and maintenance of said access and the liability for taxes thereon. Construction of these improvements as approved by the city engineer shall be completed prior to occupancy of any buildings on lots served by a private access.

In the coastal zone, all improvements shall be consistent with the provisions of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.901(3)).

**18.32.040 Streets – Conformance to general plan required.**

The subdivision design shall conform to the concept of major streets designated in the general plan, and to any future street rights-of-way designated by the commission and approved by the council. Whenever a subdivision embraces any major street, it shall be

included in said tract and shall be platted by the subdivider in the location generally indicated or in a location specifically designated by the commission and approved by the city council.

In the coastal zone, the subdivision design shall conform to the concept of major streets designated in the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(A)).

**18.32.050 Streets – Minimum standards and specifications.**

A. Typical sections of various classes of streets shall be in accord with the Subdivision Manual and the City of Chula Vista Design Standards or the modifications thereof approved by the city engineer.

B. The basis for requirements for street and roadway widths and design shall be the topography of the land and density of development in terms of the proposed number of dwellings to be served by said street or roadway on an ultimate basis. Reduced right-of-way width shall, in all cases, be sufficient to accommodate utility facilities within the right-of-way.

C. Improvements as set forth in CVMC 18.36.010 shall be installed within the half of an existing street adjacent to the subdivision boundary. Substandard existing improvements shall be removed and replaced as directed by the city engineer. Where such existing street has not previously been paved, paving having a minimum width from face of curb to edge of pavement of 28 feet shall be installed.

D. Half streets, when approved, shall be constructed with a minimum paved width from face of curb to edge of pavement of 28 feet.

E. The subdivider shall dedicate all rights-of-way for streets or portions of streets as necessary within the subdivision boundary. Full width dedications within the subdivision shall have complete improvements installed, except that upon collector and major roads, paving upon each half may be a minimum of 20 feet in width from the face of curb to edge of pavement.

F. The standards set forth hereinabove are minimum, and additional on-site and/or off-site public improvements and dedications may be required.

G. In the coastal zone, the standards and specifications established in the certified local coastal program shall govern, in addition to those standards and specifications provided in subsections (A) through (F) of this section. If a conflict arises between the standards and specifications expressly established by the certified local coastal program and any standards in this chapter, the former shall govern. (Ord. 2100 § 1, 1985; Ord. 1582 § 1, 1974; Ord. 1369, 1971; prior code § 28.902(B)).

#### **18.32.060 Streets – Pattern of development – Extensions – Stub-end streets – Intersections.**

The street pattern in the subdivision shall provide for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

A. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect. The centerlines of streets, if not in alignment, shall be offset at least 200 feet unless otherwise approved by the city engineer for reasons

of severe topography, one-way streets, or other unusual circumstances.

B. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the commission, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Where reservation for a future street is made, slope rights along the sides and end of the reserved area shall be preserved in the name of the city.

C. In the case of stub-end streets extending to the boundary of the property, a one-foot strip at the end of the stub-end street, the width of the street right-of-way, shall be deeded to the city pending the extension of said street into adjacent property. Where required, a temporary turn-around or a temporary connection to another street shall be provided by the subdivider.

D. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors on good design permit. Streets shall be designed in a manner which will discourage the use of local streets for through traffic. Four-way intersections involving local streets shall be avoided whenever possible. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(C)).

#### **18.32.070 Requirements for developments adjacent to major roads.**

Subdivision design shall be in general accord with the concepts of the general plan, and as determined

by the commission. The following principles and standards shall be observed:

A. Street design should have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the effect of heavy traffic and minimizing the interference with traffic on such streets.

B. The number of intersecting streets along major streets and collector streets should be held to a minimum. Wherever practicable, such intersections should be spaced not less than 1,000 feet on center.

C. Residential lots adjacent to a major or collector road normally will be required to be served by a residential street paralleling said major or collector road or by a series of cul-de-sacs or loop streets extending toward said major or collector road from a parallel street. Where such double frontage lots are created, improvements on such lots shall be oriented to and front upon the local street. A decorative concrete block wall, minimum height, five feet, or a comparable material approved by the commission, shall be required at the top of slope adjacent to the major or collector road. Landscaping and permanent irrigation shall be provided in accordance with the standards specified in the Chula Vista landscape manual and the grading ordinance.

D. When the rear of any lot borders any major or collector road, the subdivider shall be required to execute a certificate on the title sheet, deemed sufficient by the city attorney, prohibiting the right of ingress and egress from said major or collector road to said lot.

E. In the coastal zone, subdivision design shall be in conformity with the applicable provisions of the

certified local coastal program and shall observe the principles and standards of subsections (A) through (D) of this section to the extent they do not conflict with the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(D)).

#### **18.32.080 Streets – Grades, curves and sight distances required.**

The subdivision manual prescribes and sets forth the standards for grades, curves and sight distances to insure proper drainage and/or for vehicle and pedestrian safety. (Ord. 2100 § 1, 1985; Ord. 1582 § 1, 1974; Ord. 1369, 1971; prior code § 28.902(E)).

#### **18.32.090 Curbs, sidewalks and pedestrian ways – Principles and standards.**

The following principles and standards shall apply to the design and installation of curbs, sidewalks and pedestrian ways:

A. Curbs, gutters and sidewalks shall be required in all subdivisions except as noted in subsection (B) of this section. In the coastal zone, gutter elevations shall be established at sufficient height above mean sea level to allow for anticipated head losses throughout the drainage system.

B. The requirement for sidewalks may be omitted in whole or in part by the commission; provided, that the findings are made that such sidewalks are not necessary because of any one of the following:

1. The traffic count on a particular street is significantly reduced from the established standard for local streets as determined by the city engineer; or

2. The design or the topography of the subdivision and its relationship to adjoining properties

and uses do not warrant the standard sidewalk requirements based upon the recommendation of the city engineer.

This subsection (B) does not apply in the coastal zone.

C. When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the commission may require pedestrian ways, not less than eight feet in right-of-way and paved with Portland cement concrete, a minimum of five feet in width. Such pedestrian ways shall be bordered on each side with a six-foot high, minimum, chain-link fence and a landscaped screen in conformance with the landscaping manual of the city. In lieu of the chain-link fence, the commission may require the subdivider to use a masonry wall, as specified in CVMC 18.32.070(C), a minimum six feet high, where they deem it necessary for any one of the following reasons:

1. Separation of land use;
2. Acoustical buffer;

3. Promotion of an architectural theme or compatibility of the area.

D. Where sidewalks are not required, Portland cement concrete driveway aprons shall extend to the property line.

E. Section 19.91.04c of the Bayfront Specific Plan 1985 is hereby incorporated as part of this section. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(F)).

#### **18.32.100 Hillside subdivisions and planned unit developments.**

In either a planned unit development or a hillside subdivision or portions thereof which have an average lot size of 20,000 square feet or larger and having an average slope in excess of 10 percent prior to grading, the commission, in the exercise of its discretion, may modify the foregoing requirements of this chapter in a manner that will result in the best possible utilization of the land to be subdivided, giving consideration to the topography and natural cover of the land, the general character of the proposed subdivision, the proposed zoning and the desirability of minimizing grading upon the site. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.903).

#### **18.32.110 Street trees to be provided by subdivider.**

Street trees shall be provided by the subdivider in all subdivisions. Trees shall be planted within the street right-of-way, within a dedicated planting easement, or within a combination of both, having a combined width of 10 feet. Street trees shall be selected, installed and maintained in accordance with CVMC 12.28.010 and 12.28.020, et seq. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.904).

#### **18.32.120 Public utility facilities – Underground installation requirements.**

Public utility facilities within or immediately adjacent to subdivisions or parcel splits shall be undergrounded in conformity with the provisions of Chapter 15.32 CVMC. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.905).

#### **18.32.130 Easements – Width.**

Easements for drainage or sewer purposes shall be provided as necessary, in order to insure a clear air space of a minimum width of 10 feet. Easements for large structures or unusually deep structures shall be of such greater width as may be specified by the city engineer. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.906).

**18.32.140 Lots – Standards and specifications.**

The size, shape and orientation of lots, each of which shall constitute a practical building site, shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.

The following principles and standards shall be observed:

A. The side lines of all lots, so far as possible, should be at approximately right angles to the street which the lot faces, or approximately radial to the center of the curvature if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.

B. No lot shall be divided by a city boundary line.

C. No remnants of property, with the exception of one-foot control lots, shall be created which do not conform to lot requirements, or are not required for a private or public utility purpose.

D. The division of a lot or parcel by a tax code boundary shall be avoided.

E. Side lot lines between adjacent lots within a subdivision should be located at the top of any grading slope which may be proposed at such location.

F. Unless otherwise altered by the provisions of a planned unit development, the minimum lot depth for residential development shall be not less than 90 feet, with the following exception: Lots adjacent to freeways, major streets or collector roads shall utilize a minimum lot depth of 110 feet to provide sufficient separation from the road noise and to facilitate the usable lot area. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.908).

**18.32.150 Nonresidential subdivisions – Conformance to general plan required.**

The street and lot layout of a nonresidential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the general plan and zoning ordinance.

In the coastal zone, the street and lot layout of nonresidential subdivisions shall, in addition, be consistent with the applicable provisions of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.909(A)).

**18.32.160 Nonresidential subdivisions – Principles and standards for development.**

In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:



A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

C. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction.

D. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer and storm drainage.

E. Nonresidential subdivisions shall be designed to protect adjacent areas from potential nuisance from the proposed nonresidential subdivisions, including the provisions of extra depth and setback in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip, when determined necessary by the commission.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

G. Nonresidential subdivisions shall take into account and specifically designate all private areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

H. Buffer strips shall consist of landscaped areas which are designed to shield and otherwise soften the effect of the nonresidential subdivision on nearby residential areas. Said buffer strips shall be improved

to standards as specified in the Chula Vista zoning ordinance.

I. In the coastal zone, the provisions of the certified local coastal program shall apply to nonresidential subdivisions in addition to the principles contained in subsections (A) through (H) of this section. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.909(B)).

## **Chapter 18.36 IMPROVEMENTS\***

Sections:

18.36.010 Minimum improvement requirements for sub divisions.

18.36.020 Acceptance and approval authority.

18.36.030 Public utility facilities – Installation time.

\* For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

CROSS REFERENCES: Excavations, see Ch. 15.04 CVMC. Street obstructions, see Ch. 12.12 CVMC.

### **18.36.010 Minimum improvement requirements for sub divisions.**

The subdivider shall improve or agree to improve all streets, thoroughfares, public ways or public or private easements within the development and adjacent thereto, as required to serve the development. No grading or improvement work shall be commenced until either an appropriate subdivision improvement agreement, land development permit, or street

encroachment permit has been approved and any necessary bonds posted. Improvements shall be installed to line and grade and in accordance with the standard drawings and specifications of the city and/or as determined by the city engineer. Street structural sections shall be designed in accord with the "Standardized Method of Street Structural Design," as prepared by the city engineer. The minimum improvements which the subdivider shall normally be required to agree to install, at his own cost, in the creation of a parcel or parcels shall include the following:

A. Grading, curbs and gutter, driveways, paving and drainage structures necessary for the proper use and drainage of the development, streets, highways and/or public safety;

B. Site grading and drainage, taking into consideration the drainage pattern of adjacent improved or unimproved property and making drainage provisions adequate for total ultimate development of the natural tributary area. Runoff quantities to be anticipated shall be derived from the drainage study as herein defined, or by such other method as may be approved by the city engineer. Alternate methods shall be fully substantiated by the engineer of work. Grading shall be in full conformity with the provisions of the appropriate ordinances of the city, with the exception that the work may be performed under the terms of the subdivision agreement and no land development permit shall be required in such cases. Drainage facilities and concepts shall conform to the provisions of CVMC Title 14, relating to the control of drainage areas and watercourses;

C. Street name and traffic control signs;

D. Sidewalks, except as provided in CVMC 18.32.090(B);

E. Fire hydrants and a water system with mains of sufficient size and capacity to provide future extension to adjacent property and having a sufficient number of services to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection;

F. Sanitary sewer facilities and connections for each lot. Sewer mains, whose size and depth shall be adequate to serve adjacent and upstream properties, shall extend to the boundaries of the parcel map or subdivision;

G. Street lighting facilities shall be installed per city standards;

H. Street trees;

I. Underground utilities as required by this code;

J. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossings;

K. Mid-block pedestrian ways, where required, shall be in conformance with CVMC 18.32.090(C);

L. Improvements on private access easements shall be required as determined by the city engineer.

In the coastal zone, the minimum improvements which the subdivider shall be required to install, at his or her own cost, in the creation of a parcel or parcels shall be consistent with the applicable provisions of the certified local coastal program, in addition to

subsections (A) through (L) of this section. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1001).

**18.36.020 Acceptance and approval authority.**

The city engineer shall have the authority and responsibility to accept public improvements and approve site grading relative to subdivision of land, whether through the subdivision process or the parcel map process. Completion of all improvements and/or grading as contemplated by the subdivision improvement agreement, the land development permit or the street encroachment permit is a condition of approval and acceptance. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1002).

**18.36.030 Public utility facilities – Installation time.**

All underground facilities including individual lot services to the property line shall be completed prior to installation of sidewalk, cross-gutter or street pavement. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1003).

**Chapter 18.40  
DEDICATIONS\***

Sections:

18.40.010 Purpose and intent of provisions.

18.40.020 Prerequisite to approval of final map or parcel map.

18.40.030 Title policy or certificate required.

18.40.040 Drainage facilities dedication required when.

18.40.050 Watercourses for storm drainage required when.

18.40.060 Future streets.

18.40.070 Rights-of-way in process of condemnation.

18.40.080 Access for fire protection required when.

18.40.090 Public utility easements.

18.40.100 Rejected dedication offers to remain open for later acceptance.

18.40.110 New subdivisions – Connections required.

18.40.120 Access right limitations required when.

18.40.130 New subdivisions – Public facility sites required.

18.40.140 New subdivisions – Street continuations.

18.40.150 Streets or alleys lying along boundaries – Partial dedication when.

18.40.160 Half streets or alleys – Dedication required when.

18.40.170 Access to major canyon areas.

18.40.180 Coastal zone – Public shoreline access dedication required when.

\* For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

CROSS REFERENCES: Open Space, see Ch. 17.08 CVMC. Residential Construction Tax, see Ch. 3.32 CVMC.

**18.40.010 Purpose and intent of provisions.**

It is the purpose and intent of the provisions of this chapter and, for the coastal zone, of the certified local coastal program to require the reservation or dedication of land directly benefiting the regulated subdivision in order to provide for the necessary public facilities and conservation of coastal resources

including, but not limited to, sites for parks, recreational areas, and shoreline public access ways; open space; environmentally sensitive habitat areas; and schools, libraries, fire stations and police substations. In addition to requirements for reservation and dedication of lands, provision is made herein for the payment of fees in lieu thereof for the acquisition of lands outside of the regulated subdivision, which lands will provide equivalent sites for the purposes set forth herein to benefit said regulated subdivision. In each case it is the intent that the subdivision will receive the direct benefit upon which the exaction was postulated. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1101).

**18.40.020 Prerequisite to approval of final map or parcel map.**

All parcels of land intended or needed for public use shall be dedicated to the city or irrevocably offered for dedication before a final map or parcel map is approved or irrevocably offered for dedication on the map. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(1)).

**18.40.030 Title policy or certificate required.**

All dedications and offers of dedication shall be accompanied by a certificate of title or policy of title insurance, issued by a title company authorized by the laws of the state to write the same, showing the names of all persons having a recorded interest in the land to be dedicated or offered for dedication. Such certificate or policy shall be submitted to the city engineer at the time the final map or parcel map is submitted for examination and certification. Any

recorded interest in the land to be dedicated shall be subordinated to the City. After the final map is recorded, or if dedications and offers of dedication are by separate instrument, after such instrument or instruments are recorded, a policy of title insurance shall be issued for the benefit and protection of the city. Any expense involved in complying with the provisions of this section shall be borne by the subdivider. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(2)).

**18.40.040 Drainage facilities dedication required when.**

If an improved drainage facility is determined to be necessary for the general use of lot owners in the subdivision or for local neighborhood drainage needs, the subdivider shall dedicate an adequate right-of-way for such facility. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(3)).

**18.40.050 Watercourses for storm drainage required when.**

If a subdivision is traversed by a watercourse, channel, stream, creek or swale, the subdivider shall dedicate an adequate right-of-way for storm drainage purposes. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(4)).

**18.40.060 Future streets.**

Wherever it is determined that a street is necessary for the future subdivision of the property as shown on the subdivision map or for adjoining property, but that the present dedication and construction of such street is not warranted, the subdivider shall conditionally

offer such street for dedication. The widths and locations of such streets shall be determined by the city engineer. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(5)).

**18.40.070 Rights-of-way in process of condemnation.**

If an easement for a right-of-way required under the provisions of this chapter is in the process of condemnation by the city at the time of the filing of a final map or parcel map, the subdivider shall offer the right-of-way for dedication. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(6)).

**18.40.080 Access for fire protection required when.**

In areas where, in the opinion of the fire chief, there will be a fire hazard to the watershed or any other properties, unobstructed easements not less than 15 feet wide to provide access for fire protection equipment shall be dedicated from the public street to the subdivision boundary. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(7)).

**18.40.090 Public utility easements.**

Sanitary sewer, storm drain, and other public utility easements required by the subdivision manual within the subdivision shall be dedicated. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(8)).

**18.40.100 Rejected dedication offers to remain open for later acceptance.**

If, when the final map or parcel map is approved, any streets, paths, alleys, or storm drainage

easements are rejected, the offer of dedication shall remain open and the council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys or storm drain easements for public use, which acceptance shall be recorded in the office of the county recorder. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(9)).

**18.40.110 New subdivisions – Connections required.**

New subdivisions shall connect to a dedicated and improved (or bonded for) street and shall make provision for dedication of necessary public rights-of-way, including streets, pedestrian ways and utility easements, within or adjacent to the subdivision. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(1)).

**18.40.120 Access right limitations required when.**

Where it is in the interest of the public safety or welfare to limit the access to any street or highway, the subdivider may be required to waive direct access rights or easement of access to any such street or highway from any property shown on the final map as abutting thereon. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(2)).

**18.40.130 New subdivisions – Public facility sites required.**

Tentative maps for new subdivisions shall indicate sites for required public facilities, including, but not limited to, sites for libraries, fire stations and police substations. The required sites shall be offered to the

city for immediate purchase, or under exclusive option for a period of two years from the date of execution, at current unsubdivided land fair market values on said date of execution plus interest and any necessary costs incurred by the subdivider, from date of execution to date of exercise of said option, which are beneficial to the city. Such agreements shall be executed prior to city approval of the final map or parcel map, and shall be a condition of such approval. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(3)).

**18.40.140 New subdivisions – Street continuations.**

New subdivisions shall make the provision for the continuation of existing streets in adjoining or adjacent subdivisions insofar as these may be necessary for public requirements. Streets shall be extended to the boundary of the subdivision to provide suitable access to adjoining property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(4)).

**18.40.150 Streets or alleys lying along boundaries – Partial dedication when.**

A street or alley lying along the boundary of a subdivision may be dedicated less than the full required width, but in no case less than one-half the required width, if it is practical to require the dedication of the remaining width when the adjoining property is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion only of a street, and not the street in full

width. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(5)).

**18.40.160 Half streets or alleys – Dedication required when.**

Whenever there already exists a dedicated and recorded half street or alley on an adjoining plat, the other half must be dedicated on the proposed plat to complete the street or alley right-of-way. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(6)).

**18.40.170 Access to major canyon areas.**

Where practicable, access shall be provided to major canyon areas via streets, alleys or other public ways as may be necessary to provide for future development and public safety. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(7)).

**18.40.180 Coastal zone – Public shoreline access dedication required when.**

As a condition of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for public shoreline access easements consistent with the certified local coastal program land use plan. All irrevocably offered easements and lots shall be accepted by the City within three years after the approval of the final map pursuant to Section 66477.2 of the Map act (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(8)).

**Chapter 18.44  
COVENANTS, PLANNED**

## UNIT DEVELOPMENTS AND CONDOMINIUM SUBDIVISIONS

Sections:

18.44.010 Declaration required – Contents – Scope of applicability.

### **18.44.010 Declaration required – Contents – Scope of applicability.**

A. Purpose and Intent. It is the purpose of the city council in adopting the requirements contained in this section to provide and insure an alternate method of enforcement of certain maintenance requirements and other police power regulations imposed upon planned unit developments, condominiums or other subdivisions wherein a homeowners' association has been established. It is the intent of the council to limit their enforcement role to such areas of public concern and to leave all issues of a private nature to the enforcement procedures provided to the owners of units within such subdivisions.

B. Requirement for City's Enforcement Rights. The subdivider of any planned unit development or condominium subdivision shall be required to file with the city a declaration of conditions, covenants and restrictions, providing the City the right but not the obligation to enforce the terms and conditions of said declaration insofar as said enforcement applies to areas of public concern such as, but not limited to, the maintenance of open spaces, water quality facilities, sewers, driveways and common areas and the adherence to other ordinance regulations of the city. The subdivider of any subdivision may file a similar declaration. The declaration shall be subject to the

approval of the city Attorney concurrent with the approval of the final map of the subdivision. Said requirement shall also be applicable to any multiple dwelling unit projects converted to such form of ownership. (Ord. 2100 § 1, 1985; Ord. 2029 § 1, 1983; Ord. 1487 § 1, 1973; prior code § 28.1301).

## Chapter 18.48 VIOLATIONS AND REMEDIES

Sections:

18.48.010 Purpose and intent of provisions.

18.48.020 Legally created parcels – Required for granting of certain permits – Criteria for determination.

18.48.030 Notice of violation – Required when – Contents – Effect.

18.48.040 Certificate of compliance – Request for determination authorized.

18.48.050 Certificate of compliance – Application procedure – Documents to be submitted – Fee.

18.48.060 Voidability of deeds or contracts violating provisions.

18.48.070 Failure to comply and illegal division of land deemed misdemeanor – Penalty.

18.48.080 Noncomplying lots – Filing map subsequent to division permitted when.

18.48.090 Property outside corporate limits – Compliance required when.

18.48.100 Unlawful subdivisions – Statutory authority for restraint or enjoinder.

### **18.48.010 Purpose and intent of provisions.**

In accordance with the provisions of the Map act, it is the purpose and intent of the city council to establish procedures for placing purchasers of illegally split lots on notice that such lot split occurred in violation of the Map act and the requirements of this title, and to provide for a means of certifying that the real property does comply with the provisions of the Map act and this title. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.601).

**18.48.020 Legally created parcels – Required for granting of certain permits – Criteria for determination.**

No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop any property, unless and until said property has been determined to have been legally created, or if the city engineer finds that development of such real property is contrary to the public health or the public safety; provided further, such permits may be denied if the applicant was the owner of the real property at the same time of the violation or currently owns the property with the knowledge of the violation as provided through a notice of violation pursuant to the procedures set forth herein.

For a parcel to be considered a legally created parcel, its specific boundaries must have been established or set forth by one of the following means:

- A. A recorded subdivision map or parcel map;
- B. A deed describing the parcel by a metes-and-bounds description recorded prior to March 4, 1972 pursuant to the Map act Section 66412.6

C. A record of survey recorded prior to August 7, 1955;

D. A licensed survey or a miscellaneous map recorded prior to August 4, 1943;

E. Any of the above means combined with a city-approved and recorded boundary adjustment plat. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.602(A)).

**18.48.030 Notice of violation – Required when – Contents – Effect.**

If the director of development services becomes aware of any parcel which has not resulted from a legal division or consolidation of property in compliance with the Map act and applicable city codes, he will send to the property owner, or owners, of said property written notice notifying them of the violation. This written notification will advise the property owner(s) that:

A. The director of development services has determined that subject property together with other contiguous property has been divided or has resulted from a division in violation of the Map act and applicable city codes;

B. No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop said property, unless and until a parcel map (subdivision map) is filed, approved and recorded in full compliance with the Map act and provisions of the Chula Vista Municipal Code adopted pursuant thereto. It is the responsibility of the person or persons (the seller) who divided this property in violation of the Map act and this code to submit the required parcel map (subdivision map);



C. The director of development services will cause a notice of violation to be recorded in the office of the county recorder within 15 days of notification to property owner(s) which will describe the violation and the property and name the owner(s) thereof. This notice when recorded will be constructive notice of the violation to all successors in interest of said property;

D. Section 66499.32 of the Map act contains provisions for certain persons to rescind the sale of legally created parcels and/or to bring an action to recover any damage suffered by reason of such division. Said section also provides that any such action or rescission must be initiated within one year of the date of the discovery of such violation;

E. If subject property was purchased through a licensed real estate salesman or broker within the past three years and it is felt that the property was misrepresented, the Department of Real Estate desires that they be notified. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.602(B)).

#### **18.48.040 Certificate of compliance – Request for determination authorized.**

In accordance with Section 66499.35 of the Business and Professions Code, any person owning real property may request, and the city shall determine, whether said property complies with the provisions of the Map act and of this title, and thus, constitutes a legal and buildable lot. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.603).

#### **18.48.050 Certificate of compliance – Application procedure – Documents to be submitted – Fee.**

##### **A. Application.**

1. Application for a certificate of compliance shall be made with the development services department in accordance with the following specifications:

a. The plat shall be drawn on a form prescribed by the director of development services. Such forms are available in the development services department upon request;

b. The plat shall be drawn to a minimum scale of one inch equals 100 feet.

2. Each plat shall contain the following information:

a. A plat number, as issued by the development services department;

b. North arrow and scale;

c. Name, address, telephone number and notarized signature of owner(s);

d. The plat should be prepared by an engineer or surveyor, with his or her name, address, telephone number, and registration or license number;

e. A vicinity map with north arrow and scale indicated;

f. A legal description of the land to define the boundaries of the ownership involved and the tax assessor's parcel number(s);

g. The boundaries, to be shown as a solid line, with bearings (directions) and distances labeled along boundaries;

h. The net share of subject parcel;

i. The location, width and names, if any, of all existing streets providing access to the property and the location, width and purpose of all easements

which lie within or immediately adjacent to the exterior boundaries of the parcel;

j. Full identification of all referenced maps, by map type and number;

k. The location of all existing buildings and structures and their uses, the distance between such buildings and structures, and the distance between each building or structure and the boundary of the lot;

l. A statement of the existing zoning and any proposed zoning.

m. A notice stating the following:

This certificate relates on to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant hereto. Development of the parcel may require issuance of a permit or permits, or other grants of approval.

B. The request for certification shall also include:

1. A legible copy of the current owner's grant deed;

2. Documentation of recorded access to the subject property unless abutting a public street;

3. The required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.604).

#### **18.48.060 Voidability of deeds or contracts violating provisions.**

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title is voidable at the sole option of the grantee, buyer or person contracting to purchase; his heirs; personal representative; or trustee in solvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.107).

#### **18.48.070 Failure to comply and illegal division of land deemed misdemeanor – Penalty.**

Those parcels of land which are subdivided contrary to the provisions of this title shall not constitute legal building sites and no permit shall be issued for the installation of fixtures or equipment or for the erection, construction, conversion, establishment, alternation or enlargement of any building, structure or improvement thereon unless and until a map as required by CVMC 18.04.110 shall have been filed, approved in accordance with the requirements of this title, and recorded, and any person who subdivides or causes to be subdivided land without complying in all respects with the provisions of this title shall be subject to prosecution for a misdemeanor as defined hereinafter. Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this title is a misdemeanor, and any person, firm or corporation,

upon conviction thereof, shall be punishable by a fine of not more than \$10,000.00, or imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.108).

**18.48.080 Noncomplying lots – Filing map subsequent to division permitted when.**

The purchaser, or his successor in interest, of a lot which is the result of a division of land that did not comply with the provisions of this title may file a final or parcel map as required in this code, which shall comply in all respects with the provisions of this title. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.109(1)).

**18.48.090 Property outside corporate limits – Compliance required when.**

All plats of property situated outside the corporate limits which require action by the commission and the City engineer prior to annexation shall comply with the foregoing regulations insofar as applicable, subject to the limitations of Section 66413 of the Map act of the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.109(2)).

**18.48.100 Unlawful subdivisions – Statutory authority for restraint or enjoinder.**

The City or any person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title pursuant to the authority of Section 66499.33 of the Map act of the state. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.110).

**Chapter 18.52  
APPEALS**

Sections:

18.52.010 Procedure – Time limit for commencement.

**18.52.010 Procedure – Time limit for commencement.**

Any action or proceeding to attack, review, set aside, void, or annul the decision of an advisory agency, appeal board, or legislative body concerning a subdivision, or of any of the proceedings, acts, or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, including, but not limited to, the approval of a tentative map or final map, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within 90 days after the date of the decision. Thereafter all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts, or determinations.

For subdivisions located in the coastal zone, any person, including an applicant for a coastal development permit or the Coastal Commission, who is aggrieved by the decision or action of the City Council shall have a right to judicial review of such decision or action by filing a petition or writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final. For purposes of this section, the term "aggrieved person" means any person who, in person or through a

representative, appeared at the public hearing of the redevelopment agency, or who, by other appropriate means prior to the hearing, informed the redevelopment agency of the nature of his or her concerns. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 18.1201).

**Chapter 18.54  
FLOODPLAIN REGULATIONS**

**(Recodified as Chapter 14.18 CVMC by Ord. 3097)**

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