

**Title 17**  
**Zoning Ordinance**  
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## Chapter 17.05

### GENERAL PROVISIONS\*

**Sections:**

- 17.05.010 Title**
- 17.05.020 Purpose**
- 17.05.030 Provisions not affected by headings**
- 17.05.040 Tenses**
- 17.05.050 Number**
- 17.05.060 Purchasing copies**

\* For statutory provisions pertaining to planning in general, see California Government Code § 65000 et seq.; for provisions authorizing cities to regulate the use of land and buildings, see California Government Code § 65850; for provisions requiring a city to adopt a general plan, see California Government Code § 65300.

**17.05.010 Title.**

This title shall be known as “the zoning ordinance.”

**17.05.020 Purpose.**

The purpose of this title is to implement the general plan and to establish a set of development regulations that serve the public health, safety, and general welfare, and that provide the economic and social advantages resulting from an orderly planned use of land resources.

**17.05.030 Provisions not affected by headings.**

Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section hereof.

**17.05.040 Tenses.**

The present tense includes the future, and the future the present.

**17.05.050 Number.**

The singular number includes the plural and the plural the singular.

**17.05.060 Purchasing copies.**

Copies of this title shall be available for purchase from the department of community development. The selling price of the copies shall be fixed by the city council. The funds received from the sale of the copies shall be credited to the general fund.

## Chapter 17.10

### ADMINISTRATION, INTERPRETATION, AND ENFORCEMENT

#### Sections:

- 17.10.010 Administration, interpretation, and enforcement**
- 17.10.020 Director's determination**
- 17.10.030 Report to planning commission**
- 17.10.040 Appeal of director's determination**
- 17.10.050 Certificates of occupancy**
- 17.10.060 Conflicts**
- 17.10.070 Penalties**
- 17.10.080 Judicial review**
- 17.10.090 Compliance with CEQA time limits**

#### **17.10.010 Administration, interpretation, and enforcement.**

The director of community development (director) shall administer, interpret, and enforce the provisions of this title, including any ambiguities or omissions herein. In interpreting this title, the director shall gather and review all pertinent facts and make a determination based upon those facts.

#### **17.10.020 Director's determination.**

In administering, interpreting, and enforcing this title, the director shall consider legal requirements, as well as the minimum requirements necessary for the promotion of the public health, safety, comfort, convenience and the general welfare of the city. Upon request, the director shall document his or her determination in writing.

#### **17.10.030 Report to planning commission.**

The director shall make a report to the planning commission describing the administrative determinations made pursuant to Sections 17.10.010 and 17.10.020 above. The report shall be submitted as a discussion item in July and January, for the preceding six (6) month period. No such report shall be required, if the director has not issued an administrative determination in the six (6) month period preceding the required reporting dates.

#### **17.10.040 Appeal of director's determination.**

Any decision or determination made by the director may be appealed to the planning commission in accordance with the provisions of Chapter 17.30 of this title.

#### **17.10.050 Certificates of Occupancy.**

To assure compliance with the provisions of this title, a certificate of occupancy shall be obtained from the building and fire safety division before:

- A. Any new building is initially occupied or used;
- B. Any change of type or class of use is made; or
- C. A change of use of any unimproved premises is made.

#### **17.10.060 Conflicts.**

It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. However, when this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this title shall govern.

Furthermore, all departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this title. No such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions of this title, shall be null and void.

#### **17.10.070 Penalties.**

- A. Any person, firm, or corporation violating any of the provisions of this title may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in Section 1.24.010 of this code.
- B. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided above in Section 17.10.070(A). Any use, occupation or building or structure maintained contrary to the provisions of this title shall constitute a public nuisance.
- C. In addition or in lieu of prosecuting a violation as an infraction or misdemeanor, the director is authorized to issue an administrative citation in accordance with Chapter 1.14, or initiate abatement proceedings pursuant to Chapter 15.16, and/or may commence an

administrative proceeding under Chapter 15.18 to cause the assessment of a civil penalty pursuant to Section 1.24.020.

**17.10.080 Judicial review.**

Any proceeding to seek judicial review in order to dispute, annul, contest or otherwise attack a decision of the city in any zoning or land use matter must be brought within 60 days of the date on which the disputed decision becomes final, unless otherwise provided for by statute.

**17.10.090 Compliance with CEQA time limits.**

Whenever the timing and processing requirements of the California Environmental Quality Act (CEQA) require a longer time period for the processing of land use or development projects than the time periods stated in this title, the longer time periods and processing requirements required by CEQA shall prevail.

## Chapter 17.15

### ESTABLISHMENT OF ZONES, BOUNDARIES AND PREZONING

#### Sections:

- 17.15.010 Establishment of zones by name
- 17.15.020 Zoning restrictiveness
- 17.15.030 Establishment of zones by map
- 17.15.040 Division of zoning map
- 17.15.050 Changes in boundaries
- 17.15.060 Uncertainty of boundaries
- 17.15.070 Limitation of land use
- 17.15.080 Naming of zones
- 17.15.090 Prezoning
- 17.15.100 Urgency interim ordinance

#### 17.15.010 Establishment of zones by name.

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following zoning districts are established:

<b>Zoning Districts:</b>	<b>Descriptive Zoning District Name:</b>
O-S	Open Space
H	Hillside overlay
PRD	Planned residential development
RS-40	Residential, Single-family, 40,000 square-foot
RS-20	Residential, Single-family, 20,000 square-foot
RS-14	Residential, Single-family, 14,000 square-foot
RS-9	Residential, Single-family, 9,000 square-foot
RS-6	Residential, Single-family, 6,000 square-foot
RM-6000	Residential, Multi-family 6,000 square-foot
RM-4300	Residential, Multi-family 4,300 square-foot
RM-2500	Residential, Multi-family 2,500 square-foot
RM-2200	Residential, Multi-family 2,200 square-foot
RM-1500	Residential, Multi-family 1,500 square-foot
RM-HR	Residential, Multi-family, High-Rise
MH	Mobile Home Overlay
O-P	Office Professional
P	Parking
MU	Mixed-Use
C-N	Neighborhood Commercial
C-G	General Commercial
C-R	Regional Commercial
C-M	Heavy Commercial - Light Industrial
M	Manufacturing

#### **17.15.020 Zoning restrictiveness.**

In reviewing a request for zone reclassification pursuant to Chapter 17.20, the planning commission may recommend and the city council may approve an alternative zone or zones that is “more restrictive” than the zone requested in the application and publicly advertised. Zones are considered “more restrictive” in relation to their reverse order as listed in Section 17.15.010, with the exception of the hillside overlay zone (H), which does not contain any uses. For example, the RS-6 zone is “more restrictive” than the RM-2500 zone, but the RS-6 zone is “less restrictive” than the RS-40 zone.

#### **17.15.030 Establishment of zones by map.**

The location and boundaries of the various zones are such as are shown and delineated on the zoning map as adopted originally by Ordinance No. 236 and as subsequently amended, which map, as amended from time to time, is by reference made a part of this title.

#### **17.15.040 Division of zoning map.**

The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map.

#### **17.15.050 Changes in boundaries.**

Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map or part of said map or unit of a part of said zoning map, which said amended maps or part or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this title.

#### **17.15.060 Uncertainty of boundaries.**

Where uncertainty exists as to the boundaries of any zone shown upon a zoning map or any part or unit thereof, the following rules of construction shall apply:

- A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of un-subdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same are

indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.

- C. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.
- D. Areas of dedicated streets or alleys and railroad rights-of-way other than such as are designated on the zoning map as being classified in one of the zones provided in this title shall be deemed to be unclassified, and in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and movement of rolling stock.
- E. Any property which for any reason is not designated on the zoning map as being classified in any of the zones established hereby shall be deemed to be classified in the RS-40 zone until the same shall have been otherwise classified in the manner set forth in Chapter 17.20.

**17.15.070 Limitation of land use.**

Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose, except as hereinafter specifically provided and allowed in the same zone in which such building and land is located.

**17.15.080 Naming of zones.**

The zones listed in Section 17.15.010 are named according to an orderly arrangement of letters and numbers. The letter designators indicate abbreviated words such as residential (R) and commercial (C). The abbreviated words are spelled out in the second column of the table in Section 17.15.010. The numbers represent the minimum lot size in the single-family zones, and the minimum lot area per dwelling unit in the multiple-family zones. Both minimum lot size and minimum lot area are presented in square-feet units.

**17.15.090 Prezoning.**

- A. Prior to the annexation of any property to the city, said property shall first be prezoned in the manner set forth in Chapter 17.20. The purpose of prezoning is to establish the zoning district that will apply to that property and be effective upon the annexation of the property to the city.

- B. The annexation of the property to the city shall be commenced within one year of the date of approval of the rezoning by the city council or the rezoning shall expire, unless extended pursuant to Chapter 17.35. The city may apply reasonable conditions to the approval of a rezoning request to ensure that the property will comply with the city's ordinances and policies upon annexation.

**17.15.100 Urgency interim ordinance.**

To protect the public health, safety and welfare, the city council may adopt an urgency interim ordinance, without a public hearing, which prohibits any uses which may be in conflict with a contemplated zoning proposal which the city council, planning commission, redevelopment agency or the planning division is considering or studying or intends to study within a reasonable time. Such urgency measure shall be adopted in accordance with Title 7, Division 1, Chapter 4, Article 2, Section 65858 of the California Government Code.

## Chapter 17.20

### AMENDMENTS

#### Sections:

- 17.20.010 Title may be amended
- 17.20.020 Initiation
- 17.20.030 Commission to hold hearing on amendments
- 17.20.040 Commission to announce findings
- 17.20.050 Required findings
- 17.20.060 Notice of commission's decision
- 17.20.070 Commission action shall be final when denying application
- 17.20.080 Council to hold hearing on amendments
- 17.20.090 Council referral to planning commission
- 17.20.100 Decision of city council
- 17.20.110 Notice of council decision

#### **17.20.010 Title may be amended.**

The boundaries and areas of the zones established by this title and as depicted on the zoning map, the classification of land uses therein, or other provisions of this title may be amended whenever public necessity and convenience and general welfare require.

#### **17.20.020 Initiation.**

Amendments of this title may be initiated by:

- A. Submittal of a completed application by the property owner, or the property owner's agent, to the secretary of the planning commission. However, no application for a zone reclassification shall be accepted if a previous application for the same zone reclassification request, for the same property, was denied within the previous year; or
- B. A resolution of intention of the city council; or
- C. A resolution of intention of the planning commission.
- D. All amendments to this title which do not change any property from one zone to another, or do not impose any regulation listed in Section 65800 of the California Government Code (the Planning and Zoning Law) not theretofore imposed, or which do not remove or modify any such regulation theretofore imposed, may be initiated and adopted as other ordinances are adopted by said city council.

**17.20.030 Commission to hold hearing on amendments.**

Upon acceptance of a completed application, the secretary of the planning commission shall schedule a public hearing before the planning commission in accordance with the provisions of Chapter 17.25 of this title.

**17.20.040 Commission to announce findings.**

After close of the public hearing on an application for an amendment, the planning commission shall announce its decision by resolution filed with the city clerk. Said resolution shall either recommend that the amendment be approved by the city council, or it shall deny the proposed amendment. Should the planning commission fail to reach a decision on the application, the provisions of Section 2.12.080 of the El Cajon Municipal Code shall apply to any vote. The matter shall be referred to the city council together with the planning commission minutes and the complete record of the case.

**17.20.050 Required findings.**

The planning commission may recommend and the city council may adopt any amendment to the zoning ordinance, provided that it first makes the following findings:

- A. The proposed zoning amendment, including any changes proposed in the various land uses to be authorized, is compatible with the objectives, policies, general land uses, and programs specified in the general plan.
- B. The proposed zoning amendment is consistent with any applicable specific plan governing development of the subject property.
- C. It is in the public necessity and convenience and/or general welfare that the zoning regulations governing the property be changed.
- D. When a reduction in residential density is proposed, the following additional finding shall be made: The remaining sites identified in the housing element are adequate to accommodate the city's share of the regional housing need pursuant to California Government Code Sections 65584, and 65863.

**17.20.060 Notice of commission's decision.**

Within five (5) days of the passage of a resolution, the secretary to the planning commission shall cause all of the following to be done on the same day:

- A. Notify the applicant of its action by mailing a copy of such resolution to the applicant at the address shown upon the application;
- B. File a copy of such resolution with the city clerk; and
- C. Forward a copy of such resolution to the city council.

If the planning commission recommends adoption of an amendment, the complete record of the case shall also be forwarded to the city council.

**17.20.070 Commission action shall be final when denying application.**

The action of the planning commission in denying an application for an amendment shall be final and conclusive, unless within 10 days of the planning commission's action, a written appeal of the action is filed with the city clerk pursuant to the provisions of Chapter 17.30 of this title

**17.20.080 Council public hearings on amendments.**

The city clerk shall schedule a public hearing before the city council in accordance with the provisions of Chapter 17.25, upon receipt of a resolution from the planning commission recommending approval of a requested zoning amendment. The city clerk shall also schedule a public hearing before the city council in the event that a planning commission resolution denying a requested zoning amendment is appealed by any person in accordance with the provisions listed in Chapter 17.30.

**17.20.090 Council referral to planning commission.**

The city council may approve, modify or deny the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the city council not previously considered by the planning commission during its hearing shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within 40 days after the referral, or such longer period as may be designated by the city council, shall be deemed a positive recommendation of the proposed modification.

**17.20.100 Decision of city council.**

The action by the city council on the application for amendment shall be by a majority vote of the entire membership of the city council and shall be final and conclusive. Denial of a zoning amendment request may be in the form of a resolution or a minute order. Approval of a zoning ordinance amendment shall be in the form of an ordinance.

**17.20.110 Notice of council decision.**

No later than 10 days following council action regarding a proposed zoning amendment, a copy of the ordinance, resolution, or minute order documenting the council's action shall be mailed to the applicant and any other parties requesting notice of the action, and one copy shall be forwarded to the secretary of the planning commission. Furthermore, in accordance with California Government Code Section 65863.5, the city shall notify the county assessor of any approval that changes the zoning designation of a property in the city.

## Chapter 17.25

### PROCEDURES, HEARINGS, NOTICES AND FEES

#### Sections:

- 17.25.010 Director to prescribe form of application and required information**
  - 17.25.020 Acceptability of signature on applications**
  - 17.25.030 Applications to be a part of permanent record**
  - 17.25.040 Filing fees**
  - 17.25.050 Exemption of state agencies**
  - 17.25.060 Setting hearings**
  - 17.25.070 Notices—time and place**
  - 17.25.080 Required wording of notices**
  - 17.25.090 Investigations**
  - 17.25.100 Permanent files to include summary of testimony**
  - 17.25.110 Withdrawal of application**
  - 17.25.120 Notices of restriction on real property**
- 
- 17.25.010 Director to prescribe form of application and required information.**

In accordance with the provisions of California Government Code Section 65940, the director of community development shall prescribe the form in which applications are made, and shall prescribe the information required to be submitted by the applicant with applications for planned residential developments, planned unit developments, signs, site development plans, specific plans, variances, conditional use permits, zoning amendments, adult entertainment permits, and historic resource designations, and for any other planning applications for which submittal requirements are not specified within this title. No application shall be deemed complete, unless it complies with such requirements or the director specifically waives the requirement.

#### **17.25.020 Acceptability of signature on applications.**

If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission or city council.

#### **17.25.030 Application to be part of permanent record.**

Applications filed pursuant to this title shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records

of the agency to which application is made, and there shall be attached thereto and permanently filed therewith, copies of all notices and actions with certificates or affidavits of posting, mailing or publications pertaining thereto.

**17.25.040 Filing fees.**

The city council shall establish all planning and land use application filing fees by resolution. A copy of the resolution with a listing of the filing fees and their adoption date shall be maintained in the office of the city clerk and the community development department. A hand-out reflecting the established fees shall be prepared and made available upon request.

**17.25.050 Exemption of state agencies.**

Agencies and departments of the state, including school districts, shall be exempt from the payment of fees otherwise required herein.

**17.25.060 Setting hearings.**

Whenever the provisions of this title require that a public hearing be held before the planning commission, the hearing shall be set by the secretary of the planning commission, and whenever the provisions of this title require that a public hearing be held before the city council, the hearing shall be set by the city clerk. Public hearings shall be conducted no later than such time as may be required by applicable state laws.

**17.25.070 Notices—time and place.**

Notice of time and place of a public hearing shall be given in the following manner:

- A. Notice of any public hearing upon a proposed amendment to this title, or to the map which is a part of this title, shall be given in accordance with California Government Code Sections 65090, 65091 and 65092, as applicable, and as may be amended from time to time. At a minimum, notice shall be given by at least one publication of said notice of public hearing in a newspaper of general circulation in the city not less than ten days before the date of said public hearing.
- B. Notice of any public hearing to consider a variance, conditional use permit, or minor conditional use permit or any appeal of a decision made by the planning commission regarding same, shall be given in accordance with California Government Code Sections 65091 and 65092, as may be amended from time to time. At a minimum, notice shall be given by mailing said notice of public hearing to the affected property owner, the applicant, and the owners of real property (as

shown on the latest equalized assessment roll) within 300 feet of the real property that is the subject of the hearing not less than ten days before the date of said hearing.

- C. Notice of any other public hearing required pursuant to the provisions of this title shall be given by mailing said notice of public hearing to the affected property owner, the applicant, and the owners of real property (as shown on the latest equalized assessment roll) within 300 feet of the real property that is the subject of the hearing not less than ten days before the date of said hearing.
- D. When a development proposal involves more than one application request and the noticing requirements for the applications differ, the director may prepare and distribute a combined notice of public hearing that encompasses all applicable requirements.
- E. Neither the failure to actually receive notice nor the failure to receive notice in a timely manner shall be cause for the an appeal of any decision of the planning commission or the city council, so long as notice was mailed, published and/or posted as prescribed by this section.

**17.25.080 Required wording of notices.**

Public hearing notices required pursuant to this title shall include a header which consists of the following words: "Notice of Proposed Zone Reclassification" or "Notice of Proposed Variance" or "Notice of Proposed Conditional Use Permit" or "Notice of Proposed Adult Entertainment Permit" or "Notice of Proposed Planned Residential Development," etc. as the case may be. In addition, the notice shall set-forth the description of the property under consideration, the nature of the proposed change or use, the application number, the date, time and place at which the public hearing or hearings on the matter will be held, and the identity of the hearing body.

**17.25.090 Investigations.**

The director shall cause to be made such investigation of facts bearing upon an application set for hearing, including an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purpose of this title and with previous amendments or variances.

**17.25.100 Permanent files to include summary of testimony.**

A summary of all pertinent testimony offered at any public hearing held in connection with an application filed pursuant to this title, and the names of

persons testifying shall be documented and made a part of the permanent files of the case.

**17.25.110 Withdrawal of application.**

An applicant may at any time, prior to a decision being rendered, withdraw an application by submittal of a written notice of withdrawal to the director of community development. The written notice shall include the application number and type of application being withdrawn. The application will be considered withdrawn on the date the written notice of withdrawal is received by the director. If at the time of the withdraw, the application has been advertised for a public hearing with either the planning commission or the city council, the secretary of the planning commission or the city clerk, as applicable, shall post a notice of cancellation of the public hearing at city hall and two additional conspicuous places, if time permits. If the withdraw is submitted at the planning commission or city council meeting at which the item was to be considered, the commission secretary or city clerk, as applicable, shall notify the respective decision making body of the withdraw at or prior to the action being scheduled to be heard.

**17.25.120 Notices of restriction on real property.**

The city shall record with the county recorder or San Diego County all documents relating to real property in the city with respect to building, planning, zoning and engineering matters, if it is determined to be in the best interests of the City of El Cajon. The determination as to the necessity for recordation shall be made by the city council, planning commission, city manager, city clerk, director of community development, or city attorney, and such determination shall be conclusive.

Any fees charged by the recorder for recordation of the documents are to be borne by the property owner or developer.

## Chapter 17.30

### APPEALS

#### Sections:

- 17.30.010 Appeal of director's decision or determination**
- 17.30.020 Appeal of planning commission decision**
- 17.30.030 Council member's request for review**
- 17.30.040 Transmission of records**
- 17.30.050 Council to hold public hearing on appeal**
- 17.30.060 Council recommendation and referral to planning commission**
- 17.30.070 Council to announce findings and decision by resolution**
- 17.30.080 Decision of the council deemed final**
- 17.30.090 Notice of council decision**

#### **17.30.010 Appeal of director's decision or determination.**

Any written decision or determination of the director of the community development department in the interpretation and/or implementation of this title may be appealed to the planning commission. Such an appeal must be filed in writing with the secretary of the planning commission within 10 days of the date of the director's decision or determination. In the event of an appeal, it shall be the duty of the secretary of the planning commission to forward all pertinent facts to the commission within 40 days of the filing of a written appeal. The commission shall conduct a public hearing pursuant to Chapter 17.25. At the public hearing the planning commission shall review the facts, and shall set forth its findings and its decision in a resolution of record. Thereafter, such decision shall govern, unless appealed to the city council.

#### **17.30.020 Appeal of planning commission action.**

Any decision of the planning commission in granting or denying a variance or permit, or in interpreting a director's action or determination shall be final and conclusive, unless appealed in writing to the city council within 10 days of planning commission action. Furthermore, any action of the planning commission denying a proposed zoning amendment may be appealed in writing to the city council by any person within 10 days of planning commission action. The appeal shall be filed with the city clerk and the filing of an appeal shall stay the effective date of the planning commission action, until such time as the council has acted on the appeal.

#### **17.30.030 Council member's request for review.**

A member of the city council may file a written request for a review of any resolution approved or denied by the planning commission by filing a written request for review with the city clerk within 10 days of the planning commission

action. There shall be no filing fee for the council member's written request for review.

**17.30.040 Transmission of records.**

Upon receipt of a written appeal filed with the secretary of the planning commission or the city clerk, the director or the planning commission secretary, as applicable, shall transmit to the planning commission or the city council, as applicable, the director's or planning commission's complete record of the action or decision being appealed.

**17.30.050 Council to hold public hearing on appeal.**

The city council shall conduct a public hearing as provided in Chapter 17.25 of this title within 40 days of the filing of a written appeal of a planning commission decision.

**17.30.060 Council recommendation and referral to planning commission.**

The city council may approve, modify or disapprove any decision or action of the planning commission. Furthermore, the city council may refer any permit or variance request back to the planning commission for further consideration, if any modification is requested or required that was not previously considered by the planning commission.

The planning commission shall not be required to hold a public hearing thereon. However, failure of the planning commission to report within 40 days after the referral, or such longer period as may be designated by the city council, shall be deemed a positive recommendation of the proposed modification.

**17.30.070 Council to announce findings and decision by resolution.**

The city council shall announce its decision and findings by resolution within 40 days of receipt of a report from the planning commission or within 80 days from the date such matter was referred to the planning commission. Such resolution shall state findings supporting its decision upholding or denying the appeal.

**17.30.080 Decision of the council deemed final.**

The action by the city council on appeals shall be by majority vote of the entire council and shall be final and conclusive.

**17.30.090 Notice of council decision regarding appeals.**

No later than 10 days following council action regarding an appeal, a copy of the resolution documenting the council's action shall be mailed to the appellant, the applicant, and any other parties requesting notice of the action, and one copy of the resolution shall be forwarded to the secretary of the planning commission.

## Chapter 17.35

### EXPIRATIONS, TIME EXTENSIONS, AND PERMIT REVOCATION

#### Sections:

**17.35.010** Permit expiration

**17.35.020** Time extensions

**17.35.030** Permit revocation

#### **17.35.010** Permit expiration.

- A. Any approved site development plan, conditional use permit, minor conditional use permit, historic resource designation, variance, or adult entertainment permit becomes null and void, if not legally exercised within the time specified in the approving letter or resolution. If no specific expiration date is given in the approving letter or resolution, the plan, permit or variance shall expire one (1) year from the date of the approving letter or resolution.

A site development plan, conditional use permit, minor conditional use permit, historic resource designation, variance, or adult entertainment permit is considered to be legally exercised, if a building permit necessary to construct the approved development, or establish the approved use has been issued prior to the expiration date, and work has progressed diligently toward the completion of the improvements authorized by the building permit and towards the establishment of the approved use. If no building permit is required, "legally exercised" shall mean that the approved use has been established and is operational and all required conditions of project approval are satisfied.

- B. If a use is legally established under a conditional use permit, minor conditional use permit, or adult entertainment permit, and the use is discontinued for any reason for a period of 12 consecutive months or more, the permit becomes null and void and the use may not be resumed without first obtaining a new conditional use permit, minor conditional use permit, or adult entertainment permit, as applicable.
- C. Any specific plan or zone reclassification approved by the city council becomes null and void, if the conditions or requirements of approval are not met within the time specified in such approval, or, if no date is specified, within one (1) year from the date of approval by the city council.

### **17.35.020 Time extensions.**

Notwithstanding the expiration dates noted above in this chapter, and upon written request from the applicant prior to the expiration date, the decision-making body, as applicable, may extend the one (1) year time limit, or such other time restriction as specified in the letter or resolution approving the plan, permit, or variance. Such time extension may be approved by a letter in the case of a site development plan; a resolution in the case of a conditional use permit, minor conditional use permit, adult entertainment permit, historic resource designation or variance; or a motion approved by the city council, in the case of a conditional approval of a specific plan or a zoning reclassification. Furthermore, the time extension may be approved without further public hearing. Such time extension may not exceed one (1) additional year, and may include such reasonable new conditions as the director or the planning commission, as applicable, may apply. No more than one (1) such extension may be granted. Decisions of the director and the planning commission regarding time extensions may be appealed in accordance with the provisions of Chapter 17.30.

### **17.35.030 Permit revocation.**

After holding a public hearing in the manner prescribed in Chapter 17.25, the planning commission may revoke or modify any approved conditional use permit, minor conditional use permit, historic resource designation, or adult entertainment permit for any of the following reasons:

- A. The approval was obtained by fraud;
- B. The approval is being, or has been exercised contrary to the terms or conditions of approval, or in violation of any statute, ordinance, law or regulation;
- C. The use for which the approval was granted is being, or has been, conducted in such a way as to be detrimental to the public health or safety, or so as to constitute a nuisance.

## Chapter 17.40

### ADMINISTRATIVE ZONING PERMIT

#### Sections:

- 17.40.010 Intent and purpose**
- 17.40.020 Applicability**
- 17.40.030 Application**
- 17.40.040 Authority to approve**
- 17.40.050 Notice of decision**
- 17.40.060 Appeals**

#### **17.40.010 Intent and purpose.**

The intent and purpose of this chapter is to list the process for administrative zoning permits under simplified headings.

#### **17.40.020 Applicability.**

The following property improvements and land uses may be approved by an administrative zoning permit:

- A. Large family daycare homes in residential zones, in compliance with Section 17.225.030.
- B. Outdoor dining areas in compliance with Section 17.225.090.
- C. Fences, hedges, and walls that are higher than would otherwise be allowed, in instances where there is a legitimate need for a higher fence, and subject to written consent from all affected adjoining property owners and safe site distance considerations.
- D. Roadside stands, in compliance with Section 17.225.110.
- E. Second family units, in compliance with Section 17.140.180.
- F. A temporary shade structure, in compliance with Section 17.225.160.

#### **17.40.030 Application.**

An application for an administrative zoning permit may be filed with the secretary of the planning commission by the property owner of the property for which the permit is requested, or the property owner's agent.

**17.40.040 Authority to approve.**

Administrative zoning permits and amendments thereto may be approved, conditionally approved, or denied by the director of community development. The director may, at his or her discretion, refer administrative zoning permits and amendments thereto to the planning commission, which may approve, conditionally approve, or deny such permits. Pursuant to Section 17.130.210, in no case shall a wall, fence or hedge be approved that would create a sight distance hazard.

**17.40.050 Notice of decision.**

The applicant for an administrative zoning permit shall be notified in writing of the decision of the director to approve, conditionally approve, or deny the permit. In the event that the director refers the permit application to the planning commission, the applicant shall be notified in writing and the notice shall include the date and time of the planning commission meeting.

**17.40.060 Appeals.**

The action of the director or the planning commission in approving, conditionally approving, or denying an administrative zoning permit may be appealed pursuant to the requirements listed in Chapter 17.30 of this title.

## Chapter 17.45

### ADULT ENTERTAINMENT ESTABLISHMENT REGULATIONS

#### Sections:

- 17.45.010 Legislative findings
  - 17.45.020 Purpose
  - 17.45.030 Title
  - 17.45.040 Definitions
  - 17.45.050 Adult entertainment permit required
  - 17.45.060 Adult entertainment permit
  - 17.45.070 Development standards—general and specific
  - 17.45.080 Measure of distance
  - 17.45.090 Abatement of nonconforming adult entertainment establishments
  - 17.45.100 Authority to approve
  - 17.45.110 Public hearing
  - 17.45.120 Planning commission—findings and decision
  - 17.45.130 Notice of decision of planning commission
  - 17.45.140 Adult entertainment permit—grant or denial, modification, suspension or revocation
  - 17.45.150 Hearing—subpoena of witnesses
  - 17.45.160 Hearing—swearing of witnesses—presentation of evidence
  - 17.45.170 Violation—penalty
  - 17.45.180 Violation—each day deemed separate offense—public nuisance
  - 17.45.190 Severability.
- 17.45.010 Legislative findings.

The council makes the following legislative findings:

- A. The possession, display, exhibition, distribution and sale of books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and devices which depict, illustrate, describe or relate to specified sexual activities is a business that exists within the city.
- B. The operating and maintaining of places:
  - 1. Where parts of one person are treated or encountered by rubbing, stroking, kneading or tapping by a second person, accompanied by the display or exposure of specified anatomical areas; or

2. Presenting dancers displaying or exposing specified anatomical areas are businesses that exist or may wish to locate within the city.
- C. When the activities detailed in subsections A and/or B are present in an area of the city, other activities tend to accompany them which are illegal, immoral or unhealthful, such as prostitution, pandering, solicitation for prostitution, lewd and lascivious behavior, exposing minors to harmful materials, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property, and these objectionable activities are recognized as particularly harmful when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, including a decrease in property values, and an increase in urban blight and deterioration.
  - D. When the activities detailed in subsections A and/or B are present in an area of the city in the vicinity of facilities frequented by minors, it is recognized that minors, because of their immaturity, will be exposed to adult entertainment material which may adversely affect them.
  - E. The buildings and establishments in which these activities and business operations take place:
    1. Are conducive to and are often used for the commission of immoral, lewd, indecent or illegal acts; or
    2. Are often constructed, in part or in whole, of substandard materials or in disregard for the health and safety of patrons and customers.
  - F. The business operations and activities mentioned in subsections A and B are commercial ventures, operated for the purpose of making a profit, and as such are proper subjects for regulation by the city in the interest of the health, safety and welfare of the public.

**17.45.020 Purpose.**

The purpose of this chapter is to establish a comprehensive set of reasonable and uniform regulations to prevent the concentration of adult entertainment establishments within the city and more particularly:

- A. To protect property values;
- B. To prevent blight and the deterioration of the city's neighborhoods;

- C. To enhance the quality of life in the city's neighborhoods;
- D. To preserve and stabilize the city's neighborhoods; and
- E. To decrease the incidents of crime and juvenile delinquency.

It is not the purpose of this chapter to establish community standards on obscenity. It is also not the purpose of this chapter to allow the establishment of adult entertainment activities, which are in violation of the laws of the state of California. These matters are preempted by the state and are subject to state regulation, and it is not the intent of the council to legislate with respect to preempted matters.

**17.45.030 Title.**

This chapter may be known and cited as the "Adult Entertainment Establishment Regulations Code."

**17.45.040 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

"Adult" means a person who has attained the age of at least eighteen years.

"Adult bookstore" means a use that devotes a regular and substantial portion of its business to the display and sale of the following:

Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, computer generated matter or other forms of visual or audio representations which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas.

An adult bookstore does not include an establishment that sells books, periodicals or films as an incidental or accessory part of its principal stock-in-trade.

"Adult cabaret" means a nightclub, bar, theater, restaurant or similar use which regularly features waiters, waitresses, bartenders, and/or live performers who expose specified anatomical areas for observation by patrons and/or regularly features live performances, or films, motion pictures, video cassettes, slides or other photographic representations during which a substantial portion of the total performance or presentation time is devoted to the showing of material which has as its primary or dominant theme matter depicting, illustrating, describing or

relating to specified sexual activities or specified anatomical areas for observation by patrons.

“Adult drive-in theater” means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

“Adult entertainment activities” means:

- A. Adult bookstore;
- B. Adult cabaret;
- C. Adult drive-in theater;
- D. Adult gift shop;
- E. Adult hotel or motel;
- F. Adult mini-motion picture theater;
- G. Adult model studio;
- H. Adult motion picture arcade,
- I. Adult motion picture theater,
- J. Adult theater;
- K. Body painting studio;
- L. Sexual encounter studio or rap parlor; or
- M. Any establishment, other than those listed in subdivisions A-L, which offers its patrons services or entertainment, a substantial portion of which is devoted to the showing of material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas.

“Adult entertainment establishment” means a place of business where one or more adult entertainment activities are conducted by an individual, partnership, firm, association, corporation, or other legal entity.

“Adult gift shop” means a use that devotes a regular and substantial portion of its business to the display and sale of the following: Instruments, devices, novelties, gifts or paraphernalia other than condoms, I.U.D.s, diaphragms or spermicidal foams, which are designed for use in connection with specified sexual activities. An adult gift shop does not include a pharmacy licensed by the state of California.

“Adult hotel or motel” means a hotel, motel, inn or similar activity offering public accommodations, which does one or both of the following:

- A. Offers, for any form of consideration, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction, illustration or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented material by means of a sign visible from the public right-of-way or by means of off-premises advertising including but not limited to newspapers, magazines, pamphlets, leaflets, radio or television.
- B. Allows a tenant or occupant to rent a room for a period of less than ten hours.

“Adult model studio” means a use open to the public where, for any form of consideration, figure models whom display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons other than the proprietor. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established by the Education Code of the state of California for the issuance or conferring of, and is in fact authorized to issue and confer, a diploma.

“Adult motion picture theater” means an establishment, with a capacity of six or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown or maintained to be shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

“Adult theater” means a theater, concert hall, auditorium or similar activity, either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas.

“Body painting studio” means a use, which regularly provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body, when specified anatomical areas of such body are exposed.

“Creation of an adult entertainment establishment” means:

- A. The opening or commencement of any such establishment as a new establishment;
- B. The conversion of an existing establishment, whether or not an adult entertainment establishment, to any of the adult entertainment establishments defined in this chapter; or
- C. The relocation of any such establishment.

“Peep show arcade” means any establishment or portion of an establishment to which the public is permitted or invited in which coin-operated, slug-operated, electronic, electric or mechanical still picture machines, motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

“Person” means an individual, partnership, firm, association, corporation, or other legal entity.

“Public playground/park/recreation area” means an area to which the public, and particularly minors, come to participate in athletic or recreational activities, whether or not such activities are supervised or organized. Such areas include but are not limited to publicly owned and maintained parks, athletic fields, playgrounds, picnic areas, and minor-oriented recreation facilities such as the Boys’ and Girls’ Club, YMCA and YWCA.

“Religious facility” means an institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term “religious facility” shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

“School” means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, or which is maintained for preschool or day care services. This definition includes a day care center, nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education,

but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

“Sexual encounter studio” or “rap parlor” mean an activity, other than a hotel, motel, inn or similar activity offering public accommodations, which, for any form of consideration, regularly provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state of California engages in sexual therapy.

“Specified anatomical areas” means:

- A. Less than completely and opaquely covered human genitalia, pubic region, anus, buttocks, or female breasts below a point immediately above the top of the areola; or
- B. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

“Specified sexual activities” means:

- A. The fondling or other erotic touching of human genitalia, pubic region, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, bestiality, or necrophilia;
- C. Masturbation, actual or simulated;
- D. Erotic or sexually oriented torture, beating, masochism, mutilation, flagellation or the infliction of pain;
- E. Excretory functions as a part of or in connection with any of the above activities.

“Substantial enlargement of an adult entertainment establishment” means an increase by more than fifty percent in the floor area occupied by the business as of the effective date of this section.

“Transfer of ownership or control of an adult entertainment establishment” means:

- A. The sale, lease or sublease of such establishment; or

- B. The transfer of securities which constitute a controlling interest in such establishment, whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of such establishment, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

**17.45.050 Adult entertainment permit required.**

No person shall cause or permit the creation, substantial enlargement or transfer of ownership or control of any adult entertainment establishment without first obtaining and maintaining a valid, un-revoked adult entertainment permit as provided in this chapter.

**17.45.060 Adult entertainment permit.**

Upon receipt of a completed application, the planning commission shall review the application to determine if the applicant has complied with the development standards set forth in this chapter. If the applicant has complied with such standards, the applicant shall be granted an adult entertainment permit. The required findings presented in Chapter 17.80 of this title relating to variances shall be of no force and effect when considering an application for an adult entertainment permit.

**17.45.070 Development standards—general and specific.**

An application for an adult entertainment permit shall be granted by the planning commission upon a determination that all of the following standards have been met:

- A. The adult entertainment establishment shall be located within a permitted zone:
  - 1. Except as noted in subsection (A)(2), adult entertainment establishments may be located only within C-G zone and/or the C-R zone. No such establishment shall be permitted to locate in any area outside such zoning classifications.
  - 2. Adult bookstores may be located only within the C-G zone, the regional commercial C-R zone, and/or the C-N zone. No adult bookstore shall be permitted to locate in any area outside such zoning classifications.

B. The adult entertainment establishment shall meet the following minimum spacing requirements:

1. No adult entertainment establishment shall be located within one thousand feet of any other adult entertainment establishment.
2. Nothing in this subsection shall prohibit an adult bookstore from providing an area where patrons may preview, at no charge, films, motion pictures, video cassettes, slides, tapes or records, as set forth in subsection (F)(2) below.

C. The adult entertainment establishment shall meet the following minimum proximity requirements:

1. No adult entertainment establishment shall be located within five hundred feet of any parcel of land zoned for residential use.
2. No adult entertainment establishment shall be located within six hundred feet of any parcel of land that contains any one or more of the following specific land uses:
  - a. courthouse;
  - b. day nursery;
  - c. public playground/park/recreation area;
  - d. religious facility; or
  - e. school.

3. Nothing in this chapter prohibits the location of adult entertainment establishments within retail shopping centers in the above-specified commercial zones if such activities have their only frontage upon enclosed malls or malls isolated from direct view from public streets, parks, schools, religious facilities or residentially zoned property. However, the spacing requirements in subsection B above shall apply to adult businesses located within such a mall.

D. The adult entertainment establishment shall be in substantial compliance with the requirements of all health and safety codes, including, but not limited to, the building code, fire code, electrical code, mechanical code and plumbing code. Unless delay is caused by refusal of applicant to schedule or permit timely inspection, substantial

compliance shall be verified no later than 30 days following the application or the applicant shall be deemed to be in substantial compliance with such requirements for the purposes of permit issuance.

- E. The adult entertainment establishment shall be in substantial compliance with the development standards for the commercial zone in which the establishment is to be located, and with the general provisions of Chapter 17.130 relating to development standards and of Chapter 17.190 relating to sign regulations, except that, to the extent that provisions of this chapter may conflict or be more restrictive, this chapter shall control.
- F. The adult entertainment establishment shall meet the following minimum specific standards:
  - 1. View of interior from public way. All building openings, entries and windows in adult entertainment establishments shall be located, covered or screened to prevent an interior view 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 the depiction, illustration or description of specified sexual activities or specified anatomical areas.
  - 2. Adult peep show arcades-adult bookstores.
    - a. If films, motion pictures, video cassettes, slides, tapes and/or records are offered for sale, rent or viewing and if customers may preview, or view them while on the premises, all booths or rooms which are available for such use by customers shall conform to all of the following standards:
      - i. All viewing areas must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure;
      - ii. All viewing areas must contain sufficient chairs or other seating arrangements to accommodate the expected number of persons who will occupy the area at one time;
      - iii. No more than one person per 25 square feet of floor space shall be permitted within any booth or room; and
      - iv. The number of persons who may occupy the booth or room at one time must be clearly stated on or near the door to the booth or room, and no

more than that number shall be permitted inside the booth or room at one time.

- b. No more than 20 percent of the total floor area of an adult bookstore may be used for booths or rooms described in subsection (a) of this section.
3. Adult gift shops. The interior of adult gift shops shall be adequately lighted and constructed so that every portion of the premises is visible immediately upon entrance to the gift shop.
4. Adult cabarets. In addition to the standards in this chapter, each adult cabaret shall comply with each and every provision of Chapter 5.24 of this code. No person shall obtain an adult entertainment permit for an adult cabaret unless that person first or concurrently obtains a cabaret license under Chapter 5.24.

**17.45.080 Measure of distance.**

Distance, without regard to intervening structures, shall be:

- A. A straight line measured from the closest exterior structural wall of any two adult entertainment establishments.
- B. A straight line measured from the closest exterior structural wall of an adult entertainment establishment to the closest property line of a religious facility, courthouse, public playground/park/recreation area, school, or residential zone.

For the purposes of this section, the term “closest exterior structural wall” means the closest property line when applied to an adult drive-in theater or any other adult entertainment establishment without exterior structural walls.

**17.45.090 Abatement of nonconforming adult entertainment establishments.**

- A. All adult entertainment establishments that were established prior to the adoption of this chapter that do not conform to all of the provisions of this chapter shall be brought into conformance or abated as provided in Chapter 17.120 (Non-conforming uses and structures) of this title.
- B. Notwithstanding anything to the contrary herein, no adult entertainment establishment legally operating on May 12, 1981 shall be abated solely on the basis of its proximity to a parcel of land containing the following specific land uses:

1. Residential;
2. Religious facility;
3. Courthouse;
4. Public playground/park/recreation area;
5. School;
6. Another adult entertainment activity.

**17.45.100 Authority to approve.**

The planning commission shall approve an adult entertainment permit for any use, business and/or activity which may involve the exercise of First Amendment rights, unless the use, business and/or activity is not in substantial compliance with the specific standards set forth in Section 17.45.070.

**17.45.110 Public hearing.**

Within 14 days of the filing of an application for an adult entertainment permit by a property owner or his or her agent, or within 14 days of a determination by the planning commission that an adult entertainment permit should be modified, suspended, or revoked, the planning commission shall give notice and hold a public hearing pursuant to Chapter 17.25 of this title.

**17.45.120 Planning Commission—findings and decision.**

Within 30 days of the close of the public hearing, the planning commission shall announce its findings and decision by resolution. Such resolution shall grant an application for an adult entertainment permit if the standards in Section 17.45.070 are met and shall deny an application for an adult entertainment permit if one or more of the standards in Section 17.45.070 are not met. Said resolution shall state the facts and findings supporting any modification, suspension or revocation of an existing adult entertainment permit.

**17.45.130 Notice of decision.**

Within five (5) days of the passage of a resolution as provided in Section 17.45.120, the secretary of the planning commission shall cause all of the following to be done on the same day:

- A. Notify the applicant of its action by mailing a copy of such resolution to the applicant at the address shown upon the application;

B. File a copy of such resolution with the city clerk; and

C. Forward a copy of such resolution to the city council.

**17.45.140 Adult entertainment permit—grant or denial, modification, suspension or revocation.**

The resolution of the planning commission shall be final and conclusive, unless appealed to the city council pursuant to Chapter 17.30 of this title.

**17.45.150 Hearing—subpoena of witnesses.**

The city clerk, at the request of the city manager, or upon his or her own initiative, or upon the written request of the applicant or permittee, shall issue subpoenas for the attendance of witnesses at an appeal hearing. Any person served with such subpoena shall attend such hearing. Failure to do so shall constitute a violation of this chapter.

**17.45.160 Hearing—swearing of witnesses—presentation of evidence.**

At such hearing, the city council may, at its discretion, require witnesses to be sworn. The applicant or permittee, or his or her agent, may present evidence in support of the issuance or continuance of his or her permit. Any other person may, at the discretion of the city council, be allowed to participate in the hearing and present evidence.

**17.45.170 Violation—penalty.**

Any person, firm, or corporation violating any of the provisions of this chapter may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in Section 1.24.010 of this code.

**17.45.180 Violation—each day deemed separate offense—public nuisance.**

Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which a violation of any section of this chapter is committed, continued or permitted by such person, and shall be punishable as provided above in Section 17.45.170. Any use or occupation of any building or structure maintained contrary to the provisions of this title shall constitute a public nuisance.

**17.45.190 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason declared to be void, unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The council hereby declares that it would have enacted this chapter regardless of the invalid or proscribed section, subsection, sentence, clause or phrase.

## Chapter 17.50

### CONDITIONAL USE PERMIT

#### Sections:

- 17.50.010 Intent and purpose**
- 17.50.020 Permit required**
- 17.50.030 Authority to apply**
- 17.50.040 Public hearing required**
- 17.50.050 Authority to approve**
- 17.50.060 Required findings**
- 17.50.070 Notice of decision**
- 17.50.080 Appeals**

#### **17.50.010 Intent and purpose.**

The intent and purpose of a conditional use permit is:

- A. To ensure compatibility among existing and planned land uses in the vicinity of the proposed use;
- B. To recognize and compensate for potentially adverse impacts related to noise, smoke, dust, fumes, vibration, odors and hazards or excessive concentration of traffic that may result from the establishment of the proposed use; and
- C. To ensure that the proposed use is in the best interest of public convenience and necessity, and not contrary to the public health or welfare.

#### **17.50.020 Permit required.**

No use or structure listed in this title as requiring a conditional use permit or minor conditional use permit shall be established, nor shall any building permit be issued that would facilitate the establishment of such a use or structure, until a conditional use permit or minor conditional use permit is obtained by the owner of the property or building where such a use is proposed. In instances where the director determines that substantial research or analysis would not be required by staff to prepare the staff report and recommendation to the planning commission, the director may authorize a request for a use normally requiring a conditional use permit, to be processed as a minor conditional use permit.

**17.50.030 Authority to apply.**

An application for a conditional use permit may be filed with the secretary of the planning commission by the property owner of the property for which the conditional use permit is requested, or the property owner's agent.

**17.50.040 Public hearing required.**

Upon filing of a completed application, the secretary of the planning commission shall schedule a public hearing before the planning commission as provided in Chapter 17.25 of this title.

**17.50.050 Authority to approve.**

The planning commission may approve, conditionally approve, or deny conditional use permits and minor conditional use permits.

**17.50.060 Required findings.**

Before any conditional use permit or minor conditional use permit may be approved, the decision-making body shall find that:

- A. The proposed use is consistent with applicable goals, policies, and programs of the general plan, and with any applicable specific plan;
- B. The proposed site plan and building design are consistent with all applicable use and development standards;
- C. The proposed use will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use;
- D. The proposed use and project design will not be detrimental to the public health, safety, and general welfare, including but not limited to matters of noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic; and
- E. The proposed use is in the best interest of public convenience and necessity.

**17.50.070 Notice of decision.**

After close of the public hearing, the planning commission shall announce its findings by resolution. Such resolution shall approve, conditionally approve, or deny an application for a conditional use permit. Said resolution shall state the facts and findings supporting such decision. Within five (5) of the passage of a

resolution, the secretary of the planning commission shall cause all of the following to be done on the same day:

- A. Notify the applicant of the action taken, by mailing a copy of the resulting resolution to the applicant at the address shown upon the application;
- B. File a copy of such resolution with the city clerk;
- C. Forward a copy of such resolution to the city council; and
- D. Notify the county assessor as required by California Government Code Section 65863.5.

**17.50.080 Appeals.**

The action of the planning commission shall be final and conclusive, unless appealed in accordance with the provisions of Chapter 17.30 of this title.

## Chapter 17.55

### HISTORIC PRESERVATION

#### Sections:

- 17.55.010 Title
  - 17.55.020 Purpose
  - 17.55.030 Boundaries and scope of application
  - 17.55.040 Definitions
  - 17.55.050 Historic preservation commission
  - 17.55.055 Powers and duties of the commission
  - 17.55.060 Historic resource designation
  - 17.55.070 Certificate of modification and permit procedures
  - 17.55.080 Notice and public hearing upon application for a certificate of modification
  - 17.55.090 Historic preservation commission—findings and decision
  - 17.55.100 Notice of decision of historic preservation commission
  - 17.55.110 Appeal of historic preservation commission decision
  - 17.55.120 Transmission of historic preservation commission’s record to council
  - 17.55.130 Council to hold public hearing on appeal
  - 17.55.140 Council recommendation—referral to historic preservation commission
  - 17.55.150 Council to announce findings and decision by resolution.
  - 17.55.160 Decision of the council deemed final
  - 17.55.170 Enforcement and penalties
  - 17.55.180 Certificate of modification revocation
  - 17.55.190 Historic resource preservation (Mills Act) agreement procedures
  - 17.55.200 Severability
- 17.55.010 Title.

This chapter may be known and cited as the “Historic Preservation Ordinance.”

#### 17.55.020 Purpose.

The purpose of this chapter is to establish a comprehensive set of reasonable and uniform regulations and procedures to allow for the identification and certification of appropriate historic resources within the city with the objective of preserving them whenever possible, and more particularly to preserve historic resources to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of historic resources that represent or reflect elements of the city's cultural, social, architectural, political, and economic history;
- B. Preserve the heritage of the city by providing for the protection of its historic resources;
- C. Encourage public knowledge, understanding, and appreciation of the city's history;
- D. Stabilize and improve property values and increase economic and financial benefits to the city and its inhabitants;
- E. Foster civic pride in the character and accomplishments of the past;
- F. Promote the use of historic resources for the education, pleasure and welfare of the people of the city; and
- G. Strengthen the economy of the city by protecting and enhancing the city's historic resources for residents, tourists, and visitors.

**17.55.030 Boundaries and scope of application.**

This chapter applies to all resources, historic and potentially historic, publicly and privately owned, within the corporate boundaries of the city.

**17.55.040 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

“Alteration” means any exterior change or modification, through public or private action, of any historic resource including, but not limited to, exterior changes to or modification of a structure or any of its architectural details or visual characteristics, such as paint color and surface texture, and the placement or removal of any exterior objects such as signs, plaques and light fixtures substantially affecting the exterior historic qualities of the resource.

“Building” means a permanently located structure having a roof, including manufactured housing, but excluding all other forms of vehicles even though immobilized. Where these provisions require, or where special authority granted pursuant to this title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding “and enclosed on all sides.”

“Certification of modification” means the permit granted after review by the historic preservation commission of applications to demolish, alter, relocate or remove a historic resource in accordance with and as provided by this chapter.

“Commission” means the historic preservation commission of the city of El Cajon established by this chapter.

“City council” or “council” means the city council of the city of El Cajon.

“Demolition” means an act or process that destroys or razes in whole or in part a building or structure or permanently impairs its structural integrity.

“Department staff” or “staff” means department of community development staff.

“Façade” means an exterior face or elevation of a building, often used to mean the front of the building, which may be distinguished from the other faces or elevations by elaboration of architectural or ornamental details.

“Fixture” means a decorative or functional device permanently affixed to a site or the exterior of a structure and contributing to its ability to meet historical designation criteria. Fixtures include, but are not limited to, lighting devices, murals, moldings, leaded glass or other decorative windows and decorative hardware.

“Historic resource” means any improvement, building, structure or feature, natural or manmade, that is historically significant to the cultural, social, architectural, political, and economic heritage of the city of El Cajon, the state of California, or the United States, and that has been designated as historically significant in the National Register of Historic Places, the state of California Register of Historical Resources, or this historic preservation ordinance.

“Historic resource preservation agreement” or “Mills Act agreement” means an agreement executed between the city and a property owner of an historic resource for a minimum ten-year term providing for property tax savings in exchange for preservation of a designated historic resource.

“Improvement” means any building or structure or other object affixed to and constituting a physical betterment of such property, or any part of such betterment.

“Inventory” means the Historic Preservation Inventory—El Cajon, California; prepared for the city in 1985 by SANDAG or any approved update thereof.

“Landscape feature” means any tree or other plant material that has been placed, planted or manipulated by man for cultural purposes.

“Owner” means the person or persons appearing on behalf of the resource and shown as the owner of the resource on the last equalized property tax assessment roll of the county of San Diego.

“Ordinary repairs and maintenance” means any:

- A. Work done on any improvement, building, or structure for which a certificate of modification is not needed.
- B. Replacement of any part of an improvement, building, or structure for which a permit issued by the building division is not required by law or where the purpose and effect of such work or replacement is to correct any deterioration, decay of, or damage to such improvement, building, or structure, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

“Person” means any individual, association, partnership, firm, corporation, public agency, or political subdivision.

“Preservation” means the identification, study, protection, restoration, rehabilitation or enhancement of historic resources.

“Removal” means the displacement from a historic resource of any device, feature, fixture, hardware, structural or decorative material contributing to the historic character of the resource or historic resource.

“Resource” means any improvement, building, structure or feature, natural or manmade that may have historic or cultural significance, but has not been so designated.

“Responsible party” means the individual who is doing the work or has hired the work done on a designated historical resource, particularly in the case when the department of community development does not require building permits for the work that is being done.

“Secretary of the Interior’s Standards for Rehabilitation” means the Secretary of the Interior’s Standards for Rehabilitations and Guidelines for Rehabilitating Historic Buildings by the United States Department of the Interior, National Park Service.

#### **17.55.050 Historic preservation commission.**

Pursuant to this chapter, the planning commission shall sit as the historic preservation commission of the city. Items concerning historic preservation shall be placed on the planning commission’s regular agendas.

**17.55.055 Powers and duties of the commission.**

The commission shall have the power and duty to:

- A. Review and recommend action on the historic resource designation for an improvement, building, structure or feature;
- B. Approve or disapprove, in whole or in part, an application for a certificate of modification regarding the demolition, alteration, or removal of a designated historic resource;
- C. Review and recommend action on requests for Mills Act agreements;
- D. Participate in the process of revising the historic element of the general plan of the city when necessary;
- E. Encourage cooperation between public and private historic preservation groups.

**17.55.060 Historic resource designation.**

- A. Registration. The legal owner of any property, building, structure or improvement may request its designation as an historic resource by submitting an application for such designation to the department of community development in accordance with this chapter. The commission shall have the responsibility to review such requests at a public hearing and to make a recommendation to the city council as to whether the subject resource is historic or not. The commission shall prepare and transmit a report to the city council of the historical significance of the resource to be designated.
- B. Designation.
  - 1. Criteria. Criteria and standards for the designation of historic resources may include any or all of the following as applicable:
    - a. Exemplifies or reflects special elements of the city's cultural, social, architectural, political, and economic history;
    - b. Is identified with persons or events significant in local, state, or national history;
    - c. Embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable

example of the use of indigenous materials or craftsmanship;

- d. Is representative of the notable work of an acclaimed builder, designer, or architect;
  - e. Is identified with a person or persons or groups who significantly contributed to the culture and development of the city;
  - f. Embodies elements of outstanding attention to architectural design, detail, materials or craftsmanship;
  - g. Is found on the city's historic preservation inventory (inventory); or,
  - h. Involves a structure, building or improvement constructed at least seventy-five years ago.
2. Procedure. Historic resources shall be established in the following manner:
- a. Preparation. The application should be prepared by a qualified historic preservation specialist.
  - b. Submit an application. The commission, upon the submittal of an application from the legal property owner, may recommend the designation of any improvement, building, structure or feature, natural or manmade (resource) in the city as an historic resource. The historic resource designation application shall be submitted to the department of community development. It must include a minimum of the following items and information:
    - i. Name and address of property owner;
    - ii. Assessor's parcel number and address of the site;
    - iii. Chain of title and grant deed;
    - iv. Description of the proposed resource, including special cultural, social, architectural, political, and economic value of a historic nature;
    - v. Sketches, photographs or drawings and listing in the 1985 SANDAG Historic Preservation Survey for El Cajon;
    - vi. Statement of condition of structures;
    - vii. Explanation of any known threats to the improvement or the site;

- viii. Environmental information re-requested by department staff; and
- ix. Other information as requested or recommended by the department staff.

- c. Set the date for a public hearing. When the application has been deemed complete by department staff, it will be placed on an agenda of the planning commission for a public hearing.
- d. Stop construction activity on the subject property. When the application (requesting consideration of a historic resource designation) has been accepted as complete and a public hearing date has been assigned (the filing date), the director of community development shall notify the building and fire safety division to accept no further applications for permits to construct, alter or demolish any building, structure, or improvement on the subject property nor to issue any permits that are based on applications made after the filing date, while proceedings are pending on such designation; provided, however, that after one hundred eighty days have elapsed from the date of the notice, if final action on such designation has not been completed, the permit application may be approved.
- e. Public notice of the public hearing. Public notice shall be given, and a public hearing held pursuant to Chapter 17.25 of this title.
- f. Public hearing. The commission shall provide an opportunity to be heard to each affected owner and other interested members of the public. The commission may, if necessary, continue the consideration of designation to its next regularly scheduled meeting.
- g. Report of recommendations. The commission shall make its recommendation at the close of the hearing. The commission shall by resolution make a report and recommendation to the city council. If the commission determines that the improvement does not meet historic resource designation criteria, the process shall terminate and the commission shall notify the property owner and applicant of such termination in writing within 10 days of the commission's determination. If the commission determines that the resource warrants historic resource

designation and the property owner has consented to same in writing, then the commission shall adopt a resolution incorporating its reasons in support of the proposed designation and transmit the resolution, staff report and minutes to the city clerk.

- h. City council hearing. The city clerk, upon receipt of the resolution, shall set the matter for hearing by the city council within 30 days of the date of filing of the commission resolution and shall render its decision at the close of the hearing of the city council.
- i. Notice of decision. Failure to send notice by mail to any affected owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The commission and city council may also give such other notice, as they may deem desirable and practicable.

**17.55.070 Certificate of modification and permit procedures.**

- A. Certificate of modification. No person shall carry out or cause to be carried out on a designated historic resource any of the following activities without a certificate of modification: alteration to such buildings, structures, or improvements, or any part thereof, including construction, demolition, addition, or relocation.
  - 1. The director shall maintain a current record of designated historic resources and inventory. The department of community development shall require any building permit application on a designated historic resource to be accompanied by an application for a certificate of modification.
  - 2. If no permits are required by the department of community development to pursue work on a designated historic resource, the party who is doing the work or has hired the work to be done is the “responsible party” and is responsible for the work and its consequences to the designated historic resource. The responsible party shall apply for a certificate of modification prior to any work activity that would disturb said designated historic resource in any way (see Section 17.55.170(A) - Obligations and consequences upon alteration without a certificate of modification).

3. It may be advisable to have a qualified historic preservation specialist involved in preparing the application. This will depend on the nature of the designated historic resource, the type and extent of the proposed work, and the applicant's level of expertise in historic preservation.
  4. An application for a certificate of modification shall be filed with the department of community development. The application shall contain the following materials and information:
    - a. A clear statement of the proposed work;
    - b. Plans describing the size, height, and appearance of the proposed work;
    - c. A site plan showing all existing buildings, improvements, landscape features and the proposed work;
    - d. Other information deemed necessary by the department of community development.
- B. Exceptions to requirements for a certificate of modification. The following items of construction, work or labor on a building, structure, or improvement shall not require a certificate of modification:
1. Routine maintenance, which does not require a building permit.
  2. All alterations which are entirely interior and do not affect the exterior of the building, structure or improvement.
  3. Alterations in the interest of public health or safety as determined by the city manager or designee.
  4. Demolition in the interest of public health or safety as determined by the city manager or designee. Where it is determined by the city manager or designee, that demolition, removal or alteration of a designated historic resource is immediately necessary in the interest of the public health or safety, a demolition permit may be issued without the owner first obtaining a certificate of modification.
  5. Maintenance and care.
    - a. Ordinary maintenance and repair. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior feature of any designated

historic resource that does not involve a change in design, material, color, or appearance thereof. Nothing in this article shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature for which the building official shall certify is required for public safety because of an unsafe or dangerous condition.

- b. Affirmative duty to maintain. Every designated historic resource shall be maintained in good repair by the owner or such other person who has legal possession or control thereof, in order to preserve it against decay and deterioration to the extent practicable.

**17.55.080 Notice and public hearing upon application for a certificate of modification.**

Within 30 days of the filing of a complete application for a certificate of modification or of a determination by the historic preservation commission that a certificate of modification should be modified, suspended, or revoked, a public hearing date shall be set, public notice shall be given, and a public hearing held by the commission pursuant to Chapter 17.25 of this title. The range of actions the historic preservation commission may take, as well as the criteria the commission must use, are listed below:

- A. The commission shall approve, approve with modifications, or deny each application in writing by resolution, stating the findings of fact and reasons relied upon in reaching its decision.
- B. The commission or the city council, upon appeal, shall issue a certification of modification for the proposed work if, and only if, it determines:
  - 1. The action proposed is consistent with the purposes of this chapter;
  - 2. The action proposed is consistent with the Secretary of the Interior's Standards for Rehabilitation; or
  - 3. The action proposed will not be detrimental to a structure or feature of significant historical value; or
  - 4. In the case of construction of a new improvement, building or structure, that the exterior of such improvements will not adversely affect and will be compatible with the external appearance of the building or structure; or

5. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

**17.55.090 Historic preservation commission—findings and decision.**

Within 40 days of the close of the public hearing, the historic preservation commission shall announce its findings by resolution.

**17.55.100 Notice of decision of historic preservation commission.**

Within 10 days of the passage of a resolution, as described in Section 17.55.090, by the historic preservation commission, the commission shall on the same date:

- A. Notify the applicant of the commission's action by mailing a copy of the resolution to the applicant at the address shown upon the application; and
- B. File a copy of the resolution with the city clerk.

**17.55.110 Appeal of historic preservation commission decision.**

The resolution of the historic preservation commission shall be final and conclusive, unless a written appeal is filed with the city clerk no later than 10 days after the actions required in Section 17.55.100 are satisfied, or a written request for review of such action is filed with the city clerk by a member of the city council. The filing of an appeal or request for review shall stay the effective date of such determination or order until such time as the council has acted on the appeal as hereinafter provided.

**17.55.120 Transmission of historic preservation commission's record to council.**

Upon receipt of a written appeal filed with the city clerk as provided herein, or filing of a written request for review by a member of the city council, the complete historic preservation commission record of the case shall be transmitted to the city clerk.

**17.55.130 Council to hold public hearing on appeal.**

The city council shall conduct a public hearing as provided in Chapter 17.25 of this title within 40 days of the occurrence of any of the following:

- A. The filing of a written appeal from a resolution of the historic preservation commission granting, denying or modifying an application for a certificate of modification; or
- B. The filing of a written request for review by a member of the city council of a resolution of the historic preservation commission granting, denying or modifying a certificate of modification.

**17.55.140 Council recommendation—referral to historic preservation commission.**

The city council may approve, modify or disapprove the recommendation of the historic preservation commission, provided that any modification of the proposed certificate of modification by the city council not previously considered by the historic preservation commission during its hearing may be referred to the commission for report and recommendation, but the commission shall not be required to hold a public hearing thereon. Failure of the commission to report within 40 days after the date of the referral shall be deemed to be a positive recommendation of the proposed modification.

**17.55.150 Council to announce findings and decision by resolution.**

The city council shall announce its decision and findings by resolution within 30 days of the close of the hearing. Such resolution shall state findings supporting the council's decision granting, denying, modifying, suspending or revoking such certificate of modification.

**17.55.160 Decision of the council deemed final.**

The action by the city council on appeals shall be by majority vote of the entire council and shall be final and conclusive.

**17.55.170 Enforcement and penalties.**

- A. Obligations and consequences upon alteration without a certificate of modification.
  - 1. Demolition, relocation, significant alteration, or removal of any building, structure, or improvement subject to the provisions of this chapter without first obtaining a certificate of modification may result in the charge of an infraction or a misdemeanor, subject to the provisions of the general penalty clause as set forth in Section 1.24.010. Such action is further expressly declared to be a nuisance, and shall be abated by reconstructing or restoring the property to its original condition prior to the performance of work in violation of this article

whenever possible. The owner of the property, within 30 days of notice from the director of community development that demolition, relocation, significant alteration, or removal has been performed in violation of this chapter, shall execute and record a covenant in favor of the city to do such reconstruction or restoration within one (1) year of the date of such notice. The form of the covenant shall be subject to approval by the city attorney, and shall run with the land. Upon application to the commission for a certificate of modification, the commission may extend the time for correction, if the owner shows the work cannot reasonably be performed within one (1) year.

2. For purposes of this section, the demolition shall be presumed to have occurred on the date the city has actual knowledge of the demolition, and the owner shall have the burden of proving an earlier date, if entitlement to an earlier date is claimed.
  3. The director shall cause notice of the applicability of this section to be sent by certified mail to the person shown as the owner on the rolls of the latest equalized assessment roll of the county assessor, and to any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this section are applicable to the property. The date the city first had actual knowledge of the demolition shall be stated in the notice.
- B. Consequences for failure to maintain. If the owner refuses upon 30 days' written notice from the city to correct or undertake the maintenance of a building, structure, or improvement, then the city may cause such repair or work to be done, and the owner shall reimburse the city for all costs incurred in doing such work. The cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to effect the reconstruction or restoration to the satisfaction of the director of community development.
- C. Appeal of decision. The decision of the director that this section is applicable to property may be appealed by the affected owner to the commission, which shall hold a hearing and render a decision on such appeal within 30 days of its filing with the department of community development. The decision of the commission may be appealed to the city council in accordance with the procedures for appeal of a denial of a certificate of modification in Section 17.55.110.

- D. Remedies are cumulative. The remedies available to the city are cumulative. The city's exercise of civil remedies shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

**17.55.180 Certificate of modification revocation.**

The historic preservation commission shall, after a public hearing held in the manner prescribed in Sections 17.55.080 through 17.55.160 of this chapter, modify, suspend or revoke any certificate of modification if it is being or recently has been, exercised contrary to its terms or conditions, or in violation of this or any other title of this code, or in violation of any other ordinance of the city.

**17.55.190 Historic resource preservation (Mills Act) agreement procedures.**

To make historic preservation incentives available to El Cajon residents, the city council authorizes the use of contracts pursuant to California Government Code Section 50280 et seq., alternately known as "Historical Property Contracts" or the "Mills Act". Such contracts may be entered into at the sole discretion of the city council based on the recommendations of the historic preservation commission in a form to be approved by the city attorney. The intent of such contracts shall be the continued preservation of historical resources.

- A. Prior to submitting an application for a historic resource preservation agreement, the owner shall schedule a pre-application review conference with the department of community development. The purpose of the pre-application review conference is to ensure that mandatory terms of the agreement are understood and that the minimum submittal requirements are met.
- B. Once an application has been determined to be complete, the staff shall forward it to the historic preservation commission to review at a noticed public hearing pursuant to Section 17.55.080. The historic preservation commission shall consider the proposed list of improvements, make recommendations for amendments to the list, and shall make a recommendation to the city council regarding the proposed list of improvements.
- C. Following receipt of the historic preservation commission recommendation, the city council shall consider the historic resource preservation agreement along with the list of recommended improvements at a noticed public hearing. The city council will be provided with information regarding the estimated fiscal impact as a result of the Mills Act designation.

- D. After conclusion of the public hearing, the city council shall either approve, conditionally approve or disapprove the request.
- E. Once the historic preservation agreement has been approved by the city council, the agreement shall be executed by the property owner(s) and the city. No later than 30 days after the agreement is properly executed, the city clerk shall forward the agreement to the county recorder's office for recording. The recorded copy will be returned to the city for submission to the county tax assessor's office for implementation. In accordance with said law, no properly executed Mills Act agreement may take effect until it has been recorded and submitted to the county tax assessor's office. All approved agreements must be executed on or before December 1st of each year in order to take effect for the following property tax year.
- F. The Mills Act agreements shall be administered as set forth in Sections 50280 et seq., of the California Government Code and Sections 439.2 et seq., of the Revenue and Taxation Code.

**17.55.200 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason declared to be void, unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The council hereby declares that it would have enacted this chapter regardless of the invalid or proscribed section, subsection, sentence, clause or phrase.

## Chapter 17.60

### PLANNED UNIT DEVELOPMENT (PUD) PERMIT

#### Sections:

- 17.60.010 Intent and purpose
- 17.60.020 Authority to apply
- 17.60.030 Permit application requirements
- 17.60.040 Permit processing
- 17.60.050 Authority to approve
- 17.60.060 Required findings
- 17.60.070 Permitted and conditionally permitted uses
- 17.60.080 District requirements
- 17.60.090 Lot requirements
- 17.60.100 Density
- 17.60.110 Setbacks
- 17.60.120 Placement of buildings
- 17.60.130 Lot coverage
- 17.60.140 Building height
- 17.60.150 Parking
- 17.60.160 Trash collection
- 17.60.170 Walls and fencing
- 17.60.180 Open space, recreational areas and landscaping
- 17.60.190 Signs
- 17.60.200 Streets and driveways
- 17.60.210 Pedestrian walkways
- 17.60.220 Lighting
- 17.60.230 Utilities
- 17.60.240 Building construction requirements
- 17.60.250 Architectural compatibility
- 17.60.260 Covenants, conditions and restrictions (CC&RS)
- 17.60.270 Guarantee of performance of required private and public improvements
- 17.60.280 Final subdivision map
- 17.60.290 Conversion of existing development—procedures
- 17.60.300 Conversion of existing development—subdivision map
- 17.60.310 Conversion of existing development—standards
- 17.60.320 Conversion of existing development—covenants, conditions and restrictions and homeowner's association
- 17.60.330 Conversion of existing development—time limit to convert
- 17.60.340 Conversion of existing development—physical elements reports
- 17.60.350 Conversion of existing development—tenant notification and right to purchase
- 17.60.360 Conversion of existing development—tenant relocation assistance

#### **17.60.010 Intent and purpose.**

It is intended that a planned unit development (PUD) permit will reflect comprehensively planned development and encourage imaginative planning and design elements that specifically relate to the topography and the natural characteristics of the site, as well as the scale, density, and type of development in the surrounding area. Greater flexibility in design and building relationships may be permitted in a PUD than would otherwise be permitted within the usual requirements of the zoning and subdivision titles of the municipal code. A PUD permit may be approved in any zone. All requirements of the underlying zone shall be satisfied, except as provided in this chapter.

#### **17.60.020 Authority to apply.**

An application for a PUD permit may be filed with the secretary of the planning commission by the property owner of the property for which the permit is requested, or the property owner's agent.

#### **17.60.030 Permit application requirements.**

At a minimum, the following items shall be submitted with a completed application for a planned unit development permit:

- A. The application shall include a site plan. The proposed site plan for a PUD shall accurately depict all proposed buildings, streets, drive ways, drive aisles, parking areas, landscaped areas, recreational areas and open spaces. The site plan shall be drawn to a standard engineering or architectural scale and shall include accurate dimensions. The information shown on the proposed PUD site plan shall be consistent with the information shown on the proposed tentative map. Any proposed phasing shall be indicated on the proposed site plan.
- B. The application shall include scaled building elevations and a building materials sample and color board. At least one set of building elevations shall be colored to indicate the proposed color scheme of the PUD.
- C. The application shall include scaled floor plans for all structures in the PUD. Multiple structures with identical floor plans may be depicted on the same set of floor plans.
- D. The application shall include copies of a tentative subdivision map or a tentative parcel map, as appropriate. The tentative map shall be filed concurrently with the proposed site plan for the PUD and shall comply with the State Subdivision Map Act and the city's subdivision

ordinance. The information shown on the proposed tentative map shall be consistent with the information shown on the proposed site plan. Any proposed phasing shall be indicated on the proposed tentative map.

**17.60.040 Permit processing.**

Except as indicated in this chapter, PUD permits and amendments thereto, shall be processed in the same manner as described in Chapter 17.20 for a zoning ordinance amendment. A noteworthy difference is that while a zoning ordinance amendment is approved as an ordinance, a PUD permit is approved by a city council resolution. If a proposed PUD permit and tentative map are approved by the city council, a final revised PUD site plan shall be submitted to the planning division and shall reflect all required revisions and refinements of the approved PUD permit.

**17.60.050 Authority to approve.**

The planning commission may recommend approval, or conditional approval of a PUD to the city council. Alternatively, the planning commission may deny a request for a PUD. The decision of the planning commission to deny a PUD is final, unless appealed to the city council pursuant to the provisions of Chapter 17.30. The city council's decision to approve, conditionally approve, or deny a proposed PUD is final.

**17.60.060 Required findings.**

Before any PUD permit may be approved, the city council shall find that:

- A. The density of the proposed PUD is consistent with the general plan.
- B. The approval of any alternative development standards for the proposed PUD is in the public interest.
- C. The proposed PUD is compatible with surrounding development.
- D. The location of structures, private streets, driveways, and parking spaces on the proposed PUD site plan will not result in unauthorized parking which would block or hamper vehicular movement or unnecessarily affect visibility on the private street or driveway.

**17.60.070 Permitted and conditionally permitted uses.**

Unless specifically prohibited elsewhere in this title, any use permitted or conditionally permitted in the underlying zone district may also be permitted or

conditionally permitted in a PUD. A PUD does not change the underlying zone; it provides flexibility in the application of the usual development standards.

**17.60.080 District requirements.**

There are no separate district requirements in a planned unit development.

**17.60.090 Lot requirements.**

- A. Lots. The minimum lot area and lot width requirements of the underlying zone district shall apply to the overall PUD.
- B. Sublots. A PUD may contain sublots of any reasonable lot area, width, or configuration as determined in conjunction with approval of a PUD site plan.
- C. Subdivision Map. A tentative parcel map or tentative subdivision map which covers the exact boundaries of the PUD and indicates all sublots shall be approved and a final map recorded pursuant to the Subdivision Map Act and the subdivision title of the city.

**17.60.100 Density.**

- A. The maximum number of dwelling units permitted in a PUD shall be determined by the density requirements of the underlying zone. This figure is determined by dividing the net lot area by the density factor of the underlying zone. The density factor is included in each zone and is stated as the amount of land area per dwelling unit. Any fractional number of dwelling units shall be rounded down to the next whole number.
- B. When a PUD consists of property in more than one underlying zone, the maximum number of dwelling units shall be the total of the dwelling units permitted by each of the underlying zones. The dwelling units in a PUD in more than one zone may be distributed without regard to the boundaries of the underlying zoning districts, if the city council makes the following findings:
  - 1. The density transfer is compatible with existing development in the surrounding area.
  - 2. The density transfer is consistent with the general plan.
- C. When calculating net lot area, all dedications for public streets along the exterior boundaries of the PUD shall be excluded. The rights-of-

way of public or private streets and driveways within the PUD boundaries shall be included in the net lot area calculation.

**17.60.110 Setbacks.**

- A. Building or portion of a building other than a front-entry garage or carport: a minimum of 10 feet from the right-of-way of a public street or a private street or driveway. All other setbacks for a building or portion of a building, other than a front-entry garage or carport, may be established as part of project approval and which are based upon the California Building Code, project design and the relation of buildings to each other, to project topography and to surrounding development.
- B. Front-entry garage or carport (public street): a minimum of 25 feet from the right-of-way of a public street.
- C. Front-entry garage or carport (private street or driveway): a minimum of 20 feet from the edge of the private street or driveway, unless the city council finds that a reduction in the setback will not result in unauthorized parking behind the garage(s) or carport(s) which would block or hamper vehicular movement or unnecessarily affect visibility on the private street or driveway. The following issues shall be considered in making a determination to allow a reduced setback for front-entry garages or carports from a private street or driveway:
  - 1. The length of a private street or driveway;
  - 2. The overall project density and design;
  - 3. Whether the private street or driveway provides a direct connection between public streets or high traffic volume private streets;
  - 4. The provision for automatic garage door openers; and
  - 5. The provision of adequate space for the collection of individual trash and recycling containers that does not obstruct private streets, driveways, or garage entrances.

**17.60.120 Placement of buildings.**

The regulations for the placement of buildings are as follows:

- A. Distance between buildings. The distance between any building used for human habitation and any other building on that same lot or subplot shall not be less than 10 feet.

- B. Distance between wings. The distance between separate wings of the same building shall not be less than 10 feet.
- C. Combinations of buildings permitted. The city council, may allow two (2) or more buildings or portions of buildings to be attached without observing the usual building separation requirements as long as the resultant structure complies with the California Building Code and the California Fire Code.

**17.60.130 Lot coverage.**

The maximum lot coverage shall not exceed the lot coverage limitations of the underlying zone, except in those zones where streets and driveways are usually counted as lot coverage, 100 percent of the area devoted to private driveways serving individual dwelling units and 50 percent of the area devoted to common driveways or streets, including public or private streets that are within the exterior boundaries of the PUD, shall not be counted in the lot coverage computations. If a PUD is in more than one underlying zone, the lot coverage limitations of each underlying zone shall be respected for the portions of the PUD in that zone.

**17.60.140 Building height.**

The maximum building height shall not exceed the height limitations of the underlying zone. If a PUD is in more than one underlying zone, the building height limitations of each underlying zone shall be respected for the portions of the PUD in that zone.

**17.60.150 Parking.**

- A. A minimum of two (2) covered parking spaces (garage or carport) shall be required for each dwelling unit in a residential zoning district.
- B. Such covered parking spaces (garage or carport) shall at all times be kept free, clear and unobstructed and used for only the purpose of parking motor vehicles. It is intended that such parking be available for only the use of the residents on the site. The conversion of required covered parking spaces (garage or carport) to any use other than the parking of motor vehicles shall be prohibited.
- C. Other parking requirements for residential units in all residential zoning districts:
  - 1. Additional parking for residents and/or visitors shall be provided at a ratio of one (1) parking space for every dwelling unit. One

(1) of the required additional parking spaces may be located in the private driveway providing access to the required covered parking spaces for an individual dwelling unit, if there is at least a 20-foot setback between the covered parking space and the right-of-way of a public street or the edge of the private street or driveway closest to the covered parking space. Any sidewalk located along a private street or driveway shall be counted as part of the private street for the purpose of measuring such a setback from a required covered parking space. In no case shall a parking space be allowed to overhang an adjacent walkway or sidewalk. All other parking spaces pursuant to this subsection must be located in parking areas that are conveniently located near the units they are intended to serve. The parking areas shall be located so as to not interfere with on-site circulation.

2. Notwithstanding the above, these additional parking spaces may be provided as parallel parking spaces located on the private street or driveway in accordance with Section 17.60.200(B)(6).
3. Supplemental parking spaces shall be provided at a ratio of one-half parking space per dwelling unit with any fraction rounded up for all projects of up to 20 units. For those projects with more than 20 units, additional supplemental parking spaces at a ratio of one-quarter parking space per dwelling unit over 20 shall be provided and any fraction rounded up.

These spaces may be used for RVs, trailers, boats, additional resident or visitor parking, or a combination thereof, as approved in conjunction with a planned residential development.

Supplemental parking spaces shall be located in a parking area that is conveniently located. If the supplemental parking area or portion thereof is used for the storage of RVs, trailers, etc., it must be adequately screened from view by the use of view-obscuring fences, walls or landscaping. The location of all parking spaces shall be designated on the final site plan required by Section 17.60.200(F) and reflected in the covenants, conditions and restrictions (CC&Rs) required by Section 17.60.260 of this chapter.

- D. Nonresidential zoning districts. Parking as required by the underlying zone.

### **17.60.160 Trash collection.**

The type of trash collection service (individual or common trash area) shall be determined at the time of project approval. If a common trash area is used, accommodation of recycling containers shall be provided. If individual trash collection service is provided, the applicant shall provide an area for the storage of individual trash containers at each unit and shall designate that location on the PUD site plan. The storage of individual trash containers may be permitted in private garages. However, the area dedicated to the storage of trash containers shall not be located within the area of the private garage that is required for vehicle parking. Furthermore, the area dedicated to the storage of individual trash containers shall be screened from view from the public right of way and from all common areas.

### **17.60.170 Walls and fencing.**

- A. Parking areas. All open parking areas containing five (5) or more parking spaces that are not effectively screened from abutting residentially developed or residentially zoned property by permanent buildings or a 20-foot wide landscaped setback area, shall contain a six-foot-high solid masonry wall between the parking area and the residential property.

If the parking area is visible from a street, either public or private, it shall be screened from the street by a 42-inch high solid masonry wall that is at least 10 feet from the exterior property line or private street right-of-way or by the use of alternative screening methods as approved by the city council.

The screening wall for parking areas visible from a public or private street is not required, if the parking area is screened from the street with a landscaped area that is at least 20 feet in depth. No screening wall is required when the wall would be adjacent and parallel to the length of a parking space.

- B. Project boundary fence or wall. The city council may require the construction of a six-foot high project boundary fence or wall. The intent of such a fence or wall is to provide separation from, or protection of, adjacent properties. The type of required fence or wall shall be determined in conjunction with the approval of the permit.
- C. Private yard fencing. The fencing of private yards may be required. The type and maximum height of such fencing will be determined in conjunction with site plan approval.

- D. Reduction in height of wall or fence. Walls or fences shall not exceed 42 inches in height within the area corresponding to the required exterior yard setback of any abutting residentially zoned or residentially developed property or any commercially zoned property developed with a setback.
- E. Under no circumstances shall any fence, wall or hedge, regardless of its location, block pedestrian or vehicular visibility for safe circulation.

**17.60.180 Open space, recreational areas and landscaping.**

A. Residential Development.

- 1. Common open space and recreational areas. Open space and recreational areas especially designed for common use, either for active recreational use or passive scenic view and which may include private front yards, which are part of a common landscape easement, but which may not include any other private yards, patios or distances between buildings, shall be provided based upon the density of the project as shown on the following table, and except as provided in subdivision (2) of this subsection.

Range of Dwelling Units per Net Acre	Amount of Common Open Space or Recreational Area
3 or less	1000 sq. ft. per dwelling unit
4-10	400 sq. ft. per dwelling unit
11 or more	225 sq. ft. per dwelling unit

Recreational areas, meeting these requirements and designed for active recreational uses, may be placed upon roofs of buildings or structures. Recreational areas so placed shall not contribute to lot coverage requirements.

- 2. Private yards, for individual dwelling units in projects of 11 or more units and which have minimum dimensions of 10 feet by 10 feet (100 square feet minimum), may be counted as satisfying up to 50 percent of the common open space/recreational area required in subdivision (1) of this subsection. Private yards in projects of 10 units or less may satisfy 100 percent of the common open space/recreational area requirement, subject to the approval of the city council.
- 3. The preservation of scenic natural areas, such as rock outcroppings, creeks, wooded areas, vistas or other features

worthy of preservation, may be required in conjunction with approval of a planned unit development permit.

4. Common open space and recreational areas shall be accessible to all dwelling units.
5. Landscaping shall form a continuous area between and around all buildings and shall be permanently maintained, including a permanent underground irrigation system.
6. At no time shall any open space or recreational area constitute a health, safety, or fire hazard or create a drainage problem.

B. Nonresidential development. In addition to the required landscaped and open space areas of the underlying zone district, additional landscaping shall be provided at a ratio of one square foot for each 10 square feet of gross building floor area as measured at the ground level only. It is intended that this additional landscaping be generally dispersed throughout the site, but where possible, it should be placed near each main entrance.

C. A detailed landscaping plan, showing the number, type and size of all plant materials, and a permanent, underground irrigation system, both prepared by a registered, landscape architect, shall be required as a condition of approval of all projects.

#### **17.60.190 Signs.**

See Chapter 17.190 for sign provisions.

#### **17.60.200 Streets and driveways.**

A. Private streets and driveways may be permitted within a planned unit development provided that engineering calculations for the private street or driveway pavement section are submitted and approved and which justify:

1. The proposed private street or driveway width and geometric design, which have been related to function, topography and density; and
2. The proposed private street or driveway structural design, which is related to soils conditions and traffic volumes. Maintenance responsibilities for a private street or driveway must be assumed by a homeowner's association.

B. The following criteria shall be utilized to determine the widths of private streets and driveways:

1. A private street or driveway serving no more than two (2) dwelling units shall have a minimum paved width of 16 feet, if the private street or driveway length is 150 feet or less, or shall have a minimum paved width of 20 feet, if the private street or driveway length is greater than 150 feet.
2. A private street or driveway serving from three (3) to five (5) dwelling units shall have a minimum paved width of 20 feet, if the private street or driveway length is 150 feet or less, or shall have a minimum paved width of 22 feet, if the private street or driveway length is greater than 150 feet.
3. A private street or driveway serving six (6) or more dwelling units shall have a minimum paved width of 22 feet, if the private street or driveway length is 150 feet or less, or shall have a minimum paved width of 24 feet, if the private street or driveway length is greater than 150 feet.

Note: The length of a private street or driveway shall be that distance measured from the exterior or front property line of the project to the parking space(s) that is (are) most distant and served by the private street or driveway. In the case of a circular or loop street, the length is the total distance along the center line of the circular or loop street from the exterior or front property line of the project.

4. All private streets and driveways shall be unobstructed for their entire length and shall provide a minimum 13.5 feet of unobstructed vertical clearance.
5. Any private street or driveway used as the backup or egress from any open/uncovered parking space(s) or covered (garage or carport) parking space(s) shall be a minimum of 24 feet wide for the entire width of the parking space(s) plus four (4) feet on either side of the entire width of the parking space(s).
6. Parallel on-street visitor or guest parking spaces may be permitted on either or both sides of a private street or driveway 24 feet in width as long as the visitor parking spaces are staggered along the length of the private street or driveway so as to not be opposite one another and as long as the width of the private street or driveway is increased by four (4) feet for a minimum length of 35 feet for one visitor or guest parking space

and 25 feet for each additional and adjacent visitor or guest parking space.

- C. Public streets shall be designed to comply with the city's street improvement standards.
- D. Adequate on-site turnarounds shall be provided as determined by the fire department.
- E. Sanitary sewers and storm drains in private streets or driveways may be permitted, but shall be constructed to meet city standards. The maintenance of these private systems must be assumed by a homeowner's association.
- F. The project engineer shall certify that the private streets or driveways have been constructed in accordance with the previously approved engineering design and calculations prior to the occupancy of any dwelling unit.

**17.60.210 Pedestrian walkways.**

- A. Concrete sidewalks shall be provided adjacent to all on-street parking areas, shall connect all building entrances, recreational buildings and parking, and shall have a minimum unobstructed width of four feet.
- B. The width of any planned hiking, equestrian and/or bicycle paths shall be determined in conjunction with the approval of the planned unit development site plan.

**17.60.220 Lighting.**

An on-site lighting plan for all parking areas, pedestrian walkways and common open space/recreation areas shall be required. Such plan shall provide adequate lighting for pedestrian and vehicular safety and be sufficient to minimize security problems. However, in no case shall the lighting on one property create a nuisance on any other property.

**17.60.230 Utilities.**

All utility distribution lines within a planned unit development (PUD) shall be placed underground. Those utility distribution lines along the perimeter of a PUD shall be undergrounded as required by the subdivision ordinance.

**17.60.240 Building construction requirements.**

- A. Separation walls. All separation walls, floors and ceilings shall comply with the applicable provisions of the California Building Code and California Fire Code.
- B. Utility system. Except as otherwise provided in the case of the conversion of an existing development to condominium, a stock cooperative, or other common interest development as described in sections 17.12.290 through 17.12.360, a separate utility system will be required for water, electric, gas, waste and vent services for each occupancy. The systems shall be installed and operated pursuant to the applicable requirements and procedures of each utility or agency providing the services.

**17.60.250 Architectural compatibility.**

- A. The architecture and design of a PUD shall be compatible with the terrain and existing surrounding development and shall be evaluated for conformance with the guidelines provided in Chapter 17.180.
- B. The architecture and design will be considered along with the project site plan.

**17.60.260 Covenants, conditions and restrictions (CC&RS).**

When a planned unit development includes any land or improvements intended for common ownership and/or common maintenance including streets, driveways, parking areas, landscaping, fences, walls, buildings, utilities, recreational facilities or open space, the applicant shall submit proposed covenants, conditions and restrictions which shall run with the land and which clearly set forth both the privileges and responsibilities involved in the common ownership and/or maintenance. The covenants, conditions and restrictions shall be reviewed and approved by the city attorney and the director of community development prior to the issuance of a building permit. A recorded copy of the approved covenants, conditions and restrictions shall be submitted to the city prior to the sale of any unit.

**17.60.270 Guarantee of performance of required private and public improvements.**

- A. Private improvements in single-phase projects. The developer of a planned unit development shall complete the installation of all private improvements and any other private work required by the city in accordance with the final site plan prior to final occupancy clearance of

all units when the project is developed in a single phase or when all building permits are issued simultaneously.

- B. Private improvements in multi-phased projects. If a project consists of more than one phase, or if all building permits are not issued simultaneously, or if a single-phase project is changed to more than one phase, the developer of the planned unit development shall enter into an agreement with the city to guarantee the installation and completion of all private improvements and any other private work required by the city in accordance with the final site plan. The agreement shall be in the form of either:
1. Bonding. A bond guaranteeing faithful performance of the agreement and guaranteeing payment for labor and materials;  
or
  2. Trust agreement. A trust agreement evidencing that the estimated cost of the work or improvements has been deposited with an approved trustee.
- C. In order to determine the amount of the bond or trust agreement, the developer shall submit separate cost estimates for each of the following private improvements:
1. Street and driveway paving, curbs, sidewalks, drainage structures and improvements, sewers, lighting, street signs;
  2. All landscaping, including irrigation systems;
  3. Undergrounding of utilities;
  4. Visitor parking areas; and
  5. Common recreational facilities.
- D. Public improvements in all projects. The developer of a planned unit development shall enter into an agreement with the city whereby, in consideration of approval by the city, the developer agrees to complete the installation of certain public improvements and other work required by the city in accordance with the final site plan. All of the installation and any other work shall be completed within the time specified in the agreement. To assure the city that this work shall be completed and lien holders paid, the developer shall furnish the city with either:

1. Bonding. A bond guaranteeing faithful performance of the agreement and guaranteeing payment for labor and materials; or
  2. Trust agreement. A trust agreement evidencing that the estimated cost of the worker improvements has been deposited with an approved trustee.
- E. In order to determine the amount of bond or trust agreement, the developer shall submit separate cost estimates for the following public improvements:
1. Improvements to be made within the public streets such as curbs, sidewalks, street paving, drainage structures, sewers, street lights, traffic-control devices, monuments and street signs;
  2. Improvements to be made within an easement to be dedicated to the city such as sewer or drainage structures;
  3. Earthwork and slope planting in public areas; and
  4. Undergrounding of utilities in public rights-of-way.

The amount of such bond or cash deposited shall be determined by the city engineer and approved by the city council as to amount and adequacy.

**17.60.280 Final subdivision map.**

A final parcel or subdivision map shall be recorded in conformance with the approved tentative parcel or subdivision map prior to the issuance of any building permits.

**17.60.290 Conversion of existing development—procedures.**

Except as specifically noted in this chapter, the conversion of any existing development, that is a development which has received final occupancy clearance, to a condominium, a stock cooperative, a community apartment project or similar common interest subdivision shall comply with all requirements contained in this chapter.

**17.60.300 Conversion of existing development—subdivision map.**

- A. A tentative parcel map or tentative subdivision map as appropriate shall be filed concurrently with the proposed site plan for the proposed

conversion project and shall comply with the State Subdivision Map Act and the city's subdivision title.

- B. A final parcel or subdivision map shall be recorded in conformance with the approved tentative parcel or subdivision map prior to the issuance of any building permits.

**17.60.310 Conversion of existing development—standards.**

The standards of development for the conversion of any existing development to a common interest subdivision shall be those required in the underlying zoning district, with the following exceptions:

- A. Parking. The number of off-street parking spaces shall comply with the requirements of the underlying zoning district, except that for residential development, a minimum of one and one-half (1.5) off-street parking spaces per dwelling unit shall be provided. These spaces may be covered or uncovered.

Notwithstanding the requirements set forth in this subsection, but only until February 25, 2015, the number of off-street parking spaces for residential development shall not be greater than the number of parking spaces existing for the subject property at the time of approval of the tentative parcel or subdivision map required for conversion. On and after February 26, 2015, this paragraph of this subsection shall be of no force and effect.

- B. Common recreational areas. All residential developments shall include at least one form of common recreational or open space areas such as a swimming pool, tennis court or similar recreational activity or it may be for a more passive use such as a picnic or barbecue area. The passive use area should be of sufficient size and appropriate location so that it could be converted to an active recreation area at some later time. Private yard space with minimum dimensions of 10 feet by 10 feet (100 square feet) may also be considered in satisfying part of this requirement.
- C. Building construction requirements. All separation walls, floors and ceilings shall comply with the applicable provisions of the California Building Code and California Fire Code.
- D. Utility systems. Prior to the sale of any residential unit, a separate utility system shall be provided for each unit for electricity, gas and venting services. At a minimum there shall be one water meter provided for all residential units, although there may be installed one or

more separate water meters for the exterior uses. A separate sewer lateral or water meter for each residential unit is not required.

- E. Landscaping. Prior to the sale of any unit, all existing or proposed landscaped areas shall be provided with a combination of ground cover, shrubs and trees and a permanent, underground irrigation system in accordance with an approved landscape plan.
- F. Trash collection. Prior to the sale of any unit, the type of trash collection service (individual or common trash area) shall be determined and any necessary trash enclosures constructed.

**17.60.320 Conversion of existing development—covenants, conditions and restrictions and homeowner’s association.**

- A. Prior to the sale of any unit, the applicant shall submit proposed covenants, conditions and restrictions (CC&Rs) for any land or improvements intended for common ownership and/or common maintenance including streets, driveways, parking areas, landscaping, fences, walls, buildings, utilities, recreational facilities or open space. The covenants, conditions and restrictions shall include the creation of a homeowner’s association, which is intended to manage and maintain all common facilities.
- B. The covenants, conditions and restrictions shall be reviewed and approved by the city attorney and the director. A recorded copy of the approved covenants, conditions and restrictions shall be submitted to the city prior to the sale of any unit.

**17.60.330 Conversion of existing development—time limit to convert.**

No existing residential development may be converted to a common interest subdivision, unless it fully complies with all provisions of Sections 17.60.010 through 17.60.280, or unless a period of five (5) years has elapsed from the date of the certificate of occupancy or final inspection from the building division, until the date of the submittal of the application for conversion.

**17.60.340 Conversion of existing development—physical elements reports.**

- A. At the time of the submittal of an application to convert any existing development to a common interest subdivision, the applicant shall submit a physical elements report on the status of the health and safety aspects of the project including: building foundations and walls, roofs, electrical systems, plumbing systems, mechanical systems, recreational facilities, parking and other paved areas and drainage

facilities. These reports shall be prepared by California-licensed structural or civil engineers or contractors and they shall include a detailed evaluation of the existing physical elements, a recommendation on their status (including any necessary repairs or replacement, either immediate or in the future) and a signed certification of the findings.

- B. The planning commission and city council shall use this information to determine the need to repair or replace any existing physical elements as a condition of approving the proposed conversion.

**17.60.350 Conversion of existing development—tenant notification and right to purchase.**

- A. The conversion of an existing residential development to a common interest subdivision shall include all tenant notifications required by Section 66427.1 of the Subdivision Map Act.
- B. In addition, each of the tenants in an existing residential development shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. This right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention to not exercise the right.

**17.60.360 Conversion of existing development—tenant relocation assistance.**

- A. Each eligible tenant of a unit in an existing residential development being converted to a common interest subdivision shall be paid by the applicant the equivalent of one month's rent as relocation assistance.
- B. For the purpose of this section the term, "eligible tenant," shall be defined as a tenant in good standing of the existing residential development at the time that the owner of the development gives notice to terminate the tenancy in accordance with applicable law.
- C. The payment of relocation assistance by the applicant shall occur on or before: (1) the date of termination of tenancy provided in the notice described in subsection B, or (2) the date that the eligible tenant vacates the unit, whichever shall first occur, but in either event without regard to the date that the conversion occurs.

- D. No conversion shall be completed until the applicant has provided proof to the city of payment of all relocation assistance as required in subsection A, above. In the event that the payment of relocation assistance to an eligible resident is prevented by the voluntary termination of tenancy prior to the required payment date described above in subsection C, and also in the event that the applicant cannot locate the eligible tenant after a reasonable investigation, the applicant shall deposit any unpaid relocation assistance funds with the city. An administrative fee that is equal to ten percent of the total deposited funds shall accompany the deposited funds. The city shall hold the deposited funds (less the administrative fee) for the benefit of those eligible tenants who did not receive payment of relocation assistance. Upon proof of eligibility and entitlement, the city shall pay the relocation assistance to eligible tenants, without interest, at any time for a period of 36 months following deposit of the funds. At the end of the 36 month period, any funds on deposit shall be forfeited and released to the city, free and clear of any trust for the benefit of, or obligation to, eligible tenants. These forfeited funds shall be used by the city for the purpose of providing safe and affordable housing to persons of low- and moderate-income. Following the release of such funds to the city, any eligible tenant who claims any right to the forfeited and released relocation assistance shall be required to file a claim under the California Government Code as an unsecured creditor.
- E. The applicant shall give each eligible tenant notice of his or her right to relocation assistance at the same time that the notice required by Section 17.60.350 is given to tenants of the existing residential development. Such notice shall include a copy of this section, in effect at the time notice is given, and shall provide the name and a telephone number of the applicant's representative, which will allow for messages outside of normal business hours, for the tenants to obtain further information relative to the relocation assistance available to them, and the timing of the payment of relocation assistance for their project.

## Chapter 17.65

### SITE DEVELOPMENT PLAN PERMIT

#### Sections:

- 17.65.010 Intent and purpose**
- 17.65.020 Applicability**
- 17.65.030 Authority to apply**
- 17.65.040 Permit application requirements**
- 17.65.050 Authority to approve**
- 17.65.060 Notice of decision**
- 17.65.070 Revised site development plan drawing**
- 17.65.080 Appeals**

#### **17.65.010 Intent and purpose.**

The intent and purpose of a site development plan permit, and the site development plan review process is:

- A. To ensure compliance with city ordinances and policies.
- B. To ensure the incorporation of sound design practices.
- C. To ensure that proper facilities are provided.
- D. To ensure compliance with storm water management requirements.
- E. To ensure that easements and rights-of-way are recognized and respected on development plans.

#### **17.65.020 Applicability.**

A site development plan permit shall be required for all buildings or developments proposing three or more dwelling units, new commercial or industrial developments, and any expansions of existing commercial or industrial developments, when such expansions include increased floor area or building height, increased outdoor facilities or storage areas, or any other intensification of use. The director of community development may authorize minor expansions or alterations to existing developments without requiring site development plan permit approval in instances where the director determines that the requested expansion would be negligible and would not result in adverse effects to the subject property or surrounding properties.

Site development plan permits shall not be required for planned residential developments, residential subdivisions of single family lots, or for specific plans and conditional use permits authorizing development projects, when such other

development permit processes include a site plan depicting the location and design of all proposed structures and facilities. Notwithstanding the above, a site development plan permit may be required as part of the approval of any development request at the discretion of the director of community development.

**17.65.030 Authority to apply.**

An application for a site development plan permit may be filed with the secretary of the planning commission by the owner of the property for which the permit is requested, or the property owner's agent.

**17.65.040 Permit application requirements.**

At a minimum, the following items shall be submitted with a completed application for a site development permit, unless otherwise waived by the director.

In addition to the other items listed as requirements on the application form, an application for a site development plan permit shall include a scaled site plan drawing. As a general rule, the site plan shall depict all the following items:

- A. All property lines;
- B. All existing and proposed structures and their dimensions;
- C. All existing and proposed outdoor facilities and equipment;
- D. All existing and proposed parking facilities and vehicular and pedestrian circulation elements including all driveway aisles and pedestrian walkways;
- E. All existing and proposed fences and walls;
- F. All existing and proposed freestanding signs;
- G. All existing and proposed trash and recycling enclosures;
- H. All existing and required public improvements, both on-site and in the public right of way adjacent to the subject property;
- I. All easements;
- J. Provisions for adequate drainage and compliance with the city's storm water management requirements;
- K. Provisions for emergency vehicle access and circulation;

L. Existing and proposed landscape improvements; and

M. A “notes” section documenting: Gross and net lot area, number of proposed dwelling units (if applicable), lot coverage, area dedicated to landscaping, building floor areas, building footprint areas, and number of existing and proposed parking spaces.

**17.65.050 Authority to approve.**

Site development plan permits and amendments thereto may be approved, conditionally approved, or denied by the director of community development. The director may, at his or her discretion, refer site development plan permits and amendments thereto to the planning commission, which may approve, conditionally approve, or deny such permits.

**17.65.060 Notice of decision.**

The applicant for a site development plan permit shall be notified in writing of the decision of the director to approve, conditionally approve, or deny the permit. In the event that the director refers the permit application to the planning commission, the applicant shall be notified in writing and the notice shall include the date and time of the planning commission meeting. Any such decision shall be rendered within 60 days of an application for a site development permit being deemed complete by the director pursuant to California Government Code Section 65943, unless additional time is deemed necessary to comply with the California Environmental Quality Act as provided for in California Government Code Section 65950.

**17.65.070 Revised site development plan drawing.**

After approval of the preliminary site development plan, the revised or “final” site development plan shall reflect all required changes and shall be submitted to the planning division prior to any request for building permits. After the final copy of the site development plan has been received and signed by the director, the applicant may request and obtain building permits from the building division. The approved site development plan shall be used as the site plan for obtaining such building permits.

**17.65.080 Appeals.**

The action of the director or the planning commission in approving, conditionally approving, or denying a site development plan permit may be appealed pursuant to the requirements listed in Chapter 17.30 of this title.

## Chapter 17.70

### SPECIFIC PLAN

#### Sections:

- 17.70.010 Intent and purpose**
- 17.70.020 Authority to approve**
- 17.70.030 Initiation**
- 17.70.040 Required findings**
- 17.70.050 Scope of plans**
- 17.70.060 Application requirements**
- 17.70.070 Variance**
- 17.70.080 Conformance to plan**
- 17.70.090 Enforcement by injunction**
- 17.70.100 References to “precise plan” or “precise plan”**
- 17.70.110 Use control in reclassified specific plan**

#### **17.70.010 Intent and purpose.**

A specific plan is a plan for a particular portion of the city where circumstances require a more detailed plan of development than the general plan, and/or more detailed standards than the general provisions of the zoning ordinance. Such circumstances requiring specific plans may include, but shall not be limited to the following:

- A. Size and/or shape of property;
- B. Relation to surroundings;
- C. Drainage conditions;
- D. Unusual conditions pertaining to the property, requiring special consideration for access, utilities or fire protection;
- E. Necessity for street, highway and alley pattern; and
- F. Location of open spaces.

#### **17.70.020 Authority to approve.**

Pursuant to California Government Code Section 65450, the planning commission may recommend approval and the city council may adopt specific plans for the systematic implementation of the general plan. Such specific plans shall be adopted by ordinance.

**17.70.030 Initiation.**

Specific plans and amendments thereto shall be adopted in the same manner as provided in this title for amendments to the zoning ordinance and may be initiated by:

- A. Submittal of a completed application by the property owner, or the owner's agent; or
- B. Resolution of intention of the city council; or
- C. Resolution of intention of the planning commission.

**17.70.040 Required findings.**

The Planning Commission may recommend approval and the City Council may adopt a specific plan, or specific plan amendment, provided that it first makes the following findings:

- A. The proposed specific plan or specific plan amendment serves the public interest.
- B. The proposed specific plan or specific plan amendment will systematically implement the city's general plan.

**17.70.050 Scope of plans.**

Specific plans may include any or all of the following:

- A. Regulations limiting the location of buildings and other improvements with respect to existing or planned rights-of-way;
- B. Regulations of the use of land and buildings, the height and bulk of buildings and the open spaces around buildings;
- C. Street and highway naming and numbering plans in order to establish the official names of streets and highways, to remove conflicts, duplication and uncertainty among such names and to provide an orderly system for the numbering of buildings and properties;
- D. Such other matters which will accomplish the purposes of this chapter, including procedures for the administration of such regulations;
- E. Such other measures as may be required to insure the execution of the general plan; and

- F. Regulations controlling the development of a single property in more than one zone in order to permit the reasonable development of the subject property which is compatible with the surrounding area and consistent with the goals and objectives of the general plan. In the case of residential development, the total number of dwelling units shall not exceed the total number permitted by the sum of each of the individual zones on the property. Within such specific plan areas flexibility may be accorded in the distribution of parking spaces, landscaping and other features of design.

**17.70.060 Application requirements.**

Pursuant to California Government Code Section 65451, an application for specific plan shall include the following elements, in addition to any other requirements listed on the application or as determined by the director, in order to analyze the proposed plan:

- A. Text and diagrams indicating the distribution, location, and extent of land uses, including open space, within the proposed specific plan area.
- B. Text and diagrams indicating the distribution, location, extent and intensity of major components of public and private transportation, sewer, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the proposed specific plan and needed to support the land uses described in the plan.
- C. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- D. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to implement the requirements of the plan.
- E. A statement explaining the relation of the specific plan to the general plan.

**17.70.070 Variance.**

Variance requests from the provisions of specific plans may be granted in the same manner as provided in this title for variance requests from the provisions of the zoning ordinance.

**17.70.080 Conformance to plan.**

After adoption of a specific plan, no building, structure or other improvement shall be located, erected or constructed within the area covered by such specific plan, and no use shall take place thereon, except as shown on the specific plan or an approved amendment thereof. Where a difference occurs between the provisions of an approved specific plan and the regulations of the underlying zone, the provisions of the specific plan shall apply.

**17.70.090 Enforcement by injunction.**

The city council may enforce the provisions of this chapter and abate any violation thereof by injunction or other civil action in addition to the penalties as provided in Chapter 17.10 of this title.

**17.70.100 References to “precise plan” or “precise plans.”**

All references in the existing ordinances of the city to “precise plan” or “precise plans” shall be hereafter deemed to refer to “specific plan” or “specific plans.”

**17.70.110 Use control in reclassified specific plan.**

Upon the adoption of a specific plan and a reclassification based on such plan, any properties shown therein classified for commercial or industrial purposes shall not be used for residential purposes, unless expressly so authorized by such specific plan. Special uses shown on such specific plan, including automobile parking, shall conform to such specific plan, even though such use or uses are not otherwise specifically classified by this chapter as permissible in any given zone.

## Chapter 17.75

### TEMPORARY USE PERMIT

#### Sections:

- 17.75.010 Intent and purpose**
- 17.75.020 Applicability**
- 17.75.030 Application**
- 17.75.040 Authority to approve**
- 17.75.050 Notice required**
- 17.75.060 Appeals**
- 17.75.070 Permit processing times**
- 17.75.080 Considerations**
- 17.75.090 Approval period**
- 17.75.100 Conditions of approval**
- 17.75.110 Permit revocation**

#### **17.75.010 Intent and purpose.**

The intent and purpose of this chapter is to list the process for temporary use permits under simplified headings.

#### **17.75.020 Applicability.**

Some businesses and activities intended by virtue of their nature to be established for a short duration, may be allowed in various zones with approval of a temporary use permit, as indicated in the land use tables in Chapters 17.140, 17.145, and 17.150. No temporary use permit is required for uses that have been authorized by conditional use permit. Temporary uses include the following:

- A. Seasonal outdoor businesses, such as Saint Valentine's Day flower booths, Christmas tree lots, and Halloween pumpkin lots.
- B. Outdoor sales events, such as parking lot sales and outdoor arts and craft shows. Businesses in the city are limited to two outdoor parking lot sales per year, unless additional sales are authorized by conditional use permit.
- C. Traveling amusements, such as circuses and carnival conducted in the general commercial and regional commercial zones.
- D. Model homes.
- E. Prefabricated storage containers used for short-term or seasonal storage.

F. Vehicle storage lot for short-term storage (i.e., no more than two (2) years) of excess inventory of new automobiles, when dealership is operated within city limits, and lot is already improved with impervious surface.

G. Other similar temporary uses, as determined by the director.

**17.75.030 Application.**

An application for a temporary use permit may be filed with the planning division by the owner of the property for which the permit is requested, or by the property owner's agent. An application may also be filed by the operator of a temporary business, such as the operator of a seasonal business. However, the temporary use permit application must be signed by the owner of the property for which the permit is requested, or by the property owner's agent.

**17.75.040 Authority to approve.**

Temporary use permits and amendments thereto may be approved, conditionally approved, or denied by the director of community development. The director may, at his or her discretion, refer temporary use permits and amendments thereto to the planning commission, which may approve, conditionally approve, or deny such permits.

**17.75.050 Notice required.**

- A. The applicant for a temporary use permit shall be notified in writing of the decision to approve, conditionally approve, or deny the permit.
- B. In the event that the director refers the permit application to the planning commission, the applicant shall be notified in writing of the meeting a minimum of 10 days prior to the meeting. The notice shall include the date and time of the planning commission meeting.

**17.75.060 Appeals.**

The decision of the director to approve, conditionally approve, or deny the permit shall be final, unless a written appeal is submitted to the secretary of the planning commission within five (5) days of the director's decision. Any decision of the planning commission is final, unless appealed to the city council within five (5) days of the commission's decision. With the exception of the shortened (five-day) appeal period, such appeals shall be processed pursuant to Chapter 17.30.

#### **17.75.070 Permit processing times.**

A completed application and filing fee shall be submitted to the director a minimum of 15 days before the temporary use activity is to commence. However, depending upon the nature of the requested use, additional time up to 30 days may be required to process a temporary use permit application. The applicant will be informed at the time of submittal if additional processing time is required. Within 10 days of the submittal of a completed application and the required filing fee, the director shall render a decision to approve, conditionally approve, or deny the request. If a longer review period is required as described above, the director shall render a decision within 21 days of the completed application submittal. Applications referred by the director to the planning commission shall be scheduled for consideration within 30 days of submittal of a completed application.

#### **17.75.080 Considerations.**

The director shall consider the type of activity and its location, including proximity to sensitive uses, in rendering a decision. Furthermore, the director may refer any application for a temporary use permit to any other city department for review and comment and the director may require letters of support from directly affected businesses or residents.

#### **17.75.090 Approval period.**

Each temporary permit is valid for only the time period, applicant, and use stipulated in the approval letter. Generally, and except as otherwise provided in this chapter, the conduct of individual outdoor sales events is limited to 72 hours, although additional time may be authorized for setting up and taking down the event. The director shall have the authority to extend the duration of any temporary use permit under unique or unusual circumstances.

#### **17.75.100 Conditions of approval.**

The director may impose conditions of approval including, but not limited to: requirements for off-street parking, limitations on the hours of operation and/or the duration of the temporary use activity, requirements for liability insurance, coordination with other businesses and compliance with the city's sign regulations.

#### **17.75.110 Permit revocation.**

Any violations of the terms or conditions of approval of a temporary use permit may be grounds for its immediate revocation upon notice to the applicant.

## Chapter 17.80

### VARIANCE

#### Sections:

- 17.80.010 Intent and purpose**
- 17.80.020 Permit required**
- 17.80.030 Authority to apply**
- 17.80.040 Public hearing required**
- 17.80.050 Authority to approve**
- 17.80.060 Required findings**
- 17.80.070 Notice of decision**
- 17.80.080 Appeals**

#### **17.80.010 Intent and purpose.**

The intent and purpose of a variance shall be to prevent discrimination and to allow flexibility in the application of development standards in instances where special circumstances deprive a property of a property development right enjoyed by other properties in the same vicinity and zoning district. No variance shall be approved which would have the effect of granting a special privilege not shared by other properties in the same vicinity and zone.

#### **17.80.020 Permit required.**

No building permit shall be issued for the construction of any improvements that do not conform to the development standards applicable to a property in the city, unless a variance is approved authorizing the deviation from such development standards.

#### **17.80.030 Authority to apply.**

An application for a variance may be filed with the secretary of the planning commission by the property owner of the property for which the variance is requested, or the property owner's agent.

#### **17.80.040 Public hearing required.**

Upon filing of a completed application for variance, the secretary of the planning commission shall schedule a public hearing before the planning commission as provided in Chapter 17.25 of this title.

#### **17.80.050 Authority to approve.**

In instances where special circumstances and the strict and literal interpretation of the requirements in this title combine to deprive a property of

privileges enjoyed by other properties in the same vicinity and zone, the planning commission may approve a variance from the requirements of this title. The kinds of special circumstances that may be used to support the approval of a variance include circumstances relating to lot size, lot shape, topographic variations, the location of the property, and the surroundings of the property. However, under no circumstances shall a variance be used to establish a use that is not otherwise allowed in the zone district in which the property is located.

**17.80.060 Required findings:**

Before any variance may be approved, the decision making body shall find that:

- A. Because of special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of a privilege enjoyed by other properties in the same vicinity and zone;
- B. The approval of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone in which such property is situated;
- C. The approval of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
- D. The approval of such variance will be consistent with the goals, policies, and objectives of the general plan.

**17.80.070 Notice of decision.**

After close of the public hearing, the planning commission shall announce its findings by resolution. Such resolution shall approve, conditionally approve or deny an application for variance. Said resolution shall state the facts and findings supporting such approval, conditional approval, or denial. Within five (5) days of the adoption of a resolution, the secretary of the planning commission shall cause all of the following to be done on the same day:

- A. Notify the applicant of the action taken, by mailing a copy of the resulting resolution to the applicant at the address shown upon the application;
- B. File a copy of such resolution with the city clerk;
- C. Forward a copy of such resolution to the city council.

D. Notify the county assessor as required by California Government Code Section 65863.5.

**17.80.080 Appeals.**

The action of the planning commission in approving, conditionally approving, or denying a request for variance shall be final and conclusive, unless appealed in accordance with the provisions listed in Chapter 17.30 of this title.

## Chapter 17.105

### DEFINITIONS

#### Sections:

**17.105.010 Interpretation**

**17.105.020 Definitions**

#### **17.105.010 Interpretation.**

Except where specifically defined in any chapter of this title, the definitions alphabetically listed below in Section 17.105.020, shall be used when interpreting this title. Refer to Chapter 17.10 of this title for provisions relating to the interpretation of ambiguity or omissions.

#### **17.105.020 Definitions.**

“Accessory use” means a use that is subordinate to the primary use of the subject property, and of minor significance as compared to the primary use, and reasonably related to the primary use of the subject property. For the purposes of interpreting this title, the term “accessory use” shall have the same meaning as the terms “ancillary use” and “incidental use.”

“ADA” is an abbreviation of the American’s with Disabilities Act, which is a federal law that requires accommodations for disabled persons.

“Address” or “house number” for the purposes of this title is a number or combination of numbers and letters assigned by the city to a specific building or property. The individual numbers or letters of an address that is physically displayed on a structure must be uniform in height and appearance one to another, and must be a minimum of three (3) inches in height. An address may have numerals or letters up to 12 inches in height without being considered a sign.

“Advertising structure” means a structure of any kind or character, including statuary erected or maintained for outdoor advertising or attention calling purposes, on which any poster, bill, printing, painting, or other advertisement, identification, or directions of any kind may be placed, including statuary which implies a message in itself or which calls attention to the premises on which it is constructed.

“ANSI” means the American National Standards Institute.

“Antenna” means a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic energy.

“Arcade” means a covered pedestrian walkway along the front of a building, with supports for such arcade provided by such building on the interior side and columns or piers on the exterior side. (See also, “marquee”.)

“Automobile” or “Auto” means a motorized vehicle that is self-propelled. The term “automobile” includes all forms of passenger vehicles, trucks, buses, motorcycles, motor homes and recreational vehicles. This definition shall exclude heavy equipment.

“Awning” means a temporary shelter, which protrudes from, and is supported entirely by, the exterior wall of a building.

“Basement” means that portion of a building partially below the average level of the adjoining ground, with a ceiling no part of which is more than seven (7) feet above such level.

“Block” means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus or dead-end street or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street that it intercepts.

“Building” means a permanently located structure having a roof, including manufactured housing, but excluding all other forms of vehicles even though immobilized. Where these provisions require, or where special authority granted pursuant to this title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding “and enclosed on all sides.”

“Building height” means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the highest point of the building. Exception: Roof-top mechanical screens, elevator shafts, and stairwell enclosures, and clearstories, covering a combined total of less than 25% of the roof area of a building, and not exceeding a height of 20 feet, shall not be counted in building height calculations, for the purposes of implementing this title. Additionally, a basement shall not be considered as a story when computing the height of a building.

“Building, accessory” or “accessory building” means a detached building or structure which is subordinate and incidental to that of the main building, structure or use on the same lot.

“Building, main” or “main building” means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of multi-family dwellings

in two or more buildings, each such permissible building on the lot shall be considered a main building.

“Building pad” means a relatively level site prepared by grading and upon which a building will be placed.

“Building site” means the ground area of one lot or the ground area of two (2) or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this title.

“Canopy” means a roofed architectural feature that is open on at least three (3) sides and is used for vehicle or pedestrian passage. An awning is considered a canopy.

“Cell” means the coverage area through which wireless receiving and transmitting equipment from a particular cell site successfully propagates.

“Cell site” means a parcel of real property on which a wireless communications facility is to be located.

“Clustered development area (CDA)” means that area described by an enclosed series of straight lines connecting the farthest points of the outermost lying buildings and parking areas, but excluding any improvements used solely for recreational purposes.

“Commercial development” means one or more non-residential or non-institutional uses engaged in commerce on a parcel or on adjacent parcels of land which are planned, developed, or managed as a unit.

“Commission” means the planning commission of the city.

“Common interest development” is a type of development characterized by privately owned units, grouped together within a larger association or cluster of units that share amenities such as parking, recreational facilities, landscaping, and laundry facilities. In such developments the intervening and surrounding areas, which link and support the private units, are owned and maintained in common by all of the associated private property owners. Common interest developments are typically residential developments but they can also be established as commercial or industrial developments. A common interest development may be established as a planned residential development (PRD) or a planned unit development (PUD). All common interest developments require the approval of a subdivision map and the formation of an owners association whose responsibilities are recorded in a document containing covenants, conditions, and restrictions.

“Communications” means any transmission, emission, or reception of signals, images and sound or information of any nature by wire, radio, visual or electromagnetic system that work on a “line-of-sight” principle.

“Cut” means a condition in which earth material is cut into, dug, removed, displaced, or uncovered, and the conditions resulting therefrom.

“Director” means the director of community development, or his or her designee.

“Director’s determination” means an administrative land use and/or development decision made by the director of the community development department. Upon request, the director’s determination shall be documented in writing. The term “director’s determination” shall also apply to the resulting written and signed document. A director’s determination is not a “zoning letter” as defined in this title.

“District” means the same as “zone district.”

“Domesticated animal” means an animal, which has been adapted to life in association with and to the advantage of humans. For purposes of this code, domesticated animal shall include: horses, sheep, and goats. The term “domesticated animal” shall specifically exclude cattle and swine.

“Drive aisle” or “driving aisle” means an on-site pathway for vehicular circulation.

“Drive aisle, connecting” or “connecting drive aisle” means a drive aisle that connects a parking area to a driveway, and has no parking spaces that are adjacent and directly accessed from such a connecting drive aisle.

“Driveway” means the paved transition connecting a drive aisle or parking area to a public or private street. For the purposes of this title, the term driveway also means the paved area leading from a street to a covered garage or parking area at a single-family home, or individual dwelling unit within a Planned Unit Development or a Planned Residential Development.

“Dump” means an area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, offal or dead animals.

“Dwelling” means a building or portion of a building, or a mobile home, designed for permanent residential purposes, including single-family, two-family and multiple-family dwellings, but shall not include hotels, motels, or residential care facilities.

“Dwelling, multiple family” means a building, or a portion thereof, designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units.

“Dwelling, single-family” or “single-family dwelling” means a detached building designed for occupancy by one (1) family and containing one (1) dwelling unit. Any single-family dwelling constructed or located within the city after July 1, 1981, shall comply with the provisions of Section 17.140.170

“Dwelling, two-family” means a building designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units. The term two-family dwelling shall have the same meaning as the term “duplex.”

“Dwelling unit” means one (1) or more rooms designed for occupancy by one (1) family for both living and sleeping purposes, and having only one (1) kitchen. This definition includes single-family homes, condominiums, townhomes, and apartments.

“Embankment” means a condition in which material is deposited, pushed, pulled, dumped, or moved to another location, and the conditions resulting therefrom.

“Establishment” means any non-residential use of land involving buildings or structures for which a building permit is required, or would be required if the building or structure were to be replaced.

“Excavation” means a condition in which earth material is cut into, dug, removed, displaced, or uncovered, and the conditions resulting therefrom.

“Facade-mounted antenna” means an antenna that is directly attached or affixed to any wall of a building.

“Family” means an individual, or two (2) or more persons related by blood or marriage, or a group of unrelated individuals living together and bearing the generic character of a relatively permanent housekeeping unit in a dwelling unit.

“FCC” means the Federal Communications Commission, and is the federal agency responsible for licensing and regulating wireless telecommunications providers. The agency has primary regulatory control over communications providers through its powers to control interstate commerce and to provide a comprehensive national system in accordance with the Telecommunications Act of 1996.

“Fill” means a condition in which material is deposited, pushed, pulled, dumped, or moved to another location, and the conditions resulting therefrom.

“Fixed wireless” service means a local wireless operation providing multiple services such as, telephone, internet, and fax, to end users. The associated equipment is in the form of a small panel or dish antenna attached to a home or building.

“Freestanding facility” means an antenna with its support structure placed directly on the ground.

“Freeway” means a highway declared to be a freeway in compliance with the Streets and Highways Code of the state, or a route for a freeway which has been adopted by the State Highway Commission and which is declared to be such in compliance with the Streets and Highways Code of the state.

“Game of skill or amusement” means any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placement of any coin, plate, disk, slug or key into any slot, crevice or other opening, or by the payment of any fee or fees for the purpose of or use as a game, contest or amusement of any description, the use or possession of which is not prohibited by any law of the state.

“Garage, private” or “private garage” means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

“Garage, public” or “public garage” means a building enclosed on all sides, other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are stored, or kept for hire or sale.

“Garage sale”, also known as a “yard sale” or “estate sale” or “rummage sale” means a short-term event conducted on private residential property consisting of the sale of used or unwanted personal property such as used toys, recreational equipment, household items, clothing, tools, and furniture.

“Grade” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. Grades constructed for the purpose of increasing the average height of the grade adjacent to a building shall not be considered as meeting this definition.

“Grading” means the act of creating a new grade.

“Home occupation” means an occupation lawfully conducted within a dwelling and meeting all the requirements of this title.

“Horticulture” means the science and art of gardening, cultivating, and propagating fruits, vegetables, flowers, and ornamental plants. The term horticulture shall include, but not be limited to: fruits and vegetables, field crops, seed crops, orchards, vineyards, pastures, plant farms, and tree farms.

“IEEE” means the Institute of Electrical and Electronic Engineers.

“Individual commercial use” is a separate and distinct non-residential or non-institutional use engaged in commerce, which use is located in a freestanding commercial building.

“Kiosk” is a small, freestanding, open or partly open, outdoor structure which may be permanent or temporary and which is used to display and/or vend merchandise, money or services. For the purposes of this title, a “kiosk” is the same as a “stand.”

“Kitchen” means a room or portion of a room used for, or intended or designed for, cooking or the preparation of food. A kitchen shall contain at least a stove or oven.

“Landscaping” means living and/or nonliving decorative materials located in yards, parks, playgrounds, parking areas and other outdoor areas of the city. Landscaping may consist of the following items: trees, shrubs, ground covers, turf, flowers, and other living plant materials (except weeds), as well as artificial turf and decorative paving such as bricks and paving stones. Landscaping may also include: decorative water features, stones, boulders, bark, crushed decorative rock, and mulch. Landscaping shall not include driveways, drive aisles, or any required parking or loading areas.

“Lattice tower” means an open steel frame structure used to support equipment that is part of a wireless communications facility.

“Lot” means a parcel legally created by a subdivision map, parcel map, lot split or certified to be legal by a certificate of compliance.

“Lot area” means the total surface area of a lot or parcel, as measured on a flat plane, within the boundary lines of the lot or parcel. For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

“Lot area, net” or “net lot area” means the lot area remaining in a legal lot after any property required by the city to be dedicated for public street purposes.

“Lot, corner” or “corner lot” means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than 135 degrees.

“Lot depth” means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

“Lot, interior” or “interior lot” means a lot other than a corner lot or reversed corner lot.

“Lot, key” or “key lot” means the first lot to the rear of a reversed corner lot and whether or not separated by an alley.

“Lot line, front” or “front lot line” means, in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

“Lot line, rear” or “rear lot line” means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two (2) or more lines, the following shall apply:

- A. For a triangular or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line;
- B. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; or
- C. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.
- D. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five (5) feet to any property line.

“Lot line, side” or “side lot line” means any lot boundary line not a front lot line or a rear lot line.

“Lot, reversed corner” or “reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of such corner lot abuts.

“Lot, through” or “through lot” means a lot having frontage on two (2) parallel or approximately parallel streets.

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

“Major street” means a public road that is indicated by the general plan as a primary thoroughfare and/or has an existing or proposed right-of-way dimension of at least 84 feet.

“Manufactured home” means a mobile home built since June 15, 1976, and certified under the National Mobile Home Construction and Safety Standards Act of 1975, installed on a permanent foundation and having surrendered to the community development department any state registration or certification pertaining to mobile homes.

“Marquee” means a permanent roofed structure attached to a building and projecting over public property. (See also, “arcade.”)

“Mobile home” means a vehicle designed as a movable or portable dwelling built on a chassis, connected to utilities, and designed without a permanent foundation.

“Mobile home accessory building or structure” means any awning, cabana, ramada, storage cabinet, carport, fence, windbreak, or porch established for the use of the occupant of the mobile home. (Definitions of these terms are found in Section 5204 of Title 25 of the California Code of Regulations.)

“Mobile home lot” means any area or tract of land within a mobile home park which is designated or used for the occupancy of one (1) mobile home, and which complies with the standards and criteria of the city.

“Mobile home park” means an area or tract of land which has been developed in accordance with the standards and criteria of the city, and where one (1) or more mobile home lots are rented, leased, or sold to accommodate mobile homes used for human habitation.

“Mobile home subdivision” means an area or tract of land, which has been developed as a mobile home park in accordance with the standards and criteria of the city, and where each mobile home lot within the park has been legally subdivided in order to permit the sale of the lots to individual mobile home residents.

“Monopole” means a structure composed of a single spire used to support equipment that is part of a wireless communications facility.

“Nameplate” means a device indicating the name and address of the occupant of a residence or structure.

“Nonconforming structure” means a building, or portion thereof, which was lawfully erected or altered and maintained, but which, because of the application of this title, no longer conforms to the physical development standards for the zone in which it is located.

“Nonconforming use” means a use that was lawfully established and that has been continuously conducted at the same location, but which because of the application of this title, is no longer authorized at that location, or requires approval of a discretionary permit and has not obtained such discretionary permit approval.

“Ordinary household pet” means any animal, which is normally domesticated and customarily kept for personal use or enjoyment in a residential zone. For purposes of this code, ordinary household pets shall include, but not be limited to: domesticated dogs, cats, small mammals, birds, fish, reptiles, and rodents. Not included in this definition are wild animals, domesticated livestock, poultry, and those animals whose ownership is prohibited by the state of California, the United States government, or other portions of this code.

“Parking area” means an area not located in a public street or alley with facilities constructed to city standards and maintained exclusively for parking of one (1) or more vehicles and including associated aisles and driveways.

“Paving” or “pavement” means a minimum of two (2) inches of asphaltic concrete over a prepared base, or an alternative surface approved by the director of public works, to be used as a driveway and/or parking area for automobiles. Paving does not include sidewalks or walkways.

“Planned residential development” or “PRD” means a kind of common interest development consisting of a group of buildings, sublots, or sites for designated future buildings, together with the surrounding open spaces, comprehensively planned in relation to each other, with the necessary utilities and services, access ways, parking areas, recreation facilities, and other appurtenances designed for residential purposes. A planned residential development is a total

development concept, rather than an aggregate of separate individual buildings on unrelated lots.

“Planned unit development” or “PUD” means a kind of common interest development consisting of a group of buildings, sublots, or sites for designated future buildings, together with the surrounding open spaces, comprehensively planned in relation to each other, with the necessary utilities and services, access ways, parking areas and other appurtenances. A planned unit development is a total development concept rather than an aggregate of separate individual buildings on unrelated lots. A planned unit development permit may be applied for in all zoning districts.

“Porte cochere” means a roofed extension or projection of a building used for the shelter of passengers loading or unloading from vehicles.

“Potbellied pig” means a miniature pig not exceeding 22 inches at the shoulder or 125 pounds.

“Poultry” means chickens, ducks, geese, turkeys, Guinea fowl, and other forms of domesticated fowl, excluding roosters.

“Religious activities” means activities commonly conducted within religious facilities and may include worshipping, religious teaching and study, and the administration of the religious activities. Religious activities do not include such secular activities as the regular housing and feeding of the homeless, or the operation of elementary and secondary schools and colleges, and day care, or day nurseries, regardless of whether they might otherwise be conducted within religious facilities.

“Roof-mounted” means anything directly attached or affixed to the roof of a building.

“Room” means any partitioned-off area used solely for human occupancy excluding areas used for bathrooms and storage purposes.

“Satellite antenna” means an accessory structure consisting of an electromagnetic wave (radio wave) reflector, along with the necessary receiving antenna parts and supporting structure, the purpose of which is to receive television signals broadcast from an earth-orbiting transmitter.

“Screening fence” or “screening wall” means a structure, which provides for the obstruction or impairment of visibility between properties, between one portion of a property and another portion of a property, or between public and private properties.

“Searchlight” is an apparatus for projecting a powerful beam of light and, for the purposes of this chapter, such light, whether stationary or moving, is intended to draw attention to a particular property or event.

“Seat” means a single chair, or a distance of 24 inches measured along the width of a bench, bleacher, or pew.

“Secondhand merchandise” means items for sale to the general public, which items have been previously used but which cannot be classed as antiques.

“Security wire” means a type of fence material characterized by sharp edges or points arranged at intervals along strands or coils of the wire. Security wire is typically strung or coiled along the top of a fence and may also be called barbed wire, razor wire, or concertina wire.

“Service provider” means a “wireless telecommunications provider” as defined in Section 3 of the Telecommunications Act of 1996, and is a company or organization, or the agent of a company or organization that provides wireless communications services.

“Service road” means a street, drive, or alley that may be publicly or privately owned which is accessory to the primary frontage road and inter-connecting adjacent commercial properties. A service road may be on-site or may be adjacent to the site, but the side street along properties situated in intersections is not considered a service road.

“Setback line, exterior” or “exterior setback line” means the line as indicated in the various zoning districts that determines the required yards from any street frontage property line.

“Setback line, interior” or “interior setback line” means the line as indicated in the various zoning districts that determines the required yards from any property line that separates adjacent properties.

“Shopping center” means a commercial development encompassing a developed area of two (2) or more acres, which are planned, developed, owned or managed as a unit, and which provide off-street parking for customers of the commercial establishments.

“Shopping center, regional” or “regional shopping center” means a shopping center which has a regional market area and which includes two (2) or more major department stores along with associated specialty retail stores, which altogether have a combined gross floor area of at least 500,000 square feet.

Sign: See Chapter 17.190 for all sign-related definitions.

“Slope” means the inclined surface of an embankment, excavation, or natural terrain, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Slope may also be expressed as a percentage. In calculating slope percentage, the vertical distance of the sloped surface (rise) is divided by the horizontal distance (run) and the resulting decimal number is multiplied by 100 to yield the slope percentage.

“Sound level” or “noise level in decibels (dB)” means the sound measured with the A weighting and slow response by a sound level meter.

“Sound level meter” means an instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of sound levels which satisfy the pertinent requirements in American Standard Specifications for sound level meters S1.4—1971 or any more recent revision thereof.

“Stand” means a small, freestanding, open or partly open, outdoor structure which may be permanent or temporary and which is used to display and/or vend merchandise, money or services. For the purposes of this title a “stand” is the same as a “kiosk.”

“Stealth facility” means any communications facility that is designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade-mounted antennas painted and treated as architectural elements to blend with an existing building. Also known as a concealed telecommunications facility.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered as a story when computing the height of a building.

“Stove” or “oven” means a portable or fixed appliance that burns fuel or uses electricity to provide heat for cooking.

“Street” means a thoroughfare having a width not less than 30 feet, and dedicated to public use and which affords primary means of access to abutting property.

“Street line” means the boundary line between a street and the abutting property.

“Street, side” or “side street” means a street, which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

“Structural alteration” means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

“Structure” means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences not more than six (6) feet in height.

“Sublot” means a designated portion or division of land, airspace, or combination thereof within the boundaries of a planned residential development or a planned unit development legally created through either the planned residential development or the planned unit development process. A sublot need not have frontage on a public or private street. A condominium lot is a sublot.

“Swimming pool” means a structure or excavation intended for swimming or recreational bathing that contains water 18 inches or more deep. This definition includes in-ground, and above-ground swimming pools, hot tubs and spas.

“Telecommunications Act of 1996” refers specifically to 47 U.S.C. § 332.

“Temporary feeding area” means a fixed location outside of the public right-of-way which allows for the operation of mobile feeding facilities.

“Temporary use” means an activity that is conducted for a fixed, limited duration with the intent to discontinue the activity upon the expiration of the fixed time period.

“Use” means the purpose for which land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

“Walking distance” means the total linear distance that a pedestrian must walk in order to safely travel from one property to another property without trespassing or violating any pedestrian laws such as the law prohibiting “jay-walking.” For the purposes of this title, walking distance between properties shall be measured from property line to property line.

“Wild animal” means any animal which is not normally domesticated within the United States, and/or not normally allowed as a pet in California by the Department of Fish and Game, irrespective of its actual or asserted state of tameness or domestication.

“Wireless facility support structure” means the electronic equipment housed in a cabinet or small building that, together with one or more antennas, comprises a personal communications services (PCS) facility or site. The cabinet or building

typically includes an air conditioning unit, heating unit, electrical supply, telephone hook-up, and back-up power supply.

“Yard” means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

“Yard, exterior” or “exterior yard” means an area extending across the full width or depth of the lot lying between a street frontage property line and the required exterior side setback line, including any interior yards.

“Yard, front” or “front yard” means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a specific plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

“Yard, interior” or “interior yard” means an area extending across the full width or depth of the lot and lying between the interior property line and the interior setback line, including any exterior yards.

“Yard, rear” or “rear yard” means a yard extending across the full width of the lot, the depth of which yard shall be the minimum required distance as measured from the rear lot line toward the front lot line.

“Yard, rear line of required front” or “rear line of the required front yard” means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

“Yard, side” or “side yard” means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear of the main building, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

“Zone” means the same as “zoning district”

“Zoning district” means the delineation of land into a zone as indicated on the land use zoning map, to which the regulations of this title apply.

“Zoning letter” means a document prepared by the director of the community development department, or the director’s designee, and is a written response to a request for a written description of the zoning, land use, development, code

enforcement, or entitlement history of a specific property. A zoning letter is not the same as a “director’s determination” as defined in this title.

## Chapter 17.110

### USE CLASSIFICATIONS

#### Sections:

**17.110.010 Interpretation**

**17.110.020 Use classifications**

#### **17.110.010 Interpretation.**

The use classifications alphabetically listed below in Section 17.110.020 shall be used when interpreting this title. Not all allowable uses are listed in this chapter. When not listed here, the common meaning of such use shall apply. Refer to Chapter 17.10 of this title for provisions relating to the interpretation of ambiguity or omissions.

#### **17.110.020 Use classifications.**

Adult entertainment activities: See definitions listed in Section 17.45.040 of this title.

“Antique shop” means a retail business, principally offering objects for sale to the general public, which are old as compared to the present age or time, which are of a bygone style or vintage, and which were crafted or manufactured at a much earlier period than the present time; and which, because of the passage of time, have taken on an intrinsic value greater than their original value. For purposes of this title, “antique shop” does not include the sale of secondhand merchandise.

“Athletic club” or “fitness center” means a training facility that includes exercise equipment for the purpose of physical exercise by human beings, and provides instruction in weight training, bodybuilding, and cardiovascular training, as well as general health and fitness instruction.

“Auction house” means a fixed location where goods, wares, merchandise, or other items of personal property, new or used, are offered for sale at auction as an established business.

“Automotive body repair” means a business that conducts automobile painting and automobile body repair.

“Automotive service and repair” means a business that conducts automobile repair and/or maintenance services ranging from diagnostic services to major engine and transmission repair, except automobile painting, and automotive body repairs.

“Automotive fueling station” means a business engaged in the sale of motor fuel through dispensing devices.

“Automobile wrecking” means the dismantling or wrecking of used autos and other motorized vehicles or trailers, or the storage, sale or dumping of one or more dismantled, non-operable or wrecked vehicles or their parts.

“Bed and breakfast establishment” means a transient occupancy establishment within a single-family residence, which is incidental to the single-family residence and offers sleeping facilities and breakfast to registered guests only. The single-family residence must have received at least a rating of “2” on the historic preservation survey completed for the city by SANDAG in 1985.

“Blood bank” means a place for the storage and processing of blood and blood-based products. Blood banks may also collect blood as an ancillary activity, but no monetary compensation may be provided to the blood donor.

“Blood donation facility” means a place where blood or blood plasma is collected from donors who receive no monetary compensation for donating their blood or plasma.

“Blood plasma center” means a place where blood or blood plasma is collected from donors who may receive monetary compensation for the donation of their blood or blood plasma.

“Boardinghouse” means a dwelling unit in which one or more rooms are rented out separately for extended periods of time to four (4) or more persons who do not meet the definition of “family”. The common parts of the house may be maintained, and some services, such as laundry, cleaning, and meals may be supplied. Common features of a boardinghouse are that individual tenants do not begin and terminate their tenancy at the same time, are not parties in common on a single rental or lease agreement, and usually have exclusive use of one or more rooms that are different rooms than those for which other tenants may have exclusive use. The property owner or a boardinghouse manager may or may not also reside in the dwelling.

“Bulk fuel storage and distribution facility” means a business location where at least one (1) storage tank of 30,000 gallons water capacity but no more than four (4) such tanks with a maximum of 120,000 gallons aggregate water capacity at any one (1) business location is/are used for the temporary storage of petroleum or petroleum products, such as gasoline, fuel oil, propane, and kerosene, and the subsequent off-site distribution of the petroleum or petroleum products to retail outlets or off-site directly to the actual user. This definition also includes bio-fuels and other combustible fuels that do not originate from petroleum.

“Caretaker’s unit” means a single dwelling unit located on the same lot as an authorized commercial or industrial use. The occupant of the caretaker’s unit need not be an employee of the commercial or industrial use at the site.

“Child activity center” means a commercial establishment that provides indoor play areas and activities for children up to age 12 where the parents or legal guardians of the children are present at all times. The term “child activity center” does not include daycare services, video arcades, video game centers, or other forms of amusements intended for older children, or any activities where the parents are not present at all times.

“Church”: See religious facilities and religious activities.

“Club” means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

“Cocktail lounge” means a commercial establishment open to the general public that sells alcoholic beverages for on-site consumption as a primary use. The term “cocktail lounge” shall include bars, nightclubs, pubs, taverns, or any other commercial establishment that sells alcoholic beverages for on-site consumption as a primary use. A cocktail lounge may prepare and sell food for on-site consumption, but it is not considered a restaurant for the purposes of interpreting this title.

“Congregate care facility” means a multi-family residential development designed and devoted to housing persons of impaired physical and/or mental capacities, such as frail elderly and the handicapped, and offering limited 24-hour non-medical care. The facility contains small individual dwelling units of usually only one or two rooms with a small kitchen allowing for independent living, but also providing common dining, recreational and social facilities on site, and minimal convenience services such as housekeeping, and transportation services for the residents.

“Convalescent home” means a commercial establishment providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgery or emergency medical services.

“Collocation facility” means the placement or installation of wireless facilities, including antennas and related equipment, on, or immediately adjacent to, a wireless telecommunications collocation facility.

“Convenience market” means a commercial establishment that offers food and sundry items for sale, and is limited in size to no more than 4,000 square feet of gross floor area.

“Day care facility” means any type of state-licensed group child care program, elder care program, or program for the supervised care of disabled persons conducted during daytime and evening business hours. “Day care facility” includes nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, play groups for preschool children, senior activity and care groups, and groups that provide supervised care and activities for disabled persons, provided such establishments are institutional in character and licensed by the state or county, and conducted in accordance with state requirements. This definition shall include the term “commercial day care facility.” This definition shall not apply to family day care homes or to residential care facilities, which provide 24-hour care.

“Department store” means a retail establishment, with a gross floor area greater than 15,000 square-feet, which specializes in selling a wide range of products without a single predominant merchandise line. General merchandise retailers are included in this description.

“Educational institution” means elementary, junior high, high schools, colleges or universities, or other schools giving general academic instruction in the several branches of learning and study required to be taught by the Education Code of the state of California. The term “educational institution” shall include private schools, charter schools, and parochial schools.

“Family day care home” means a home which is licensed by the State pursuant to Chapter 3.4 of Division 2 of the California Health and Safety Code, as amended from time to time, to regularly provide care, protection, and supervision of 14 or fewer children in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following: “Family day care home, large” or “large family day care home” means a home that provides family day care for up to 14 children, including children who reside at the home, as defined in the California Government Code. “Family day care home, small” or “small family day care home” means a home that provides family day care to eight (8) or fewer children, including children who reside at the home, as defined in the California Government Code. For purposes of this title, family day care homes shall be considered an accessory use to any permitted single-family use.

“Foster family home” means a state-licensed foster family residence in which 24-hour care is provided for not more than six (6) children, including children of the foster family.

“Foster family institution” means two (2) or more foster family homes, each on separate lots or parcels, which are located in close proximity to each other and are owned, operated, managed or leased by the same organization, group,

corporation or other entity, or operated in any manner so that there are shared facilities, activities, or other coordinated events.

“Game center” means a place of business where more than three (3) games of skill or amusement or more than one (1) game of skill or amusement for every 1,000 square feet of building floor area are available for play or use. A “game center” is not an “adult entertainment establishment” as defined in Chapter 17.45 of this title.

“Group residential” means shared living quarters without separate kitchen and bathroom facilities for each room or unit. This classification includes “boardinghouse”, dormitory, fraternity house, and sorority house.

“Hardware store” means a retail store that sells primarily hardware, tools, building materials, building supplies, and garden supplies. A hardware store may also provide services such as home improvement consulting, key making, tool sharpening, and engraving. “Home improvement center” is included in this definition.

“Headquarters office facility” means the corporate or regional offices of a business with multiple locations, which generally includes the chief operating officials, or regional managers, as well as clerical and payroll functions. A headquarters office facility may also include manufacturing, distribution and wholesale operations, as permitted in the underlying zone district.

“Heavy equipment sales” means an establishment that sells large, mechanized, construction or farming equipment generally characterized by the presence of hydraulic systems or other mechanical or electromechanical systems of force amplification designed to perform work on a large scale. Examples of heavy equipment include: bulldozers, skip loaders, compaction rollers, dump trucks, cranes, forklifts, rotary tillers, trenchers, and harvesters.

“Heavy manufacturing” or “heavy industry” means industrial activities that are generally more capital intensive and less consumer-oriented than light manufacturing. Heavy industry often involves the extraction and/or use of raw materials for the production of goods with a relatively low value-to-weight ratio. Moreover, heavy industry is typically characterized by more significant environmental impacts than light industry. Examples of heavy industry include, but are not limited to: mining, concrete production, steel production, ship building, heavy equipment and automobile manufacturing, petroleum refining, and the manufacture of pharmaceutical products and chemicals

“Home improvement center”: See the definition for hardware store.

“Hospital” means an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to injured or infirm persons or

patients, and which is licensed by the state of California to use the title “hospital” without a qualifying descriptive word.

“Hotel” means a building or group of buildings whose main function is to provide rooms for temporary lodging where access to at least 75 percent of such rooms is provided through interior hallways that are accessed through a completely enclosed lobby, foyer, entry hall, or similar interior entry feature. A hotel may also contain restaurants, conference rooms and personal service shops. The phrase “temporary lodging” refers to a rental period with a duration of no more than 30 days.

“Kennel” means any lot or parcel of land or place where (4) four or more dogs or cats of four (4) months of age or older are confined, treated, boarded, housed or cared for. For the purposes of this title, the term “kennel” shall exclude veterinary offices, animal hospitals, and pet shops.

“Light manufacturing” or “light industry” means industrial activities that are generally less capital intensive and more consumer-oriented than heavy manufacturing. Generally speaking, light manufacturing means the production of small, consumer goods with a high value-to-weight ratio, from partially processed raw materials. Light manufacturing facilities are typically characterized by less significant potential environmental impacts than heavy manufacturing facilities and processes. Examples of light manufacturing uses include: manufacturing of optical and other precision instruments, manufacturing of paper, plastic, glass, and ceramic products, manufacturing of furniture, manufacture and assembly of consumer electronics, manufacture and assembly of tools, and the manufacturing of textile goods and clothing.

“Liquor store” means a commercial establishment where the primary products on display and for sale are liquor, beer and wine, and which is required by the state to obtain and hold a Type 21 Retail Off-Sale General Liquor License.

“Market” means a retail store, with a gross floor area greater than 4,000 square feet and less than 15,000 square-feet, that sells primarily food items and household supplies. Small grocery stores, produce markets, and specialty food stores are included in this definition.

“Martial arts facility” means a school and training facility that specializes in training and instructing students in the practice of hand-to-hand combat techniques, including the use of traditional weapons and excluding training in the use of firearms.

“Motel” means a building or group of buildings whose main function is to provide temporary lodging in separate rooms for transient auto travelers, in which at least 75 percent of such rooms are directly accessible from an outdoor parking area.

The phrase “temporary lodging” refers to a rental period with a duration of usually no more than 30 days.

“Office, administrative, business and/or professional” means an establishment engaged in the provision of executive, management, administrative, consulting, or professional services, such as architectural, design, engineering, real estate, information technology, and technological support, insurance, investments, legal, secretarial, accounting, graphic arts, desktop publishing, advertising, marketing, title insurance, collection, or personnel. This provision includes health administration, when no medical services are provided on site.

“Outdoor retail sales” means any business that is permitted by this title to conduct retail sales outdoors and where such outdoor sales occupy a minimum of 50 percent of the total gross lot area of the site.

“Personal storage facility” means an establishment that provides for the storage of privately-owned household goods, personal property, business records, documents, and supplies within an enclosed building. Personal storage facilities are commonly referred to as “mini-storage” facilities. This classification is distinct from the use classification of “warehousing and distribution”.

“Pharmacy” means an establishment that dispenses prescription and non-prescription medications under the direction of a pharmacist. A pharmacy may also sell a wide range of retail products in a manner similar to department stores and supermarkets.

“Poolhall” or “billiard parlor” means a place of business where three (3) or more pool tables or three (3) or more billiard tables, or any combination thereof, are available for play or use.

“Religious facilities” means permanent buildings used as places for worship and may include assembly halls and rooms, libraries, kitchens, offices and similar spaces as well as up to one residence to be used by the religious leader or a caretaker.

“Residential care facility” means a residential home or facility providing 24-hour non-medical care for persons in need of personal services, protection, supervision, counseling, guidance, or assistance essential for sustaining the activities of daily living. This use classification only includes those facilities described above that are licensed by the State Department of Social Services, such as elder care facilities and sober living facilities.

“Restaurant” means any commercial establishment open to the general public that prepares and sells food for on-site consumption as a primary use. A restaurant has a kitchen, or other food preparation area, a menu of food items, and an indoor dining area. A “restaurant” includes, but is not limited to: a cafe,

coffee shop, ice cream parlor, or similar uses where on-site dining facilities are provided. Accessory deli counters and areas for the sale of prepared food at convenience markets, markets, and supermarkets are not included in this definition.

“Restaurant, take out” or “take-out restaurant” means a restaurant in which the products or menu of items prepared are intended exclusively for off-site consumption. A take-out restaurant shall be allowed a maximum of eight seats indoors for the convenience of customers who are waiting. No dining facilities (i.e., tables, booths, stools, benches, shelves, or bars) either indoors and/or outdoors, or service facilities (i.e., drive-through lane) shall be permitted.

“Large box retail” means the retail selling of manufactured or assembled goods that cannot easily be hand-carried or placed in a standard shopping cart. Examples of large box retail items include, but are not limited to: furniture, large appliances, carpeting and flooring, custom windows, and large office machines.

“Supermarket” means a retail store, with a gross floor area of no less than 15,000 square feet, which sells primarily food items and household supplies. Large grocery stores are included in this definition.

“Transition service center” means a permanent facility designed and operated to provide direct, indirect, referral and/or counseling services to persons who have no permanent residence or who are in need of assistance.

“Use, retail” or “retail use” means trade uses that sell goods individually or in small quantities directly to the public. Typically, retail uses charge sales tax, and are at the end of the distribution chain for manufactured or processed goods.

“Use, trade and service” or “trade and service use” means a use that is primarily involved in the selling of goods and services to the general public and to other businesses. Trade uses may sell their goods in both retail and wholesale fashion. Service uses are not considered to be either retail or wholesale in nature.

“Wholesale use” means a trade use that sell goods in large quantities to other businesses, to professionals, and to retail establishments. Typically, wholesale uses involve the storage of large quantities of goods in warehouses, and may also involve the distribution of goods to retail establishments, professionals, and other end-users.

“Utilities” means the operational facilities and associated equipment of a company or governmental entity that provides a public service subject to government regulation. For the purposes of interpreting this title, the term “utility” shall include facilities that provide: gas and/or electrical service, telephone service, cable television service, Internet service, waste disposal service, water service, and sewage treatment service. The term “utilities” shall not include the

administrative offices of a utility company, nor shall it include minor and appurtenant equipment such as distribution lines, electrical transformers, and similar appurtenances necessary to distribute and connect the provided services to the end users.

“Veterinary and small animal hospital” or “pet clinic” means a place of business operated by a qualified veterinarian for the treatment of small domestic animals, where boarding, training and grooming of animals are only incidental to such treatment.

“Wireless communications facility” means a land use facility supporting antennas, which sends and/or receives radio frequency signals. Wireless communications facilities include antennas and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures built to support such equipment; equipment cabinets, base transceiver stations, and other accessory development. A wireless communications facility is also referred to as a telecommunication facility.

## Chapter 17.115

### GENERAL LAND USE REGULATIONS AND PERFORMANCE STANDARDS

#### Sections:

- 17.115.010 Purpose**
- 17.115.020 Land use tables**
- 17.115.030 Keys to the land use tables**
- 17.115.040 Airport land use compatibility**
- 17.115.050 General rules of conduct**
- 17.115.060 Wholesale trade**
- 17.115.070 Uses and activities permitted by conditional use permit**
- 17.115.080 Unlisted uses**
- 17.115.090 Temporary uses**
- 17.115.100 Outdoor uses**
- 17.115.110 Accessory uses**
- 17.115.120 Special land use regulations**
- 17.115.130 Performance standards**
- 17.115.140 Procedures for applying performance standards**

#### **17.115.010 Purpose.**

It is the purpose of this chapter to list general regulations relating to the permitting and conduct of land uses under simplified headings.

#### **17.115.020 Land use tables.**

The authority to establish a specific land use within a specific zone is provided as indicated in the land use tables of this title. The tables list a broad range of standard residential, commercial, and industrial land uses typically found in urbanized areas. Within the land use tables, the land uses are listed as rows and the zone districts are listed as columns. The rows and columns combine to form matrices indicating specific land uses that may be established within a specific zone district. The cells within the tables contain letter designators indicating the permissibility of the various uses, and the form of any land use entitlements required to establish a particular use in a particular zone.

If a use is authorized in one zone, but not in other zones, then that use is specifically prohibited in those zones where it is not authorized. Furthermore, if a use is listed in one table, but is not listed in another table, then that use is specifically prohibited within the zones of table in which the use is not listed. If a use is listed in the tables as an accessory use, the use may not be established in the absence of an authorized primary use. The land use tables are located in the following chapters of this title:

- A. The residential land use table is provided in Chapter 17.140.

- B. The commercial land use table is provided in Chapter 17.145. This table also includes the specific commercial, manufacturing, and light industrial uses permitted in the commercial manufacturing (C-M) zone.
- C. The manufacturing and industrial land use table is provided in Chapter 17.150.
- D. Allowable land uses in the open space (O-S) zone are provided in Chapter 17.155.

**17.115.030 Keys to the land use tables.**

The abbreviations used in the land use tables shall have the following meanings:

- A "A" means "adult entertainment permit"
- C "C" means "conditional use permit"
- D "D" means "director's determination"
- M "M" means "minor conditional use permit"
- P "P" means "permitted use"
- S "S" means "site development plan permit"
- T "T" means "temporary use permit"
- Z "Z" means "administrative zoning permit"
- X "X" means "not permitted"

In addition to the abbreviated terms listed above, the land use tables incorporate endnotes, which are indicated by numerical designators in the final column of each table. The numerical designators correspond with written notes listed at the bottom of each table. The notes provide additional information and direct readers to other applicable sections of the El Cajon Municipal Code.

**17.115.040 Airport land use compatibility.**

The establishment of certain land uses is restricted by proximity to the Gillespie Field airport. Land use restrictions in the vicinity of the airport are described in the Gillespie Field Airport Land Use Compatibility Plan prepared by the San Diego County Regional Airport Authority.

**17.115.050 General rules of conduct.**

No building or structure or land shall be used and no building or structure shall be designed, erected, structurally altered or enlarged except for the purposes permitted in the district in which such building or land is located, and then only after applying for and securing all permits and licenses required by law and ordinance. Furthermore, no uses or ancillary activities shall be conducted in

such a way as to be considered obnoxious or offensive to persons residing, working, or conducting business in the city. All uses and operations within the city shall be subject to the performance standards specified in this chapter.

**17.115.060 Wholesale trade.**

Wholesale trade is prohibited as a primary use within the O-P, C-N, C-G, and C-R zones. A business in the O-P, C-N, C-G, and C-R zones may conduct limited wholesale trade that is incidental to an otherwise permitted retail use. However, the wholesale component of the business shall not constitute more than 15% of the total receipts, nor shall the wholesale component of the business occupy more than 15% of the floor area available for the sale, merchandising and display of consumer products.

**17.115.070 Uses and activities permitted by conditional use permit.**

In addition to those uses listed in the land use tables as requiring a conditional use permit, the following uses and activities shall be permitted in any zone (except as noted), provided a conditional use permit is granted:

- A. Drive-through facilities that transact business directly with customers within a motor vehicle. However, drive-through facilities are prohibited in all residential zones, and in the O-P zone;
- B. Outdoor public address systems or loudspeakers;
- C. Pyrotechnic displays (fireworks);
- D. Flagpoles in excess of 55 feet in height;

**17.115.080 Unlisted uses.**

In the event that a use is not specifically listed in this title, or if ambiguity arises in the nature or operational characteristics of any use, it shall be the responsibility of the director of community development to gather the pertinent facts related to the use and to make a determination regarding the ability to establish the use within any of the zones listed in this title. The director shall make a determination regarding the use in accordance with the procedures listed in Chapter 17.10 of this title.

**17.115.090 Temporary uses.**

Temporary uses, as defined in Chapter 17.105, may be permitted subject to approval of a temporary use permit. Refer to Chapter 17.75 for regulations relating to temporary uses and temporary use permits.

### **17.115.100 Outdoor uses.**

Except as specifically permitted in this title, all commercial uses and associated storage shall only be conducted within completely enclosed buildings. Exceptions exist for those uses that are customarily conducted outdoors, although such uses may require a conditional use permit or other permit approval as indicated in this title. Examples of uses that are customarily conducted outdoors in commercial zones include, but are not limited to: outdoor dining areas, vehicle sales lots, plant nurseries and garden centers, sports fields and courts, and outdoor amusements such as go-kart tracks and miniature golf.

Certain outdoor commercial, industrial and manufacturing uses such as plant nurseries, garden centers, and outdoor storage areas may require screening measures. The requirement for screening as well as the methods, materials, and appearance of required screening for outdoor uses are subject to the discretion and approval of the director of community development, or in the case of a conditional use permit, the planning commission. The director or commission may require decorative screening materials in visually prominent or visually sensitive areas.

Under no circumstances shall outdoor uses and activities be permitted which displace required off-street parking or landscaping improvements. For outdoor use and outdoor storage regulations in the M and C-M zones, refer to Section 17.150.050.

### **17.115.110 Accessory uses.**

The operation of an “accessory use” as defined in Chapter 17.105 shall not be paramount to the primary use established at a property. Except as specifically noted in this title, an accessory use does not require any special approvals such as a conditional use permit. The primary use of the subject property or tenant space shall dictate the required number of parking spaces for the accessory use.

Typically, an accessory use will not exceed 15 percent of the gross floor area within the tenant space. Examples of an “accessory use” include, but are not limited to:

- A. A snack bar at a movie theater
- B. An optometrist in a department store
- C. A veterinarian service in a pet shop
- D. A juice bar for clients in a yoga studio/fitness center
- E. A deli or sandwich counter in a market or supermarket

### **17.115.120 Special land use regulations.**

Certain uses, because of their unique nature, shall be subject to special standards. These special uses and special standards are located in various chapters and subsections within this title. The table below lists such special uses and provides direction in locating applicable standards for those uses within this title:

<b>Table 17.19.120 Special land use regulations</b>	
Adult entertainment establishments	Chapter 17.45
Agriculture and animals	Chapter 17.205
Alcohol sales	Chapter 17.210
Automotive fueling stations	Chapter 17.215
Bed and breakfast establishments	Chapter 17.225
Family daycare homes	Chapter 17.225
Garage sales	Chapter 17.225
Home occupation business	Chapter 17.225
Kitchen facilities in hotels and motels	Chapter 17.225
Massage parlors	Chapter 17.225
Mobile home and temporary buildings uses as temporary offices	Chapter 17.225
Modified development standards for affordable housing	Chapter 17.220
Motion picture theatres	Chapter 17.230
Outdoor dining areas	Chapter 17.225
Personal storage facilities	Chapter 17.235
Resource recovery centers	Chapter 17.225
Roadside stands	Chapter 17.225
Satellite antennas	Chapter 17.225
Second-family units in residential zones	Chapter 17.140
Take-out restaurants	Chapter 17.225
Temporary construction buildings	Chapter 17.225
Temporary real estate office	Chapter 17.225
Tobacco shops and smoke shops	Chapter 17.240
Trailer used as temporary residence	Chapter 17.225
Transition service centers	Chapter 17.225
Wireless communications facilities	Chapter 17.245

### **17.115.130 Performance Standards.**

All uses and operations within the city shall be subject to the following minimum performance standards:

A. Air quality.

1. Smoke. In accordance with Section 24242 of the State Health and Safety Code, a person shall not discharge smoke into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour, which is:
  - a. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the U.S. Bureau of Mines; or
  - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described above.
2. Air pollution. Fly ash, dust, fumes, vapors, gases, and other forms of air pollution, in accordance with Section 24243 of the State Health and Safety Code. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which will cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to animals, vegetation, business or property. In no event shall any emission from any chimney or other source, or any solid or liquid particles in concentration exceed 0.4 grains per cubic foot of the conveying gas at any point.
3. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the use from which such odor emits, or at the point of greatest concentration if further than the lot line. Any process that may involve the creation or emission of any odors shall be provided with an adequate secondary safeguard system of control, so that control will be maintained if the primary safeguard system should fail. In no event shall odors, gases or other odorous matter be emitted in such quantities as to be readily detectable when diluted in a ratio of one (1) volume of odorous air to four (4) volumes of clean air.

B. Water quality.

1. Wastes into surface runoff. Any discharge of liquid industrial wastes of any sort to surface streams, flood control channels,

storm drains and subsurface pits shall be prohibited in conformance with applicable storm water regulations.

2. Wastes into sanitary sewer. Any wastes discharged into the city sanitary sewer, which may require pretreatment, depending upon the type, concentration and volume of material being handled, shall conform to the requirements of Title 13 of the code of the city.
3. Wastes disposed by hauling. Any industry hauling liquid wastes off-site for disposal shall obtain and conform to waste discharge requirements of the California Regional Water Quality Control Board, San Diego Region, which will necessitate hauling such wastes to a Class 1 site for disposal.

C. Noise.

1. The sound level of any individual operation, land use, or activity other than rail, aircraft, street, or highway transportation, shall not exceed the sound levels indicated in the following table. For the purpose of determining compliance with these noise limitations, the sound levels shall be measured at the property lines of the property upon which the operation, land use, or activity is conducted.

<b>Zones</b>	<b>Time of Day</b>	<b>One-Hour Average Sound Level Decibels</b>
All residentially zoned properties	7 a.m.—7 p.m.	60
	7 p.m.—10 p.m.	55
	10 p.m.—7 a.m.	50
	7 a.m.—7 p.m.	60
	7 p.m.—10 p.m.	55
	10 p.m.—7 a.m.	50
All commercially zoned properties except the C-M zone	7 a.m.—7 p.m.	65
	7 p.m.—10 p.m.	60
	10 p.m.- 7 a.m.	55
All industrially zoned properties including the C-M zone	Any time	75
	Conditionally*	80

\* Where outdoor noise levels are higher, additional noise attenuation measures, i.e., earphones for workers, increased insulation, double-pane glass, etc., may make noise levels acceptable.

2. For the purposes of this section, interior lease lines within a property or building shall comply with the same standards as lot lines. For noise inside a building, the sound level meter shall be placed at least three (3) feet distant from any wall, ceiling or partition, and the average measurement of at least three (3) different positions throughout the room shall be determined. The sound level limit at a location on a boundary between two (2) adjoining zoning districts shall be that of the more restrictive zone. When any sound level measurement is required it will be made pursuant to the provisions of this chapter and shall be measured with a sound level meter.
3. Equipment noise: It is unlawful for any person within any residential zone, or within a radius of 500 hundred feet from any residential zone, to operate equipment or perform any outside construction, maintenance or repair work on buildings, structures, landscapes or related facilities, or to operate any pile driver, power shovel, pneumatic hammer, power hoist, leaf blower, mower, or any other mechanical device, between the hours of 7 p.m. of one (1) day and 7 a.m. of the next day in such a manner that a reasonable person of normal sensitivities residing in the area is caused discomfort or annoyance. This restriction does not apply to emergency work made necessary to restore property to a safe condition, restore utility service, or to protect persons or property from an imminent exposure to danger.
4. Vehicle repairs.
  - a. It is unlawful for any person within any residential zone of the city to repair, rebuild, or test any motor vehicle between the hours of 7 p.m. of one (1) day and 7 a.m. of the next day.
  - b. It is unlawful for any person within any residential zone of the city to repair, rebuild or test any motor vehicle which is not registered with the Department of Motor Vehicles to a person residing at the address or to an immediate family member of a person residing at the address where such repairing, rebuilding or testing is being performed unless proof of exemption from such registration is provided which clearly demonstrates ownership by a resident at the subject address or an immediate family member of a resident at the subject address.

- c. Under no circumstances is the operation of an automotive repair facility as a business permitted in any residential zone.
5. Refuse vehicles and parking lot sweepers. No person shall operate or permit to be operated a refuse compacting, processing or collection vehicle or parking lot sweeper between the hours of 7 p.m. of one (1) day and 7 a.m. of the next day in any residential zone.
6. Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:
  - a. The level of the noise;
  - b. The intensity of the noise;
  - c. Whether the nature of the noise is usual or unusual;
  - d. Whether the origin of the noise is natural or unnatural;
  - e. The level and intensity of the background noise, if any;
  - f. The proximity of the noise to residential sleeping facilities;
  - g. The nature and zoning of the area within which the noise emanates;
  - h. The density of the inhabitation of the area within which the noise emanates;
  - i. The time of the day or night the noise occurs;
  - j. The duration of the noise;
  - k. Whether the noise is recurrent, intermittent, or constant; and

- I. Whether the noise is produced by a commercial or noncommercial activity.
7. Specific exemptions. Special events of short duration, such as carnivals, fireworks displays, outdoor concerts, parades and sports activities which are regulated by separate city approval such as a conditional use permit, are specifically exempted from the provisions of this chapter. Noise regulations for such events, however, may be applied as a condition of such separate approval.
  8. Enforcement and penalties.
    - a. It is a violation for any property owner(s) and/or person(s) in control of property to permit or cause a noise disturbance to be produced upon property owned by them or under their control.
    - b. It is a violation for any person or persons to create or allow the making of noise disturbance as provided by this chapter at any location in the city.
    - c. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor or infraction, and shall be subject to the provisions of the general penalty clause as set forth in Section 1.24.010 of this code.
    - d. The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter which causes or creates sound levels or vibration exceeding the allowable limits as specified in this chapter, is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Additionally, no provision of this chapter shall be construed to impair any common law or statutory cause or action, or legal remedy of any person for injury or damage arising from any violation of this chapter or from any other law.
- D. Vibrations. Every use shall be so operated that the ground vibration generated by such use is not harmful or injurious to the use or development of surrounding properties. No vibration shall be permitted which is perceptible without instruments at any use along the property line on which such use is located. For the purpose of this

determination, the boundary of any lease agreement or operating unit or properties operating as a unit shall be considered the same as the property line.

- E. Radioactivity. No activities shall be permitted which emit dangerous radioactivity at any point.
- F. Electrical disturbance. No activity shall be permitted which causes electrical disturbances affecting the operation of any equipment located beyond the property line of such activity.
- G. Other performance quality. Other uses not specifically noted above are required to conform to performance standards as set forth by the following provisions:
  - 1. No use shall be undertaken or maintained unless it conforms to the regulations set forth in this section. No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard, noise or vibration, smoke, dust, odor, airborne sand, materials in suspension such as paint droplets or any other form of air pollution, heat, cold, dampness, electrical or other disturbance, glare, liquid or solid refuse or wastes, or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjacent premises.

#### **17.115.140 Procedure for applying performance standards.**

- A. Purpose. The purpose of the performance standards procedure is to ensure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with the performance standards of this chapter, and to formulate practical ways for the alleviation of such noncompliance.
- B. Determination of compliance. Subsequent to a study of a proposed use, the director of community development may determine that there are reasonable grounds to believe that the proposed use may violate the performance standards set forth in this chapter and may initiate an investigation.
- C. Required data. Following the initiation of an investigation, the director may require the owner or operator of any proposed use to submit such data and evidence as is needed to make an objective determination.

Failure to submit data required by the director shall constitute grounds for denying a development or use permit for any use of land.

- D. Report by expert consultants. The director may require any person, firm or corporation to retain an expert consultant or consultants to study and report as to compliance or noncompliance with the performance standards, and to advise how a proposed use can be brought into compliance with the performance standards. Such consultants shall be fully qualified to give the required information and shall be persons or firms mutually agreeable to the director and to the owner or operator of the use in question. In the event of inability to select a mutually agreeable consultant, the planning commission shall select the consultant. The cost of the consultant's services shall be borne by the owner or operator of such use.
- E. Planning commission to hear appeal. The action with respect to the performance standards procedure may be appealed to the planning commission within ten days following such action. In the absence of such appeal, the director's determination shall be final.

## Chapter 17.120

### NONCONFORMING USES AND STRUCTURES

#### Sections:

- 17.120.010 Intent and purpose**
- 17.120.020 Nonconforming structure defined**
- 17.120.030 Nonconforming use defined**
- 17.120.040 Continuation of nonconforming uses and structures**
- 17.120.050 Maintenance and minor restoration of nonconforming uses and structures**
- 17.120.060 Expansion or major restoration of nonconforming uses and structures**
- 17.120.070 Required findings**
- 17.120.080 Termination of nonconforming use or structure**
- 17.120.090 Removal of nonconforming buildings**
- 17.120.100 Change in status of nonconforming use**
- 17.120.110 Discontinuance of nonconforming use**
- 17.120.120 Recordation of notice of termination**
- 17.120.130 Termination of nonconforming uses and structures in less than statutory period**

#### **17.120.010 Intent and purpose.**

This chapter is intended to limit the number and extent of nonconforming uses by regulating their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this chapter is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this title.

#### **17.120.020 Nonconforming structure defined.**

“Nonconforming structure” means a building, or portion thereof, which was legally erected or altered and maintained, but which, because of the application of this title, no longer conforms to the physical development standards for the zone in which it is located.

#### **17.120.030 Nonconforming use defined.**

“Nonconforming use” means a use that was legally established and that has been continuously conducted at the same location, but which because of the application of this title, is no longer authorized at that location, or requires approval of a discretionary permit and has not obtained such discretionary permit approval.

#### **17.120.040 Continuation of nonconforming uses and structures.**

- A. Nonconforming use. Except as otherwise provided in this title, a legal nonconforming use may be continued subject to the provisions of this chapter, but shall not be expanded or increased in intensity except as provided herein. Furthermore, no sign advertising a legal nonconforming use and no structure or lot containing a legal nonconforming use may be expanded except as provided in this chapter.
- B. Nonconforming structure used for nonconforming purposes. A legal nonconforming structure used for nonconforming purposes may continue subject to the provisions of this chapter, but shall not be expanded or restored except as provided in this chapter.
- C. Nonconforming structure used for conforming purposes. A legal nonconforming structure used for a conforming purpose may continue, but any modification or restoration to such structure shall be subject to the present standards, except as otherwise provided in this title.

#### **17.120.050 Maintenance and minor restoration of nonconforming uses, and structures.**

- A. Routine maintenance and repairs may be performed on a nonconforming structure or a conforming structure occupied by a nonconforming use.
- B. A legal nonconforming structure, or a conforming structure occupied by a legal nonconforming use which is damaged by fire, explosion or other casualty, to the extent of sixty percent or less of the structure's replacement construction cost, may be restored and the nonconforming use may be resumed, provided that the restoration is started within one year and diligently pursued to completion. When the destruction exceeds sixty percent, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located and the nonconforming use shall not be resumed, except as permitted in this chapter.
- C. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by

the building official and shall be based on the minimum cost of construction in compliance with the building code.

**17.120.060 Expansion and major restoration of nonconforming uses and structures.**

Notwithstanding the provisions of California Government Code Section 65852.25, a request for the expansion of a nonconforming use or structure, or the restoration of a nonconforming structure damaged in excess of 60 percent of the structure's replacement construction cost, may be granted subject to the approval of a conditional use permit by the planning commission. An expansion or restoration of a nonconforming single-family residence may be granted by the planning commission, subject to approval of a minor conditional use permit. The planning commission may grant the request, grant the request with modification, or deny the request. The planning commission may require as a condition of approval that a specific termination date be set for the use and/or structure being expanded or restored.

**17.120.070 Required Findings.**

Before granting a conditional use permit or a minor conditional use permit for the expansion or restoration of a nonconforming use or structure as provided for in Section 17.120.060 above, the planning commission shall make the following findings:

- A. The strict or literal interpretation and enforcement of the specified regulations within this section would result in practical difficulty or unnecessary hardship.
- B. The granting of the conditional use permit or minor conditional use permit will not significantly extend the expected life of the use or structure.
- C. The granting of the conditional use permit or minor conditional use permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

**17.120.080 Termination of nonconforming use or structure.**

The legal nonconforming use of any property or structure shall be terminated within three (3) years of the date such use, or structure became nonconforming, or within one (1) year from the date of formal notice of termination, whichever period is greater, if the planning commission holds a public hearing pursuant to Chapter 17.25 and finds the nonconforming use, or structure to be a nuisance which cannot be made to conform to all regulations which made the use, or structure nonconforming. The decision of the planning

commission shall be referred to the city council for final action. The city council may extend the term within which the use, or structure must be terminated, upon a finding that the use, or structure cannot be terminated or made to conform within the statutory period.

**17.120.090 Removal of nonconforming buildings.**

Nonconforming buildings shall be completely removed or altered to structurally conform to the uses permitted in the zone in which they are located within 20 years, which time is measured from the date of construction or such longer time as may be granted. In no case shall this period of time be less than five (5) years from the date of formal notice of termination by the city council. Such notification shall be in the form of a resolution, a copy of which shall be addressed to the owner of record, and shall recite such facts as bear upon the nonconforming building under the provisions of this chapter. The period within which such building must be terminated may be extended by the city council upon a finding that the building cannot be terminated or made to conform within the statutory period.

**17.120.100 Change in status of nonconforming use.**

If a legal nonconforming use is vacated and is succeeded by a conforming use, it is evidence that the nonconforming use was terminated and thereupon immediately lost any vested right as such. If the succeeding use is itself nonconforming, the succeeding use is considered to have been illegally established and must be terminated immediately upon notification from the director.

**17.120.110 Discontinuance of nonconforming use.**

In the event that any legal nonconforming use is discontinued on a property for a period of one (1) year or more, such discontinuance shall constitute abandonment. When any legal nonconforming use is abandoned, any future use of such property or structure shall conform to the provisions of this chapter.

**17.120.120 Recordation of notice of termination.**

The city clerk shall record a notice of termination for any nonconforming use or structure, which has received such a notice of termination from the city council or the director. Such a notice of termination shall be recorded with the office of the San Diego County Assessor/Recorder.

**17.120.130 Termination of nonconforming uses and structures in less than statutory period.**

Any nonconforming use or structure may be ordered terminated by the city council within a period of time less than provided above upon a finding that termination can reasonably be accomplished. In no case, however, shall the period herein provided for notification be abrogated. It is the duty of the city council to provide a reasonable amortization period in the event of such a finding.

## Chapter 17.125

### GENERAL LOT REQUIREMENTS

#### Sections:

- 17.125.010 Intent and purpose**
- 17.125.020 Lot consideration for zone reclassification**
- 17.125.030 Reduction of lot area**
- 17.125.040 Greater lot area may be required**
- 17.125.050 Substandard lots**
- 17.125.060 Construction of buildings across property lines**
- 17.125.070 Building site area required where portion taken for street**
- 17.125.080 Lot frontage requirement**
- 17.125.090 Development of landlocked residential property**
- 17.125.100 Property abutting half-streets**

#### **17.125.010 Intent and purpose.**

The purpose of this chapter is to list general lot requirements that are applicable in multiple zones under simplified headings.

#### **17.125.020 Lot consideration for zone reclassification.**

An existing lot may be considered for reclassification to another zoning district even though the existing lot does not meet the lot requirements of the proposed zone. However, it may be reason for denial of a zone reclassification if it is determined that the subject lot is substandard in width or area for proper development in the proposed zone district.

#### **17.125.030 Reduction of lot area.**

No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the regulations established by this title. Notwithstanding the above, lot area may be reduced below minimum requirements when such reduction results from partial acquisition or dedication for public use.

#### **17.125.040 Greater lot area may be required.**

Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a specific plan designating the location and size of such greater required areas.

**17.125.050 Substandard lots.**

When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in an approved specific plan, and was of record on the effective date of this title, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or specific plan. However, in the various residential zones, the area per dwelling unit shall remain as specified in each zone, except that in no instance shall this provision prevent the erecting of at least one single-family dwelling on any substandard lot.

**17.125.060 Construction of buildings across property lines.**

No building or structure shall be constructed or erected across a property line unless it is approved as a part of a specific plan, planned unit development or planned residential development.

**17.125.070 Building site area required where portion taken for street.**

If a portion of a legally existing lot or parcel of land in any zoning district is acquired for public use in any manner, including dedication, condemnation or purchase, the remainder of such lot or parcel shall be considered as having the required minimum building site area; provided:

- A. After all applicable front and side yard requirements are met, and after at least one-half of the applicable rear yard requirement is met, the remainder of such lot or parcel contains a rectangular space at least 30 feet by 40 feet in size which is usable for a main building.
- B. The remainder of such lot or parcel has an area of at least one-half of that required for a building site in the zoning district in which the lot or parcel is located, except that in zoning districts requiring a building site area of 20,000 square feet or more, a building site of not less than 6,000 square feet shall be required.
- C. The remainder of such lot or parcel has frontage on a street.

**17.125.080 Lot frontage requirement.**

Any new lot created in the city shall have frontage on a dedicated public street that allows a minimum of 15 feet of usable access. Alternative access may be approved through the PRD, PUD or specific plan process as described elsewhere in this title.

### **17.125.090 Development of landlocked residential property.**

In the RS-40 and RS-20 zones, individual lots may be created and/or developed as described in this section. In the RS-14 zone, a maximum of four (4) lots may be created and/or developed as described in this section.

Upon satisfactory demonstration that it is impossible in a practical manner to otherwise serve an area with direct access to a public street, individual lots may be created and/or developed provided the following conditions are satisfied:

- A. The city shall adopt a specific plan delineating the nonpublic access ways. This specific plan shall meet the following criteria:
  1. Access to five (5) lots or less shall require a minimum 20 feet wide paved roadway.
  2. Access to six (6) or more lots shall require a minimum 22-foot wide paved roadway. A greater width may be required due to the number of lots served, natural slope gradient, and distance to public street intersection.
  3. Roadway grades shall not exceed 10 percent.
  4. Any nonpublic access way serving more than five (5) dwellings shall have access in at least two directions.
  5. The city engineer shall approve the drainage facilities required for such access ways.
  6. The fire department shall approve the adequacy of access and fire protection to each property served by such access way.
  7. Adequate and safe sight distance shall be maintained for all access ways and driveways.
- B. In addition to the standards required in the underlying zones, lots to be served by private access ways shall conform to the following additional criteria:
  1. Each lot shall be provided with at least two (2) additional parking spaces; these spaces may be provided by widening the access way.

2. Padding for building sites in the RS-40 and RS-20 zones shall be held to an absolute minimum to preserve the natural amenities of the site.
3. Public utilities including water, telephone and power shall be provided as per existing city regulations.
4. A means to guarantee maintenance of access way shall be provided.

**17.125.100 Property abutting half-streets.**

A building or structure shall not be erected or maintained on a lot which abuts a highway or street having only a portion of its required width dedicated, and where no part of such dedication would normally revert to such lot, if the highway were vacated. An exception exists, if the yards provided and maintained in connection with such building or structure have the required width or depth needed to complete the road width, plus the width or depth of the yard requirements on the lot. However, this provision does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than 40 feet.

## Chapter 17.130

### GENERAL DEVELOPMENT STANDARDS

#### Sections:

- 17.130.010 Purpose
- 17.130.020 Applicability
- 17.130.030 Yards generally
- 17.130.040 Use of exterior yards in commercial and industrial zones
- 17.130.050 Measurement of exterior yards
- 17.130.060 Setback requirements for through lots
- 17.130.070 Distance between buildings
- 17.130.080 Buildings in relation to alleys
- 17.130.090 Vision clearance of corner lots
- 17.130.100 Yards for caretaker's unit
- 17.130.110 Projections into required yards
- 17.130.120 Screening of roof top mechanical equipment
- 17.130.130 Parapet walls
- 17.130.140 Flagpoles
- 17.130.150 On-site lighting
- 17.130.160 Trash and recycling areas
- 17.130.170 Permitted fences, walls, and hedges
- 17.130.180 Required walls
- 17.130.190 Landscaping in lieu of required walls
- 17.130.200 Retaining walls
- 17.130.210 Visibility requirements for fences, walls, and hedges
- 17.130.220 Security fencing
- 17.130.230 Swimming pools, spas, and hot tubs
- 17.130.240 Access to rear yard areas
- 17.130.250 Kiosks
- 17.130.260 Development within designated floodways

#### 17.130.010 Purpose.

The purpose of this chapter is to list development regulations that are applicable across multiple zone districts, and to list regulations and development standards that are applicable under unique and/or specific circumstances.

#### 17.130.020 Applicability.

The development standards listed in this chapter are applicable to all new construction. Lawful nonconforming structures shall not be required to meet any new or revised standards, but any modification to such development shall be subject to the present standards, unless specifically stated otherwise in this chapter.

Nonconforming structures shall be regulated as described in Chapter 17.120. Any development or portion of a development meeting present standards but constructed prior to adoption of such standards shall be considered conforming and shall not be permitted to revert to standards less restrictive than the present standards.

**17.130.030 Yards generally.**

Except as provided elsewhere in this title, every required yard shall be open and unobstructed from the ground to the sky and not contain any buildings, structures, or signs.

**17.130.040 Use of exterior yards in commercial and industrial zones.**

Except as provided elsewhere in this title, only the following items shall be permitted in required exterior yard areas within commercial and industrial zones. Regardless of these provisions, nothing shall be placed or permitted to remain in such a position or location as to interfere with sight distance necessary for the safe passage of pedestrians and/or vehicles and emergency units along the public right-of-way, or to interfere with light and air penetration reasonably necessary for structures used for human occupancy.

- A. Driveways.
- B. Landscaping and irrigation equipment.
- C. Permitted signs.
- D. Utility equipment such as electrical transformer boxes, fire department connections and telephone junction boxes.

**17.130.050 Measurement of exterior yards.**

Exterior yard requirements shall be measured from the exterior property line, or from the edge of an approved private street, or from the edge of a dedicated or planned future public street right-of-way.

**17.130.060 Setback requirements for through lots.**

Through lots shall maintain the required front yard setback and/or the required exterior yard setbacks on all sides of the lot with frontage on a public street.

**17.130.070 Distance between buildings.**

- A. There is no minimum distance required between non-residential buildings on the same lot. However, all such buildings are subject to building and fire safety code requirements including ADA requirements.
- B. The distance between wings of a building shall not be less than 12 feet.
- C. Where two (2) or more buildings on the same lot are, by definition of this title, considered main buildings, then the front yard setback requirement shall apply only to the building closest to the front lot line.

**17.130.080 Buildings in relation to alleys.**

Any building located on an alley and having an opening used as means of access from such alley shall maintain a distance of not less than five (5) feet from such alley; provided, however, that on alleys having a width of 24 feet or more, such setbacks shall not be required if:

- A. An acceptable trash and recycling area is provided inside the building or other acceptable location.
- B. All doors opening onto such alley from such buildings are recessed a distance of at least five feet from such alley.

**17.130.090 Vision clearance of corner lots.**

All corner lots shall maintain a triangular area for safety purposes in which no sign, tree, fence, shrub or other physical obstruction higher than 42 inches above the estimated curb grade shall be permitted. The legs of such triangle shall be defined by intersecting 15-foot segments of the front and side lot lines, and a third line which connects the intersecting 15-foot segments at points opposite the aforementioned intersection.

**17.130.100 Yards for caretaker's unit.**

The yards required for a single-family home in a single-family residential zone shall not be required for a dwelling unit constructed as a caretakers unit at a commercial, industrial or institutional site. However, the setbacks of the underlying zone shall be maintained unless a specific plan is approved authorizing reduced setbacks.

### **17.130.110 Projections into required yards.**

No portion of any building or structure may project into a required yard, except as follows:

- A. Cornices, eaves, etc., may project into yards. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may extend or project into the required side yard not closer than three (3) feet from the side property line. Such architectural features may extend or project into a required front or rear yard no more than three (3) feet, except that eaves or overhangs of the main building may extend or project a maximum distance of six (6) feet into the required front and/or rear yard area, provided the bottom of such eaves or overhangs is more than six (6) feet eight inches above finish floor level of the first floor, and further provided, the distance from the front and/or rear property line is not less than seven (7) feet.
- B. Fireplaces may project into side yards. Fireplace structures not wider than eight (8) feet, measured in the general direction of the side lot line upon which it faces, and which are incorporated as a part of the main building, may project into the required side yard a distance of 18-inches, provided such extension of such fireplace does not reduce the remaining side yard to less than three (3) feet.
- C. Fire escapes may project into yards. A fire escape may extend or project into any front or side yard not more than four (4) feet.
- D. Uncovered porches, platforms or landing places may project into yards. An uncovered porch, platform or landing place which does not exceed 30 inches in height from grade may extend or project into any required front or side yard not more than six (6) feet, provided such structure in a side yard shall not reduce the unobstructed pedestrian way or sidewalk on ground level to less than three feet.
- E. Guard railings may project into yards. Guard railings for safety protection around depressed ramps, open-work fences, hedges or landscaped architectural features not more than 36 inches in height may be located in any front or side yard.

### **17.130.120 Screening of roof top mechanical equipment.**

Rooftop mechanical equipment installed on buildings and structures shall be screened from public view by a parapet wall or decorative equipment screen that shall complement the overall architectural theme of the building.

### **17.130.130 Parapet walls.**

The height of parapet walls shall contribute to the permissible height of the building or structure.

### **17.130.140 Flagpoles.**

Freestanding flagpoles are limited to the height restrictions of the underlying zones, except freestanding flagpoles flying only the United States flag and/or state of California flag may have an overall height of 55 feet. Freestanding flagpoles that only fly the United States flag and/or state of California flag may exceed the 55-foot height limit with approval of a conditional use permit. In no event may any flagpole in the city violate Federal Aviation Agency standards for aeronautic safety.

### **17.130.150 On-site lighting.**

All developments except detached single-family residences shall provide adequate lighting for pedestrian and vehicular safety and be sufficient to minimize security problems. However, in no case shall lighting on one property create a nuisance on any other property. An on-site lighting plan for all parking areas, pedestrian walkways and common open space/recreation areas shall be required prior to the issuance of building permits for all projects except single-family residences unless the single-family residences are part of a planned unit development or a planned residential development.

### **17.130.160 Trash and recycling areas.**

Accessible trash pickup and recycling areas shall be provided in conjunction with parking areas for all multiple-family residential, commercial, office, and industrial developments. Trash and recycling areas may be contained in a building, but such trash and recycling areas shall be accessible to the refuse contractor or be accessory to an outside trash and recycling area. Any trash and recycling area not contained within a building shall be enclosed by a solid six-foot-high masonry wall, have view-obscuring metal or metal frame gates six feet in height and a solid metal roof element. The floor shall be concrete and shall slope toward the back of the enclosure, away from the entrance, at a 2% grade.

All new multi-family residential, commercial, office, and industrial developments shall provide double-binned enclosures with minimum interior dimensions of five feet by sixteen feet to accommodate trash and recycling containers. The director of community development may authorize a single-binned enclosure under certain circumstances. The minimum interior dimensions of a single-binned enclosure shall be five feet by eight feet. When considering authorization of a single-binned enclosure, the director shall consider the nature and scale of uses on the property as they relate to solid waste generation and

the need for recycling facilities. The director may also consider the unique spatial features of the site in question.

Trash and recycling enclosures shall not be located within exterior yard setback areas or within five (5) feet of any alley. One trash and recycling enclosure shall be provided for each multiple-unit residential development of six (6) units or more, and one additional trash and recycling area shall be provided for each 30 dwelling units thereafter. Trash and recycling areas shall be used for the storage of disposable trash and recycling only, and shall be maintained in a neat and sanitary manner. All trash and recycling areas required by this title shall satisfy all applicable storm water regulations and all building and fire safety codes.

#### **17.130.170 Permitted fences, walls and hedges.**

A wall, fence or hedge 42 inches in height may be situated and maintained on any part of a lot. A fence, wall or hedge not more than six (6) feet in height may be situated anywhere on a lot to the rear of the line of the required front yard, except in the case of a reverse corner lot, a fence, wall or hedge higher than 42 inches shall not be situated closer to the side exterior property line than 10 feet. Also, a wrought iron fence not more than six (6) feet in height may be situated anywhere on a residential lot provided such a fence is at least 90 percent open to view for that portion of the fence that is more than 42 inches in height. Where justified, the planning commission or city council may approve walls or fences with a greater height for commercial, industrial or institutional uses subject to written approval from the affected adjoining property owners.

#### **17.130.180 Required Walls.**

- A. Residential boundary wall. A six-foot-high decorative masonry or concrete wall shall be provided along any interior property line separating a non-residential development from residentially zoned or residentially developed property, unless the adjacent residentially zoned property is developed with a non-residential use such as a religious facility. The height of such wall shall be reduced to 42 inches in the area corresponding to the required front or exterior side yard setback of the adjacent residential lot.
- B. Parking area screening wall. A six-foot-high decorative masonry or concrete wall shall be provided along any property line separating a parking area with more than five (5) spaces from adjacent residentially zoned or developed property. Such a wall shall not be required in areas where an on-site structure or an alley acts to screen the parking area from the adjacent residential property. The height of such wall shall be reduced to 42 inches in the area corresponding to the required front or exterior side yard setback of the adjacent residential lot.

- C. Exemption from wall requirements. No new wall shall be required where an existing wall, meeting the provisions of this section, is already located. Furthermore, in instances where a significant grade differential exists between adjacent properties the requirement for a screening wall may be waived by the director of community development, the planning commission, or the city council, if it is determined that the grade differential acts to screen the non-residential development, or the parking area from adjacent residential areas as effectively as the required wall.

**17.130.190 Landscaping in lieu of required walls.**

Landscaping may be substituted for a required wall in instances where the director of community development, the planning commission, or the city council has determined that a required wall would be ineffective as a screening device.

**17.130.200 Retaining walls.**

Where a retaining wall protects a cut below natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge; provided, that in any event a protective openwork fence or wall not more than 42 inches in height may be erected atop the retaining wall. An openwork fence means a fence in which the component solid portions are evenly distributed and constitute not more than 60 percent of the total surface area of the face of the fence. Where a fence or wall is erected on top of a retaining wall containing a fill, the director may approve an administrative zoning permit authorizing a combined wall and fence height greater than is normally permitted, subject to the written approval of all affected adjoining property owners.

**17.130.210 Visibility requirements for fences, walls, and hedges.**

Under no circumstances shall any fence, wall or hedge required or permitted by this title, regardless of its location, block pedestrian or vehicular visibility for safe and easy circulation. In such circumstances, the director or the planning commission, or the city council, as applicable, shall determine the appropriate height of any required or permitted fence, wall or hedge.

**17.130.220 Security fencing.**

- A. The use of barbed wire or razor wire or concertina wire is prohibited except under the following circumstances:

1. When used to enclose livestock on property zoned to permit livestock.
2. When used at least six (6) feet above the ground for security purposes on property in the C-M and M zones, except that the barbed, razor or concertina wire shall not overhang the outside of the fence it is attached to, if the fence is on a property line.
3. When used at least six (6) feet above the ground for security purposes on property zoned for residential uses that also abuts a public alley and is located across the alley from property in the C-M and M zones.
4. When used for security purposes around utility substations or public easements, as long as the wire does not overhang the outside of the fence it is attached to, if the fence is on a property line.

B. Electrically charged fences are prohibited.

C. Chain link fencing shall be installed so that all pointed edges are facing downward unless the fence has been approved as a security fence as described above.

#### **17.130.230 Swimming pools, spas, and hot tubs.**

Swimming pools, spas, and hot tubs, including associated equipment, shall not be located in any required front yard or exterior side yard, and shall not be located closer than three (3) feet from any rear or interior side property line.

#### **17.130.240 Access to rear yard areas.**

A. In all commercial zones and in the Manufacturing zone, if there is a rear yard requirement due to a property's adjacency to a residential zone, access shall be provided to that rear yard area. Such access may be provided through a required side yard, from a dedicated public street or alley, from a private street approved by specific plan, or as part of a PUD. If a rear yard is required but there is no access as described above, such access to the rear yard area shall be provided as follows:

1. Lots 100 feet wide or less at the rear property line shall have at least one (1) opening, with minimum dimensions of five (5) feet wide, by 10 feet high or up to the top of the first ground level story of the structure (whichever is greater).

2. Lots over 100 feet in width at the rear property line shall have at least two (2) openings, with minimum dimensions of five (5) feet wide, by 10 feet high or up to the top of the first ground level story of the structure (whichever is greater).
3. Such openings shall provide clear and unobstructed access from the front of the lot to the rear yard setback area. If such openings are fenced, the fence shall include a gate with a minimum width of three (3) feet.

B In all single-family residential zones, if there is no rear-yard vehicular access from the street, or alley, the lot must provide an unobstructed 10-foot setback on either side of the house for vehicular access. The 10-foot setback shall be completely unobstructed from the ground up to a height of 10 feet. The 10-foot setback is not required for existing and permitted houses that were constructed with a reduced setback.

C. In all zones, where access to the rear yard is obtained solely through the side yard, fences from the building to the side yard shall include a gate with a minimum width of three (3) feet.

#### **17.130.250 Kiosks.**

A kiosk, stand or cart for the sale of flowers, food, newspapers, keys or similar merchandise or an automatic teller machine used for financial transactions or a farmers' market for the outdoor sales of fruits, vegetables, flowers and craft items may be permitted outdoors in commercial zones, subject to the granting of a Minor Conditional Use Permit pursuant to Chapter 17.50. Such a kiosk shall satisfy all the development standards and use restrictions applicable to the underlying zone district, including architectural standards. Furthermore, the area of the kiosk shall be counted as additional floor space for the purpose of calculating off-street parking requirements.

#### **17.130.260 Development within designated floodways.**

Any proposed new development or redevelopment of property located within a designated floodway is subject to the regulations of the Federal Emergency Management Agency (FEMA) and the provisions of Chapter 15.14 of the El Cajon Municipal Code (Flood Damage Prevention Ordinance.) These regulations generally prohibit development within floodways, and require that any new development or substantial improvement of existing developments within floodways be raised above base flood elevations. Floodways and other flood zones are depicted on the Flood Insurance Rate Maps (FIRM) prepared and maintained by FEMA.

## Chapter 17.135

### M-U (MIXED-USE) ZONE

#### Sections:

- 17.135.010 Intent and purpose**
- 17.135.020 Permitted uses**
- 17.135.030 Conditional uses**
- 17.135.040 Development standards, generally**
- 17.135.050 Off-street parking**
- 17.135.060 Trash and recycling**
- 17.135.070 Signs**
- 17.135.080 Lighting**

#### **17.135.010 Intent and purpose.**

The M-U zone is intended to facilitate growth in accordance with recognized best management practices for transit oriented development, by establishing standards and guidelines that allow the integration of high-density residential, commercial, office, education and public facilities in close proximity to transit stations and transit routes, and that promote pedestrian friendly designs.

#### **17.135.020 Permitted uses.**

Permitted uses shall be those uses identified as permitted uses on a given property in any applicable specific plan governing uses on the property.

#### **17.135.030 Conditional uses.**

Conditionally permitted uses shall be those uses identified as conditionally permitted uses on a given property in any applicable specific plan governing uses on the property.

#### **17.135.040 Development standards, generally.**

Development standards shall be those standards identified as applicable to a given property in any applicable specific plan governing development on the property.

#### **17.135.050 Off-street parking.**

Parking shall be provided in accordance with those parking standards identified as applicable to a given use as stated in any applicable specific plan governing development on the property. In the absence of such standard, the parking requirement for each use shall be as provided in Chapter 17.185 of this title.

**17.135.060 Trash and recycling.**

Trash and recycling facilities shall be provided for all developments in accordance with the provisions of Section 17.130.160 of this title.

**17.135.070 Signs.**

Signing shall only be provided in accordance with those sign standards identified in any applicable specific plan. A comprehensive sign program shall be required for all new or expanded developments that include a mix of uses, or four (4) or more businesses on any given site. All sign programs shall incorporate pedestrian oriented signing.

**17.135.080 On-site lighting.**

An on-site lighting plan for all parking areas and pedestrian walkways shall be required for all new or expanded developments. The plan shall provide adequate lighting for pedestrian and vehicular safety and be sufficient to minimize security problems. However, in no case shall lighting on one property create a nuisance for any other property.

## Chapter 17.140

### RESIDENTIAL ZONES

#### Sections:

- 17.140.010 Purpose
- 17.140.020 Residential zoning districts
- 17.140.030 Intent of residential zones - density and general plan consistency
- 17.140.040 Special district requirements for the O-S and PRD zones
- 17.140.050 General lot requirements
- 17.140.060 Residential lot requirements
- 17.140.070 Panhandle and flag lots
- 17.140.080 Distance between residential buildings
- 17.140.090 Setbacks
- 17.140.100 Building height
- 17.140.110 Lot coverage
- 17.140.120 Accessory structures
- 17.140.130 Parking requirements and driveway widths
- 17.140.140 Landscaping
- 17.140.150 Fences, hedges and walls
- 17.140.160 Use of exterior yard areas
- 17.140.170 Single-family dwelling review procedures
- 17.140.180 Second family units
- 17.140.190 Planned unit developments
- 17.140.200 Modified development standards for affordable housing
- 17.140.210 Residential land use table

#### 17.140.010 Purpose.

The purpose of this chapter to list regulations relating to residential zones and residential development under simplified headings.

#### 17.140.020 Residential zoning districts.

The table below lists the residential zoning districts discussed in this chapter.

Residential Zones:	Descriptive Zoning District Name:
O-S	Open space
PRD	Planned Residential Development
RS-40	Residential, Single-family, 40,000 s.f.
RS-20	Residential, Single-family, 20,000 s.f.
RS-14	Residential, Single-family, 14,000 s.f.
RS-9	Residential, Single-family, 9,000 s.f.

RS-6	Residential, Single-family, 6,000 s.f.
RM-6000	Residential, Multi-family, 6,000 s.f.
RM-4300	Residential, Multi-family, 4,300 s.f.
RM-2500	Residential, Multi-family, 2,500 s.f.
RM-2200	Residential, Multi-family, 2,200 s.f.
RM-1500	Residential, Multi-family, 1,500 s.f.
RM-HR	Residential, Multi-family, high-rise

**17.140.030 Intent of residential zones - density and general plan consistency.**

The General Plan designates residential land use classifications intended to accommodate various densities of residential development within the city. It is the intent of every residential zone established in this title to implement these goals and objectives. The various residential zones contain development standards intended to achieve General Plan goals and objectives by regulating residential development within specific density ranges. No residential subdivision or residential development shall be authorized which exceeds the density provisions of the underlying General Plan land use classification. See Chapter 17.220 for density bonus regulations related to affordable housing projects.

The following table indicates the allowable density in each of the city's residential zones. Within single-family zoning districts (RS designated zones), only one primary dwelling unit is authorized per legally established lot. Multiple family zones (RM designated zones) may contain multiple dwelling units per lot, subject to the density limits described in the table below.

For the purpose of this title, residential density is expressed as dwelling units per square foot of net lot area. However, it may also be expressed as dwelling units per acre of net lot area. Net lot area is calculated by subtracting all portions of the lot, or lots, which have been proposed to be dedicated for public rights-of-way.

<b>Table 17.140.030 – Residential Density Table</b>	
<b>Residential Zone:</b>	<b>Maximum Density:</b>
O-S <sup>1</sup>	See Chapter 17.155
PRD	See Chapter 17.165
RS-40 <sup>1</sup>	1 unit / 40,000 square foot lot
RS-20 <sup>1</sup>	1 unit / 20,000 square foot lot
RS-14 <sup>1</sup>	1 unit / 14,000 square foot lot
RS-9 <sup>1</sup>	1 unit / 9,000 square foot lot
RS-6 <sup>1</sup>	1 unit / 6,000 square foot lot
RM-6000	1 unit / 6,000 square feet of total lot area
RM-4300	1 unit / 4,300 square feet of total lot area

RM-2500	1 unit / 2,500 square feet of total lot area
RM-2200	1 unit / 2,200 square feet of total lot area
RM-1500	1 unit / 1,500 square feet of total lot area
RM-HR	No density limit in the RM-HR zone
Endnotes	
1	Limited to one primary dwelling unit per lot, except in PUD developments.

**17.140.040 Special district requirements for the O-S and PRD zones.**

The O-S zone and the PRD zone are subject to unique development standards and zone district requirements. See Chapter 17.155 for regulations relating to the O-S zone. See Chapter 17.165 for regulations relating to the PRD zone.

**17.140.050 General lot requirements.**

For general provisions related to lots, including provisions for substandard lots, reductions in minimum lot area, construction across property lines and development of lots subject to acquisition of land for public use, refer to Chapter 17.125.

**17.140.060 Residential lot requirements.**

The following table lists the minimum spatial requirements for the establishment of new residential lots.

Residential Zone:	Lot Area:	Lot Width:	Lot Depth:	Flag Width:
O-S	See Chapter 17.155	See Chapter 17.155	See Chapter 17.155	See Chapter 17.155
PRD	See Chapter 17.165	See Chapter 17.165	See Chapter 17.165	See Chapter 17.165
RS-40	40,000 s.f.	100 ft.	90 ft. <sup>1</sup>	20 ft.
RS-20	20,000 s.f.	100 ft.	90 ft. <sup>1</sup>	20 ft.
RS-14	14,000 s.f.	90 ft.	90 ft. <sup>1</sup>	20 ft.
RS-9	9,000 s.f.	70 ft.	90 ft. <sup>1</sup>	20 ft.
RS-6	6,000 s.f.	60 ft. interior 70 ft. corner	90 ft. <sup>1</sup>	20 ft.
RM-6000	6,000 s.f.	50 ft.	90 ft. <sup>1</sup>	20 ft.
RM-4300	6,500 s.f.	65 ft.	90 ft. <sup>1</sup>	20 ft.
RM-2500	7,000 s.f.	70 ft.	90 ft. <sup>1</sup>	20 ft.

RM-2200	7,000 s.f.	70 ft.	90 ft. <sup>1</sup>	20 ft.
RM-1500	7,000 s.f.	70 ft.	90 ft. <sup>1</sup>	20 ft.
RM-HR	20,000 s.f.	100 ft. interior 110 ft. corner	90 ft. <sup>1</sup>	20 ft.
Endnotes:				
1	Unless specifically waived by the city council at the time of map approval, maximum lot depth is limited to three times the average lot width.			

**17.140.070 Panhandle and flag lots.**

In single-family residential zones, panhandle or flag lots may be created by subdivision or parcel map provided that they include a projection with a minimum width of 20 feet connecting the lot to frontage on a public street. The projection shall be used as a driveway providing access to the panhandle or flag lot. The maximum length of such driveway projections shall be 300 feet. If the driveway is longer than 200 feet, the grade of the driveway shall not exceed ten percent, unless a steeper driveway is approved by the Fire Department. When two (2) flag lots are created side by side, and the length of the two (2) flag projections are abutting, and both property owners are guaranteed the right to use both adjacent driveways, the driveway width may be reduced to 15 feet for each individual adjacent lot, for a combined width of 30 feet for the shared driveway.

**17.140.080 Distance between residential buildings.**

- A. The distance between any buildings used for human habitation on the same lot shall not be less than 12 feet.
- B. The distance between the projecting wings or the courts of a residential building shall not be less than 12 feet.
- C. In multiple family zones where two (2) or more residential buildings are, by definition of this title, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line, the rear yard requirement shall only apply to the building closest to the rear lot line, and the side yards shall be maintained along both sides of the entire lot.

**17.140.090 Setbacks.**

The following table lists the minimum setbacks for primary structures in residential zones. The areas subject to building setback restrictions are referred to as “yards.” The endnotes at the bottom of the table contain information that modifies the information listed in the table’s matrix. See Section 17.140.120 for accessory structure setbacks.

<b>Table 17.140.090 – Setbacks</b>					
Residential Zone:	Front Yard Setback:	Cul-de-sac Front Yard Setback:	Exterior Side Yard Setback:	Interior Side Yard Setback:	Rear Yard Setback:
O-S	See Chapter 17.155				
PRD	See Chapter 17.165				
RS-40	30 ft. <sup>1</sup>	20 ft. <sup>2</sup>	15 ft. <sup>3</sup>	15 ft.	25 ft. <sup>5</sup>
RS-20	20 ft. <sup>1</sup>	10 ft. <sup>2,3</sup>	12 ft. <sup>3</sup>	6 ft. - 10 ft. <sup>4</sup>	25 ft. <sup>5</sup>
RS-14	20 ft. <sup>1</sup>	10 ft. <sup>2,3</sup>	12 ft. <sup>3</sup>	6 ft. - 10 ft. <sup>4</sup>	25 ft. <sup>5</sup>
RS-9	20 ft. <sup>1</sup>	10 ft. <sup>2,3</sup>	10 ft. <sup>3</sup>	6 ft. - 10 ft. <sup>4</sup>	25 ft. <sup>5</sup>
RS-6	20 ft. <sup>1</sup>	10 ft. <sup>2,3</sup>	10 ft. <sup>3</sup>	5 ft. - 10 ft. <sup>4</sup>	15 ft. <sup>6</sup>
RM-6000	20 ft.	20 ft. <sup>2</sup>	10 ft. <sup>3</sup>	5 ft.	10 ft.
RM-4300	20 ft.	20 ft. <sup>2</sup>	10 ft. <sup>3</sup>	6 ft.	12 ft.
RM-2500	20 ft.	20 ft. <sup>2</sup>	10 ft. <sup>3</sup>	6 ft.	12 ft.
RM-2200	10 ft.	10 ft. <sup>2,3</sup>	10 ft. <sup>3</sup>	6 ft.	12 ft.
RM-1500	10 ft.	10 ft. <sup>2,3</sup>	10 ft. <sup>3</sup>	5 ft.	10 ft.
RM-HR	20 ft. <sup>7</sup>	20 ft. <sup>7</sup>	20 ft. <sup>7</sup>	15 ft. <sup>7</sup>	15 ft. <sup>7</sup>
Endnotes:					
1	Side entry garages may be 20 ft. from the front property line in the RS-40 zone. They may be 15 ft from property line in the RS-20, through RS-6 zones.				
2	Distance to be measured on an arc parallel to the front property line. This modified front yard shall extend around the circumference of the cul-de- sac only to the points at which the projections of the required front yard on portions of the street not located on the cul-de-sac intersect the arc of the modified front yard.				
3	Direct entry Garages and carports shall maintain a 20 ft. setback.				
4	As required in Section 17.130.240, if there is no rear-yard access from the street, or alley, the lot must provide an unobstructed 10 ft. setback on either side of the house for vehicular access. The 10 ft. setback is not required for existing and permitted houses that were constructed with a reduced setback.				
5	Attached, open carport or patio may be 12 ft from property line not to exceed 50% of lot width.				
6	Existing and permitted covered patios may be enclosed and may be located as close as 12 ft. to the rear property line.				
7	Except as modified by Specific Plan No. 182.				

### **17.140.100 Building height.**

The following table lists the maximum heights for primary structures in residential zones. The endnotes at the bottom of the table contain information that modifies the information listed in the table's matrix. See Section 17.140.120 for accessory structure height requirements.

<b>Table 17.140.100 – Building Height</b>	
O-S	See Chapter 17.155
PRD	See Chapter 17.165
RS-40	35 ft.
RS-20	35 ft.
RS-14	35 ft.
RS-9	35 ft.
RS-6	35 ft.
RM-6000	20 ft.
RM-4300	35 ft.
RM-2500	20 ft.
RM-2200	35 ft.
RM-1500	45 ft.
RM-HR	Subject to the provisions of Specific Plan No. 182

#### **17.140.110 Lot coverage.**

The following table lists the maximum lot coverage in residential zones. Lot coverage includes all covered structures including primary and accessory structures. Overhead lattices and trellises shall also contribute to lot coverage calculations. The endnotes at the bottom of the table contain information that supplements the information listed in the table's matrix.

<b>Table 17.140.110 – Lot Coverage</b>	
O-S	See Chapter 17.155
PRD	See Chapter 17.165
RS-40	30%
RS-20	40%
RS-14	40%
RS-9	40%
RS-6	40%
RM-6000	40%
RM-4300	50% <sup>1</sup>
RM-2500	55% <sup>1</sup>
RM-2200	55% <sup>1</sup>
RM-1500	60% <sup>1</sup>
RM-HR	50% <sup>1</sup>
Endnotes	
1 – Parking areas and driveway aisles count toward lot coverage.	

### **17.140.120 Accessory structures.**

Accessory structures such as detached garages, carports, workshops, game rooms, poolrooms, clubhouses, storage buildings, and sheds are permitted in residential zones, subject to the following provisions:

- A. Accessory structures shall not be used as dwelling units, except for approved second family units.
- B. Accessory structures shall not include kitchen facilities, except for approved second family units and approved common area buildings in multi-family complexes or common interest developments.
- C. The total combined floor area of all accessory structures on a lot shall not exceed 800 square feet in the RS-40 through the RS-6 zones (single family zones), except upon approval of a conditional use permit.
- D. Accessory structures are limited to a height of 20 feet.
- E. Accessory structures may include electrical service, a sink, a water heater, and hookups for washers and dryers.
- F. Except for approved second family units and common area buildings in multi-family complexes and common interest developments, accessory structures may not include bathrooms, unless a minor conditional use permit is approved pursuant to Chapter 17.50.
- G. Accessory structures shall not be located closer than six (6) feet from any other structure in any single-family zone.
- H. Accessory structures shall not be located closer than 12 feet from any structure used for human habitation in any multi-family zone. Accessory structures shall not be located closer than six (6) feet from any other accessory structure in any multi-family zone.
- I. Accessory structures shall be located to the rear of (behind) the front of the main buildings on the lot. In instances where the main structure(s) are located to the rear of the lot, the director may authorize accessory structures in front of the main building. However, in no instance may such accessory structures be located in any required setback area.
- J. Accessory structures located to the rear (behind) the front of the main buildings may be located as close as three (3) feet from interior side and rear property lines. However, no accessory structure may be located in any exterior side yard setback area.

- K. Accessory structures may not be located within five (5) feet of an alley.
- L. Detached garages and carports that are entered directly from a street shall maintain a minimum distance of 20 feet from the street property line. If such a structure is entered directly from an alley, it shall maintain a distance of five (5) feet from the alley property line.
- M. The roof of an accessory structure may project to within one and one-half feet of an interior side or rear property line.
- N. Accessory structures used for the keeping of animals are subject to the distance requirements listed in Section 17.205.080.
- O. Temporary structures, including shade or carport structures made of metal, wood, canvas, vinyl, palm fronds, bamboo or similar materials are prohibited in all required exterior yards and in all areas between the public right of way and the front of the main structure on the lot. When located behind the front of the main structure on the lot, they are subject to all other provisions of this title.
- P. Notwithstanding other provisions of this section stated above, one (1) temporary shade structure may be allowed in front of the main structure, under the limited circumstances listed in Section 17.225.160, and subject to the approval of an administrative zoning permit described in Chapter 17.40.

#### **17.140.130 Parking and driveways.**

For general residential parking requirements, including minimum driveway widths and parking area development standards refer to Chapter 17.185. For parking requirements in a planned residential development, refer to Chapter 17.165. For parking requirements in a planned unit development, refer to Chapter 17.60.

#### **17.140.140 Landscaping.**

For general landscaping requirements in residential zones, see Chapter 17.195. For landscaping requirements in a planned residential development, refer to Chapter 17.165. For landscaping requirements in a planned unit development, refer to Chapter 17.60.

#### **17.140.150 Fences, hedges, and walls.**

For regulations pertaining to fences, walls, and hedges in residential zones, refer to Chapter 17.130.

### **17.140.160 Use of exterior yard areas.**

The following regulations shall apply to the use of all areas designated as front yard setback areas and all areas contiguous to and abutting upon intersecting streets on corner lots and reverse corner lots designated as front and exterior side yard areas:

- A. The following classifications of objects and/or use shall be permitted, provided that they do not constitute a hazard to health or safety, are securely mounted or supported where required, and are properly maintained:
  - 1. Landscaping as defined in Chapter 17.195;
  - 2. Driveways and other paved parking areas not to exceed 50 percent of the required front yard setback area in single-family residential zones. However, single-family lots fronting on a cul-de-sac may exceed this limit, as necessary, to provide a paved driveway adequate in width to access garage parking.
  - 3. Patio furniture;
  - 4. Currently licensed motor vehicles, recreational vehicles, boats, motor homes, trailers and campers may be parked or stored on designated paved parking areas. No motor vehicle, boat, trailer, motor home or camper shall be repaired, dismantled or allowed to remain in a dismantled and/or inoperable condition for periods exceeding 72 hours in succession. No motor vehicle, recreational vehicle, boat, motor home, trailer or camper may be parked on the required landscaped area.
  - 5. Building materials during periods of construction or remodeling on any lot or lots where a valid building permit has been issued and is in effect;
  - 6. Subterranean shelters and storage rooms provided that there is no visual evidence of such facilities visible from the public right of way.
- B. A temporary shade structure, in compliance with Section 17.225.160, shall be permitted, subject to approval of an administrative zoning permit.
- C. Notwithstanding the provisions of subsection (A) and (B) of this section, nothing shall be placed or permitted to remain in such a position or location as to interfere with sight distance necessary for the

safe passage of pedestrians and/or vehicles and emergency units along the public ways, or interfere with light and air reasonably necessary for structures used for human occupancy.

**17.140.170 Single-family dwelling review procedures.**

Any new building permit application for a single-family dwelling (including manufactured housing), an addition to a single-family dwelling, or a structure accessory to a single-family dwelling in the city shall be subject to the following provisions:

- A. The building plan elevations shall include notations specifying a minimum 12-inch roof overhang, and the type of material to be used for roofing and siding.
- B. Unless otherwise authorized by the director of community development, all additions to existing structures and all accessory structures larger than 120 square feet shall be designed and constructed to be architecturally and aesthetically compatible with the existing dwelling, including any proposed revisions to the existing dwelling covered by the same building permit application. Any decision by the director concerning the exterior treatment of the proposed dwelling shall be subject to appeal before the planning commission and city council in accordance with the provisions of Chapter 17.30.

**17.140.180 Second family units.**

The standards set forth in this section may be applied to any residentially zoned lot in the city that contains only one (1) single-family dwelling upon such lot. If any use beyond that of one (1) single-family dwelling exists upon a lot, then such lot is not qualified to receive a second-family unit. Notwithstanding the foregoing, no second-family unit shall be permitted in any approved planned unit development (PUD) or planned residential development (PRD). No second-family unit shall be sold or offered for sale separate from the primary residence.

- A. Permit required. An administrative zoning permit shall be required prior to issuance of a building permit for any new second-family unit. The administrative zoning permit shall be processed in accordance with the provisions of Chapter 17.40.
- B. Standards of development. Every second-family unit shall meet the following requirements:
  - 1. Conformance with all setbacks and distance requirements of the zone in which the unit is located;

2. Conformance with all lot coverage and height requirements of the zone in which the unit is located;
3. Provision of one (1) additional paved off-street parking space for each bedroom in the proposed second-family unit. Such parking spaces shall not be located in the required front yard setback area, and tandem parking shall not be permitted except in the RS-6000 zone.
4. A second unit may be attached to the existing dwelling unit or detached from it; under either circumstance separate utility connections and separate utility meters will be required;
5. If a second unit is attached to the existing dwelling unit, a 2-hour fire wall separation shall be provided between such attached units;
6. No minimum size shall be required for a second unit. Minimum standards will be applied through the building code;
7. No second family unit shall exceed an area of 640-square feet, inclusive of covered porches and patios, but exclusive of any attached garage or carport;
8. Covered patios, porches and similar covered areas and detached accessory structures intended to be used by the occupant of the second-family unit, except for a garage or carport, shall be limited to a maximum 10 percent of the floor area of the proposed second-family unit;
9. The proposed second-family unit shall be constructed of similar building materials and with a similar architectural style to the primary dwelling unit, and;
10. The residents of the primary unit and the secondary unit shall each establish and maintain separate accounts for the collection of solid waste and recycling services from the city or its solid waste and recycling contractor.

C. Standards of performance. Every second-family unit approved by this title shall meet the following standards of performance:

1. The property owner must occupy one (1) of the units. Should this requirement not be honored by the property owner, it will be cause to have the second unit removed in accordance with appropriate procedures;

2. The approved site plan shall be recorded so that it appears in the chain of title for the property. A building permit will not be issued without proof of recordation of the approved site plan.

D. Special exemption from city standards. Notwithstanding other provisions of this title, the addition of a second-family unit on a lot as provided under this section of and by itself will not initiate requirements for any new or updated standards relating to the existing residential structure. Such standards or requirements that would otherwise apply will be deferred until the normal operation of those other city code sections come to apply to such property. Such deferral of new or updated standards will not be granted for any building or portion thereof that was constructed illegally, nor will such deferral be granted for required public improvements. It is the clear intent of this subsection that the existing standards which were legally provided on the existing residential structure may remain as they were prior to the construction of the second-family unit.

#### **17.140.190 Planned Unit Developments.**

A planned unit development (PUD) may be established in any residential zone and permits greater flexibility of development standards than provided in this chapter. Refer to Chapter 17.60 for regulations pertaining to PUDs.

#### **17.140.200 Modified development standards for affordable housing.**

Housing and related facilities that are formally restricted to occupancy by low-and very-low-income families and individuals (income restricted), including occupancy by elderly and disabled persons (age and disability restricted) and assisted by funding from and as defined by the federal Department of Housing and Urban Development (HUD) or other affordable housing related funding sources approved by the city council may be permitted to deviate from the requirements and provisions of this title as specified in this section, provided that the specifics of any such deviations, including but not limited to parameters, conditions and findings, are subject to public hearing and are contained in a conditional use permit, specific plan, planned unit development or planned residential development, and where appropriate, that such specifics are recorded against the subject property.

A. Age and disability restricted housing may be granted a reduction in the off-street parking requirements (parking requirements) of this title, which reduction shall not result in a ratio less than one (1) parking space for each two (2) dwelling units, provided that findings can be made that the proposed assisted housing project:

1. Will not result in a parking problem on adjacent properties or public streets; and
  2. Shall be age and disability restricted for the life of the project.
- B. Income restricted housing may be granted up to a 30 percent reduction in required parking, provided that findings can be made that:
1. The proposed income assisted housing project could meet all applicable development standards;
  2. The requested reduction in required parking will not result in parking problem(s) on adjacent properties or public streets;
  3. The requested reduction in required parking will result in expanded and improved on-site, outdoor common amenities; and
  4. The subject housing project shall remain income restricted at all times that the provided off-street parking does not meet the full parking requirements of this title, whether or not there is any federal, state or local government assistance to the project at the time.

Any reduced parking requirement authorized under this provision shall be determined by calculating the full parking requirement for the proposed housing project, applying the authorized reduction expressed as a percentage, with any fractional number rounded down to the nearest whole number.

- C. An increase in the permitted density in the RM-2500 and RM-2200 zones up to 50 dwelling units per net acre may be granted, provided the applicant for such conditional use permit as part of the approval agrees in writing to reconstruct, combine or otherwise convert the dwelling units to that density permitted in that zone should the development convert to other than facility for elderly or disabled. At such time the conditional use permit shall automatically terminate. (As an alternative, the property may be granted a density of up to 75 units per acre for Section 202 projects only if the city can be assured by recorded legal instrument that the project will continue as a facility exclusively for the elderly or disabled for the life of the structures in the project.)

### 17.140.210 Residential land use table.

The following table lists uses that may be established in residential zones. Refer to Chapter 17.115 for a general description of the land use tables provided in this title and instructions for interpreting the land use tables.

Table 17.140.210 Residential Land Use Table													
Residential Zones	PRD	RS-40	RS-20	RS-14	RS-9	RS-6	RM-6000	RM-4300	RM-2500	RM-2200	RM-1500	RM-HR	Notes
<b>Primary Residential Uses (subject to density restrictions)</b>													
Congregate care facility	X	X	X	X	X	X	X	X	P	P	P	P	
Dwellings; attached duplex units or two detached dwelling units	X	X	X	X	X	X	X	P	P	P	P	P	1
Dwellings; up to three detached single-family homes on the same lot, including common interest developments	X	X	X	X	X	X	P	X	X	X	X	X	2
Dwellings; multi-family, attached or detached, including common interest developments	X	X	X	X	X	X	X	P	P	P	P	P	2
Dwelling; single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	2
Foster family home	P	P	P	P	P	P	P	P	P	P	P	P	
Foster family institution	X	C	C	C	C	C	C	C	X	X	X	C	
Group Residential	X	X	X	X	X	X	C	C	C	C	C	C	3
Residential care facility for 6 or less	P	P	P	P	P	P	P	P	P	P	P	P	
Residential care facility for 7 or more	X	X	X	X	X	X	X	C	C	C	C	C	4
<b>Accessory Residential Uses</b>													
Accessory structures with combined areas greater than 800 sq. ft., or which include restrooms	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	5
Bed and breakfast	X	C	C	C	C	C	C	C	C	C	C	X	6
Family day care home, large	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Family day care home, small	P	P	P	P	P	P	P	P	P	P	P	P	
Home occupation business	P	P	P	P	P	P	P	P	P	P	P	P	7
Keeping pet pot-bellied pigs	X	P	P	MC	MC	MC	MC	X	X	X	X	X	8



**Table 17.140.210 Residential Land Use Table**

<b>Residential Zones</b>	<b>PRD</b>	<b>RS-40</b>	<b>RS-20</b>	<b>RS-14</b>	<b>RS-9</b>	<b>RS-6</b>	<b>RM-6000</b>	<b>RM-4300</b>	<b>RM-2500</b>	<b>RM-2200</b>	<b>RM-1500</b>	<b>RM-HR</b>	<b>Notes</b>
Prefabricated storage containers used for short-term storage	T	T	T	T	T	T	T	T	T	T	T	T	
Radio, telephone, and/or television transmitting facilities	C	C	C	C	C	C	C	C	C	C	C	C	13
Religious facilities and non-profit service organizations devoted to serving the general public	C	C	C	C	C	C	C	C	C	C	C	C	
Roadside stands for the sale of agricultural products.	X	Z	Z	X	X	X	X	X	X	X	X	X	8
Seasonal Outdoor businesses	T	T	T	T	T	T	T	T	T	T	T	T	14
Temporary feeding areas	C	C	C	C	C	C	C	C	C	C	C	C	
Utilities	C	C	C	C	C	C	C	C	C	C	C	C	15
Wireless communication facilities	C	C	C	C	C	C	C	C	C	C	C	C	16
Other similar uses	D	D	D	D	D	D	D	D	D	D	D	D	17

**Endnotes**

1	Legally created lots in the RM-4300 zone are entitled to at least two units, regardless of lot area
2	See Chapter 17.165 for PRD requirements. See Chapter 17.60 for PUD requirements
3	Must be separated at least 300 feet between structures measured at closest wall of each.
4	Use prohibited in SP-182
5	Accessory structures with combined areas less than 800 sq. ft. and accessory structures in multi-family and common interest developments are permitted subject to the provisions of Section 17.140.120 (accessory structures.)
6	Subject to the provision of Section 17.225.020 (bed and breakfast establishments)
7	Subject to the provisions of Section 17.225.050 (home occupations)
8	Subject to the provisions of Chapter 17.205 (animals and agriculture)
9	Subject to the provisions of Section 17.140.180 (second family units)
10	A “day care facility” is not a “family day care home” as defined in Chapter 17.105
11	Excludes sewage disposal facilities
12	Must conform to the standards provided in Section 17.185.200 (parking standards)
13	Excludes wireless communications facilities
14	As ancillary to an approved non-residential use, when activity not already covered by CUP
15	Electric substations and transmission lines are exempt from the CUP requirement for utilities
16	Subject to the provisions of Chapter 17.245 (wireless communications facilities)
17	As determined by the Director of Community Development

## Chapter 17.145

### COMMERCIAL ZONES

#### Sections:

- 17.145.010 Purpose
- 17.145.020 Commercial zones
- 17.145.030 Intent of commercial zones
- 17.145.040 Conduct of use
- 17.145.050 Special district requirements for the C-M zone
- 17.145.060 General lot requirements
- 17.145.070 Commercial lot requirements
- 17.145.080 General development standards
- 17.145.090 Setbacks
- 17.145.100 Building height
- 17.145.110 Lot coverage
- 17.145.120 Parking and loading
- 17.145.130 Landscaping
- 17.145.140 Signs
- 17.145.150 Commercial land use table

#### 17.145.010 Purpose.

The purpose of this chapter is to list regulations relating to commercial zones and commercial development under simplified headings.

#### 17.145.020 Commercial zones.

The table below lists the commercial zone districts established by this title. It should be noted the Heavy Commercial – Light Manufacturing, or “C-M” zone is considered both a commercial zone and an industrial/manufacturing zone. The C-M zone has special use provisions and development standards as indicated within the text of this title.

Commercial Zones:	Descriptive Zoning District Name:
O-P	Office Professional
C-N	Neighborhood Commercial
C-G	General Commercial
C-R	Regional Commercial
C-M	Heavy Commercial – Light Manufacturing

### **17.145.030 Intent of commercial zones.**

The intended purposes of the various commercial zone districts established by this title are listed below. The intent of a zone district shall be used when interpreting the land use tables, especially in instances where there is ambiguity or there are omissions within the land use tables. In addition to the information presented in the table below, it is the intent of every commercial zone in the city to implement the goals and objectives of the General Plan relating to commercial development.

- A. O-P (Office Professional) Zone. The O-P zone is intended to provide for professional and administrative office uses and certain limited retail uses normally associated with office uses. The O-P zone encourages the grouping of office uses and makes office development compatible with adjacent residentially zoned areas. The O-P zone is consistent with the “office/non-retail” and “neighborhood retail commercial” designations of the general plan.
- B. C-N (Neighborhood Commercial) Zone. The C-N zone is intended to provide shopping areas for daily convenience goods that are in close proximity to the residential areas they serve. A neighborhood commercial area may be a shopping center but it may also be an individual lot and building. Due to its proximity to residential areas, a C-N zoned area is designed to protect the nearby residential environment, insure safe traffic circulation and encourage pedestrian access. The C-N zone is consistent with the “neighborhood retail commercial” designation of the general plan.
- C. C-G (General Commercial) Zone. The C-G zone is intended to provide a full range of general commercial uses ranging from offices to retail to automotive services to tourist facilities. A general commercial area may be developed as a shopping center or as an individual lot and building or as a “strip commercial” development. A C-G zoned area may occur in close proximity to residential areas. Therefore, the compatibility of uses must be carefully considered, and reflected in site design and in some cases through the use of conditional use permits. In addition, safe traffic circulation and sufficient parking areas must be provided. The C-G zone is consistent with the “general retail commercial” designation and may be found consistent with the “neighborhood retail commercial” designation of the general plan.
- D. C-R (Regional Commercial) Zone: The C-R zone is intended to accommodate community and regional commercial centers and governmental facilities, which typically serve large areas of the city and surrounding community. In view of the extensive service areas of such developments, as well as their potentially significant impact on

adjacent land uses and traffic circulation patterns, the C-R zone is limited to the downtown area and the area including and around the regional shopping mall that is regulated by Specific Plan No. 19. The development standards of the C-R zone seek to minimize any adverse effects of the developments on adjacent property and to encourage common access and parking. Joint-use developments of retail, office and residential uses are also encouraged in the downtown area. The C-R zone is consistent with the “regional retail commercial” designation of the general plan.

- E. C-M (Heavy Commercial – Light Manufacturing) Zone: The C-M zone is both a commercial zone and an industrial zone. It is intended to provide for light manufacturing and industrial uses with relatively minor impacts on the surrounding area, which are contained in buildings and consist of: light manufacturing, wholesale trade, processing, servicing, assembly and distribution. The C-M zone is also intended to provide for commercial trade uses consisting of wholesale and specific, listed retail uses, which combine aspects of commercial trade with light industrial operations, such that the retail commercial trade aspects occupy no more than 50 percent of the gross floor area of the building or buildings which make up the business on the same site. The commercial trade may be retail or wholesale or a combination of the two. The C-M zone is also intended to provide for commercial trade uses which are limited to the sale and/or distribution of “large box” items such as furniture, appliances, carpeting, etc. and the incidental sales of items accessory to the “large box” items as long as the incidental sales do not exceed 15 percent of the total sales area.

#### **17.145.040 Conduct of use.**

Refer to Chapter 17.115 for regulations relating to performance standards and the conduct of uses in commercial zones.

#### **17.145.050 Special district requirements for the C-M zone.**

Each newly created C-M zone district shall contain a minimum area of one acre. Districts should be limited to primary thoroughfares as shown on the general plan circulation element within the light industrial land use designation. No new district shall be allowed on the opposite side of a primary thoroughfare from a residentially zoned area. Existing C-M zone districts may be expanded along primary thoroughfares as shown on the general plan circulation element with the light industrial land use designation by rezoning of adjacent properties.

**17.145.060 General lot requirements.**

For general provisions related to lots, including provisions for substandard lots, reductions in minimum lot area, construction across property lines and development of lots subject to acquisition of land for public use, refer to Chapter 17.125.

**17.145.070 Commercial lot requirements.**

There are no specific requirements for lot area, width, or depth in the C-N, C-G, and C-R zones. However, in reviewing a request for a zone reclassification or a subdivision map proposing the creation of new commercial lots, the director of community development, the planning commission, or the city council, as applicable, may require approval of a lot consolidation or a specific plan, as a condition of approval, in order to provide adequate street frontage and to avoid the creation of substandard commercial developments. The following table lists the minimum spatial requirements for the establishment of new commercial lots in the O-P and C-M zones.

Commercial Zone:	Lot area:	Lot width:	Lot Depth:
O-P	7,000 square feet	70 feet of frontage on a dedicated public street	No requirement
C-M	10,000 square feet	65 feet of frontage on a dedicated public street	150 feet

**17.145.080 General development standards.**

Refer to Chapter 17.130 for general development standards in commercial zones, including: trash and recycling areas, fences and walls, on-site lighting, and rear yard access requirements.

**17.145.090 Commercial setbacks.**

The table below lists the minimum building setback requirements in commercial zones. The endnotes at the bottom of the table contain information that modifies the information listed in the table’s matrix.

Zone district:	Exterior yard setback:	Setback from residential zone districts:
O-P	10 feet <sup>1</sup>	10 feet <sup>2</sup>
C-N	10 feet <sup>1</sup>	10 feet <sup>2</sup>
C-G	10 feet <sup>1</sup>	10 feet <sup>2</sup>

C-R	10 feet <sup>1</sup>	10 feet <sup>2</sup>
C-M	20 feet	10 feet <sup>2</sup>
Endnotes:		
1	Except as modified by Specific Plan No. 182	
2	If the required setback is at the rear of the lot, access to the rear yard is required as indicated in Section 17.130.240.	

**17.145.100 Building height.**

No commercial building may exceed a height of 35 feet, unless a greater height is allowed by specific plan.

**17.145.110 Lot coverage.**

There are no lot coverage limitations in commercial zones other than the landscaping requirements listed in Chapter 17.195.

**17.145.120 Parking.**

For commercial parking requirements, including minimum driveway widths and parking area development standards refer to Chapter 17.185.

**17.145.130 Landscaping.**

For landscaping requirements in commercial zones, see Chapter 17.195.

**17.145.140 Signs.**

For development regulations relating to signs, refer to Chapter 17.190.

**17.145.150 Commercial land use table.**

The following table lists uses that may be established in commercial zones. Refer to Chapter 17.115 for a general description of the land use tables provided in this title and instructions for interpreting the land use tables.

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
<b>Commercial Uses</b>						
Adult book store, adult theater, and other adult entertainment activities	X	X	A	A	X	1,2
Aircraft sales	X	X	P	X	X	
Amusement parks including			C	C	C	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
miniature golf, go-cart tracks, mechanized rides, etc.						
Animal grooming services	X	P	P	P	X	
Antique sales	X	P	P	P	X	
Appliance repair; large gas and electric appliances including heating and air conditioning systems, parts and supplies	X	X	C	C	P	1
Appliance sales; large gas and electric appliances including heating and air conditioning systems, parts and supplies	X	P	P	P	P	
Appliance sales and repair of small electrical appliances	X	P	P	P	P	1
Art galleries, commercial retail	X	P	P	P	X	
Artist studios and art restoration services	P	P	P	P	P	
Athletic clubs and fitness centers	X	X	C	C	X	
Auction house	X	X	C	C	P	1
Auto parts and accessories; new parts	X	X	C	C	X	1
Auto parts and accessories; used parts, excludes dismantling	X	X	X	X	P	3
Auto rental including the rental of moving vans, trucks and trailers	X	X	C	X	C	1
Auto sales, including: autos, motorcycles, light trucks, and recreational vehicles	X	X	C	C	C	
Automotive body repair	X	X	X	C	X	1
Automotive service and repair	X	X	C	C	C	1
Automotive fueling station	X	C	C	C	C	4
Auto washing and detailing, full service carwash	X	X	C	X	X	1
Auto washing, self-service carwash	X	C	C	X	X	1
Bail bonds office	P	P	P	P	P	1
Beauty salon, nail salon, barber shop, and day spa	P	P	P	P	X	5
Beauty supply and cosmetics sales	P	P	P	P	X	
Billboard sign	P	P	P	P	P	6
Blood banks and blood donation	P	P	P	P	X	1

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
facilities						
Blood plasma centers	C	X	X	X	X	1
Boat sales including ancillary service and repair	X	X	P	X	C	
Book store, including news copy and magazine sales	P	P	P	P	X	
Bowling alley	X	X	C	C	X	
Camera and photographic sales and related services	X	P	P	P	X	
Camping facilities (overnight) including Recreational Vehicle parks	X	X	C	C	X	1
Carpet and drapery cleaning and repair services	X	X	X	X	P	
Cemetery, crematory, and mausoleum	C	C	C	C	C	
Child activity centers	X	P	P	P	X	
Circuses and carnivals	C	C	T	T	C	
Clothing and apparel store, new	X	P	P	P	X	
Clothing and costume rentals	X	P	P	P	X	
Clubs: youth clubs, professional organizations, union halls, fraternal organizations, and similar uses	C	C	C	C	X	
Cocktail lounge	X	C	C	C	X	7,8
Contract construction services	X	X	X	X	P	
Convalescent home	C	C	C	C	C	
Convenience market	X	P	P	P	X	8
Custodial and cleaning services including property management and building maintenance with associated vehicle, equipment, and supply storage	X	X	X	X	P	
Dance studio	X	P	P	P	X	
Day care facility	C	C	C	C	C	
Department store with general retail sales	X	P	P	P	X	
Drive through service accessory to an authorized land use	C	C	C	C	C	1
Electronics sales with ancillary service and installation	X	X	P	P	X	
Employment services	P	P	P	P	P	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
Equipment rental with outdoor storage or display	X	X	C	X	X	1
Equipment rental without outdoor storage or display	X	P	P	P	X	1
Escort service	X	X	P	X	X	3
Fabric store	X	P	P	P	X	
Farmers market	X	C	C	C	X	
Financial services and institutions including check cashing services, and traders of precious metals	P	P	P	P	X	9
Firearm and ammunition sales	X	P	P	P	X	
Firing ranges, indoor ranges for fire arms or archery	X	X	C	C	C	1
Florist	P	P	P	P	X	
Fortune tellers including palm readers, phrenologists, spiritual mediums, and mystics	X	X	C	C	X	3
Funeral parlor and mortuary	C	P	P	P	X	1
Furniture and home furnishing sales	X	P	P	P	P	
Game center and video arcade	X	X	C	C	X	3
General retail sales	X	P	P	P	X	
Gift shop, including novelties, souvenirs, greeting cards, etc.	X	P	P	P	X	
Gunsmith	X	P	P	P	X	1
Hardware store, indoor (includes building materials and related services)	X	P	P	P	X	1
Hardware store with outdoor storage or display (includes building materials and related services)	X	X	C	C	X	1
Headquarters office facility	P	X	P	P	P	
Heavy equipment sales including large trucks and tractor-trailer rigs	X	X	X	X	C	
Hobby shop	P	P	P	P	X	
Hotel and motel	X	X	P	P	X	
Household accessories including bedding, linens, kitchen supplies, etc.	X	P	P	P	X	
Kennel	X	X	X	X	C	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
Kiosk, booth, and stand	X	MC	MC	MC	MC	10
Laundry and dry cleaning services, retail, including coin operated self-service laundry	X	P	P	P	X	
Liquor store	X	C	C	C	X	1,7
Live entertainment	X	X	C	C	X	3
Locksmith and related services	X	P	P	P	P	
Manufactured housing sales including modular and mobile home sales	X	X	P	X	C	
Market	X	P	P	P	X	
Martial arts instruction and training	X	P	P	P	X	
Massage parlor, steam bath, and sauna room	X	X	C	C	X	1,3,6,11
Medical and dental office, laboratories, and clinics open to the general public	P	P	P	P	X	
Medical and dental laboratory not open to the public	P	P	P	P	P	
Medical marijuana dispensary	X	X	X	X	X	
Modeling agency, talent agencies and entertainment booking services (office only)	P	P	P	P	X	
Motion picture theatre (indoor)	X	X	C	C	X	12
Music lessons conducted indoors	P	P	P	P	X	
Music store including the sale of musical instruments, sheet music, and recorded music	X	P	P	P	X	
Office, administrative, business and professional	P	P	P	P	P	
Office machine sales	X	P	P	P	P	
Optical goods including eye glasses, contact lenses, and eye exams	P	P	P	P	X	
Outdoor dining, accessory to authorized restaurant or cocktail lounge	X	Z	Z	Z	Z	13
Outdoor sales events at existing business developments	T	T	T	T	T	
Parcel delivery and postal services (office only, does not include U.S. Postal Service)	X	X	P	P	X	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
offices)						
Pawn shop or pawn broker	X	X	P	P	X	1,3
Personal storage facility	X	X	C	X	C	14
Pest control services	X	X	X	X	P	
Pet supply stores including pet sales and pet adoption services with accessory indoor veterinary and grooming services	X	X	P	P	P	
Pharmacy	P	P	P	P	X	15
Photocopying and other retail office services for the general public	P	P	P	P	X	
Photographic studio including ancillary photo finishing services	P	P	P	P	X	
Plant nursery	X	X	P	P	P	1
Pool hall or billiards parlor	X	X	C	C	X	3
Prefabricated storage containers used for short term storage	T	T	T	T	T	
Private security company with watch dogs	X	X	C	C	C	3
Public assembly, sports related including stadiums, arenas, racetracks, etc.	C	C	C	C	C	
Public assembly, non-sports related, including amphitheatres, drive-in theaters, concert halls, playhouses, banquet halls, etc.	X	X	C	C	X	
Recreational facility – commercial indoors, including skating rinks, radio controlled cars, lazer tag, etc.	X	X	C	C	X	
Recreational facility - commercial outdoors, including golf courses, driving ranges, radio controlled cars, skateboard parks, paintball facilities, etc.	X	X	C	C	C	
Resource recovery center	X	X	C	C	C	16
Restaurant	X	P	P	P	C	7,8,17
Restaurant, take-out only	X	P	P	P	C	18
Seasonal outdoor businesses such as Christmas tree lots	T	T	T	T	T	
Secondhand merchandise	X	P	P	P	X	1,3
Shoe sales and shoe repair	X	P	P	P	X	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
Sporting goods, bicycles, and toy stores	X	P	P	P	X	
Supermarket	X	P	P	P	X	
Surplus store	X	P	P	P	X	1
Swap meet and flea market	X	X	X	C	X	1,3
Tailoring, alteration, and sewing services	P	P	P	X	X	
Tattoo and body piercing studio	X	X	P	P	X	1
Thrift shop	X	P	P	P	X	1
Ticket sales office	P	P	P	P	X	
Tobacco and smoke shop	C	C	C	C	X	19
Tool and equipment repair and sharpening services excluding heavy equipment repair	X	X	P	P	X	1
Trailer and camper sales, non-motorized	X	X	P	X	C	
Travel agency	P	P	P	P	X	
Vehicle storage lot (new vehicles)	X	X	T	T	T	
Veterinary and small animal hospital, indoors only	X	X	P	P	P	1
Video sales and rentals including video game sales and rentals	X	P	P	P	X	
Vocational and trade school (conducted indoors)	X	C	P	P	P	8
Vocational and trade school (conducted outdoors)	X	X	X	X	C	8
Volume discount store (including 99¢ and closeout stores)	X	X	P	P	X	1
Watch, clock, and jewelry sales and repair	P	P	P	P	X	
Other similar uses	D	D	D	D	D	20
<b>Light Industrial Uses</b>						
Contract construction services	X	X	X	X	P	
Direct selling organizations (baked goods, ice cream trucks, bottled water vendors, catering wagons, etc.)	X	X	X	X	P	
Food and beverage processing	X	X	X	X	P	
Heavy equipment service and repair	X	X	X	X	C	
Laundry services, industrial, including linen, diaper, and	X	X	X	X	P	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
uniform cleaning, alteration and repair services						
Light manufacturing	X	X	X	X	P	
Printing and publishing services, non-retail and excluding contact with the general public	X	X	P	P	P	
Recycling center for metal, cardboard, glass, e-waste, etc.	X	X	X	X	C	
Scientific and commercial testing laboratories including product research and development	X	X	X	X	P	
Service and repair of consumer electronics	X	X	X	X	P	
Service and repair of light machinery including vending machines, office machines, large household appliances, etc.	X	X	X	X	P	
Service and repair of precision instruments including cameras, optical devices, medical devices and electronic testing equipment.	X	X	X	X	P	
Warehousing and distribution	X	X	X	X	P	
Wholesale trade excluding explosives	X	X	X	X	P	
Other similar uses	D	D	D	D	D	20
<b>Transportation, Communication, and Utilities</b>						
Airports and flying fields	C	C	C	C	C	
Ambulance service	C	C	C	C	P	3
Bus passenger terminals, public or private charter	X	X	P	P	P	
Bus parking and maintenance facility	X	X	X	X	P	
Heliport	C	C	C	C	C	
Light rail terminal	X	X	X	X	P	
Limousine service	X	X	X	X	P	3
Media production including broadcasting studios, and audio and video recording studios	X	P	P	P	P	
Parking lots and garages, short term requiring payment of a fee	C	P	P	P	P	
Parking lots and garages, short term free parking	P	P	P	P	P	

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
Radio, and/or television broadcasting facilities with transmitters	C	C	C	C	C	21
Railroad facilities, including switching stations, maintenance yards, rail freight and passenger terminals	X	X	X	X	P	
Solid waste disposal facility	C	C	C	C	C	1
Taxicab terminal	X	X	P	P	P	
Towing services with vehicle storage	X	X	X	X	C	1,3
Towing services without vehicle storage	X		C		C	1,3
Trucking terminal for motor freight including parcel delivery service terminals	X	X	X	X	P	
Utilities, excluding sewage treatment	C	C	C	C	C	
Vehicle storage facility, long term, including lots and structures	X	X	X	X	C	1
Wireless communication facilities, freestanding	C	C	C	C	C	22
Wireless communication facilities, architecturally integrated or other stealth design	P	P	P	P	P	22
Other similar uses	D	D	D	D	D	20
<b>Institutional and Charitable Uses</b>						
Botanical garden, and arboretum	C	C	C	C	X	
Detention facility excluding prisons and juvenile halls	X	X	X	X	C	
Educational institution	C	C	C	C	C	
Governmental administrative offices	C	C	C	C	C	
Governmental operation center and service facilities	C	C	C	C	C	
Hospital	C	C	C	C	X	
Library, public	P	P	P	P	X	
Military base	C	C	C	C	C	
Museum	MC	MC	MC	MC	X	
Non-profit welfare and charitable organizations and services	X	X	C	C	X	1

<b>Table 17.145.150 – Commercial Land Use Table</b>						<b>Notes</b>
	<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
Parks, playgrounds, and amateur sports fields, public or private	X	C	C	C	C	
Public safety facility	C	C	C	C	C	
Religious facilities	C	P	P	P	C	8
Temporary feeding area	C	C	C	C	C	
Transition service center	X	X	C	C	P	1,23
United States Postal Service facilities	C	C	C	C	C	24
WIC center	P	P	P	P	X	1
Zoo	C	C	C	C	X	
Other similar uses	D	D	D	D	D	20
<b>Residential Uses</b>						
Caretaker's unit	P	P	P	P	P	25
Residential care facility	C	C	C	C	X	1
<b>Endnotes:</b>						
1	Prohibited in SP 182					
2	Subject to the provisions of Chapter 17.45 (adult entertainment establishments)					
3	Requires a Special Operations License as described in ECMC Chapter 5.16. For towing services, only police towing services require a Special Operations License					
4	Subject to the provisions of Chapter 17.215 (automotive fueling stations)					
5	Subject to the provisions of Section 17.140.270 (billboard signs)					
6	Subject to the provisions of Chapter 5.40 of the El Cajon Municipal Code.					
7	Subject to the provisions of Chapter 17.210 (alcohol sales)					
8	Subject to parking requirements listed in Section 17.185.190.					
9	"Check cashing only" services are prohibited in SP 182					
10	Subject to the provisions of Section 17.130.250 (kiosks)					
11	Subject to the provisions of Section 17.225.070 (massage parlors)					
12	Subject to the provisions of Chapter 17.230 (motion picture theaters)					
13	Subject to the provisions of Section 17.225.090 (outdoor dining areas)					
14	Subject to the provisions of Chapter 17.225. (personal storage facilities)					
15	Pharmacies in the O-P zone may only provide prescription services.					
16	Subject to the provisions of Section 17.225.100 (resource recovery centers)					
17	Restaurants limited to 2,000 square feet gross floor area in the C-M zone.					
18	Subject to the provisions of Section 17.225.130 (take-out only restaurants)					
19	Subject to the provisions of Chapter 17.240 (tobacco and smoke shops)					
20	As determined by the director of community development					
21	Excludes wireless communications facilities as defined in Chapter 17.110					
22	Subject to the provisions of Chapter 17.245 (wireless communications facilities)					
23	Subject to the provisions of Section 17.225.170 (transition service centers)					

<b>Table 17.145.150 – Commercial Land Use Table</b>							<b>Notes</b>
		<b>O-P</b>	<b>C-N</b>	<b>C-G</b>	<b>C-R</b>	<b>C-M</b>	
24	Excludes public contact in the C-M zone (mail processing only)						
25	Only one caretaker's unit permitted per lot in association with an authorized primary use occupying the same property. Must be attached to the primary structure on the lot, if such a structure exists.						

## Chapter 17.150

### INDUSTRIAL ZONES

#### Sections:

- 17.150.010 Purpose**
- 17.150.020 Industrial zones established**
- 17.150.030 Intent of industrial zones**
- 17.150.040 Conduct of use**
- 17.150.050 Outdoor uses and outdoor storage**
- 17.150.060 Prefabricated structures**
- 17.150.070 Special district requirements for the M and C-M zones**
- 17.150.080 General lot requirements**
- 17.150.090 Industrial lot requirements**
- 17.150.100 General development standards**
- 17.150.110 Setbacks**
- 17.150.120 Building height**
- 17.150.130 Lot coverage**
- 17.150.140 Parking and loading**
- 17.150.150 Landscaping**
- 17.150.160 Signs**
- 17.150.170 Manufacturing zone land use table**

#### **17.150.010 Purpose.**

The purpose of this chapter to list regulations relating to manufacturing and industrial development under simplified headings.

#### **17.150.020 Industrial zones established.**

The city has one exclusively industrial zone, and it is designated as M-Zone or the Manufacturing zone. It should be noted the C-M, or Heavy Commercial – Light zone, is considered both a commercial zone and an industrial zone. The C-M zone has special use provisions and development standards as indicated throughout the text of this title.

#### **17.150.030 Intent of the industrial zones.**

It is the intent of both the M zone and the C-M zone to implement the goals and objectives of the General Plan relating to manufacturing and industrial development. The intent of a zone district shall be used when interpreting the land use tables, especially in instances where there is ambiguity or there are omissions within the land use tables. Distinctions between the two zones are explained below.

- A. The M zone is intended provide for manufacturing, warehousing, and limited industrial uses as well as certain employment generating office and service uses characterized by: a lack of public contact, a non-retail orientation, limited traffic generation, and no need for advertising or retail signage.
- B. The C-M zone is both a commercial zone and an industrial zone. It is intended to provide for light manufacturing and industrial uses with relatively minor impacts on the surrounding area, which are contained in buildings and consist of: light manufacturing, wholesale trade, processing, servicing, assembly and distribution.

The C-M zone is also intended to provide for commercial trade uses consisting of wholesale and specifically listed retail uses, which combine aspects of commercial trade with light industrial operations, such that the retail commercial trade aspects occupy no more than fifty percent of the gross floor area of the building or buildings which make up the business on the same site.

The C-M zone is also intended to provide for commercial trade uses which are limited to the sale and/or distribution of “large box” items such as furniture, appliances, carpeting, etc. and the incidental sales of items accessory to the “large box” items as long as the incidental sales do not exceed 15 percent of the total floor area.

#### **17.150.040 Conduct of use.**

Refer to Chapter 17.115 for general regulations relating to performance standards and the conduct of uses. Except as noted elsewhere in this chapter, all uses shall be conducted entirely within enclosed buildings.

In the M zone, the incidental retail sales of products wholesaled or manufactured onsite is permitted but may not be advertised or identified with signage. In both the M and the C-M zones, the operation of headquarters and support facilities shall generally exclude on-premises contact with the general public.

#### **17.150.050 Outdoor uses and outdoor storage.**

In the M and C-M zones all uses shall be conducted within an enclosed building except those uses that are customarily conducted outdoors, including, but not limited to: athletic fields, the parking of vehicles, and equipment storage for construction services. Regardless of whether or not a use is permitted by right, or conditionally permitted, all outdoor uses and all outdoor storage with the exception of athletic fields, authorized vehicle sales, and heavy equipment sales, shall be screened from the public right-of-way by a minimum six-foot-high, solid

fence or wall. This fence or wall shall not encroach into any required exterior yard. With the exception of oversized vehicles and heavy construction equipment, outdoor storage shall not exceed the height of the wall or fence used to screen it from the public right of way.

The methods, materials, and appearance of required screening for outdoor storage areas are subject to the approval of the director, or in the case of a conditional use permit, the planning commission. The director or commission may require decorative screening materials in visually prominent or visually sensitive areas. Under no circumstances shall outdoor storage or outdoor activities be permitted which displace required off-street parking or landscaping improvements.

#### **17.150.060 Prefabricated structures.**

The use of prefabricated structures, such as metal shipping containers which exceed 120 square feet in total aggregate floor area, shall require the approval of a minor conditional use permit processed in accordance with Chapter 17.50 of this title.

#### **17.150.070 Special district requirements for the M and C-M zones.**

- A. Each newly created M zone district shall contain a minimum area of five acres. If approved by the city council, a dedicated public street may divide an M zone district.
- B. Each newly created C-M zone district shall contain a minimum area of one acre. Districts should be limited to primary thoroughfares as shown on the general plan circulation element within the light industrial land use designation. No new district shall be allowed on the opposite side of a primary thoroughfare from a residentially zoned area. Existing C-M zone districts may be expanded along primary thoroughfares as shown on the general plan circulation element with the light industrial land use designation by rezoning of adjacent properties.

#### **17.150.080 General lot requirements.**

For general provisions related to lots, including provisions for substandard lots, reductions in minimum lot area, construction across property lines and development of lots, subject to acquisition of land for public use, refer to Chapter 17.125.

#### **17.150.090 Industrial lot requirements.**

The following table lists the minimum spatial requirements for the establishment of new industrial lots in the M and C-M zones.

Industrial zone:	Lot area:	Lot width:	Lot depth:
M	20,000-square feet	150 feet of frontage on a dedicated public street	150 feet
C-M	10,000-square feet	65 feet of frontage on a dedicated public street	150 feet

**17.150.100 General development standards.**

Refer to Chapter 17.130 for general development standards in industrial zones, including: trash and recycling areas, fences and walls, on-site lighting, and rear yard access requirements.

**17.150.110 Setbacks.**

The table below lists the minimum building setback requirements in industrial zones. The endnotes at the bottom of the table contain information that supplements the information contained in the table’s matrix.

Zone district:	Exterior yard setback:	Setback from residential zone districts:
M	20 feet	10 feet <sup>1</sup>
C-M	20 feet	10 feet <sup>1</sup>
<b>Endnotes:</b>		
1	If the required setback is at the rear of the lot, access to the rear yard is required as indicated in Section 17.130.240.	
Overhead doors	Any overhead doors facing and visible from the public right-of-way shall be set back a minimum of 65 feet from any exterior property line.	

**17.150.120 Building height.**

No building in the M or C-M zones may exceed a height of 35 feet unless a greater height is approved by specific plan.

**17.150.130 Lot coverage.**

There are no lot coverage limitations in the M or C-M zones other than the landscaping requirements listed in Chapter 17.195.

### 17.150.140 Parking and loading.

For parking and loading area requirements, including minimum driveway widths and parking area development standards refer to Chapter 17.185.

### 17.150.150 Landscaping.

For landscaping requirements in commercial zones, see Chapter 17.195.

### 17.150.160 Signs.

For development regulations relating to signs, refer to Chapter 17.190.

### 17.150.170 Manufacturing zone land use table.

The following table lists uses that may be established in the manufacturing (M) zone. Refer to Chapter 17.115 for a general description of the land use tables provided in this title and instructions for interpreting the land use tables. Land uses for the C-M zone are provided in Chapter 17.145.

<b>Table 17.150.170 – Manufacturing Zone Land Use Table</b>	<b>M</b>	<b>Notes</b>
Advertising and public relations office	P	
Agricultural processing, excluding animal slaughtering facility	P	
Animal slaughtering facility	C	
Ambulance service	C	1
Ammunition manufacturing	C	2
Amusement park, including miniature golf, go-cart track, mechanized rides, etc.	C	1
Aircraft and flying accessory sales	P	3
Airport and flying field	C	
Art studio and art restoration service, excluding art galleries	P	
Athletic field and courts	C	
Auction house, indoor or outdoor	C	
Auto dismantling, salvage, and junk dealer, including the sale of used auto parts	C	1
Bus terminal, bus parking and maintenance facility, public or private charter	P	
Carpet and drapery cleaning and repair service	P	
Cemetery, crematory, and mausoleum	C	
Chemical production and processing, excluding explosives	P	
Circus and carnival	MC	
Computer programming, including web design, software engineering and other intellectual design and consulting services based upon digital computer technology	P	
Concrete batch processing plant	C	
Contract construction service	P	

<b>Table 17.150.170 – Manufacturing Zone Land Use Table</b>	<b>M</b>	<b>Notes</b>
Credit reporting office	P	
Custodial and cleaning service, including property management and maintenance with associated vehicle, equipment, and supply storage	P	
Data storage facilities and server rooms, including internet service provider	P	
Day care facility	C	
Detention facilities, excluding prisons and juvenile halls	C	
Direct selling organization, including baked goods, ice cream truck, bottled water vendor, and catering wagon	P	
Drive through service accessory to an authorized land use	C	
Educational institutions	C	
Equipment rental, with or without outdoor storage or display	P	
Firing range, indoor range for fire arms or archery	C	
Firewood sales	C	
Flight school	P	3
Food and beverage processing	P	
Fuel storage and distribution, bulk fuel storage	C	
Funeral parlor and mortuary	C	
Governmental administrative office	C	
Governmental operation center and service facility	C	
Hazardous waste treatment, storage, and transfer	C	
Headquarters office facility	P	
Heavy equipment sales, rental, and repair	P	
Heliport	C	
Insurance office	P	
Kennel	C	
Land development consulting offices, including: architecture, planning, engineering, and real estate services	P	
Laundry services, industrial, including linen, diaper, and uniform cleaning, alteration, and repair services	P	
Light manufacturing	P	4
Light rail terminal	P	
Limousine service	P	1
Machine shop service, including milling and lathing	P	
Mail order and internet based sales, excluding contact with the public	P	
Marine craft service and repair	P	
Media production, including broadcasting studio, and audio and video recording studio	P	
Media distribution	P	
Medical and dental laboratory	P	
Messenger service	P	
Metal industries, including steel manufacturing and smelting	P	

<b>Table 17.150.170 – Manufacturing Zone Land Use Table</b>	<b>M</b>	<b>Notes</b>
Military base	C	
Mining activity, including barrow pits over three feet in depth	C	
News agency, including newspaper office and web-based news outlets	P	
Outdoor sales event at existing business developments	T	
Parking lot and structure, short term	P	
Parking lot and structure, long term vehicle storage	C	
Pest control service	P	
Petroleum refining and processing of petroleum products	C	
Photocopying, mailing, and other office services, excluding contact with the general public	P	
Photographic service, excluding public contact	P	5
Prefabricated storage container used for permanent storage	C	
Prefabricated storage container used for short term storage	T	
Printing and publishing service	P	
Private security company with watch dogs	C	1
Private security company without watch dogs	P	1
Radio, and/or television transmitting facilities	C	
Railroad facilities, including switching stations, maintenance yards, rail freight and passenger terminals	P	
Recreational facility - commercial outdoors, including golf courses, driving ranges, radio controlled cars, skateboard parks, paintball facilities, and other similar uses.	C	
Recycling center for metal, cardboard, glass, e-waste, etc.	C	
Religious facilities	C	
Resource recovery center	C	
Restaurant	C	6,7,8
Sawmill, including the processing and manufacturing of wood products	P	
Scientific and commercial laboratories, including research, development, and testing services	P	
Service and repair of light machinery, including vending machines, office machines, large household appliances, etc.	P	
Solid waste processing facility	C	
Sports assembly including stadium, arena, racetrack and other large sporting venue	C	
Swimming pool, swimming school, and other aquatic recreation facilities	C	
Temporary feeding area	C	
Towing services with or without vehicle storage	C	1
Transition service center	P	9
Trucking terminal for motor freight, including parcel delivery service terminals	P	
Truck sales, including the sale of large commercial trucks,	C	

<b>Table 17.150.170 – Manufacturing Zone Land Use Table</b>		<b>M</b>	<b>Notes</b>
vans, and buses			
United States Postal Service facilities; processing only		P	
Utilities, including sewage treatment facilities		C	
Vehicle storage facility - long term, including lots and structures		C	
Vehicle storage lot - temporary		T	
Veterinary service and animal hospital		C	
Vocational or trade school; indoor or outdoor		C	8
Warehousing, including wholesale trade and distribution and excluding explosives		P	
Welding and metal fabrication		P	
Wireless communication facilities; freestanding		C	
Wireless communication facilities; architecturally integrated or other stealth design		P	
Other similar uses		D	10
<b>Residential Uses</b>			
Caretaker's unit accessory to an authorized land use		P	11
Residential care facility		C	
<b>Endnotes:</b>			
1	Requires a special operations license as described in ECMC Chapter 5.16. For towing services, only police towing services require a special operations license		
2	Small arms ammunition only. Nothing larger than 30-caliber ammunition.		
3	Permitted by right only in Special Development Area No. 6. Otherwise requires a conditional use permit in the manufacturing zone.		
4	Light manufacturing describes a wide range of manufacturing uses as defined in Chapter 17.110.		
5	Includes aerial photography, photo editing and finishing, service and repair of cameras and other optical devices		
6	Restaurants located outside of Special Development Area No. 6 are limited to 2,000 square feet of gross floor area.		
7	Subject to the provisions of Chapter 17.210 (alcohol sales)		
8	Subject to the parking requirements listed in Section 17.33.190		
9	Subject to the provisions of Section 17.225.170 (transition service centers)		
10	As determined by the director of community development.		
11	Only one caretaker's unit permitted per lot in association with an authorized primary use occupying the same property. Must be attached to the primary structure on the lot, if such a structure exists.		

## Chapter 17.155

### O-S (OPEN SPACE) ZONE

#### Sections:

- 17.155.010 Intent and purpose
- 17.155.020 Permitted uses
- 17.155.030 Conditional uses
- 17.155.040 District requirements
- 17.155.050 Lot area requirements
- 17.155.060 Lot width requirements
- 17.155.070 Panhandle and flag lots
- 17.155.080 Density
- 17.155.090 Front yard
- 17.155.100 Side yards
- 17.155.110 Rear yard
- 17.155.120 Building height
- 17.155.130 Accessory buildings
- 17.155.140 Lot coverage
- 17.155.150 Parking requirements and driveway widths
- 17.155.160 Signs

#### 17.155.010 Intent and purpose.

The intent of the O-S zone is to protect and preserve open space land as a limited and valuable resource, to permit a reasonable use of open space while at the same time preserving and protecting inherent open space characteristics, and to implement the open space provisions of the general plan.

#### 17.155.020 Permitted uses.

The following uses are permitted in the O-S zone:

- A. Single-family dwellings, subject to density restrictions.
- B. Planned unit developments, subject to density restrictions.
- C. Agriculture:
  - 1. Field and seed crops;
  - 2. Truck crops;
  - 3. Orchards and vineyards;
  - 4. Pasture and rangeland;

- 5. Horticulture specialties;
- 6. Tree farms;
- D. Home occupation businesses (see Section 17.225.050).
- E. Family day care home; large family daycare requires approval of an administrative zoning permit (see Chapter 17.40).

**17.155.030 Conditional uses.**

The following uses may be established in the O-S zone, subject to the granting of a conditional use permit, in accordance with the provisions of Chapter 17.50.

- A. Wireless communications facilities;
- B. Public and private utilities;
- C. Historic and monument sites;
- D. Playground and athletic areas;
- E. Swimming areas;
- F. Firearms and archery;
- G. Camping areas;
- H. Picnicking areas;
- I. Resorts;
- J. Group or organized camps;
- K. Parks;
- L. Horses, subject to the requirements of Chapter 17.205;
- M. Fishing and related services.

**17.155.040 District requirements.**

District requirements are as follows:

- A. The minimum area of an O-S zone district shall be five acres.
- B. There is no street frontage requirement for an O-S zone district. However, access is required for the creation of panhandle and flag lots as described below in Section 17.155.070.
- C. All structures and parking areas shall be set back a minimum distance of 30 feet from any O-S zone district boundary.

**17.155.050 Lot area requirements.**

The minimum required lot area for a single-family residence is two (2) acres exclusive of required driveway projections for panhandle or flag lots. All other developments, including planned unit developments, shall have a minimum lot area of five (5) acres.

**17.155.060 Lot width requirements.**

The minimum lot width shall be 100 feet.

**17.155.070 Panhandle and flag lots.**

Panhandle or flag lots may be created in the O-S zone by subdivision or parcel map provided that they include a projection with a minimum width of 20 feet connecting the lot to frontage on a public street. The projection shall be used as a driveway providing access to the panhandle or flag lot. The maximum length of such driveway projections shall be 300 feet. If the driveway is longer than 200 feet, the grade of the driveway shall not exceed 10 percent, unless a steeper driveway is approved by the fire department. When two flag lots are created side by side, and the length of the two flag projections are abutting, and both property owners are guaranteed the right to use both adjacent driveways, the driveway width may be reduced to 15 feet for each individual adjacent lot, for a combined width of 30 feet for the shared driveway.

**17.155.080 Density.**

- A. Planned unit development. A density of one (1) unit per acre of total land area shall be allowed provided that all development be located within a clustered development area (CDA) which does not exceed 40 percent of the total land area.
- B. Single-family development. For single-family development not covered by a PUD, the density shall be one (1) unit per two (2) acres.

### **17.155.090 Front yard.**

Every lot shall maintain a front yard of not less than 30 feet, with the following exceptions:

- A. Where a specific plan provides a front yard setback other than 30 feet, a lot shall maintain a front yard not less than the setback shown on such specific plan. However, any garage or carport entered directly from the street shall maintain a setback of not less than 20 feet from the front property line.
- B. Attached Side Entrance Garage or Carport. The required front yard may be reduced to not less than 20 feet for an attached side entrance garage or carport only.
- C. Lots Fronting on a Cul-de-sac. Every lot facing directly on the arc of a cul-de-sac street shall maintain a front yard of not less than 20 feet, measured on an arc parallel to the front property line. This modified front yard shall extend around the circumference of the cul-de-sac only to the points at which the projections of the required front yards on portions of the street not located on the cul-de-sac intersect the arc of the modified front yard.

### **17.155.100 Side yards.**

Side yard requirements shall be as follows:

- A. Interior Lots. Interior lots shall maintain side yards of not less than 15 feet.
- B. Corner Lots. Corner lots shall maintain side yards on each side of not less than 15 feet. However, any garage or carport entered directly from the side street shall maintain a setback of not less than 20 feet from the side street property line.
- C. Vehicular Access. Lots having no vehicular access to the rear yard by a public street or alley shall provide such access by maintaining a side yard or opening between buildings having a clear width of 10 feet at all heights up to 10 feet, into which no eave or other architectural feature shall project.

### **17.155.110 Rear yard.**

Every lot shall maintain a rear yard not less than 25 feet in depth; however, an attached carport or covered patio, open on at least two (2) sides and

not greater than 50 percent of the width of the lot, may be constructed; provided such structure is not closer than 12 feet to the rear property line.

**17.155.120 Building height.**

The maximum building height is 35 feet for primary structures.

**17.155.130 Accessory buildings.**

See Section 17.140.120 for regulations relating to accessory buildings in residential zones.

**17.155.140 Lot coverage.**

- A. Planned Unit Development. All buildings including accessory buildings and structures, parking areas and driveways and public and private street rights-of-way within the interior of a PUD shall not cover more than 40 percent of the PUD project area.
- B. Other Development. The maximum lot coverage is 10 percent; except for uses permitted by a conditional use permit, where a greater coverage may be permitted.

**17.155.150 Parking requirements and driveway widths.**

For general residential parking requirements, including driveway widths and parking area development standards refer to Chapter 17.185. For parking requirements in a planned unit development, refer to Chapter 17.60. Parking for uses requiring approval of a conditional use permit shall be determined by the planning commission.

**17.155.160 Signs.**

Refer to Chapter 17.190 for sign regulations.

## Chapter 17.160

### P (PARKING) ZONE

#### Sections:

- 17.160.010 Intent and purpose**
- 17.160.020 Permitted uses**
- 17.160.030 Conditional uses**
- 17.160.040 Development standards, generally**
- 17.160.050 Walls required for open parking lots**
- 17.160.060 Signs**

#### **17.160.010 Intent and purpose.**

The P zone is intended to provide for public and private parking facilities in areas where it is deemed desirable to have parking areas, but not necessarily the accompanying use or facilities.

#### **17.160.020 Permitted uses.**

Permitted uses are as follows:

- A. No-fee open parking lots;
- B. Commercial open parking lots on a fee basis with a one-story building not exceeding 100 square feet for the use of the parking lot attendant.

#### **17.160.030 Conditional uses.**

Conditionally permitted uses are as follows:

- A. Public parking structures.
- B. Commercial parking structures.

#### **17.160.040 Development standards, generally.**

The following development standards apply to new parking facilities in the P- zone.

- A. There are no minimum lot size, lot width, or lot depth requirements in the P zone.
- B. For general development standards applicable in parking areas, including stall dimensions, drive aisle widths, back up space, and on-site lighting, refer to Chapter 17.180.

- C. There are no lot coverage requirements, except as necessary to meet landscape and setback requirements.
- D. Height requirements for parking structures shall be as specified by conditional use permit.
- E. There are no requirements for trash and recycling facilities, except that if they are provided, they shall be constructed in compliance with Section 17.130.160.
- F. Buildings shall set back a minimum distance of 10 feet from any exterior property line and from interior property lines that separate a P zone district from any residential zone district.
- G. Open parking areas shall be set back a minimum distance of 10 feet from all exterior property lines. This 10-foot setback shall be landscaped.
- H. All required yards and setback areas are to be landscaped and maintained in accordance with the provisions of Chapter 17.195.

**17.160.050 Walls required for open parking lots.**

Walls required for open parking lots are as follows:

- A. District Boundary. A six-foot-high solid masonry wall shall be required along all interior property lines that form a district boundary with any residential zone district, except when the adjacent use is a non-residential use (such as a religious facility).
- B. Exterior Property Line. A 36-inch-high solid masonry wall shall be required at least 10 feet from the exterior property line. This wall is not required if the parking area is separated from the street with a landscaped area at least 20 feet in depth.

**17.160.060 Signs.**

The following signs are permitted:

- A. Parking lot signing. One monument sign not exceeding 10 feet tall and 25 square feet per parking lot street frontage.
- B. Parking Structures. One projecting sign per street frontage; the size shall be determined in conjunction with conditional use permit approval for the structure.

- C. One additional directional sign shall be permitted at each parking lot / structure entrance, not to exceed 10 square feet.

## Chapter 17.165

### PRD (PLANNED RESIDENTIAL DEVELOPMENT) ZONE

#### Sections:

- 17.165.010 Intent and purpose
- 17.165.020 Permitted uses
- 17.165.030 Conditional uses
- 17.165.040 Zone reclassification
- 17.165.050 District requirements
- 17.165.060 Lot requirements
- 17.165.070 Density
- 17.165.080 Setbacks and distances between structures
- 17.165.090 Lot coverage
- 17.165.100 Building height
- 17.165.110 Parking
- 17.165.120 Trash and recycling collection
- 17.165.130 Walls and fencing
- 17.165.140 Open space, recreational areas and landscaping
- 17.165.150 Signs
- 17.165.160 Streets and driveways
- 17.165.170 Pedestrian walkways
- 17.165.180 Lighting
- 17.165.190 Utilities
- 17.165.200 Architectural compatibility
- 17.165.210 Processing PRD—preparation of site plan and subdivision map
- 17.165.220 Covenants, conditions and restrictions (CC&Rs)
- 17.165.230 Guarantee of performance of required private and public improvements

#### 17.165.010 Intent and purpose.

- A. It is intended that the PRD zone will result in projects which reflect comprehensively planned development and encourage imaginative planning and design that specifically relate to the topography and the natural characteristics of the site as well as the scale, density and type of development in the surrounding area. Depending upon the density, different PRD zones are consistent with different residential general plan designations. For example, the PRD low zone would be consistent with “low density residential”.
- B. PRD development projects may be approved with greater flexibility in design and building relationships than are permitted within the usual requirements of the zoning and subdivision titles of the El Cajon

Municipal Code when said flexibility is determined to be in the public interest and consistent with the general plan.

**17.165.020 Permitted uses.**

In a PRD zone, permitted uses are as follows:

A. Residential:

1. Planned residential developments; attached and detached units;
2. Small family day care home as defined in Chapter 17.110;

B. Agricultural:

1. Field and seed crops;
2. Truck crops;
3. Orchards and vineyards;
4. Pasture and range land;
5. Horticulture specialties;
6. Tree farms;

C. Home occupation businesses, subject to the requirements of Section 17.225.050.

**17.165.030 Conditional uses.**

Uses permitted by conditional use permit are as follows:

A. Golf courses and country clubs;

B. The keeping of horses shall be limited to the PRD low-low zone and subject to the following:

1. The project shall include sublots, which have at least 10,000 square feet of net lot area,
2. Not more than one (1) horse over one-year of age and offspring under one-year of age shall be permitted for every 10,000 square feet of lot area in each subplot,

3. Horses shall be kept and maintained in a designated stable area as follows:
  - a. Not within 100 feet of any structure used for human habitation, assembly, or place of business,
  - b. In such a manner as to prevent offensive odors, flies, dust, noise and other nuisances.

**17.165.040 Zone reclassification.**

PRD project plans may only be approved in a PRD zone district. Accordingly, any application for a PRD project shall be processed in conjunction with a requested PRD zone reclassification pursuant to Chapter 17.20.

**17.165.050 District requirements.**

District requirements shall be as follows:

- A. Area. The minimum district area is one (1) acre, unless a smaller district area is expressly approved by the city council upon the recommendation of the planning commission.
- B. Frontage. The minimum district frontage upon a dedicated public street shall be 20 feet, and such frontage shall be upon a street designed to carry the increased traffic generated by the district.
- C. Setback. A setback of 10 feet shall be required along all interior district boundaries. A fence or wall may be required along the district boundary line to provide separation from or protection of adjacent properties. This fence or wall may be no higher than six (6) feet with the type of fence or wall to be determined in conjunction with approval of a planned residential development.

**17.165.060 Lot requirements.**

- A. Lots. There is no requirement for a minimum lot area of a planned residential development, except the minimum district requirement of one acre.
- B. Sublots. A PRD may contain sublots, which may be of any reasonable area, width or configuration as determined in conjunction with approval of a planned residential development.
- C. Subdivision Map. A tentative parcel map or tentative subdivision map which covers the exact boundaries of the PRD and indicates all sublots

shall be approved and a final map recorded pursuant to the Subdivision Map Act and the Title 16 of the El Cajon Municipal Code.

**17.165.070 Density.**

A. The maximum number of dwelling units permitted in each of the PRD zones shall not exceed the following densities:

PRD low-low	3 units per net acre
PRD low	10 units per net acre
PRD low-medium	18 units per net acre
PRD medium	20 units per net acre
PRD high	30 units per net acre

B. When calculating net acres, dedications for public streets along the exterior boundaries of the PRD shall not be included as acreage. The rights-of-way of public or private streets and driveways within the PRD boundaries may be included as net acreage.

C. When a PRD consists of property in more than one PRD zone, the maximum number of dwelling units shall be the total of the dwelling units permitted by each of the component PRD zones. The dwelling units in a PRD in more than one PRD zone may be distributed without regard to the boundaries of the component PRD zone, if the city council, makes the following findings:

1. The density transfer is compatible with existing development in the surrounding area; and
2. The density transfer is consistent with the general plan.

D. In all cases, the approved density shall be consistent with the general plan and compatible with existing development in the surrounding area.

**17.165.080 Setbacks and distances between structures.**

A. All buildings and structures in a PRD must maintain a minimum setback of 10 feet from the PRD zone district boundary.

B. All buildings other than front-entry garages or carports shall maintain a minimum distance of 10 feet from the right-of-way of a public street or a private street or driveway.

C. All buildings other than front-entry garages or carports shall maintain a minimum distance of five (5) feet from any sidewalk.

- D. Front-entry garages and carports shall provide a minimum setback of 20 feet from the right-of-way of a public street.
- E. Front-entry garages and carports shall maintain a minimum setback of 20 feet from the edge of a private street or driveway, unless a finding is made that a reduced setback will not result in unauthorized parking behind the garages or carports, which would block or hamper pedestrian or vehicular movement or unnecessarily affect visibility on the private street or driveway. The following issues shall be considered in making a determination to allow a reduced setback for front-entry garages and carports from a private street or driveway:
  - 1. The length of the private street or driveway;
  - 2. The overall project density and design;
  - 3. Whether or not the private street or driveway provides a direct connection between public streets or high traffic volume private streets;
  - 4. The provision of automatic garage door openers.
- F. The minimum distance between any building used for human habitation and any other building on the same lot or subplot shall be 10 feet.
- G. The minimum distance between separate wings of a building shall be 10 feet.
- H. Two or more buildings or portions of buildings may be attached without observing the usual building setback requirements of the PRD zone, as long as the resultant structure complies with the California Building Code and the California Fire Code.
- I. All other setbacks and distances between structures may be established as part of the project approval but are subject to California Building and Fire Code requirements. When considering building setbacks and distances between structures in a PRD, consideration shall be given to the overall project design and the relation of buildings to each other, to project topography, and to surrounding development.

**17.165.090 Lot coverage.**

- A. Lot coverage within a PRD shall include all buildings and accessory buildings. It shall also include one hundred percent of the area devoted

to parking spaces in private driveways serving individual dwelling units, and fifty percent of the area devoted to common driveways and streets, including public and private streets that are within the exterior boundaries of the PRD. For the purpose of calculating lot coverage in a PRD, 50 percent of the parking areas that are directly adjacent to, and accessed from, a common public or private street or common driveway within the PRD shall count toward the maximum allowable lot coverage. However, 100 percent of any parking areas not located along a common street or driveway within the PRD shall count toward the maximum allowable lot coverage. Maximum lot coverage within a PRD shall not exceed the following percentages:

<b>PRD Zone</b>	<b>Maximum Lot Coverage</b>
PRD low-low	40%
PRD low	50%
PRD low-medium	55%
PRD medium	55%
PRD high	60%

- B. If a PRD is in more than one PRD zone, the lot coverage limitations of each PRD zone shall be respected for the portions of the PRD in that zone.

**17.165.100 Building height.**

- A. The maximum building or structure height shall be 35 feet in all PRD zones except the PRD high zone in which the maximum building height shall be 45 feet.
- B. If a PRD is in more than one PRD zone, the building height limitations of each PRD zone shall be respected for the portions of the PRD in that zone.

**17.165.110 Parking.**

Parking requirements in a PRD are as follows:

- A. In all PRD Zones, a minimum of two (2) covered parking spaces (garage or carport) shall be provided for each dwelling unit.
- B. Such required covered parking spaces shall be maintained solely for the purpose of parking motor vehicles, and such parking shall be maintained solely for the use of the residents of the PRD. The conversion of required covered parking spaces to any use other than the parking of motor vehicles shall be prohibited.

C. Other Parking Requirements for all Residential Zoning Districts:

1. Additional parking for residents and/or visitors shall be provided at a ratio of one (1) parking space for every dwelling unit. One (1) additional required parking space may be located in the private driveway providing access to the required covered parking spaces for an individual dwelling unit, if there is at least a 20-foot setback between the covered parking space and the right-of-way of a public street or the edge of the private street or driveway closest to the covered parking space. Any sidewalk located along a private street or driveway shall be counted as part of the private street for the purpose of measuring such a setback from a required covered parking space. In no case shall a parking space be allowed to overhang an adjacent walkway or sidewalk. All other parking spaces pursuant to this subsection must be located in parking areas that are conveniently located near the units they are intended to serve. The parking areas shall be located so as to not interfere with on-site circulation.
2. Notwithstanding the above, these additional parking spaces may be provided as parallel parking spaces located on the private street or driveway in accordance with Section 17.165.160(B)(6).
3. Supplemental parking spaces shall be provided at a ratio of one-half parking space per dwelling unit with any fraction rounded up for all projects of up to 20 units. For those projects with more than 20 units, additional supplemental parking spaces at a ratio of one-quarter parking space per dwelling unit over 20 shall be provided and any fraction rounded up.

These spaces may be used for RVs, trailers, boats, additional resident or visitor parking, or a combination thereof, as approved in conjunction with a planned residential development.

Supplemental parking spaces shall be located in a parking area that is conveniently located. If the supplemental parking area or portion thereof is used for the storage of RVs, trailers, etc., it must be adequately screened from view by the use of view-obscuring fences, walls or landscaping. The location of all parking spaces shall be designated on the final site plan required by Section 17.165.210(F) and reflected in the covenants, conditions and restrictions (CC&Rs) required by Section 17.165.220 of this chapter.

### **17.165.120 Trash and recycling collection.**

The type of trash and recycling collection service (individual or common trash area) shall be determined at the time of project approval. If a common trash area is used, accommodation of recycling bins shall also be provided.

### **17.165.130 Walls and fencing.**

- A. Parking areas. All open parking areas containing five (5) or more parking spaces that are not effectively screened from abutting residentially developed or residentially zoned property by permanent buildings or a 20-foot wide landscaped setback area, shall contain a six-foot-high solid masonry wall between the parking area and the residential property.

If the parking area is visible from a street, either public or private, it shall be screened from the street by a 42-inch-high solid masonry wall that is at least 10 feet from the exterior property line or private street right-of-way or by the use of alternative screening methods as approved by the city council.

The screening wall for parking areas visible from a public or private street is not required if the parking area is screened from the street with a landscaped area that is at least 20 feet in depth. No screening wall is required when the wall would be adjacent and parallel to the length of a parking space.

- B. Project boundary fence or wall. The construction of a project boundary fence or wall may be required in conjunction with approval of a planned residential development. The intent of this fence or wall is to provide separation from or protection of adjacent properties. This fence or wall may be no higher than six (6) feet with the type of fence or wall to be determined in conjunction with approval of a planned residential development.
- C. Private yard fencing. Fencing of private yards may be required in conjunction with approval of a planned residential development. The type and maximum height of this fencing shall be determined in conjunction with approval of the applicable planned residential development.
- D. Reduction in height of wall or fence. Walls or fences shall not exceed 42 inches in height within the area corresponding to the required exterior yard setback of any abutting residentially zoned or residentially developed property or any commercially zoned property developed with a setback.

E. Under no circumstances shall any fence, wall or hedge, regardless of its location, block pedestrian or vehicular visibility for safe circulation.

**17.165.140 Open space, recreational areas and landscaping.**

A. Common open space and recreational areas.

1. Open space and recreational areas especially designed for common use, either for active recreational use or passive scenic view, which may include private front yards that are a part of a common landscape easement but which may not include any other private yards, patios or distances between buildings, shall be provided based upon the density of the project as shown on the following table and except as provided below:

PRD low-low	1000 sq. ft. per DU
PRD low	400 sq. ft. per DU
PRD low-medium	225 sq. ft. per DU
PRD medium	225 sq. ft. per DU
PRD high	225 sq. ft. per DU

Recreational areas meeting these requirements and designed for active recreational uses may be placed upon roofs of buildings or structures. Recreational areas so placed shall not contribute to lot coverage requirements.

2. Private yards for individual dwelling units in projects of 11 or more units and which have minimum dimensions of 10 feet by 10 feet (100 square feet minimum) may be counted as satisfying up to 50 percent of the common open space/recreational area required in subdivision (1) of this subsection. Private yards in projects of 10 units or less may satisfy 100 percent of the common open space/recreational area requirement in the same manner, subject to approval of the city council.
3. Scenic natural areas such as rock outcroppings, creeks, wooded areas, vistas or other features worthy of preservation may be required to be preserved in conjunction with the approval of a planned residential development.
4. Common open space and recreational areas shall be accessible to all dwelling units.

5. Landscaping shall form a continuous area between and around all buildings and shall be permanently maintained, including a permanent underground irrigation system.
  6. At no time shall any open space or recreational area constitute a health, safety, or fire hazard or create a drainage problem.
- B. A detailed landscaping plan, showing the number, type and size of all plant materials and a permanent, underground irrigation system, and prepared by a registered landscape architect shall be required as a condition of approval of all projects. Such a landscaping plan shall comply with the requirements of Chapter 17.195 for drought tolerance, water efficiency and conservation.

**17.165.150 Signs.**

Refer to Section 17.190.260 for sign guidelines within a PRD.

**17.165.160 Streets and driveways.**

- A. Private streets and driveways shall be permitted within a planned residential development subject to the following criteria:
1. Engineering calculations for the private streets and driveways must be approved by the public works department.
  2. The proposed private street and driveway widths and geometric designs shall relate to function, topography and proposed density;
  3. The proposed private street and driveway structural design shall be related to on-site soil conditions and predicted traffic volumes.
  4. Maintenance responsibilities for private streets and driveways must be assumed by a homeowner's association.
- B. The following criteria shall be used to determine the widths of private streets and driveways:
1. A private street or driveway serving no more than two dwelling units shall have a minimum paved width of 16 feet, if the private street or driveway length is 150 feet or less and a minimum width of 20 feet, if the private street or driveway length is greater than 150 feet.

2. A private street or driveway serving from three (3) to five (5) dwelling units shall have a minimum paved width of 20 feet, if the private street or driveway length is 150 feet or less, and 22 feet, if the private street or driveway length is greater than 150 feet.
3. A private street or driveway serving six (6) or more dwelling units shall have a minimum paved width of 22 feet, if the private street or driveway length is 150 feet or less, and 24 feet, if the private street or driveway length is greater than 150 feet.

NOTE: The length of a private street or driveway shall be that distance measured from the exterior or front property line of the project to the parking space that is most distant from the exterior or front property line and is served by the private street or driveway. In the case of a circular or looped street, the length is the total distance along the centerline of the circular or looped street from the exterior or front property line of the project.

4. All private streets and driveways shall be unobstructed for their entire length and shall provide a minimum 13 feet, six (6) inches of unobstructed vertical clearance.
5. Any private street or driveway used as the backup or egress from any open/uncovered parking space or covered parking space, shall be a minimum of 24 feet wide for the entire width of the parking space plus four (4) feet on either side of the entire width of the parking space.
6. Parallel on-street visitor or guest parking spaces may be permitted on either or both sides of a private street or driveway 24 feet in width as long as the visitor parking spaces are staggered along the length of the private street or driveway so as to not be opposite one another and as long as the width of the private street or driveway is increased by four (4) feet for a minimum length of 35 feet for one (1) visitor or guest parking space and 25 feet for each additional and adjacent visitor or guest parking space.

C. Public streets shall be designed to comply with the city's street improvement standards.

D. Adequate on-site turnarounds shall be provided as determined by the fire department.

- E. Sanitary sewers and storm drains in private streets or driveways may be permitted, but shall be constructed to meet city standards. The maintenance of these private systems must be assumed by a homeowner's association.
- F. The project engineer shall certify that the private streets or driveways have been constructed in accordance with the previously approved engineering design and calculations prior to the occupancy of any dwelling unit.

**17.165.170 Pedestrian walkways.**

- A. Concrete walkways shall be provided adjacent to all on-street parking areas, shall connect all building entrances, recreational buildings and parking areas, and shall have an unobstructed width of not less than (4) four feet.
- B. When required as part of a planned residential development, hiking, equestrian and bicycle paths shall be of a width and constructed to the satisfaction of the city engineer.

**17.165.180 Lighting.**

Lighting adequate for pedestrian and vehicular safety and sufficient to minimize security problems shall be provided. However, in no case shall the required lighting create a nuisance on any adjacent property. An on-site lighting plan for all parking areas, pedestrian walkways and common open space/recreation areas shall be required prior to the issuance of building permits for an approved PRD.

**17.165.190 Utilities.**

All utility distribution lines within a PRD shall be placed underground. Those utility distribution lines along the perimeter of a PRD shall be placed underground as required by Title 16 of the El Cajon Municipal Code. A separate utility system shall be required for water, electric, gas, waste and vent services for each unit in a PRD. The systems shall be installed and operated pursuant to the applicable requirements and procedures of each utility or agency providing the services.

**17.165.200 Architectural compatibility.**

- A. The architecture and design of a PRD shall be compatible with the terrain and existing surrounding development and shall be evaluated for conformance with the guidelines provided in Chapter 17.180.

- B. The architecture and design will be considered along with the project site plan.

**17.165.210 Processing a PRD—preparation of site plan, building elevations and subdivision map.**

- A. In addition to the required zone reclassification application, any application submitted for a Planned Residential Development shall be accompanied by a PRD plan consisting of a proposed site plan, building elevations, a materials/color board, a conceptual landscape plan, floor plans, and any other data determined necessary by the director to adequately evaluate the project for consistency with the applicable PRD development standards. In addition, the PRD plan shall be accompanied by a tentative subdivision map,

- B. Proposed site plan and tentative subdivision map.

1. The proposed PRD site plan shall be drawn to a standard engineering scale and shall reflect all proposed lots, buildings, streets, driveways, parking areas, landscaped areas, open space and recreational areas.
2. A tentative subdivision map or a tentative parcel map, as appropriate, shall be filed concurrently with the proposed site plan for the PRD and shall comply with the state Subdivision Map Act and the city's subdivision title.
3. The information shown on the proposed site plan shall be coordinated with the information shown on the tentative parcel or subdivision map.

- C. Required hearings.

1. The proposed site plan and tentative map shall be considered at a public hearing by the planning commission, which shall recommend approval of the PRD or shall deny the PRD. The decision of the planning commission to deny a PRD may be appealed to the city council pursuant to Chapter 17.30. If a PRD is recommended for approval by the planning commission to the city council, or if a decision of the planning commission to deny a PRD is appealed, the city council shall hold a public hearing and make the final decision to approve or deny the project.

- D. Required findings. A PRD plan may be approved by the city council, if it makes the following findings with respect to the project:

1. The project is consistent with general plan land use map, and applicable general plan goals, policies and programs;
  2. The project complies with the intent and purpose of the existing or requested PRD zone and all applicable development regulations governing planned residential developments;
  3. Approval of the proposed project is in the public interest, convenience and general welfare;
  4. Conditions of approval, where appropriate, have been incorporated to ensure the compatibility of the project with its environment and surrounding development.
- E. Notices for public hearings required pursuant to this chapter shall be as provided as described in Chapter 17.25 of this title.
- F. Final site plan. The final site plan shall be in substantial conformance with the approved proposed site plan. Any phasing of development shall be indicated and may require the approval of the city council [See Section 17.165.230(B)]. The final site plan shall include the following elements:
1. External and internal property lines;
  2. Public improvements including streets, driveways, curbs, gutters, sidewalks, street lights, drainage improvements, etc.;
  3. All building footprints;
  4. All streets, driveways, parking areas, pedestrian pathways;
  5. All landscaped areas;
  6. All easements, including landscape and common area maintenance easements;
  7. All common areas, recreational facilities, and private yards.
- G. A final parcel map or final subdivision map shall be recorded in conformance with the approved tentative parcel or subdivision map, and the appropriate number of copies provided to the city, prior to the issuance of any building permits.

**17.165.220 Covenants, conditions and restrictions (CC&Rs).**

When a planned residential development includes any land or improvements intended for common ownership and/or common maintenance including streets, driveways, parking areas, landscaping, fences, walls, buildings, utilities, recreational facilities or open space, the applicant shall submit proposed covenants, conditions and restrictions, which shall run with the land and which clearly set forth both the privileges and responsibilities involved in the common ownership and/or maintenance. The covenants, conditions and restrictions shall be reviewed and approved by the city attorney and the director of community development prior to the issuance of a building permit. A recorded copy of the approved covenants, conditions and restrictions shall be submitted to the city prior to the sale of any unit.

**17.165.230 Guarantee of performance of required private and public improvements.**

- A. Private improvements in single-phase projects. The developer of a planned residential development shall complete the installation of all private improvements and any other private work required by the city in accordance with the final site plan prior to final occupancy clearance of all units when the project is developed in a single phase or when all building permits are issued simultaneously.
- B. Private improvements in multiphase projects. If a project consists of more than one phase, or if all building permits are not issued simultaneously, or if a single-phase project is changed to more than one phase, the developer of the planned residential development shall enter into an agreement with the city to guarantee the installation and completion of all private improvements and any other private work required by the city in accordance with the final site plan. The agreement shall be in the form of either:
  - 1. Bonding. A bond guaranteeing faithful performance of the agreement and guaranteeing payment for labor and materials; or
  - 2. Trust agreement. A trust agreement evidencing that the estimated cost of the work or improvements has been deposited with an approved trustee.
- C. In order to determine the amount of the bond or trust agreement, the developer shall submit separate cost estimates for each of the following private improvements:

1. Street and driveway paving, curbs, sidewalks, drainage structures and improvements, sewers, lighting, street signs;
2. All landscaping, including irrigation systems;
3. Undergrounding of utilities;
4. Visitor parking areas; and
5. Common recreational facilities.

D. Public improvements in all projects. The developer of a planned residential development shall enter into an agreement with the city whereby, in consideration of approval by the city, the developer agrees to complete the installation of certain public improvements and other work required by the city in accordance with the final development plan. All of the installation and other work shall be completed within the time specified in the agreement. To assure the city that this work will be completed and lien holders paid, the developer shall furnish the city with either:

1. Bonding. A bond guaranteeing faithful performance of the agreement and guaranteeing payment for labor and materials; or
2. Trust agreement. A trust agreement evidencing that the estimated cost of the work or improvements has been deposited with an approved trustee.

E. In order to determine the amount of bond or trust agreement, the developer shall submit separate cost estimates for the following public improvements:

1. Improvements to be made within a public street such as curbs, sidewalks, street paving, drainage structures, sewers, street lights, traffic control devices, monuments and street signs;
2. Improvements to be made within an easement to be dedicated to the city such as sewer or drainage structures;
3. Earthwork and slope planting in public areas; and
4. Undergrounding of utilities in public rights-of-way.

The amount of such bond or cash deposited shall be determined by the city engineer and approved by the city council as to amount and adequacy.

## Chapter 17.170

### H (HILLSIDE OVERLAY) ZONE

#### Sections:

- 17.170.010 Intent and purpose**
- 17.170.020 Permitted uses**
- 17.170.030 Lot lines**
- 17.170.040 Development standards—grading**
- 17.170.050 Development standards—landscaping**
- 17.170.060 Streets**
- 17.170.070 Plan review**
- 17.170.080 Exemptions**

#### **17.170.010 Intent and purpose.**

It is the purpose of the hillside overlay zone to provide for the reasonable use of hillside areas while achieving the following:

- A. Minimizing the danger imposed on the public health, safety and welfare by soil erosion, slippage, flooding and fire; and
- B. Minimizing the disturbance of the natural terrain and thereby conserving the aesthetic qualities afforded by these areas.

With the recognition that hillsides do not lend themselves to the same development standards as predominantly level lands, the regulations and restrictions contained in this chapter are intended to encourage the orderly and controlled development of the hillside areas in El Cajon.

#### **17.170.020 Permitted uses.**

The uses permitted by the underlying zone are subject to the restrictions and regulations of the underlying zone in addition to the restrictions and regulations of this zone.

#### **17.170.030 Lot lines.**

Where applicable, lot lines shall be at the top of slopes so that all downhill slopes are made part of the lot at the lower elevation.

#### **17.170.040 Development standards - grading.**

Grading regulations shall be as follows:

- A. Cut and fill slopes shall be constructed at a gradient ratio no steeper than two horizontal to one vertical (2:1).
- B. No cut or fill slope or combination thereof shall exceed the height of 30 feet measured vertically.
- C. Cut and fill slopes with a height greater than 15 feet shall be separated by a building pad, a street, or, if a natural slope separation is used, a minimum distance of 30 feet.
- D. The elevation of the natural terrain shall not be lowered or raised by more than 30 feet.
- E. The density of all fill material shall be compacted to no less than 90 percent of maximum density, unless the city engineer requires a more dense compaction.
- F. The tops and vertical corners of all constructed slopes shall be rounded to eliminate the sharp corners and shall have a minimum curvature radius of at least five (5) feet.
- G. All slopes created as a result of grading shall have adequate provision for conducting water drainage from the site to a natural drainage course, drainage channel or public right-of-way.

**17.170.050 Development standards—landscaping.**

Refer to Section 17.195.160 for landscaping requirements on slopes created by grading.

**17.170.060 Streets.**

- A. All streets shall conform to the provisions of the subdivision ordinance and the street improvement standards of the city. The city engineer is authorized, however, to modify current street improvement standards when in his determination such modification will provide streets that are functional and also adaptable to the natural terrain.

The reduction of standard right-of-way widths and the elimination of sidewalks on one side of the street may also be considered where the street is designed to serve a very limited number of dwelling units.

- B. Where it is proposed to reduce street widths by the elimination of curbside parking, equivalent parking shall be provided by other means such as parking bays, turn-outs or on-site parking spaces.

**17.170.070 Plan review.**

- A. All tentative maps or plans for development, which require grading shall include the following additional information in order to review proposed grading:
  - 1. Relative contours of the existing ground (maximum five-foot interval);
  - 2. The location of all constructed slopes;
  - 3. Proposed finished grade elevations with all building pads and streets indicated.
- B. All proposals for development, including proposals for retaining walls in areas of known geological hazards, shall be accompanied by a detailed geotechnical report prepared by a certified engineering geologist or licensed geotechnical engineer and containing conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
- C. A detailed grading plan certified by a licensed civil engineer shall be required prior to acceptance of a final map or development plan. The plan shall also be signed by a certified engineering geologist or licensed geotechnical engineer if the development is located in an area of known geological hazard. This plan shall be checked for compliance with the standards and requirements contained herein.
- D. Review of plans under the provisions of this chapter shall not impose any liability upon the city, its officers, agents or employees for damage to other persons or property.

**17.170.080 Exemptions.**

The provisions of this chapter shall not apply to the following:

- A. An excavation that does not exceed 50 cubic yards and is less than one (1) foot in vertical depth;
- B. An embankment that does not exceed 50 cubic yards, is less than one (1) foot in vertical height, and does not obstruct a drainage course;
- C. Excavations or embankments made by a governmental agency or its contractor for purposes of the construction of roadways, pipelines or utilities within designated rights-of-way.

- D. An excavation below finished grade for a basement, footings of a building, or retaining wall, when authorized by a valid building permit;
- E. Existing excavations or embankments made prior to August 10, 1973.

## Chapter 17.175

### MH (MOBILE HOME OVERLAY) ZONE

#### Sections:

- 17.175.010 Intent and purpose**
- 17.175.020 Statutory limitations**
- 17.175.030 Conditional use permit**
- 17.175.040 Locational considerations**
- 17.175.050 Design considerations**
- 17.175.060 Minimum mobile home park size**
- 17.175.070 Density**
- 17.175.080 Development standards**
- 17.175.090 Mobile home subdivisions**
- 17.175.100 Closure of mobile home park**
- 17.175.110 Application to existing mobile home parks**

#### **17.175.010 Intent and purpose.**

The intent and purpose of the MH zone is to establish certain limited standards and criteria to be used in the development of new mobile home parks and to be applied to existing mobile home parks within the City of El Cajon. These standards are intended to ensure the provision of adequate parking and access for those persons residing within a mobile home park as well as to assure the compatibility of the mobile home park with the surrounding area.

#### **17.175.020 Statutory limitations.**

Title 25 of the California Code of Regulations ("Title 25") governs the physical structure and operation of mobile home parks in the state. Accordingly, this chapter is intended to complement Title 25. In the event of any discrepancy between the requirements of this chapter and provisions of Title 25, the provisions of Title 25 shall apply.

#### **17.175.030 Conditional use permit.**

- A. A conditional use permit shall be required for mobile home park development under the following conditions:
  - 1. Development of a new mobile home park;
  - 2. Modification or expansion of an existing mobile home park.
- B. All existing mobile home parks which do not comply with all of the provisions of this chapter or which are annexed into the city after January 1, 1993, shall be designated as nonconforming uses, as that

term is defined in Chapter 17.120 of this title, unless they subsequently comply with all provisions of this section.

- C. When a difference occurs between the standards and criteria of this chapter and the regulations of the underlying zoning district, the standards of this chapter shall apply.
- D. When applying for a conditional use permit pursuant to the provisions of this chapter, the applicant shall submit the following:
  - 1. Completed conditional use permit application;
  - 2. Plot plan indicating the following:
    - a. Each mobile home lot, numbered and dimensioned,
    - b. Streets or driveways with dimensions,
    - c. Ingress and egress,
    - d. Parking areas, numbered and dimensioned,
    - e. Landscaped areas,
    - f. Storage yard,
    - g. Trash areas,
    - h. Walls and fences,
    - i. Recreational amenities;
  - 3. Preliminary landscaping plan;
  - 4. Grading plan.

**17.175.040 Locational considerations.**

Mobile home parks, regardless of the underlying zoning classification, shall be located on a major street (either a primary or secondary thoroughfare). Mobile home parks should also be located in close proximity to shopping, neighborhood parks, schools, public transportation and other residential support facilities.

**17.175.050 Design considerations.**

A mobile home park should be designed and developed in a manner that is compatible with and complementary to existing and potential residential development in the immediate vicinity. In addition, the design should relate to the natural topography and environment of the property and surrounding properties so as to minimize any possible disturbances and dislocations.

**17.175.060 Minimum mobile home park size.**

The minimum size of a mobile home park shall be five (5) acres.

**17.175.070 Density.**

The maximum number of mobile homes shall not exceed the density established by the following table. The net lot area is the lot area that remains after all dedications for public streets along the exterior property line of the mobile home park have been made. The right-of-way of private or public streets within the mobile home park shall be included in the net lot area.

<b>Underlying Zone</b>	<b>Maximum Number of Mobile homes</b>
RS-40	Net lot area divided by 40,000 sq. ft. (1 per acre)
RS-20	Net lot area divided by 20,000 sq. ft. (2 per acre)
RS-14	Net lot area divided by 14,000 sq. ft. (3 per acre)
RS-9	Net lot area divided by 9,000 sq. ft. (4.5 per acre)
RS-6	Net lot area divided by 6,000 sq. ft. (7 per acre)
RM-6000	Net lot area divided by 6,000 sq. ft. (7 per acre)
RM-4300	Net lot area divided by 6,000 sq. ft. (7 per acre)
RM-2500	Net lot area divided by 5,400 sq. ft. (8 per acre)
RM-2200	Net lot area divided by 4,350 sq. ft. (10 per acre)
RM-1500	Net lot area divided by 4,350 sq. ft. (10 per acre)

RM-HR	Net lot area divided by 4,350 sq. ft. (10 per acre)
PRD low low	Net lot area divided by 20,000 sq. ft. (2 per acre)
PRD low	Net lot area divided by 4,350 sq. ft. (10 per acre)
PRD low- medium	Net lot area divided by 4,350 sq. ft. (10 per acre)
PRD medium	Net lot area divided by 4,350 sq. ft. (10 per acre)
PRD high	Net lot area divided by 4,350 sq. ft. (10 per acre)

**17.175.080 Development standards.**

A. Perimeter walls and fences.

1. A solid masonry wall or view-obscuring fence six (6) feet in height or a landscaped buffer strip 20 feet in depth shall be required along all exterior property lines adjacent to a public street. The wall or fence shall observe the same exterior yard setbacks as required by the underlying zoning district and the setback area shall be landscaped.
2. Solid walls or fences six (6) feet in height shall be required along all interior property lines except those in cases where the planning commission determines that adequate buffer screening between the mobile home park and adjacent property is provided through landscaping or topographic features.
3. All areas between required exterior walls and fences and the public right-of-way shall be landscaped in accordance with the provisions of this title.

B. Parking requirements.

1. Two (2) resident spaces shall be provided for each mobile home lot.
2. One (1) guest parking space shall be provided for every three (3) mobile home lots.
3. One supplemental parking space shall be provided for every five (5) mobile home lots for the first 50 lots in the mobile home park. One (1) additional supplemental parking space shall be

provided for every 10 mobile home lots in excess of the first 50 lots.

4. Uncovered parking spaces shall have minimum dimensions of 8.5 feet by 18.5 feet and covered parking spaces shall have minimum dimensions of 10 feet by 20 feet.

C. Signs. Signs shall meet the requirements of the underlying zoning district. One (1) additional sign identifying the entire mobile home park may be approved by the planning commission, with the sign area not to exceed 48 square feet per face.

D. Access. Vehicular access shall be provided. Minimum driveway widths shall be 12 feet for one-way driveways and 24 feet for two-way driveways. All driveways located in the public right of way shall be subject to the approval of the director of public works.

#### **17.175.090 Mobile home subdivisions.**

A new mobile home subdivision or the conversion of a mobile home park to a mobile home subdivision shall be processed as a planned unit development in lieu of requiring a conditional use permit. The development shall comply with all the requirements of Chapter 17.60 (Planned Unit Development) in addition to the requirements of this chapter. Where a conflict arises between the requirements of Chapter 17.60 (Planned Unit Development) and the requirements of this chapter, the requirements of this chapter shall apply.

#### **17.175.100 Closure of mobile home park.**

Prior to the closure of a mobile home park that would result in the displacement of existing mobile home residents, the property owner/applicant must initiate and successfully amend the General Plan to delete the "M" overlay designation and initiate and successfully rezone the subject property to delete the "MH" overlay zone.

In addition, a tenant impact report, prepared pursuant to state law, shall be submitted with any other required applications and considered by the planning commission and city council in making any decisions affecting the closure of the mobile home park.

#### **17.175.110 Application to existing mobile home parks.**

Existing mobile home parks, which do not satisfy all of the above-referenced criteria and standards, may still receive the mobile home overlay zone based upon the consideration of, but not limited to, the following criteria:

- A. Age of park;
- B. Density;
- C. Space size;
- D. Maintenance levels;
- E. The percentage of permanent residents;
- F. The presence of amenities such as swimming pools, clubhouses or recreational facilities;
- G. Exclusive parking spaces available to each mobile home space;
- H. Available natural gas.

## Chapter 17.180

### ARCHITECTURAL GUIDELINES

#### Sections:

- 17.180.010 Intent and purpose**
- 17.180.020 Height, bulk, and mass**
- 17.180.030 Design creativity**
- 17.180.040 Visual interest**
- 17.180.050 Continuation of design**
- 17.180.060 Rooftop equipment screening**
- 17.180.070 Variation of wall planes**
- 17.180.080 Entry features**
- 17.180.090 Proportionality**

#### **17.180.010 Intent and purpose.**

The intent and purpose of this chapter is to improve the appearance of buildings in the community, using quality and compatibility with surroundings as primary considerations. The simple, basic principles listed in this chapter shall provide guidance to applicants, staff members, and decision makers in making decisions related to building design and architecture.

#### **17.180.020 Height, bulk, and mass.**

The height, bulk, and mass of structures shall be compatible with surrounding development and appropriate for the use and site.

#### **17.180.030 Design creativity.**

Innovative and imaginative designs are encouraged, bizarre or monotonous architecture is prohibited.

#### **17.180.040 Visual interest.**

Visual interest shall be provided by means of variation in building details, form, materials, and color.

#### **17.180.050 Continuation of design.**

The architectural design of a structure shall be expressed on all exterior surfaces.

**17.180.060 Rooftop equipment screening.**

Rooftop equipment shall be screened from view, and such screening shall be architecturally compatible with the rest of the structure.

**17.180.070 Variation of wall planes.**

Large, flat, unbroken wall surfaces shall be varied by the use of projections, bays, window and structural rhythms, shadow lines, contrast, and surface richness.

**17.180.080 Entry features.**

Building entrances shall be marked by eave-line changes, recesses, projections, roof overhangs, or special detailing.

**17.180.090 Proportionality.**

Windows, columns, doorways, parapets, eaves, and other building elements shall have good proportions and good relationships to one another and to wall areas.

## Chapter 17.185

### PARKING STANDARDS

#### Sections:

- 17.185.010 Purpose
- 17.185.020 Location
- 17.185.030 Minimum stall dimensions
- 17.185.040 Fractional parking numbers
- 17.185.050 Vehicular access
- 17.185.060 Backup space
- 17.185.070 Paving and maintenance
- 17.185.080 Curbs and wheel stops
- 17.185.090 Parking adjacent to alleys
- 17.185.100 Parking requirements for uses not specified
- 17.185.110 Disabled parking requirements
- 17.185.120 Mixed occupancy in a building
- 17.185.130 Joint use parking
- 17.185.140 Joint use driveways
- 17.185.150 Bicycle parking
- 17.185.160 Vehicle stacking for drive through service lanes
- 17.185.170 Residential zone parking requirements
- 17.185.180 Residential zone driveway and drive aisle widths
- 17.185.190 Commercial zone parking requirements
- 17.185.200 Nonresidential parking areas in multiple-family residential zones
- 17.185.210 Commercial zone driveway and drive aisle widths
- 17.185.220 M and C-M zone parking requirements
- 17.185.230 M and C-M zone driveway and drive aisle widths
- 17.185.240 Loading area requirements in the M and C-M zones
- 17.185.250 Use of parking for temporary storage in the M zone

#### 17.185.010 Purpose.

The purpose of this chapter is to list regulations relating to parking requirements, parking areas, vehicle access, and on-site vehicle circulation under simplified headings.

#### 17.185.020 Location.

Required parking shall be located as follows:

- A. Except as provided elsewhere in this title, off-street parking facilities shall be situated on the site for which the parking is required.

- B. In the M zone only, off-site parking may be provided In a private parking area that is within 300 feet of the site, provided that said additional parking area is owned by the same owner, and further provided that restrictive covenants are enacted limiting the use of the lot to parking for as long as the building exists or the parking is required by this title.
- C. In the commercial zones (including the C-M zone) off-site parking may be approved by a Specific Plan in accordance with the provisions of Chapter 17.70 provided that it is located within a safe walking distance of 300 feet from the subject property and not located across a primary thoroughfare, and further provided that restrictive covenants are recorded in the chain of title of all affected properties limiting the use of the lot or lots to parking for as long as the building exists, or for as long as the parking is required by this title.
- D. Except as provided elsewhere in this title, all parking areas shall be subject to the same setback restrictions governing accessory buildings.
- E. Parking areas shall not be situated within any required front or exterior yards. Under no circumstance shall off-street parking be located within 10 feet of a public street. An exception to this provision exists for vehicles parked in an authorized driveway leading to covered parking at a single-family residence.
- F. With the exception of single-family residential development, on-site parking spaces shall not be situated so as to promote backing out onto any public right-of-way other than an alley.

**17.185.030 Minimum stall dimensions.**

- A. Outdoor, uncovered, parking stalls shall have minimum dimensions of 8.5 feet in width, by 18.5 feet in depth. Such parking spaces may overhang landscaped areas by no more than two feet inclusive of the curb width separating the stall from the landscaped area. The parking spaces my not overhang required walkway or sidewalk width. The painted stripes that define required parking stalls shall have a minimum width of four (4) inches and parking stall width shall be measured from the center of such stripes.
- B. Indoor and covered parking stalls, including stalls in garages and carports, shall have minimum dimensions of 10 feet in width by 20 feet in depth. Nothing shall be permitted to encroach into the required covered parking area including stairways, work-benches, laundry facilities, water heaters, etc.

- C. Minimum dimensions of angled parking stalls shall be determined by the city traffic engineer and maintained on file in the community development department.
- D. Motorcycle parking stalls shall have minimum dimensions of five (5) feet in width and 10 feet in depth.
- E. Parking spaces designed for small or economy cars shall not be permitted in satisfaction of the parking requirements imposed by this title, but may be permitted for parking spaces in excess of the requirements listed in this title.

**17.185.040 Fractional parking numbers.**

All cumulative parking requirement calculations resulting in a fractional remainder shall be rounded up to require one additional space.

**17.185.050 Vehicular access.**

Each parking space required by this title shall have unobstructed vehicular ingress and egress. Access to required parking areas shall be provided in the form of a paved driveway. The location and design of all entrances and exits from all parking areas to public streets shall be subject to the approval of the director of public works.

**17.185.060 Backup space.**

Standard, rectangular (90 degree) parking spaces shall provide at least 24 feet of unobstructed back up maneuvering space. Back up space requirements in parking areas with angled stalls shall be determined by the city traffic engineer and maintained on file in the community development department.

**17.185.070 Paving and maintenance.**

All parking areas and driveways shall be paved with a minimum of two (2) inches of asphaltic concrete on a prepared base, unless an alternative parking surface is required or approved by the director of public works. Areas of new and replaced pavement shall be so graded and drained as to dispose of all water to a sufficiently sized and stabilized landscaped or otherwise pervious area in compliance with Low Impact Development (LID) requirements prior to being discharged to the public right-of-way.

**17.185.080 Curbs and wheel stops.**

All parking spaces abutting a street or alley property line that are not separated by a fence or wall from such street or alley property line shall be

provided with a suitable concrete curb or wheel stops not less than six (6) inches in height, situated not closer than two and one-half feet (2.5) from such street or alley property line. This provision shall not apply to parking spaces that are adjacent to, and accessed directly from an alley with a minimum width of 24 feet.

**17.185.090 Parking adjacent to alleys.**

Parking spaces that are adjacent to and accessed directly from an alley are permitted provided that the alley is at least 24 feet wide.

**17.185.100 Parking requirements for uses not specified.**

Where a use is not specifically listed within this title, the parking requirements for such use shall be determined by the director, in the manner set forth in Chapter 17.10, and such determination shall be based upon the requirements for the most comparable use specified herein. If a conditional use permit is required to establish the use, the planning commission shall determine the parking requirement based upon the requirements for the most comparable use specified herein.

**17.185.110 Disabled parking requirements.**

Disabled parking spaces will be counted toward satisfying the off-street parking requirements otherwise required by this title.

**17.185.120 Mixed occupancy in a building.**

In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.

**17.185.130 Joint use parking.**

The planning commission may authorize the joint use of parking facilities by the following uses or activities subject to the granting of a conditional use permit:

- A. Up to 50 percent of the required parking for a use conducted primarily during the daytime may be provided by a use conducted primarily during the nighttime. The same provision exists for a primarily nighttime use, if the required parking is provided by a primarily daytime use. However, such reciprocal parking area shall be subject to conditions set forth in subsection (D) of this section.

- B. Up to 100 percent of the parking facilities required by this chapter for a religious facility or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in subsection (D) of this section.
- C. The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings, and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, religious facilities, dance halls, theaters and night clubs.
- D. Conditions required for joint use:
  - 1. The parking provided as joint use parking shall be a maximum distance of 150 feet from the building or use for which joint-use parking is proposed.
  - 2. The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.
  - 3. Upon approval by the planning commission a proper legal instrument, approved by the city attorney as to form and content, shall be recorded documenting conditions of approval applicable to the joint use parking agreement.

**17.185.140 Joint use driveways.**

The joint use of abutting driveways on adjacent properties may be permitted upon acceptance by the city of legal arrangements granting joint access. Such joint driveways shall conform to all other provisions of this title relating to length, width and access.

**17.185.150 Bicycle parking.**

All non-residential developments and mixed use developments requiring the approval of a site development plan, planned unit development, or conditional use permit, shall provide bicycle parking facilities on site to accommodate a number of bicycles equal to not less than 10 percent of the required vehicular parking. The design and location of the bicycle parking facilities shall be subject to review and approval in conjunction with the approval of the applicable site development plan, planned unit development, or conditional use permit.

**17.185.160 Vehicle stacking for drive-through service lanes.**

For drive-through facilities that permit the transaction of business directly with customers within a motor vehicle, for purposes of determining the stacking capacity of vehicles in a drive-through service lane, the minimum length provided per vehicle shall be 25 lineal feet. It shall be left for determination at the time of conditional use permit review and approval how much total stacking capacity is adequate for the use proposed.

**17.185.170 Residential zone parking requirements.**

The table below lists the minimum parking requirements for residential developments. For parking requirements related to institutional uses and government facilities located in residential zones, see the commercial zone parking table located below in Section 17.185.190. The endnotes at the bottom of the table contain information that supplements the information listed in the table’s matrix.

<b>Table 17.185.170 – Residential Zone Parking Requirements</b>			
Zones:	Per single-family unit:	Per studio or 1 bedroom unit:	Per unit with 2 or more bedrooms:
O-S	2 <sup>1</sup>	NA	2.25
PRD	See Chapter 17.165		
PUD	See Chapter 17.60		
RS-40	2 <sup>1</sup>	NA	2.25
RS-20	2 <sup>1</sup>	NA	2.25
RS-14	2 <sup>1</sup>	NA	2.25
RS-9	2 <sup>1</sup>	NA	2.25
RS-6	2 <sup>1</sup>	NA	2.25
RM-6000	3 <sup>1,2</sup>	NA	2.25
RM-4300	2	2	2.25
RM-2500	2	2	2.25
RM-2200	2	2	2.25
RM-1500	2	2	2.25
RM-HR	2	2	2.25
Endnotes:			
1	Must be provided in an enclosed garage with minimum un-obstructed interior dimensions of 20 ft. by 20 ft.		
2	Must provide one additional paved space per unit as visitor parking.		
Flag lots	Flag lots must provide one additional paved parking space, which may not be located in a required front or exterior side yard and may not block the driveway leading to the required garage.		

Second family units	Second family units in single-family residential zones shall provide one additional paved parking space per bedroom. Such spaces may not be located in a required front or exterior side yard and may not block the driveway leading to the required garage for the primary dwelling unit.
Loading spaces for multi-family development	Multi-family developments in the RM-4300 through RM-HR zones shall provide 1 additional designated space for temporary loading activities per every 25 units, or fraction thereof.
Board and care facilities	Board and care facilities shall provide 2 spaces, plus 1 space for every three beds, or fraction thereof.

**17.185.180 Residential zone driveway and drive aisle widths.**

The table below lists the minimum width requirements for required residential driveways and drive aisles. The endnotes at the bottom of the table contain information that supplements the information contained in the table's matrix.

<b>Table 17.185.180 – Residential Zone Driveway and Drive Aisle Widths</b>						
Residential Zones:	1 or 2 units with driveway or connecting drive aisles less than 150 ft.	1 or 2 units with driveway or connecting drive aisles greater than 150 ft.	3 to 5 units with driveway or connecting drive aisles less than 150 ft.	3 to 5 units with driveway or connecting drive aisles greater than 150 ft.	6 or more units with driveway or connecting drive aisles less than 150 ft.	6 or more units with driveway or connecting drive aisles greater than 150 ft.
O-S	10 ft.	10 ft.	N/A	N/A	N/A	N/A
PRD	See Chapter 17.165					
RS-40	10 ft.	10 ft.	N/A	N/A	N/A	N/A
RS-20	10 ft.	10 ft.	N/A	N/A	N/A	N/A
RS-14	10 ft.	10 ft.	N/A	N/A	N/A	N/A
RS-9	10 ft.	10 ft.	N/A	N/A	N/A	N/A
RS-6	10 ft.	10 ft.	N/A	N/A	N/A	N/A
RM-6000	12 ft.	16 ft.	16 ft.	22 ft.	N/A	N/A
RM-4300	12 ft.	16 ft.	16 ft.	22 ft.	22 ft.	24 ft.
RM-2500	12 ft.	16 ft.	16 ft.	22 ft.	22 ft.	24 ft.
RM-2200	12 ft.	16 ft.	16 ft.	22 ft.	22 ft.	24 ft.
RM-1500	12 ft.	16 ft.	16 ft.	22 ft.	22 ft.	24 ft.
RM-HR	12 ft. <sup>1</sup>	16 ft. <sup>1</sup>	16 ft. <sup>1</sup>	22 ft. <sup>1</sup>	22 ft. <sup>1</sup>	24 ft. <sup>1</sup>
Endnotes:						
1	Except as modified by SP No. 182					

One-way driveways	One-way driveways and drive aisles shall be permitted only when absolutely necessary. Minimum width for one-way driveways and drive aisles is 12 feet.
Vertical Clearance	Driveways and drive aisles must maintain an unobstructed vertical clearance of 13.5 ft.
Parking restrictions for reduced driveway widths	Standard (90-degree) parking stalls may not be located adjacent to any drive aisles that are less than 24 feet in width unless such parking spaces are physically separated by a wall, a six-inch concrete curb, or a wheel stop.
Angled parking	Drive aisles for angled parking shall be determined by the city traffic engineer and maintained on file in the community development department.

**17.185.190 Commercial zone parking requirements.**

The table below lists the minimum parking requirements for non-residential developments and uses.

<b>Unique uses</b>	
Caretakers unit	2 spaces in addition to any other parking required at the site
<b>Institutional uses, utilities, and places of assembly</b>	
Religious facilities, theatres, auditoriums, and similar places of assembly	1 space per every 5 fixed seats, or 1 space for every 200 square feet of gross floor area whichever is greater.
Public buildings including utilities and related facilities	As determined by CUP
Vocational or trade schools	1 space for every 35 square feet of laboratory or work area plus 1 space for every 200 square feet of remaining floor area at the school.
<b>Commercial uses</b>	
General office uses and general retail commercial uses not specified elsewhere in this table	1 space per 250 square feet of gross floor area up to 10,000 square feet, plus 1 space per 300 square feet of gross floor area for the next 15,000 square feet, plus one space per 400 square feet of gross floor area above 25,000 square feet

Dance halls	1 space per 50 square feet of dance floor, or 1 space per 300 square feet of gross floor area, whichever is greater
Restaurants, cocktail lounges, and similar eating and drinking establishments	1 space per 100 square feet of gross floor area, except as follows: In shopping centers over 2 acres in size, the parking requirement for restaurants is the same as for other general retail uses in that center.
Hospitals	1 space per bed
Hotels and motels	1 space per room, plus 1 space per 300 square feet of gross floor area dedicated to offices, restaurants and lounges located within the hotel or motel.
Automobile Fueling Station	See Chapter 17.215
Outdoor venues such as swap meets, farmers markets, athletic fields, and other outdoor recreational facilities	1 space for every three people anticipated at maximum attendance as indicated by the required conditional use permit
Indoor recreational facilities such as bowling alleys, game centers, fitness centers, dance studios, and martial arts facilities.	1 space per 200 square feet of recreation area plus 1 space per 400 square feet of non-recreation area; accessory eating and drinking areas to be calculated separately at 1 space per 100 square feet.
Outdoor sales areas	1 space per 1,000 square feet of outdoor sales and display. The parking requirement for outdoor sales areas at motor-vehicle sales establishments shall be determined at time of the conditional use permit
Transportation facilities (bus depots, trolley stations, etc.)	1 space per five fixed seats or 1 space per 400 square feet of gross floor area, whichever is greater

**17.185.200 Nonresidential parking areas in multiple-family residential zones.**

Nonresidential parking areas are permitted in all multiple-family residential zones, subject to approval of a conditional use permit and provided the following provisions are met:

- A. Such parking lot shall be in addition to the required parking of a permitted commercial or industrial establishment.

- B. Such parking lot shall be located within 50 feet of the commercial or industrial use that it serves.
- C. Such parking lot shall be used solely for the parking of private passenger vehicles.
- D. No sign of any kind, other than one designating entrances, exits or conditions of use shall be maintained on such parking lot. Any such sign shall not exceed eight (8) square feet in area.

**17.185.210 Commercial zone driveway and drive aisle widths.**

The following standards for driveways and drive aisles shall apply to all commercial developments in commercial zones, exclusive of the C-M zone.

- A. Two-way commercial driveways and drive aisles shall have a minimum width of 24 feet. A drive aisle connecting a driveway to a parking area may be reduced to a width of 22 feet if the connecting drive aisle is less than or equal to 25 feet in length.
- B. One-way commercial driveways and drive aisles shall have a minimum width of 12 feet. A drive aisle connecting a driveway to a parking area may be reduced to a width of 11 feet if the connecting drive aisle is less than or equal to 25 feet in length.
- C. Drive aisle widths in parking areas with angled stalls shall be determined by the city traffic engineer and maintained on file in the community development department.

**17.185.220 M zone and C-M zone parking requirements.**

The table below lists the minimum parking requirements for developments in the M zone and C-M zone. The endnotes at the bottom of the table contain information that supplements the information contained in the table's matrix.

<b>17.185.220 M Zone and C-M Zone Parking Requirements</b>	
Manufacturing and transportation uses	1 space per 600 square feet of gross floor area <sup>1</sup>
Warehousing and distribution	1 space per 1,000 square feet of gross floor area <sup>1,2</sup>
Trade and service uses	1 space per 300 square feet of gross floor area
Outdoor sales areas and outdoor storage	1 space per 1,000 square feet of outdoor sales or storage area.
Large Box Retail	In the C-M zone, the parking requirement for large box retail

	establishments may be reduced to 1 space per 500 feet of gross floor area.
Vocational or trade school	1 space for every 35 square feet of laboratory or work area plus 1 space for every 200 square feet of remaining floor area at the school.
Endnotes:	
1	Includes accessory office space up to 25% of gross floor area. Office areas in excess of 25% shall provide parking at 1 space per 300 feet of additional office space.
2	Warehouse developments must provide sufficient undeveloped, open space that is not a part of any required landscaping or setbacks to be reserved for potential parking area expansion to accommodate the parking requirement for a manufacturing or transportation use.
Parking for mezzanines	The parking requirement for mezzanines areas shall be the same as the requirement for the other areas of a development
Employee compact parking	In the C-M and M zones only, any use with fifty or more required parking spaces may designated an employee-only parking area with up to 40 percent of the required parking spaces reduced in size to 8.5 feet by 17 feet.

**17.185.230 M zone and C-M zone driveway and drive aisle widths.**

In the M and C-M zones, two-way driveways and drive aisles shall have a minimum width of 24 feet. One-way driveways and drive aisles shall have a minimum width of 15 feet.

**17.185.240 Loading area requirements in the M and C-M zones.**

Developments in the M and C-M zones shall provide on-site loading areas. Loading areas must be provided in such a location and configuration that their use does not extend into the public right-of-way when a vehicle is properly loading. A two-way driveway may be used to satisfy this requirement. Any overhead doors facing and visible from the public right-of-way shall be set back a minimum of 65 feet from any exterior property line.

**17.185.250 Use of parking for temporary storage in the M zone.**

On existing developments in the M zone, a portion of the required number of parking spaces may be fenced off for temporary outside storage purposes subject to the approval of a conditional use permit. However, in granting such a conditional use permit the planning commission must find that there is a demonstrated need for the outdoor storage area and that the remaining on-site parking shall be adequate for both employee and customer needs. The following minimum requirements shall be included as conditions of approval, if the conditional use permit is granted:

- A. In no case shall the temporary outdoor storage occupy more than 50 percent of the required parking spaces;
- B. The planning commission shall determine the duration, or term, of the conditional use permit authorizing temporary outdoor storage;
- C. A view-obscuring fence shall screen the outdoor storage. The design and appearance of the required fence is subject to planning commission approval.
- D. A suitable and sufficient guarantee shall be posted to assure the removal of the fence and stored materials at the end of the approved term;
- E. The height of any stored materials shall not exceed the height of the screening fence.

## Chapter 17.190

### SIGNS

#### Sections:

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- 17.190.260 Signs in planned residential developments**
- 17.190.270 Sign overlay zone and billboard signs**

#### **17.190.010 Title.**

This chapter shall be known as the sign ordinance.

#### **17.190.020 Regulatory scope.**

This chapter regulates signs that are located on private property (not including public rights-of-way), or on property owned by public entities other than the city of El Cajon, and over which the city holds land use regulatory authority, when such property is located within the corporate limits of the city of El Cajon.

### **17.190.030 Purpose and intent.**

The purpose of this chapter is to establish a comprehensive system for the regulation of signs in the city of El Cajon. Sign regulation is enacted to serve the interests of community aesthetics, vehicular and pedestrian safety, to protect and preserve property values, to improve the visual environment of the city so as to promote commerce, investment, tourism, visitation, and the overall quality of life for persons living in, doing business in, or visiting the city. The provisions of this chapter are also intended to promote the public health, safety and general welfare of persons driving, parking, walking, residing, or conducting business within the city by reducing visual distractions to motorists, by making signs and advertising displays more attractive, aesthetically pleasing, and more effective. It is the further purpose of this chapter to ensure that every use of property within the city receives adequate identification. The regulations of this chapter are not intended to permit any violations of the provisions of any other lawful ordinance, or to prohibit the use of any sign required by any law superior to that of this ordinance.

### **17.190.040 Basic policies.**

The policies and provisions of this section shall apply to all signs regulated by this chapter.

- A. Message neutrality. Consistent with both the federal and state constitutions, it is the city's policy to regulate signs in a manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- B. Regulatory interpretations. All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in Chapter 15.04, then the director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. Architectural compatibility shall be analyzed without consideration of the message to be displayed on a sign, other than the distinction between on-site and off-site commercial messages.
- C. Discretionary approvals. Whenever a sign or proposed sign is subject to any discretionary approval process, including but not limited to a variance, or a conditional use permit, no consideration will be given to sign copy or message to be displayed, other than a determination as to whether the message will constitute off-site commercial copy. This

principle applies equally at all levels of approval, from the director to the city council.

- D. Message substitution policy. Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- E. Non-communicative aspects of signs. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, and so forth, stand enforceable independently of any permit or approval process.
- F. Billboard policy. It is a fundamental land use policy of the city of El Cajon to prohibit the construction, erection or use of any billboards, as defined in this chapter, other than those that legally exist in the city, or for which a valid permit has been issued and has not expired as of the date on which this provision is first adopted, or as may be allowed by the S overlay zone (Section 17.34.260, below). The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard that violates this policy, and the construction or maintenance of any billboard in violation of this subsection is declared a nuisance and the city may take immediate steps to abate any nuisance created by any billboard constructed or maintained in violation of this policy. The city council affirmatively declares that it would have adopted this subsection even if it were the only provision in this chapter.

The city council intends for this subsection to be severable and separately enforceable, even if other provisions of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This subsection does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by California Business and Professions Code Section 5412.

- G. Multiple use zones. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in a residential zone, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- H. Property owner's consent. No sign may be displayed on real or personal property without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this subsection, "owner" means the holder of legal title to the property and all parties and persons holding a present right of possession, control, or use of the property.
- I. Projection over public right-of-way. No sign may project over the public right-of-way unless such projection is specifically authorized by this chapter or by a policy statement or resolution, adopted by the city council, authorizing such projection.
- J. Legal nature of signage rights and duties. As to all permanent signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This subsection does not modify or affect the law of fixtures, or sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter).
- K. Compliance with safety codes. In addition to the requirements of this chapter, all signs displayed in the city must comply with the provisions of Title 15, regulating building and construction in the city.
- L. Compliance with other laws. All signs displayed in the city must comply with the requirements of this chapter and the requirements of all other applicable laws.
- M. Permit requirement. It is illegal to display any sign within the city without a sign permit as required in Section 17.190.060, unless the particular sign is expressly exempted from the permit requirement by any provision of this chapter.
- N. Right to permit. When a given sign is subject to the permit requirements of this chapter, and the applicant satisfies all of the requirements of this chapter and all other applicable law, the permit

shall be issued upon the terms and conditions stated in this chapter and such other applicable laws.

- O. Right to sign. When a sign is not subject to a permit requirement, and fully conforms with all the provisions of this chapter and all other applicable laws, the sign may be displayed as a matter of right.
- P. Severance. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid, unconstitutional or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision in this chapter that can be given effect without the invalid portion. In adopting this chapter the city council affirmatively declares that it would have approved and adopted the chapter even without any portion that may be held invalid or unenforceable.

#### **17.190.050 Sign definitions.**

The following alphabetically listed definitions shall be used when interpreting this sign ordinance. Refer to Chapter 17.10 of this title for provisions relating to the interpretation of ambiguity or omissions.

“Advertising display” means an advertising structure or a sign as defined in this chapter.

“Advertising structure” means a structure of any kind or character, including statuary erected or maintained for outdoor advertising or attention calling purposes, on which any poster, bill, printing, painting, or other advertisement, identification, or directions of any kind may be placed, including statuary which implies a message in itself or which calls attention to the premises on which it is constructed. The term “advertising structure” does not apply to public art.

“Animated sign” means a sign with action, motion, or moving parts, including devices activated by wind or forced air, or human power, and signs that revolve. This definition does not include revolving barber poles.

“Awning” means a temporary shelter, which protrudes from, and is supported entirely by, the exterior wall of a building. For the purposes of sign regulations, any sign on an awning shall observe all applicable provisions of the zoning ordinance. For example, awning signs shall count toward overall size regulations and shall not project over public rights-of-way.

“Balloon” means a type of sign or advertising display consisting of a nonporous bag of material filled with heated air, a gas lighter than air, or air under pressure and used for advertising purposes.

“Billboard” means a permanent structure sign with a display face exceeding 32 square feet that is used to display off-site commercial messages.

“Boxing” means a technique used for calculating the area of irregularly shaped sign copy and graphics. Boxing means to draw a series of parallel lines around the area of the sign element being measured. These parallel lines are connected to enclose the sign element within a contiguous area consisting of rectangles and/or parallelograms. For the purpose of calculating allowable sign area, the cumulative area of the rectangles and parallelograms is considered to be the area of the sign element.

“Building face extension sign” means a sign that appears to be a direct vertical extension of a building face, but which in reality projects above the roofline of a building. A building face extension sign forms a continuous connection with the building face or wall toward which it is oriented and shall not extend higher than three feet above the building wall to which it is attached.

“Building face or wall sign” means a sign painted or constructed flush along the face of a wall of a building or structure.

“Canopy sign” means a sign attached, painted, or suspended from a canopy or similar architectural feature, but which does not project above the supporting canopy.

“Community service sign” means an advertising structure or sign less than one hundred square feet in total area (all display faces combined) that serves to identify city council approved community-wide events.

“Commercial message, or commercial speech,” means a message displayed on a sign that proposes a commercial transaction or is related primarily to the economic interests of the speaker and its audience. Messages promoting professional services are within this definition.

“Construction sign” means a temporary sign located on property where a building permit or equivalent has been issued, actual building or construction is taking place, and no certificate of completion or certificate of occupancy has yet been issued.

“Electronic message display” means a sign with either a fixed or changeable display which may be changed by electronic processes or remote control, which may include words and/or pictures and composed of a series of lights, light emitting diodes (LEDs) or liquid crystal displays (LCDs) or functionally similar signs.

“Feather banner” means a freestanding temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and mounted to the shaft.

“Flashing sign” means a sign with lights or reflective materials that flashes, strobes, or reflects light, or that changes in image or intensity more frequently than once each four seconds. Time and temperature indicators and traditional revolving barber poles are not within this definition.

“Freeway-oriented sign” means a sign within 660 feet of a freeway, which has copy that is directed toward, and intended to be viewed from, a freeway.

“Incidental, or directional, sign” means a sign that provides functional information that is incidental, supplemental or accessory to a permitted use on a property, or direction and distance information for the use of pedestrians or motorists. Such signs typically display information such as Entrance, Exit, Telephone, Restrooms, etc.

“Inflatable object” means a type of sign or advertising display greater than sixteen inches in diameter at its widest point and consisting of a nonporous material that is filled with or activated by heated air, a gas lighter than air, or air or a gas under pressure, and used for purposes of advertising, attracting attention, or conveying a visual image.

“Marquee sign” means a sign attached to or constructed on a marquee.

“Menu board sign” means an informational sign used in conjunction with drive through restaurants or other establishments that serve or communicate with customers, clients or members who are located in their motor vehicles.

“Monument sign” means a low-profile freestanding structure eight feet or less in height and length, and two feet or less in width, containing a sign area of no more than 48 square feet per sign face, and no more than 96 square feet per sign. A monument sign shall include a solid foundation. A monument sign shall require a building permit.

“Noncommercial speech, or noncommercial message” means sign copy or graphics that do not relate primarily to the economic interests of the speaker or audience, or do not propose an economic transaction or the providing of professional services. Such speech or messages typically consist of visual expression of opinion on topics of public concern and debate, including but not limited to, politics and religion.

“Off-premise or off-site sign” means a sign that displays commercial information, copy or image that does not pertain to goods or services available at the same

location where the sign is located. The off-premise/on-premise distinction (or the off-site/on-site distinction) refers only to commercial messages.

“On-premise or on-site sign” means a sign that at any time carries any commercial advertising, identification or directions pertaining to the same location. The off-premise/on-premise distinction (or the off-site/on-site distinction) refers only to commercial messages.

“Permanent sign” means a sign of a non-temporary nature requiring a building permit or a sign permanently fixed in a lawful location.

“Pole sign” or “freestanding sign” means a separate and detached on-premises sign or advertising structure, which receives its support from one or more poles, columns, uprights, braces, pillars or similar devices.

“Portable sign” means a type of sign that is easily moved from one location or position to another. Such signs are typically mounted on vehicles or trailers, or made of such lightweight materials that they may be moved by hand to another location. This definition also includes “A-framed signs,” “sandwich boards,” and “stake signs.”

“Projecting sign” means a sign which projects or extends outward from the face of any building and which uses the building wall as its main source of support. For the purposes of this chapter, a standard size barber pole projecting no more than one foot from the face of a building shall be considered a projecting sign, but shall not fall under the limitations prescribed in Section 17.190.200(C)

“Real estate sign” means a temporary sign mounted on real estate that provides information regarding any proposed economic transaction involving real estate, including but not limited to “for sale,” “for rent,” “for lease,” etc., except that signs displaying information about short-term rentals, such as hotel and motel signs, are not within this definition.

“Real estate sign, off-site” or “off-site real estate sign” means an “off-premises sign” that is displayed for a temporary duration and which is located on property other than that which is being advertised for sale, lease, rental or exchange. The property being advertised for sale, lease, rental or exchange shall be located within the city of El Cajon. “Open house” signs are included in this definition.

“Roof sign” means a sign erected upon or above a roof or parapet wall of a building and is wholly or partially supported by such building, and which projects above the highest part of such roof or parapet wall.

“Sign” means any mark, display, visual image, or painted character, on any card, cloth, paper, metal, or screen, that is mounted, supported, or displayed on any wooden structure, wall, bush, rock, fence, or other mounting or supporting

device, and is visible from any public right of way within or adjacent to the city. The word “sign” also includes any graphic announcement, declaration, demonstration, display, illustration, or insignia used to promote the interest of any person when the same is placed out of doors in view of the general public. However, the following are excluded from this definition:

- A. Address number. When 12-inches or less for buildings, and when 8-inches or less for individual ground floor tenants mounted on an applicable storefront; See Section 17.190.110 for address minimum standards.
- B. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts);
- C. Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;
- D. Grave stones or grave markers;
- E. Interior signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, provided the building or enclosed structure is otherwise legal;
- F. Manufacturers’ marks. Marks on tangible products that identify the maker, seller, provider or product, and that customarily remain attached to the product even after sale;
- G. Mass transit. Visual images on duly licensed mass transit vehicles that legally pass through the city;
- H. Memorial tablets, plaques and directional signs for community historical resources;
- I. Newsracks and newsstands;
- J. Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots); and
- K. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts, including, but not limited to, religious, or political symbols, when such are permanently integrated into the structure of a permanent building that is otherwise legal.

“Sign face” means the entire communicative area of a sign, including any background area that demarks or emphasizes the visual image, not including architectural and structural features that function as mounting or support devices.

“Sign spinner” means an individual who holds, flips, or spins a portable sign containing a commercial message at a location intended to attract the attention of motorists or pedestrians. Sign spinners are defined by the possession of a portable sign with a commercial message, regardless of whether or not the sign is being flipped, spun, or otherwise moved in a manner intended to attract attention.

“Subdivision sign” means a temporary sign located on the premises of a subdivision or tract housing development located within the city, or whose message (if commercial in nature) refers or pertains to such a project.

“Suspended sign” means a sign attached to or suspended from the underside of an arcade, canopy, porte cochere or marquee and oriented to pedestrian traffic.

“Temporary advertising devices” means flags, banners, bunting, streamers, pennants, balloons, inflatable objects and similar devices. They are designed, constructed, and intended to attract attention or convey a visual image, and they are typically made of flexible or non-rigid materials such as cloth, fabric or plastic.

“Temporary sign” means a kind of temporary advertising device, which by virtue of its construction from lightweight or flimsy materials, is not intended for, or is not suitable for, display over a period of one hundred eighty days.

“Trailer-mounted” or “truck-mounted sign” means a sign mounted on a truck or trailer or other mode of conveyance. (See also “vehicle sale sign.”)

“Vehicle sale sign” means one temporary sign, which is displayed, painted, or otherwise affixed to the front windshield of a motor vehicle which is legally being sold from private property, the size of which shall not exceed the dimensions of the windshield on which it is displayed. (See also “trailer-mounted or truck-mounted sign.”)

“Window sign” means a sign illuminated or otherwise painted or installed on either side of a window, including signs that are less than three feet behind a window and facing public view.

#### **17.190.060 Permit requirements.**

A sign permit, freeway-oriented sign permit, site development plan permit, or conditional use permit shall be required prior to the placing, erecting, moving, or alteration of any sign in the city, unless expressly exempted by this chapter. A temporary sign permit is required for all temporary signs, unless expressly

exempted by this chapter. A site development plan shall be required prior to the placing, erecting, moving, or reconstructing of any billboard sign in the city. One or more signs may be approved for the same property with the same permit. Signs requiring a permit of any kind shall comply with the provisions of this chapter and all other applicable laws and ordinances. Applications for sign permits, temporary sign permits, freeway-oriented sign permits, and site development plan permits shall be made on forms as prescribed by the director of community development. Such applications shall be filed with the planning division and shall be accompanied by the material noted on the attachments to the application. Applications for site development plan permits shall be submitted and processed as described in Chapter 17.65 of this title. Applications for conditional use permits shall be submitted and processed as described in Chapter 17.50 of this title.

#### **17.190.070 Appeals.**

Appeals of sign-related decisions shall be processed as described in Chapter 17.30 of this title.

#### **17.190.080 Sign area computations.**

- A. Background area or sign face. In computing background area in square feet, standard mathematical formulas for known common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted;
- B. Copy area. Signs, when composed of individual letters, shall be measured as a solid mass with gross dimensions calculated by boxing the area occupied by the letters. See the definitions in this chapter for a description of the boxing technique.

#### **17.190.090 Maintenance.**

Every sign shall be properly maintained to ensure an attractive appearance, as well as structural, electrical, and mechanical integrity, and every sign shall be subject to maintenance provisions as follows:

- A. Abandoned on-site commercial signs. Any location where business goods are no longer sold or produced, or where services are no longer provided, shall have 180 days to remove any derelict and/or nonconforming on-site commercial signs following notification by the city. The removal duty is on the legal owner of record of the property. Where due written notification has been given by the city and compliance has not been made within the required 180 day period, the

city may cause removal of such signs with the cost for such removal to be assessed to the property;

- B. All on-site commercial signs shall be kept in clean, neat, and readable condition at all times. Damaged or dilapidated structural elements shall be promptly repaired; and
- C. All on-premise electric signs shall be refinished to remove rust or other corrosion due to the elements, and any cracked or broken faces and malfunctioning lamps or illumination tubes shall be replaced within 30 days following notification by the city.

**17.190.100 Illumination.**

Permitted signs may be illuminated as follows:

- A. By interior means;
- B. By exterior means, provided such light illuminates only the sign and does not shine directly upon other property, either public or private;
- C. By frosted incandescent lamps, provided no single lamp exceeds fifteen watts capacity or does not exceed 0.5 candlepower at ten feet distance from sign.

**17.190.110 Nameplates and addresses.**

- A. Nameplates - Nameplates not exceeding two (2) square feet in area shall be permitted for each separate and distinct commercial, industrial, or residential use.
- B. Address numbers – As required by El Cajon Municipal Code Section 15.56.040, New and existing buildings shall have address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or modern basic Latin alphabetic letters. Numbers shall be a minimum of five inches high for residential occupancies, and eight inches high for commercial and all other occupancies. Three-inch high numbers or letters may be used for individual suite numbers or apartment numbers. All numbers and lettering shall have a minimum stroke width of one-half inch (12.7 mm).

### **17.190.120 Incidental signs.**

Incidental or directional signs, as described in Section 17.34.050 above, may be displayed in association with an authorized use and do not require approval of a permit. Other than menu boards, Incidental signs shall not exceed a height of four (4) feet or an area of four (4) square feet. Incidental signs shall only contain directional information, hours of operation, or necessary instructions, and shall not include commercial copy or company logos.

### **17.190.130 Flags.**

- A. Every property in the city may display the United States flag and the California State flag. Such flags may be attached to a single flagpole not to exceed a height of 55 feet, unless the planning commission approves a conditional use permit for an increased height.
- B. Additionally, each property in the city may display a single flag with a non-commercial message or an on-site commercial message that is mounted on a flagpole. The area of such flags shall not be counted toward the allowable sign area for the permitted use of the property. However, if such flags are mounted flush to a structure, they shall be considered banners and shall be subject to the requirements for temporary signs.

### **17.190.140 Banners and other temporary advertising displays.**

- A. Banners (including feather banners), balloons and other temporary advertising displays may be used for special events such as grand openings and parking lot sales. They may also be used for approved seasonal businesses such as Christmas tree lots, flower stands and agricultural stands, or as otherwise permitted and described in this section.
- B. Temporary advertising displays shall be permitted only in the O-P, C-N, C-G, C-R and C-M zones, and subject to the following limitations:
  - 1. New Establishments. A new establishment or new management of an existing establishment may display temporary advertising devices for a maximum period of 30 days.
  - 2. Balloons. Nonmetallic balloons with a maximum diameter of sixteen inches are permitted for any establishment, without limitation as to the number or height of display, except that such displays shall comply with all applicable laws, rules, and regulations, and shall be limited to a period of 30 consecutive days and 120 days during any 12-month period.

3. Banners for businesses conducted primarily outdoors. Any commercial business establishment in which over 50% of its merchandise for sale is permitted to be displayed outdoors in the normal course of business in the C-G, C-R, or C-M zone, and such establishment occupies a minimum gross lot area of two acres (single-occupancy properties), may display banner(s) not exceeding a total maximum banner sign area of 0.25 square feet of sign area for each lineal foot of total street frontage. Those properties with more than one street frontage may combine the length of all street frontages to determine the maximum total sign area of banners. Such banners may be mounted on buildings and light poles within the property, however, banners located on light poles shall not exceed 15 square feet each.
4. During certain special time periods described below, any establishment may display temporary advertising devices. The time periods are:
  - a. Valentine's Day/Presidents' Day—from 12:01 a.m. on the second Saturday before Valentine's Day through two days after Presidents' Day (third Monday in February);
  - b. Mother's Day—from 12:01 a.m. on the second Saturday before Mother's Day (second Sunday in May) through two days after;
  - c. Independence Day—from 12:01 a.m. on the second Saturday before Independence Day (July 4th) through two days after;
  - d. Labor Day—from 12:01 a.m. on the second Saturday before Labor Day (first Monday in September) through two days after;
  - e. Winter Holiday—from 12:01 a.m. on the day after Thanksgiving (fourth Thursday in November) through January 3rd; and
5. Any establishments in the O-P, C-N, C-G, C-R or C-M zones may also display temporary advertising devices with approval of a temporary use permit. Such displays shall be limited to two (2) events per calendar year, each for a maximum duration of two (2) weeks. For this purpose, the temporary use permit shall be

processed without regard to the copy of message content of the sign.

C. Noncommercial temporary signs. In addition to the noncommercial signage allowable under the message substitution policy, temporary signs with political, religious, or other noncommercial messages may be displayed as follows:

1. Truck/trailer-mounted signs. As truck-mounted or trailer-mounted signs on commercial or industrially zoned property on a temporary basis only;
2. Window signs. As signs mounted on the inside surface of any window in any zone so long as not more than 50 percent of the total amount of window space on the property is covered by signs at any point in time;
3. Yard signs. In residential zones and on legal residential uses, subject to property owner's consent, signs displaying noncommercial messages may be displayed on temporary yard signs, so long as the total display area of such signs does not exceed 24 square feet, setback rules are observed, height does not exceed five (5) feet from grade, and the signs are not specially illuminated;
4. Utility poles, wires, cables, crossbars or pedestals. Property owner's consent is required whenever temporary signs are mounted on utility poles, wires, cables, crossbars or pedestals. When such utility facilities are privately owned, written permission of the owner must be obtained before any temporary sign bearing a noncommercial message may be mounted thereon; and
5. Removal. When a temporary sign displaying a noncommercial message pertains to a specific event on a certain day (such as an election), or occurring within a certain time period with a definite ending, and such event or time period has passed, then such sign must be removed by the person or persons who placed the sign on display within 30 days. If such signs are not removed within the 30-day period, the property owner shall be deemed to grant permission to the city for entry onto the property and removal of the sign. Entry and removal by such permission shall be performed only if it can be accomplished without damage to the property and without entry onto any part of the property to which the property owner has a reasonable expectation of privacy.

### **17.190.150 Construction, real estate and rental signs.**

Construction signs, real estate signs, and rental signs shall be permitted when no more than one (1) such sign of each type is displayed on a given parcel of real property, and no such sign exceeds 12 square feet in total area, except: In commercial or industrial zones such signs shall not exceed 32 square feet. One additional rental sign conforming to these provisions shall be permitted for each additional legal street frontage for a property, in a multiple-family zone, commercial zone, or industrial zone.

### **17.190.160 Temporary On-Site Subdivision Signs.**

- A. Temporary on-site subdivision signs advertising the sale of dwelling units or lots within the subdivision on which the sign is located shall be permitted in any residential zone subject to:
  - 1. One (1) structure with a single face not to exceed 100 square feet (with total area not to exceed 200 square feet for both faces); or two (2) structures, each with a single-face area not to exceed 50 square feet (with a total area not to exceed one 100 feet for both faces);
  - 2. Where the subdivision is designed with more than one entrance from a public street, the director may approve one additional structure with a single-face area not to exceed 50 square feet (with a total area not to exceed 100 square feet for both faces).
- B. Such sign or signs shall be designed, constructed, and oriented to be viewed primarily from a surface street.
- C. Any sign permitted shall not hinder traffic visibility from any adjoining surface street, or from any driveways within the subdivision or adjoining the subdivision.
- D. If such sign or signs are single-faced, the back side shall be screened and/or painted a neutral color.
- E. An application shall be submitted to the director and shall be processed in the following manner:
  - 1. Applications will be approved when all the applicable requirements of this chapter are satisfied; initial approval shall be for a maximum display period of one (1) year;

2. At the expiration of the initial display period, the permittee may apply to the director for extensions, each of which shall not exceed 180 days. Extensions shall be granted upon a showing that the development is still actively marketing new homes; and
3. The applicant shall provide a \$100.00 bond for removal of each sign. Signs are to be removed within 10 days after expiration of the sign permit, or 10 days after the sale or occupancy of the last house within the subdivision, whichever occurs first.

F. For the purpose of this section, a “subdivision” means the original tentative subdivision application and includes all other tentative subdivision applications approved within one (1) year of the date of the original approval that are contiguous to any previous subdivisions owned by, or subdivided by, the same applicant.

**17.190.170 Off-site subdivision and real estate signs.**

Except as otherwise provided herein, signs displaying off-site commercial messages shall be permitted only as follows:

- A. Temporary subdivision signs subject to the following provisions:
  1. No more than four (4) such temporary off-premise signs shall be permitted for each subdivision.
  2. All such signs shall be designed, constructed, and oriented to be viewed primarily from surface streets.
  3. The subdivision advertised must be located in the city.
  4. Any sign permitted shall be no larger than the largest commercial sign permitted in the zone in which the sign is being requested, and shall observe setbacks within the zone in which the sign is being requested; however, in no event shall such sign exceed 128 square feet for each sign face.
  5. An application shall be submitted to the director that shall be processed in the following manner:
    - a. If the application conforms to all requirements of this chapter and all other applicable law, the director shall approve the application for a display period not exceeding one (1) year;

- b. After the initial one (1) year display period, extensions shall be approved by the director upon a showing that the subdivision is still actively marketing new residential units in the subdivision. Individual extensions shall not be granted for more than 180 days at a time; and
- c. The applicant shall provide a bond for removal in the amount of \$100.00 for each sign. Temporary subdivision signs must be removed within 10 days after expiration of the sign permit, or 10 days after the sale or occupancy of the last unit within the subdivision, whichever occurs first.

B. Temporary off-site real estate or open house signs as defined in Section 17.190.050 above are permitted as follows:

- 1. The property being advertised for sale, lease, rental, or exchange shall be located within the city of El Cajon;
- 2. No more than six (6) off-site real estate signs shall be permitted for each property being advertised;
- 3. No more than two (2) off-site real estate signs shall be permitted on any one property;
- 4. No off-site real estate sign shall exceed four (4) square feet in size, measured on one side;
- 5. If an off-site real estate sign is located on property not owned by the applicant, proof of property owner's consent or authorization may be required by the city;
- 6. No off-site real estate sign shall block sight distance as determined from the public right-of-way; and
- 7. No flags, pennants, or other attention-getting devices that are otherwise prohibited by this chapter, may be permitted in conjunction with or attached to an off-site real estate sign.

**17.190.180 Electronic message display signs.**

Electronic message display signs, as defined in Section 17.190.050 above, may be authorized as part of any permitted sign display, subject to the same height, sign area, and location limitations of the permitted sign, and subject to the granting of a conditional use permit, which shall be decided by the city council. Electronic message display signs may display only noncommercial or on-site commercial messages. When allowed, such signs may not include any

illumination, flashing, or message change that is in motion, or appears to be in motion, or that changes in image or intensity more than once per four (4) seconds.

**17.190.190 Freeway-oriented signs.**

A. Any sign within 660 feet of a freeway right-of-way, and oriented toward the freeway or otherwise designed to be viewed from the freeway, shall require approval of a freeway-oriented sign permit by the director, or approval of a minor conditional use permit by the planning commission.

B. The following signs are exempt from the requirements of this section:

1. Signs or advertising displays that are not freeway-oriented and that conform in all other respects to the provisions of this title, may be permitted as freestanding signs (pole or monument) and wall or building face signs only;
2. Signs erected by the city to direct traffic to roadside or community business areas, government offices or transit facilities. Pole or freestanding signs may be utilized for this use; and
3. Signs required by law, including legal notices or advertisements prescribed by law or posted by any lawful officer or agent, are allowed without permit, so long as they conform to the law requiring their posting or display.
4. Freeway-oriented city identification signs authorized by the city council.

C. The director may approve freeway-oriented sign permits for freestanding and building face or wall signs as follows:

1. If the commercial development as defined in Chapter 17.105 of this title is less than two (2) acres in size, a freestanding pole sign may be permitted up to a maximum height of 52 feet;
2. If the commercial development is two (2) acres or more in size, a freestanding pole sign may be permitted up to a maximum height of 65 feet;
3. Regardless of the permitted height, a freestanding pole sign shall be limited to a maximum sign area of two (2) square feet for each lineal foot of the total street frontage and/or freeway frontage;

4. In no case may the total number of freestanding signs, pole, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
  5. Freeway-oriented building face or wall signs shall be limited to a maximum sign area of two (2) square feet for each lineal foot of building face or wall directed toward the freeway.
- D. The planning commission may approve freeway-oriented freestanding and building face or wall signs as follows:
1. If the commercial development is two (2) acres or more in size, a freestanding pole sign greater than 65 feet in height may be granted by minor conditional use permit, if it can be shown that a greater height is necessary in order to gain adequate identification. Such showing shall include a comparison of the elevation of the site and the elevation of the adjacent freeway;
  2. The maximum sign area of such freestanding pole sign shall be limited to two (2) square feet for each lineal foot of total street and/or freeway frontage;
  3. In no case may the total number of freestanding signs, pole, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
  4. Freeway-oriented building face or wall signs shall be limited to a maximum sign area of two (2) square feet for each lineal foot of building face or wall directed toward the freeway.

**17.190.200 Prohibited signs.**

The following signs are prohibited, unless expressly allowed or permitted by another provision of this chapter:

- A. Animated signs;
- B. Flashing signs;
- C. Sign spinners;
- D. Marquee signs;
- E. Portable signs;

- F. Revolving signs (except barber poles);
- G. Banners, except as permitted by Section 17.190.140
- H. Balloons, except as permitted by Section 17.190.140;
- I. Searchlights, except as permitted by Section 17.190.140; and
- J. Inflatable objects, except as permitted by Section 17.190.140.

**17.190.210 Signs permitted in commercial zones.**

The following signs are permitted in the O-P, C-N, C-G, and C-R zones, subject to the granting of a sign permit:

- A. Wall signs, building face signs, building face extension signs, and canopy signs shall be permitted, and shall be limited to a maximum cumulative sign area of four (4) square feet per each lineal foot of building face to which the sign is attached. The provision for wall signs is reduced to a maximum cumulative sign area of two (2) square feet per each lineal foot for properties in the O-P zone. The lineal distance of the building face shall be measured on a horizontal plane parallel to the surface of the building face.
- B. Roof signs may be permitted only in instances where it is demonstrated that it is not possible to adequately identify the use on the property by means of other permitted signs. Roof signs shall not be permitted where a property or business is already served and identified by a pole sign. A roof sign, where permitted, shall be limited to a total sign area not to exceed two (2) square feet for each lineal foot of the building face toward which the sign is oriented, and shall not project over the exterior building lines of the structure upon which it is located. The height of such sign shall be limited to that necessary to identify the use on the property. The supports for such sign shall appear as an architectural and integral part of the building, and shall be free of extra bracing, angle iron, guy wires, cables, etc.
- C. Projecting signs subject to the following restrictions:
  - 1. All properties may have projecting signs where wall signs, building face, or building face extension signs project no more than 18 inches from such wall or building face, for the purpose of providing interior lighting or a relief effect to such wall or building face sign. In no case shall such wall, building face, or building face extension sign thus permitted be designed to be viewed from the side.

2. Projecting signs that can be viewed from the side may be mounted and displayed under the following conditions:

- a. Where it is shown that it is not possible to identify adequately the use on the property by means of other permitted signs.
- b. Such projecting signs shall not be permitted where a property is served by a pole or roof sign.
- c. Such projecting signs:
  - i. Shall provide a minimum ground clearance of eight (8) feet;
  - ii. Shall not project over a public right-of-way;
  - iii. Shall not project more than two (2) feet from the building face, unless it can be demonstrated a greater distance is necessary to identify the use on the property;
  - iv. Shall not extend higher than the building face upon which the sign is mounted.
  - v. Shall be designed with the sign copy oriented vertically.

D. Vehicle signs. Signs may be displayed on motor vehicles and trailers only for identification of an establishment of which the vehicle is an instrument (not including general commercial advertising) for identification of the owner or occupant of such vehicle, for announcing that the vehicle is available for sale, rent, lease or hire, or for the display of noncommercial messages. Vehicles used exclusively for general commercial advertising may not travel on roads, streets, or highways owned by the city of El Cajon. Vehicles displaying commercial messages may not be parked on a public street in such a manner as to constitute a temporary or movable sign; such manner is typically indicated by the parking of the vehicle in or near the same location for time periods exceeding fifty-five hours per week.

E. Freestanding signs are of two (2) types: pole signs and monument signs, and are permitted as follows: All establishments, commercial developments, and individual commercial uses shall be entitled to at least one (1) monument sign. Only certain establishments satisfying requirements for width, size, or combination of property, as specified herein, may mount and display pole signs. Commercial developments that qualify for a pole sign may elect either the pole sign or a monument sign. Individual tenants or lessees within a commercial development, as defined in this title, or within an individual commercial

use, as defined in this title, shall not be entitled to separate freestanding signs, but may participate in sharing display space with the freestanding signs that are permitted by this title.

In cases where these provisions would not permit adequate identification of a property, special relief may be granted under subsections (E)(1)(e) and (E)(2)(e) of this section.

The use of freestanding signs shall be permitted only as follows:

1. One (1) pole sign shall be permitted for each commercial development located on a site having a minimum street frontage of 150 feet, or a minimum size of 22,500 square feet. This provision for a pole sign shall not apply to properties in the O-P zone.
  - a. Such sign shall be limited to no more than 100 square feet of sign area per face, or no more than 200 square feet of sign area for all faces, excepting when such sign is utilized for more than one separate and distinct use, in which case the sign shall be limited to no more than 150 square feet of sign area per face, or no more than 300 square feet of total sign area for all faces.
  - b. Such sign shall be limited to a height not to exceed 24 feet.
  - c. Each commercial development located on a site having a minimum street frontage of 150, or a minimum lot area of 22,500 square feet, shall also have the option of selecting an alternative type of freestanding sign as described herein. However, not more than one type of freestanding sign arrangement shall be permitted for any one property, except as shown in subsections (E)(1)(e), (f) and (g) and (E)(2)(e) and (f) of this section.
  - d. Properties with less than the required frontage for an individual pole sign may combine with other adjacent properties to jointly obtain the required frontage, and may place one (1) pole sign conforming to the provisions herein to serve jointly.
  - e. A freestanding pole sign may be permitted on properties with less than the required frontage or area in instances where it is demonstrated that it is not possible to identify adequately the use on the property by means of other

permitted signs. Such pole sign shall not be permitted where a property is served by a roof sign. A pole sign, where permitted under this section, shall be limited to sign area as follows:

- i. Property with frontage width of at least 15 feet but less than 76 feet: pole sign area not to exceed 50 square feet per sign face, and not more than 100 square feet of sign area for all faces;
  - ii. Property with frontage width of 76 feet but less than 150 feet: pole sign area not to exceed 70 square feet per sign face, and not more than 140 square feet of sign area for all faces.
- f. Each commercial development that is two (2) acres or more in size may have one (1) freestanding type of sign, pole, or monument for each street frontage, including any freeway frontage. Any freestanding pole signs shall be subject to the following limitations (see subsection (E)(2)(f) of this section for freestanding monument signs):
- i. Such pole sign(s) shall be limited to no more than two (2) square feet of sign area per face for each lineal foot of street or freeway frontage;
  - ii. Such pole sign(s) shall be limited to a maximum height of 65 feet. A greater height may be granted by conditional use permit, if it can be shown that a greater height is necessary to obtain adequate identification. In evaluating the factors for such conditional use permit, no consideration will be given to the copy or message to be displayed, other than whether it constitutes an off-site commercial message;
  - iii. In no case may the total number of freestanding signs, pole and/or monument, exceed the total number of street frontages, including any freeway frontage;
  - iv. The additional freestanding signs allowed by this subsection may be located along any street frontage, so long as the total number of allowable freestanding signs is not exceeded; and
  - v. The location of any freestanding monument signs shall comply with subsection (E)(2)(c) of this section.
- g. Each commercial development that is two (2) acres or more in size, but which has only one street or freeway frontage, may have a second freestanding pole or

monument sign subject to the sign area and height provisions contained in subsection (E)(1)(f) or (E)(2)(f) of this section, as applicable.

2. One monument sign shall be permitted for each individual commercial development, or each individual commercial use, having a street frontage of less than 150, and a lot size of less than 22,500 square feet, subject to the following limitations:
  - a. Such sign shall be limited to no more than 48 square feet per sign face.
  - b. Such sign shall be limited to a height not to exceed eight (8) feet and a width or thickness not to exceed two (2) feet.
  - c. Such sign shall be located at least 15 feet to the side of any driveway intersection with the public right-of-way, and at least 15 feet to the side of any interior property line intersection with the public right-of-way. If such sign is set back at least 10 feet and perpendicular from the public right-of-way, the aforementioned 15-foot lateral offset will not be required. Such setbacks may be modified if it can be demonstrated that safe and proper visibility can be maintained at lesser setbacks. On any corner radius, a monument sign shall be set back 10 feet from the public right-of-way, unless it can be demonstrated that safe and proper visibility can be maintained at lesser setbacks.
  - d. Where such commercial development occupies a property that has frontage on two or more streets, each of which is 66 feet in width or greater, one (1) such sign may be permitted for each street frontage.
  - e. Detached, freestanding commercial buildings in a commercial development may be granted a separate monument sign by conditional use permit if it can be demonstrated that it is not possible to identify adequately the use by means of other permitted signs.
  - f. Each commercial development that is two acres or more in size may have one (1) freestanding sign, pole, or monument for each street frontage, including any freeway frontage. Said freestanding monument signs shall be subject to the following limitations (see

subsection (E)(1)(f) of this section for freestanding pole signs):

- i. Such monument sign(s) shall be limited to no more than 48 square feet per sign face;
- ii. Such monument sign(s) shall be limited to a height not to exceed eight (8) feet;
- iii. In no case may the total number of freestanding signs, poles, and/or monuments, exceed the total number of street frontages including any freeway frontage;
- iv. The additional freestanding signs allowed by this subsection may be located along any street frontage, as long as the total number of allowable freestanding signs is not exceeded; and
- v. The location of any freestanding monument signs shall comply with subsection (E)(2)(c) of this section.

3. Through the conditional use permit process, pole signs that are limited in area and height by subsections (E)(1)(a) and (b) of this section, may be increased in area and height up to 50 percent of the maximum dimensions permitted if it is determined that the sign will not be detrimental to surrounding properties and the increased dimensions are necessary for adequate identification.

F. Screening fences and walls may contain signs painted, attached, or otherwise affixed to such fences and walls subject to:

1. A sign on a screening fence or wall shall be approved only upon a demonstration by the applicant that such sign is necessary for the proper identification of the property, goods, services, or activities available thereon; and
2. In no case shall the sign area for a screening fence or a screening wall exceed two (2) square feet for each lineal foot of such wall or fence structure.

G. Menu board signs may be permitted only as an accessory to a restaurant or other establishment providing services or goods to their customers while such customers are in motor vehicles. Such signs may not exceed 35 square feet in sign area. Up to two (2) menu board signs may be permitted per such establishment.

H. Window signs, as defined above in Section 17.190.050, are permitted in commercial zones and are exempt from the requirement for a

permit. However, window signs shall not occupy more than 50 percent of the total window area and shall be counted toward the maximum wall or building face sign area otherwise allowed by this chapter; provided, however, the maximum total window area may be increased to 80 percent during certain special periods described in Section 17.190.130.

**17.190.220 Signs permitted in the M zone.**

The following signs shall be permitted in the M zone, subject to the approval of the appropriate permits:

- A. Wall signs, building face signs, building face extension signs, and canopy signs as described in Section 17.190.210 above.
- B. One monument sign per street frontage as described above in Section 17.190.210(E)(2).
- C. A commercial use that has been granted a conditional use permit to be located in the M zone shall be permitted signs as allowed in the commercial zones.
- D. Signs on screening fences and walls as described above in Section 17.190.210(F).
- E. Projecting signs as described above in Section 17.190.210(C).

**17.190.230 Signs permitted in the C-M zone.**

The following signs shall be permitted in the C-M zone subject to the approval of the appropriate permits:

- A. Wall signs, building face signs, building face extension signs, and canopy signs as described above in Section 17.190.210.
- B. Freestanding signs as described above in Sections 17.190.210(E)

**17.190.240 Signs permitted in single-family residential zones.**

Except as provided elsewhere in this chapter, properties in single-family residential zones are prohibited from displaying signs of a commercial nature. However, uses that are authorized by conditional use permit within single-family zones may include signs as approved by the planning commission in association with the approved conditional use permit. Generally, such signs shall be limited to building face signs and monument signs with a maximum area of 48 square feet per sign face, unless it is determined that larger signs are necessary for

adequate identification, and that said signs would not be detrimental to surrounding properties.

**17.190.250 Signs permitted in multiple-family residential zones.**

- A. Except as provided elsewhere in this chapter, properties in multi-family residential zones are prohibited from displaying signs of a commercial nature. However, uses that are authorized by conditional use permit within multi-family zones may include signs as approved by the planning commission in association with the approved conditional use permit. Generally, such signs shall be limited to building face signs and monument signs with a maximum area of 48 square feet per sign face unless it is determined that larger signs are necessary for adequate identification, and that said signs would not be detrimental to surrounding properties.
- B. Properties developed with multi-family residential projects may display one building face sign or one (1) monument sign per legal street frontage. Such signs shall not exceed an area of 48 square feet per sign face and the sign copy shall be limited to the name and address of the complex.

**17.190.260 Signs in planned residential developments.**

The following signs are permitted within a planned residential development (PRD):

- A. One project sign for each project street entrance identifying a PRD may be permitted provided the type, location, height and size of the sign is related to the location and design of the PRD, and further provided that the area of such sign shall not exceed 50 square feet per sign face.
- B. One nameplate for each residence not to exceed two (2) square feet in area, with the name and address of the occupant of each dwelling unit.
- C. For uses permitted by CUP, signs shall be approved by the planning commission at the time of CUP approval.
- D. One unlighted sale or lease sign not to exceed twelve (12) square feet in total area advertising the sale or lease of only the particular building, property or premises upon which it is displayed, or the sale of commercial agricultural products grown on the premises upon which it is displayed.

- E. Temporary subdivision signs in accordance with the provisions of this chapter.

**17.190.270 Sign Overlay Zone and billboard signs.**

- A. Notwithstanding other provisions of the El Cajon zoning ordinance, the sign overlay zone is established to provide for the limited application of certain off-premises signs (billboards) in the city; to provide for their reasonable spacing one to another, and to provide certain minimum distances from land uses which might be sensitive to billboard locations. It is the purpose and intent of this Section to set certain criteria to be used in the construction and appearance of such off-premises signs.

The sign overlay zone is to be applied in the city along the following five corridors:

1. El Cajon Boulevard between Chase Avenue and Main Street;
  2. Main Street between Marshall Avenue and the northeast city limits;
  3. Broadway between Ballantyne Street and Interstate 8;
  4. Second Street between the north city limits and Interstate 8;
  5. Johnson Avenue between El Cajon Boulevard and Arnele Avenue.
- B. Properties in the sign overlay zone may be permitted off-premises signs as either poster panels (not to exceed 300 square feet each) or painted bulletins (not to exceed 720 square feet each, exclusive of embellishments.) The total number of all off-premises signs in the city including poster panels and painted bulletins shall not exceed two and one-half (2.5) for each one (1) square mile of city area. In addition to the above limitations, the total number of all painted bulletins in the city shall not exceed four (4), the total number of poster panels on Broadway shall not exceed four (4), and no painted bulletin structures shall be permitted on Broadway.
  - C. All new signs constructed under the authority of this chapter shall meet the following standards:
    1. Standards of Spacing.

- a. No new outdoor advertising structure shall be less than 500 feet from any other outdoor advertising structure.
  - b. No new outdoor advertising structure shall be less than 300 feet from any existing "R" zoned property, any existing church, existing park, or existing school.
  - c. All measurements shall be made on the same side of the street upon which such new outdoor advertising structure is located and from which it is permanently to be erected, measured from the nearest edge of the right-of-way.
  - d. No new outdoor advertising structure shall be located within the city of El Cajon central business district redevelopment project as it was created in 1971.
2. Height. New outdoor advertising structures shall not exceed a height of 35 feet above grade level of the street from which it is to be viewed.
3. Standards of Location.
- a. No new outdoor advertising structure shall be located so as to be viewed primarily by persons traveling on the main-traveled way of a freeway as defined in the Streets and Highways Code.
  - b. No new outdoor advertising structure may be located on the walls or roof of another structure.
4. Standards of Design.
- a. All new outdoor advertising structures shall contain no more than two (2) steel support posts.
  - b. All new outdoor advertising structures shall include covered backs or facings.
  - c. All new outdoor advertising structures shall be designed and built according to the requirements of Chapter 7, Ground Signs, of the Uniform Sign Code as it is in effect on the date of construction approval.
  - d. All new outdoor advertising structures shall be so limited that no part of any sign facing not pertinent to the advertising face shall project outward more than 15

inches from the surface of the facing, e.g., “popout” or “three-dimensional” signs are not allowed.

5. Notwithstanding any other provision of the zoning ordinance, the retention of any existing off-premises sign (billboard) shall be permitted despite the space requirements of Section 17.190.270(C)(1), the height requirements of Section 17.190.270(C)(2), and any setback requirement within the underlying zone. However, setback requirements created by specific plan for the purpose of interconnecting access between properties shall be respected.

## Chapter 17.195

### WATER EFFICIENT LANDSCAPING

#### Sections:

- 17.195.010 Intent and purpose
- 17.195.020 Definitions
- 17.195.030 Applicability
- 17.195.040 Landscape approval and installation
- 17.195.050 Administration and landscape design manual
- 17.195.060 Basic landscape design principles
- 17.195.070 Preparation of landscape and irrigation plans
- 17.195.080 Contents of required landscape areas
- 17.195.090 Irrigation system required
- 17.195.100 Minimum landscape area requirements
- 17.195.110 General maintenance requirements
- 17.195.120 Trees in narrow planters and adjacent to the public right of way
- 17.195.130 Landscaping adjacent to parking areas, street, and driveways
- 17.195.140 Storm water requirements
- 17.195.150 Turf regulations
- 17.195.160 Landscaping on slopes created by grading
- 17.195.170 Cemeteries
- 17.195.180 Model homes
- 17.195.190 Recycled water
- 17.195.200 Preventing water waste
- 17.195.210 Public education
- 17.195.220 Helix water district requirements
- 17.195.230 Water emergencies
- 17.195.240 Landscape documentation package
- 17.195.250 Soil management report
- 17.195.260 Planting and irrigation plans for a landscape documentation package
- 17.195.270 Water efficient landscape worksheet
- 17.195.280 Landscape grading plan
- 17.195.290 Irrigation schedule
- 17.195.300 Maximum applied water allowance (MAWA)
- 17.195.310 Estimated total water use (ETWU)
- 17.195.320 Adjustment to the landscape area (LA) for non-vegetated areas
- 17.195.330 Certificate of completion
- 17.195.340 Maintenance schedule
- 17.195.350 Fees
- 17.195.360 Enforcement

### **17.195.010 Intent and purpose.**

The intended purpose of this water efficient landscape ordinance is to:

- A. list the minimum requirements for the provision of landscaping improvements and landscape maintenance;
- B. promote the values and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible;
- C. establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction;
- D. promote the efficient use of water by setting a Maximum Applied Water Allowance as an upper limit for water use in landscaping, thus reducing water use to the lowest practical amount;
- E. encourage conservation and prevent water waste in existing landscapes; and
- F. establish water use standards for landscaping that implement the 2006 development landscape design requirements established by the Water Conservation in Landscaping Act, California Government Code Sections 65591 et seq.

### **17.195.020 Definitions.**

The definitions listed below shall be used when interpreting and implementing the requirements of this chapter. Refer to the El Cajon Landscape Design Manual for a more comprehensive list of definitions, including technical landscaping terminology.

“Active recreation area” means an area that is dedicated to active play, where turf provides a playing surface. Examples of active recreation areas include golf courses, sports fields, parks and tot-lots.

“Applicant” means a person who seeks or receives approval of a discretionary land use permit or building permit, or Landscape Documentation Package.

“As-built plans” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

“Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation

controllers shall schedule irrigation events using either evapotranspiration (ET<sub>o</sub>) (weather-based) or moisture sensor data.

“Building permit” means a certificate authorizing construction activity that is subject to the provisions of local, state, and federal regulations and codes applicable to building and construction activities.

“Certificate of Completion” means the document required under Section 17.195.330.

“Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other accredited certification program.

“Conversion factor” means the number (0.62) that converts acre-inches per acre per year to gallons per square foot per year.

“Developer” means a person who seeks or receives permits for or who undertakes land development activities’ and that is not a single-family homeowner. Developer includes a developer’s partner, associate, employee, consultant, trustee or agent.

“Discretionary permit” means any permit requiring the planning commission or city council to exercise judgment prior to its approval, conditional approval or denial.

“Established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

“Estimated total water use” (ETWU) means the estimated total water use in gallons per year for a landscaped area.

“Evapotranspiration adjustment factor” (ETAF) means a factor that when applied to reference ET<sub>o</sub>, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.

“Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period.

“Grading” means any minor importation, excavation, movement, loosening or compaction of soil or rock that does not require a grading and drainage plan per the requirements of El Cajon Municipal Code, Section 15.64.020.

“Grading and drainage plan” means the plan required by El Cajon Municipal Code, Section 15.64.020.

“Hardscape” means any durable surface material, pervious or non-pervious, located within and around the landscape area.

“Homeowner-provided landscaping” means landscaping installed either by a private individual for a single-family residence or installed by a landscaping contractor hired by a homeowner.

“Hydrozone” means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

“Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.

“Irrigation audit” means an inspection which includes an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit may include, but is not limited to, inspection, system tune up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow and preparation of an irrigation schedule.

“Irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

“Landscaped area” means an area with outdoor plants, turf and other vegetation. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation when allowed under Section 17.195.320. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape that does not meet the criteria in Section 17.195.320. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation.

“Landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

“Landscape design manual” means the manual, approved by the director that establishes specific design criteria and guidance to implement the requirements of this chapter.

“Landscape Documentation Package” means the permit application and additional items listed under Section 17.195.240.

“Landscape grading plan” means the plan required by Section 17.195.280. A landscape grading plan is NOT considered a grading and drainage plan as required by El Cajon Municipal Code, Section 15.64.020.

“Landscape professional of record” means a licensed landscape architect, a licensed architect, or a licensed civil engineer that is listed in a Landscape Documentation Package and Certificate of Completion as the person responsible for ensuring that a landscape project was developed and is operating as approved. For residential projects only, this definition also includes a California licensed landscape contractor if, and only if, the licensed landscape contractor has a signed agreement to install the landscape project.

“Low head drainage” means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

“Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.

“Mass grading” means any activity that requires a grading and drainage plan per the requirements of El Cajon Municipal Code, Section 15.64.020.

“Maximum Applied Water Allowance” (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF and the reference ETo.

“Mulch” means an organic material such as leaves, bark, straw or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature or prevent soil erosion.

“Overspray” means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.

“Passive recreation area” means a landscaped recreational area where turf is present but does not provide an active playing surface. Examples of passive recreation areas include picnic areas, and areas dedicated for outdoor relaxation and meditation.

“Pervious” means any surface or material that allows the passage of water through the material and into underlying soil.

“Plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor shall be 0.1 for very low water use plants, 0.3 for low water use plants, 0.5 for moderate water use plants and 0.8 for high water use plants. These plant factors are derived from the Department of Water Resources publication “Water Use Classification of Landscape Species”.

“Recycled water” means wastewater that has been treated at the highest level required by the California Department of Health Services for water not intended for human consumption. “Tertiary treated recycled water,” means water that has been through three levels of treatment including filtration and disinfection.

“Reference evapotranspiration” (ETo) means a standardized measurement of environmental parameters that affect the water use of plants. ETo is given in inches per day, month, or year and is an estimate of the ETo of a large field of four-inches to seven-inches tall, cool season turf that is well watered. Reference ETo is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

“Rehabilitated landscape” means any re-landscaping project that is required by a building permit or site development plan or discretionary permit, in which the rehabilitated or modified landscape area is equal to or greater than 2,500 square feet, and constitutes at least 50% of the total on-site landscape area, and which is required to be completed within a 12 month period.

“Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

“Special landscaped area” means an area of the landscape dedicated to edible plants, an area irrigated with recycled water, or an area dedicated as turf area within a park, sports field or golf course where turf provides a passive or active recreational surface.

“Subsurface irrigation” means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

“Transitional area” means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ensure that the natural area remains unaffected by plantings and irrigation installed on the property.

“Turf” means a groundcover surface of mowed grass.

“Typical plans” means complete sets of landscaping plans that depict landscaping improvements that are applicable to multiple and identical landscape areas within multi-unit residential developments

“Water feature” means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices are not water features.

“Water purveyor” means the Helix Water District or the Padre Dam Municipal Water District as applicable.

“WUCOLS” means Water Use Classification of Landscape Species, and refers to the most current version of the California Department of Water Resources publication of the same name.

#### **17.195.030 Applicability.**

- A. Certain provisions of this chapter shall apply to all areas of the city. However, the following projects, which require a building permit or a discretionary permit, shall be subject to additional permitting and water conservation requirements contained in this chapter:
  1. A project for a new industrial, commercial, public, or institutional development or use, where the new landscaped area is greater than or equal to 2,500 square feet.
  2. New developer-installed residential and common area landscapes where the total landscaped area for the development is greater than or equal to 2,500 square feet.
  3. A new single-family residence with homeowner-provided landscaping where the landscaped area is greater than or equal to 5,000 square feet. This requirement includes landscaping provided to a homeowner by a landscaping contractor.
  4. A model home that includes a landscaped area.
  5. A rehabilitated landscape for an existing industrial, commercial, institutional, public agency or multifamily development where a building permit or discretionary permit is required and the applicant is concurrently installing and/or modifying 2,500 square feet or more of landscaping.

6. A cemetery under the limited requirements listed in Section 17.195.170.

B. This chapter shall not apply to the following:

1. A registered local, state or federal historical site.
2. An ecological restoration project that does not require a permanent irrigation system.
3. A mined land reclamation project that does not require a permanent irrigation system.
4. A botanical garden or arboretum, open to the public.

#### **17.195.040 Landscape approval and installation.**

No person shall install or modify landscaping for a project subject to the permit requirements of this title without first obtaining the review and approval of landscape plans by. A person constructing a project or establishing a use subject to the permit requirements of this title shall obtain approval for the landscape project as follows:

- A. A person applying for a building permit for a single-family residence with landscaping improvements equal to, or greater than 5,000 square feet shall obtain approval of a Landscape Documentation Package from the director as part of the building permit process.
- B. A person applying for a site development plan, or a discretionary permit associated with a project described in Section 17.195.030 above, other than a cemetery or a single-family residence:
  1. Shall submit a landscape concept plan as part of the project application. The concept plan shall indicate the site features, the proposed planting areas, the proposed method of irrigation and the other proposed elements of the landscaping, including areas of turf, water features and hardscape areas.
  2. Shall obtain approval of a Landscape Documentation Package as part of the building permit process and prior to the issuance of building permits for each project segment or phase that requires the installation or rehabilitation of irrigated landscaping.
  3. Shall obtain director approval of the Certificate of Completion prior to obtaining certificates of occupancy for the proposed development and prior to the establishment of the proposed use.

4. May use “typical” plans for developer-installed landscaping at individual units in a multi-unit residential development.
- C. A person applying for a site development plan, or a discretionary permit associated with a project that does not meet or exceed the thresholds described in Section 17.195.030 above:
1. shall submit a landscape concept plan as part of the project application. At a minimum, the concept plan shall indicate the site features, the proposed planting areas, the proposed method of irrigation and the other proposed elements of the landscaping, including areas of turf, water features and hardscape areas.
  2. shall obtain approval of the required landscaping as part of the building permit process and prior to the issuance of building permits for each project segment or phase that requires the installation or rehabilitation of landscaping.
  3. shall install the required landscaping prior to obtaining certificates of occupancy or establishing the proposed use.

**17.195.050 Administration and landscape design manual.**

The director shall administer and enforce this chapter. Moreover, the director shall create and maintain a Landscape Design Manual to provide guidance to applicants regarding compliance with landscaping requirements. In addition to providing contact information and links to a variety of helpful landscaping resources, the Landscape Design Manual shall include the reference evapotranspiration rate for El Cajon, all forms and tables required for the submittal of a Landscape Documentation Package and Certificate of Completion, and sample calculations demonstrating how to calculate the maximum applied water allowance and estimated total water use for a landscaping project. The landscape design manual shall also include a list of drought tolerant plants that are appropriate for Southern California inland valleys such as El Cajon.

**17.195.060 Basic landscape design elements.**

The following basic elements shall be considered in the design of all landscaping required by this title:

- A. Soil type and soil stability
- B. Erosion control
- C. Topography

- D. Water conservation
- E. Solar access and shading
- F. Pedestrian and vehicular sight distance
- G. Maintaining aesthetic views and screening less desirable views.

**17.195.070 Preparation of landscape and irrigation plans.**

Except as specifically noted elsewhere in this chapter, the planting and irrigation plans for all landscaping improvements required by this title shall be prepared by a California-licensed landscape architect or California-licensed landscape contractor. At a minimum, the plans shall include the information listed below. Plans that are required in association with a Landscape Documentation Package and Certificate of Completion have additional requirements as noted in this chapter.

- A. A plant legend identifying the type of plant materials to be used and stating both the botanical and common names.
- B. Size, quantity and location of all proposed plants.
- C. Identification of species included in lawn and hydroseed mixtures.
- D. Location and identification of existing trees and indication of which trees are to be retained, removed or relocated.
- E. Location and specifications for irrigation systems.
- F. Name, address, and phone number of person preparing the landscape and irrigation plans.

**17.195.080 Contents of required landscape areas.**

Except as noted elsewhere in this title all required landscaped areas shall contain a mixture of trees, shrubs and ground cover. Trees shall be at least 15-gallon size, and shrubs shall be at least 5-gallon size. Non-living ground cover such as decorative crushed rock or mulch may cover up to 50% of any single planter bed, excepting that in parkway planting areas (the area between the sidewalk and the street) decorative paving may cover the entire area, exclusive of any required tree wells. Except as noted elsewhere in this title, decorative hardscape materials, rock groupings, and water features such as swimming pools, spas, fountains, waterfalls, and birdbaths may also be included in

landscaped areas subject to the water conservation requirements of this chapter. Existing perennial vegetation and natural rock outcroppings may be used to satisfy landscaped area requirements, if approved by the director of community development. Artificial plants shall not be used in any required landscaped area, except that high quality artificial turf may be used in-lieu of other allowed ground covers in meeting the overall landscape requirement.

**17.195.090 Irrigation system required.**

Except as noted elsewhere in this chapter, all required landscaped areas shall include a permanent underground irrigation system. The irrigation system shall include a programmable irrigation controller with a weather-based or rain-sensing shut-off function. In planters with interior dimensions of four (4) feet wide or less, drip irrigation or similar irrigation technologies that minimizes water usage shall be required. Irrigation is not required for areas covered with artificial turf.

**17.195.100 Minimum landscape area requirements.**

- A. All commercial, industrial, and institutional developments shall provide landscaping as follows:
  - 1. All required exterior yards shall include landscaping, exclusive of the driveways.
  - 2. An additional 10 square feet of landscaping shall be provided for each parking space at the site. Such landscaping shall be evenly distributed throughout the parking area and may include tree wells and planter boxes.
- B. All planned residential developments and planned unit developments shall provide landscaping in the amounts and locations indicated in Chapters 17.165 and 17.60, respectively.
- C. Landscaping at single-family homes, duplex developments, and at residential properties in the RM-6000 zone that are not part of a planned residential development or planned unit development, shall provide landscaping as follows:
  - 1. At least 50 percent of required exterior yard areas shall contain landscaping consisting of living plants or a combination of living plants and decorative rock. Pavement and hardscape, whether decorative or not, shall not be used to satisfy this requirement.
  - 2. Trees shall be planted in required exterior yards at a minimum ratio of one (1) tree per each 600-square feet of required exterior yard area, or fraction thereof.

3. A permanent method of irrigation shall be provided either in the form of an underground irrigation system or at least one (1) external hose bib to be located in front of the main building on the lot.
- D. Landscaping for multiple unit residential projects in the RM-4300, RM-2500, RM-2200, RM-1500, and RM-HR zones, that are not a part of a planned residential development or planned unit development shall satisfy the following criteria:
1. All required exterior yard areas shall contain landscaping consisting of living plants or a combination of living plants and decorative ground cover such as decorative rock or bark.
  2. Trees shall be planted in required exterior yards at a ratio of one (1) tree per each 200-square feet of required exterior yard area, or fraction thereof.
- E. All landscaped areas required by this title, including planter boxes and tree wells, shall have minimum interior dimensions of four (4) feet in width, and length, or diameter.

#### **17.195.110 General maintenance requirements.**

All required landscaped areas shall satisfy the following maintenance requirements. As noted elsewhere in this chapter, there are additional maintenance requirements for landscapes approved by a Landscape Documentation Package and Certificate of Completion.

- A. All plant material in required landscaped areas shall be sufficiently watered and periodically fertilized to establish and maintain healthy growth.
- B. All landscaped areas shall be maintained in a neat, litter and weed free condition and all plants shall be pruned and trimmed as necessary.
- C. Upon notification by the Planning Division, all plant materials that have died or have failed to show healthy growth shall be replaced by plants of the same or similar species. Replacement by more drought resistant plants may also be approved.
- D. Maintenance shall include regular inspection, adjustment, repair and replacement of the irrigation system, including making seasonal changes to the irrigation controller.

**17.195.120 Trees in narrow planters and adjacent to the public right of way.**

Trees in landscaped areas that are four (4) feet or less in width (inside dimension) shall not be larger than the five-gallon size. Trees planted in the public right of way, or within four (4) feet of the public right of way, shall include root-control barriers to prevent roots from damaging the sidewalk or public street.

**17.195.130 Landscaping adjacent to parking areas, streets, and driveways.**

All landscape areas that adjoin parking spaces, driveways, vehicular circulation areas, or the public right-of-way shall be protected from encroachment by vehicles in a manner that also complies with state storm water regulations, which require storm water to be discharged to landscaped areas in order to reduce or eliminate the discharge of pollutants. The method of protection shall be determined by the director of public works or his or her designee. The approved method may include six-inch high curb segments, wheel stops, decorative rock bands, or other methods determined to be acceptable by the director of public works.

**17.195.140 Storm water requirements.**

Pervious landscaped areas may be required to accept storm water runoff from impervious areas and function as storm water treatment facilities. In such instances, the site design shall facilitate the drainage of runoff to the landscaped areas, prior to conveyance to the public right-of-way.

**17.195.150 Turf regulations.**

The following regulations shall apply to the use of turf grass:

- A. Only low volume or subsurface irrigation shall be used for turf in a landscaped area:
  - 1. On a slope greater than 25 percent grade where the toe of the slope is adjacent to an impermeable hardscape.
  - 2. Where any dimension of the landscaped area is less than six (6) feet wide.
- B. On a commercial, industrial, institutional or multi-family project, no turf shall be allowed on a center island median strip or on a parking lot island.

- C. Ball fields, parks, golf courses, cemeteries and other similar uses shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.
- D. No turf shall be allowed in a landscaped area that cannot be efficiently irrigated without creating runoff or overspray.
- E. Non-residential landscape projects subject to the requirements of this title shall limit turf areas to no more than 25 percent of the total landscaped area. This provision shall not apply to sports fields, parks, golf courses, and cemeteries.

**17.195.160 Landscaping on slopes created by grading.**

Landscaping requirements for slopes created by grading are as follows:

- A. In order to prevent the raveling and erosion of the ground surface subsequent to the construction of manmade slopes and to serve as a fire-retardant, adequate slope planting shall be required on all constructed slopes with a gradient steeper than six (6) horizontal to one (1) vertical, and a height in excess of three (3) feet measured vertically. Such slope planting shall consist of deep-rooting grasses, ground cover and shrubs, and on slopes of 10 feet or more in vertical height, a minimum of one (1) tree for every 600 square feet of the total slope area. Trees shall be a five-gallon size and shall be spaced a minimum of 30 feet apart. Shrubbery shall be a minimum one-gallon size and shall have a minimum separation of one (1) times the mature width. Plant size and planting pattern may be varied upon the recommendation of a landscape architect.
- B. An adequate irrigation system shall be required for all slope planting. Such system shall consist of a permanent watering system operative on an individual lot basis and capable of providing uniform water coverage on all plantings. Single-service meters may be used for common slope areas that will be maintained by a homeowners' association or similar private maintenance organization, and for slopes less than six (6) feet in vertical height hose bibs located within 50 feet of the slope may be used.
- C. All slope planting and irrigation systems shall be complete and operative on an individual lot basis before final inspection of the lot by the Building Division.
- D. The land developer shall have the responsibility of satisfactorily maintaining such slope planting until the properties within the development are occupied. A performance bond may be required by

the planning commission in order to assure that all planting will be maintained and replaced if necessary.

- E. All constructed slopes that are not part of a lot that is to be occupied and built upon shall also be planted and maintained to the satisfaction of the director of community development.
- F. A landscaping plan prepared or landscape documentation package and certificate of completion prepared in accordance with the provisions of this chapter and clearly indicating and identifying slope plantings and supportive irrigation system shall be required prior to the acceptance of a final map or development plan.
- G. The retention of natural features such as rock outcroppings and substantial native vegetation and their incorporation into landscaping schemes are strongly encouraged. The approval of any proposal for development may be conditioned upon the retention of certain natural features of the site.

#### **17.195.170 Cemeteries.**

A person submitting an application proposing to establish a cemetery shall include the following:

- A. A landscape concept plan, as described in Section 17.195.040.
- B. A water efficient landscape worksheet that calculates the maximum applied water allowance for the project as described in Section 17.195.270.
- C. A landscape maintenance schedule as described in Section 17.195.340.

#### **17.195.180 Model homes.**

If a residential project has a model home or homes that include landscaping, then the landscaping shall be designed and installed to meet the water efficiency criteria established in this chapter and shall include a sign in the front yard of the model home that is visible and readable from the roadway that the home faces, and that states in capital black lettering at least two inches high on a white sign, "THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION."

Furthermore, a person who obtains a permit to construct a single-family residential development that contains a model home or homes shall provide a water efficient landscaping brochure, or pamphlet to each group of adults visiting

the model home. At a minimum, such a brochure or pamphlet shall include information describing the water efficient features of the landscaping and a statement and contact information encouraging prospective home buyers to contact the applicable water purveyor and the planning division staff for additional information regarding water efficiency in landscaping.

**17.195.190 Recycled water.**

- A. A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation if recycled water is available in the street in front of their property from the water purveyor who supplies water to the property.
- B. A person using recycled water shall install a dual distribution system for water received from a public water purveyor. Pipes carrying recycled water shall be purple.
- C. A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.
- D. This section does not excuse a person using recycled water from complying with all State and local laws and regulations related to recycled water use.

**17.195.200 Preventing water waste.**

- A. Property owners shall prevent water waste resulting from inefficient or improperly maintained landscape irrigation on their property. In order to ensure that water is not wasted, the director may require water audits and may penalize property owners for water waste such as runoff leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for water waste resulting from inefficient landscaping may be imposed in the form of monetary fines, the amount of which shall be determined by the city council based upon the magnitude, duration and/or frequency of the ordinance violation.
- B. Restrictions regarding overspray and runoff may be modified if:
  - 1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
  - 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

C. Except as noted elsewhere in this title, the following water saving techniques shall be incorporated in all required landscape areas:

1. Provide drought tolerant plant material and minimize turf areas.
2. Group plants with similar water needs into hydrozones, and provide a separate irrigation circuit for each hydrozone in the landscaped area.
3. Mulch root area with a 2-inch layer of bark, sawdust, leaf mold or gravel to help soil retain moisture.
4. Make earthen catch basins around shrubs and small trees for bubbler or emitter control.
5. Early morning watering avoids excessive evaporation. Evening watering is only second best because fungus disease has all night to attack moist foliage. Follow recommended irrigation schedule on landscape plan or that established by the appropriate water agency.
6. Raise the height of the lawnmower. Lawns cut too short expose roots to drying sun and increase water evaporation from soil. Follow recommendation of landscape architect or landscape contractor.
7. Use drip irrigation or any system that will minimize evaporation and increase the effectiveness of the application of water.
8. Use drip irrigation or any system that will minimize evaporation and increase the effectiveness of the application of water.
9. Over watering or interference with rapid surface drainage should be avoided in the west rim of the El Cajon Valley (Fletcher Hills) because the area has highly expansive soils and is prone to landslides.

**17.195.210 Public education.**

Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community. Developers of new residential subdivisions shall provide information to buyers of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes. Moreover, the city

shall make information available to the public regarding the design, installation, management, and maintenance of water efficient landscapes.

#### **17.195.220 Helix Water District requirements.**

All required landscape projects subject to the requirements of this chapter and located within the service area of the Helix Water District shall comply with Helix Water District's Water Conservation and Development/Redevelopment Procedure for Water Efficiency. Accordingly, all new developments and redevelopment projects subject to the provisions of this chapter shall install only high-efficiency watering technologies, shall utilize low water use plants, and shall meet the following specific requirements:

- A. The installation of dedicated irrigation water meters shall be required as follows:
  - 1. At residential developments including single-family residences with one (1) or more acre(s) of irrigated landscaping.
  - 2. In the common areas of all developments.
  - 3. At commercial/industrial developments with 5,000 square feet or more of irrigated landscaping.
- B. All new dedicated irrigation water meters shall be enrolled in the Helix Water Budget Program. Documentation of the proposed/required irrigated landscape area shall be required at the time of meter purchase.
- C. All new developments and redevelopments shall install "smart" or weather-based irrigation controllers.
- D. All new developments or redevelopments shall Install high-efficiency, matched-precipitation rate sprinkler nozzles.

#### **17.195.230 Water emergencies.**

Upon a majority vote of the city council declaring a water emergency, all or portions of the landscaping required by this title may be deferred until a later date, provided a suitable guarantee in a reasonable amount is posted with the city to cover the eventual installation of the landscaping. This deferral of installation shall not extend to any landscaping area that is being installed for purposes of erosion control or fire protection. Alternatively, if a water emergency is declared by the city council, the council may require approval of a landscape documentation package and certificate of completion for any required landscape project regardless of the size of the required landscape area or the type of

development proposed. If a landscape documentation package is required, all applicable restrictions and requirements listed in this chapter shall apply, including the establishment of a water budget for the project (MAWA.)

**17.195.240 Landscape documentation package.**

- A. Building permit applications for projects described in Section 17.195.030 shall include a Landscape Documentation Package that complies with the provisions of this chapter and with the Landscape Design Manual.
- B. For projects described above in Section 17.195.030, which require landscaping improvements but which do not require approval of a building permit, the applicant or property owner shall submit a Landscape Documentation Package to the planning division that complies with the provisions of this chapter and with the Landscape Design Manual. The Landscape Documentation Package and Certificate of Completion shall be approved by the director prior to the establishment of any use authorized by a discretionary permit and subject to the requirements of this chapter.
- C. An applicant for a project establishing a cemetery is not required to submit a Landscape Documentation Package, but shall comply with Section 17.195.170.
- D. The Landscape Documentation Package shall contain the following items:
  - 1. An application form including the name and contact information of the property owner, the property owner's agent, and the professional of record for the landscape project.
  - 2. A soil management report and plan that complies with Section 17.195.250, and that analyzes the soil within each landscaped area of the project and makes recommendations regarding soil additives.
  - 3. Planting and irrigation plans that comply with Section 17.195.260, and that describe the landscaping and irrigation for the project.
  - 4. A water efficient landscape worksheet that complies with Section 17.195.270, and that calculates the maximum applied water allowance and the estimated total water use for the project.

5. A landscape grading plan that complies with Section 17.195.280, and that describes the grading of the project. If the project applicant has submitted a grading and drainage plan with the application for the project, the director may accept that grading and drainage plan in lieu of the landscape grading plan required by this subsection if the grading and drainage plan complies with the requirements of Section 17.195.280.

**17.195.250 Soil management report.**

- A. The soil management report required for a Landscape Documentation Package shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other landscape professional licensed by the state to prepare soil management reports. The soil management report shall contain an analysis of the soil for the proposed landscaped areas of the project including information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, percent organic matter. The soil management report shall also contain recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.
- B. When a project involves mass grading of a site, the applicant shall submit the soil management report with the Certificate of Completion package required by Section 17.195.330, rather than submitting it with the Landscape Documentation Package.
- C. The soil management report shall include the following information regarding proposed soil amendments and mulch:
  1. The report shall identify any soil amendments and their type and quantity.
  2. The report shall identify the type and amount of mulch for each area where mulch is applied. Mulch shall be used as follows:
    - a. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated.
    - b. Stabilizing mulch shall be applied on slopes.
    - c. Highly flammable mulch material shall not be used.

**17.195.260 Planting and irrigation plans for a landscape documentation package.**

A. The planting and irrigation plans required as part of the Landscape Documentation Package shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other landscape professional licensed by the state to prepare planting and irrigation plans. The plans shall:

1. Include the maximum applied water allowance for the proposed landscaping, including the calculations used to determine the maximum applied water allowance. The calculations shall be based on the formula in Section 17.195.300.
2. Include the estimated total water use for the proposed landscaping, including the calculations used to determine the estimated total water use. The calculations shall be based on the formula in Section 17.195.310.
3. Include a statement signed under penalty of perjury by the person who prepared the plans that provides, "I am familiar with the requirements for landscape and irrigation plans contained in Chapter 17.195 of the El Cajon Municipal Code. I have prepared these plans in compliance with those regulations and the El Cajon Landscape Design Manual. I certify that the plans implement those regulations to provide efficient use of water."
4. Demonstrate compliance with best management practices and other storm water regulations required by the City of El Cajon's Jurisdictional Runoff Management Program (JURMP) and the City of El Cajon's Storm Water Ordinance (Municipal Code Chapters 13.10 and 16.60).
5. Address fire safety issues and demonstrate compliance with applicable requirements for defensible space around buildings and structures and shall avoid the use of fire prone vegetation in designated fire hazard areas.

B. The planting plans shall meet the following requirements:

1. The plans shall identify by common and botanical name, any existing vegetation that will be retained as part of the new or rehabilitated landscape area.
2. The plans shall include a legend listing all vegetation by common and botanical name that will be added to each

landscaped area. No invasive plant species shall be added to a landscaped area. The plans shall list the total quantities by container size and species. If the applicant intends to plant seeds, the plans shall describe the seed mixes and applicable purity and germination specifications.

3. The plans shall be accompanied by drawings showing the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas.
4. All plants shall be grouped in hydrozones and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No high water use plants shall be allowed in a low water use hydrozone. A high water use hydrozone may, however, provide for some low water use plants if the low water use plants are of a type that are likely to thrive and flourish with the additional water. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.
5. The plans shall identify areas permanently and solely dedicated to edible plants.
6. The plans shall include a detailed description of each water feature that will be included in the landscaped area.
7. The plans shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorists views, the plans shall describe the maintenance and the frequency of the proposed maintenance.
8. The plans shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.
9. Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. No invasive species shall be introduced or maintained in a transitional area. The irrigation in a transitional area shall be

designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

10. On a project other than a single-family residence, the plan shall identify passive and active recreational areas.

C. The irrigation plans shall meet the following requirements:

1. The plans shall show the location, type and size of all components of the irrigation system that will provide water to the landscaped areas, including the controller, water lines, valves, sprinkler heads, bubblers, emitters, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
2. The plans shall identify the static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station.
3. The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plans shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.
4. The plans shall identify each area irrigated with recycled water.
5. The plans shall provide that any slope greater than 25 percent will be irrigated with an irrigation system with a precipitation rate of 0.75 inches per hour or less to prevent runoff and erosion. As used in this chapter, 25 percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plans demonstrate that no runoff or erosion will occur.
6. The plans shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.
7. The plans shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within 24 inches of a vehicle or pedestrian use area. The director may allow on-grade piping where landform constraints make below grade piping infeasible.

8. The plans shall provide that only low volume or subsurface irrigation shall be used to irrigate any vegetation within 24 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.
9. The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.
10. The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller.
11. The irrigation system shall be designed with a landscape irrigation efficiency necessary to meet the maximum applied water allowance.
12. The plans shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule and whether it is a weather based system or moisture detection system. The plans shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or a smart controller.

**17.195.270 Water efficient landscape worksheet.**

The water efficient landscape worksheet shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to prepare water efficient landscape worksheets, and shall be subject to the following requirements:

- A. A calculation for the Maximum Applied Water Allowance shall be provided as described in Section 17.195.300.
- B. A Hydrozone Information Table shall be completed that lists each hydrozone in the project landscape area. The table shall include the following information:
  1. The plant factor for each hydrozone shall be provided. Plant factors listed shall be from WUCOLS. The plant factor shall be 0.10 for very low water use plants, 0.30 for low water use plants, 0.50 for moderate water use plants and 0.80 for high water use plants. A landscape plan that mixes plants with different plant factors in the

same hydrozone shall use the plant factor for the highest water using plant in that hydrozone.

2. The irrigation method and irrigation efficiency for each hydrozone shall be provided. Irrigation efficiency shall be .80 for micro-spray emitters, bubblers, and drip lines. Irrigation efficiency shall be .55 for overhead spray (spray heads on risers), and irrigation efficiency shall be .70 for rotor style irrigation.
  3. The area of each hydrozone shall be provided. Areas shall be expressed in square feet.
  4. The percentage of the total landscaped for each hydrozone shall be provided.
  5. Each special landscaped area shall be identified on the worksheet and the area's water use calculated using a modified ETAF of 1.0.
  6. Temporarily irrigated areas shall be identified and shall be listed as low water use hydrozones. "Temporarily irrigated" as used in this chapter means that the plants will only be irrigated until they become established.
  7. All water features, including swimming pools and spas, shall be listed in the table as high water use hydrozones.
- C. A calculation for the Estimated Total Water Use shall be provided. The formula for calculating Estimated Total Water Use is based upon the formula provided in Section 17.195.310.

#### **17.195.280 Landscape grading plan.**

The landscape grading plan shall be prepared by a California licensed civil engineer, licensed landscape architect, licensed architect, or other landscape professional licensed by the state to prepare landscape grading plans, and shall comply with following requirements:

- A. The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.
- B. The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any storm water retention improvements.

- C. The landscape grading plan does not meet the requirements for a grading and drainage plan as required by El Cajon Municipal Code, Section 15.64.020. However, a grading and drainage plan, which must be prepared by a California licensed civil engineer, may include a landscape grading plan as a component.

**17.195.290 Irrigation schedule.**

The irrigation schedule shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to prepare irrigation schedules, and shall provide the following information:

- A. A description of the automatic irrigation system that will be used for the project.
- B. The ETo data relied on to develop the irrigation schedule, including the source of the data.
- C. The time period when overhead irrigation will be scheduled and confirm that no overhead irrigation shall be used between 10:00 a.m. and 6:00 p.m.
- D. The parameters used for setting the irrigation system controller for watering times for:
  - 1. The plant establishment period.
  - 2. Established landscaping.
  - 3. Temporarily irrigated areas.
  - 4. Different seasons during the year.
- E. The consideration used for each station for the following factors:
  - 1. The days between irrigation.
  - 2. Station run time in minutes for each irrigation event, designed to avoid runoff.
  - 3. Number of cycle starts required for each irrigation event, designed to avoid runoff.
  - 4. Amount of water to be applied on a monthly basis.

5. The root depth setting.
6. The plant type setting.
7. The soil type.
8. The slope factor.
9. The shade factor.

**17.195.300 Maximum applied water allowance (MAWA).**

- A. A landscape project subject to this chapter shall not exceed the maximum applied water allowance. The maximum applied water allowance for a landscape project shall be determined by the following calculation:

$$\text{MAWA} = (\text{ETo})(0.62)[0.7 \times \text{LA} + 0.3 \times \text{SLA}]$$

- B. The abbreviations used in the maximum applied water allowance equation have the following meanings:

1. MAWA = Maximum Applied Water Allowance in gallons per year.
2. ETo = Evapotranspiration in inches per year.
3. 0.62 = Conversion factor to gallons per square foot.
4. 0.7 = ET adjustment factor for plant factors and irrigation efficiency (ETAF.)
5. LA = Landscaped area includes special landscaped area in square feet.
6. 0.3 = the additional ET adjustment factor for a special landscaped area (1.0 - 0.7 = 0.3)
7. SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

**17.195.310 Estimated total water use (ETWU).**

- A. An applicant for a project subject to this chapter shall calculate the estimated total water use for each landscaped area and the entire project using the following equation:

$$ETWU = (ET_o)(0.62)\left(\frac{PF \times HA}{IE} + SLA\right)$$

B. The abbreviations used in the estimated total water use equation have the following meanings:

1. ETWU = Estimated total water use in gallons per year.
2. ETo = Evapotranspiration in inches per year.
3. 0.62 = Conversion factor to gallons per square foot.
4. PF = Plant factor from WUCOLS.
5. HA = Hydrozone Area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium or low water use.
6. IE = Irrigation Efficiency of the irrigation method used in the hydrozone.
7. SLA = Special landscaped area in square feet.

C. The estimated total water use for a proposed project shall not exceed the maximum applied water allowance.

**17.195.320 Adjustment to the landscape area (LA) for non-vegetated areas.**

Rock and stone or pervious design features, such as decomposed granite ground cover that are adjacent to a vegetated area may be included in the calculation of the maximum applied water allowance and estimated total water use provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.

**17.195.330 Certificate of Completion.**

- A. Prior to the issuance of a certificate of occupancy a person obtaining approval of a Landscape Documentation Package shall submit a signed Certificate of Completion, under penalty of perjury.
- B. The certificate shall include a statement, signed by the landscape professional of record, verifying that the landscaping and irrigation were installed as authorized by the approved landscape and irrigation plans, all approved soil amendments were implemented, the installed

irrigation system is functioning as designed and approved, the irrigation control system was properly programmed in accordance with the irrigation schedule, and the person operating the system has received all required maintenance and irrigation plans.

- C. Where there have been significant changes to the landscape plans during the installation of landscaping or irrigation devices or irrigation system components, the professional of record for the landscape design shall submit "as built" plans that show the changes.
- D. The Certificate of Completion shall include an irrigation schedule that complies with Section 17.195.290, and that describes the irrigation times and water usage for the project.
- E. The Certificate of Completion shall include a landscaping and irrigation system maintenance schedule that complies with Section 17.195.340.
- F. The Certificate of Completion shall include a soil management report that complies with Section 17.195.250, if the applicant did not submit the report with the Landscape Documentation Package.

**17.195.340 Maintenance schedule.**

- A. As part of the Certificate of Completion, a maintenance schedule shall be prepared for the approved landscaping and irrigation system. After director approval of the Certificate of Completion, a copy of the maintenance schedule shall be provided to the property owner. The schedule shall provide for:
  - 1. routine inspection to guard against runoff and erosion and to detect plant or irrigation system failure;
  - 2. replacement of dead, dying and diseased vegetation;
  - 3. eradication of invasive species;
  - 4. repairing the irrigation system and its components;
  - 5. replenishing mulch;
  - 6. soil amendment when necessary to support and maintain healthy plant growth;
  - 7. fertilizing, pruning and weeding and maintaining turf areas;
  - 8. maintenance to avoid obstruction of motorists' view; and

9. the schedule shall also identify who will be responsible for maintenance.
- B. After approval of a landscape documentation package and certificate of completion, the property owner is required to:
1. Maintain and operate the landscaping and irrigation system on the property consistent with the maximum applied water allowance.
  2. Maintain the irrigation system to meet or exceed irrigation efficiency necessary to meet maximum applied water allowance.
  3. Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better.
  4. Ensure that when vegetation is replaced, replacement plantings are representative of the hydrozone in which the plants were removed and are typical of the water use requirements of the plants removed, provided that the replaced vegetation does not result in mixing high water use plants with low water use plants in the same hydrozone.

**17.195.350 Fees.**

An applicant for a project subject to the requirements of this chapter shall include all fees established by the city council to cover the city's cost to review the Landscape Documentation Package, the Certificate of Completion, and the limited materials required for approval of landscaping at a cemetery."

**17.195.360 Enforcement.**

The director shall administer and enforce the provisions of this chapter. The city council may delegate or enter into a contract with a local water purveyor or other qualified person to implement and administer any of the provisions of this chapter on behalf of the city. Penalties for water waste resulting from inefficient landscaping may be imposed in the form of monetary fines, the amount of which shall be determined by the city council based upon the magnitude, duration and/or frequency of the ordinance violation.

## Chapter 17.205

### AGRICULTURE AND ANIMALS

#### Sections:

- 17.205.010 Purpose**
- 17.205.020 Agricultural land uses permitted in residential zones**
- 17.205.030 Ordinary household pets**
- 17.205.040 Pot bellied pigs**
- 17.205.050 Domesticated animals other than horses**
- 17.205.060 Poultry and rabbits**
- 17.205.070 Horses**
- 17.205.080 Distance requirements**
- 17.205.090 Animal related nuisances**
- 17.205.100 Prohibited animals**
- 17.205.110 Agricultural buildings**

#### **17.205.010 Purpose.**

The purpose of this chapter is to list regulations relating to the conduct of agricultural uses and the keeping of animals under simplified headings.

#### **17.205.020 Agricultural land uses permitted in residential zones.**

Commercial horticulture may be conducted in the O-S, RS-40, and RS-20 zones subject to the provisions of this chapter. No other commercial agricultural activities are permitted in any zone. Non-commercial agriculture such as private orchards, gardens, and greenhouses shall be permitted ancillary to any permitted residential use.

Agricultural products may be sold at roadside stands in the O-S, RS-40, and RS-20 zones with approval of an administrative zoning permit and provided that the product is grown or produced on the same property.

#### **17.205.030 Ordinary household pets.**

The keeping of ordinary household pets shall be permitted in all residential zones, subject to the following regulations:

- A. Not more than two (2) adult dogs and two adult cats are permitted for each dwelling, together with offspring less than four (4) months of age.
- B. A third adult dog or cat may be authorized for an individual dwelling unit subject to the granting of a minor conditional use permit.

#### **17.205.040 Pot-bellied pigs.**

The keeping of pet pot-bellied pigs shall be permitted, subject to the following regulations:

- A. A maximum of two (2) pot-bellied pigs are permitted on individual lots in the O-S, RS-40 and RS-20 zones.
- B. A single pot-bellied pig may be kept on an individual lot in the RS-14, RS-9, RS-6, and RM-6000 zones, subject to the granting of a minor conditional use permit. The minor conditional use permit may also authorize one (1) additional pot bellied pig for properties in the RS-14, RS-9, RS-6, and RM-6000 zones with at least 20,000-square feet of lot area.

#### **17.205.050 Domesticated animals other than horses.**

Domesticated animals other than horses may be kept as follows:

- A. A maximum of one (1) domesticated animal, not to exceed 125 pounds at maturity, shall be permitted in the O-S, RS-40 and RS-20 zones.
- B. A maximum of two (2) domesticated animals, not to exceed 125 pounds at maturity, and offspring less than six (6) months of age, shall be permitted in the O-S, RS-40 and RS-20 zones, subject to the granting of a minor conditional use permit.
- C. A maximum of one (1) domesticated animal, not to exceed 125 pounds at maturity, shall be permitted in the RS-14, RS-9, RS-6, and RM-6000 zones, subject to the granting of a minor conditional use permit.

#### **17.205.060 Poultry and rabbits.**

The keeping of poultry and rabbits for private use is permitted in the O-S, RS-40 and RS-20 zones, not to exceed 24 adult poultry and six (6) adult rabbits for each main dwelling, together with offspring until maturity.

#### **17.205.070 Horses.**

Horses may be kept accessory to a permitted residential use as follows:

- A. Horses are prohibited on lots with less than 20,000-square feet of net lot area, except horses may be kept on sub-lots with at least 10,000-square feet of area in the PRD-Low-Low zone.

- B. Horses are permitted in the O-S, RS-40, RS-20, and PRD-Low -Low zones, on lots with at least 20,000-square feet of net lot area, not to exceed one (1) animal over one (1) year of age for each 10,000 square feet of net lot area, and offspring less than one (1) year of age.
- C. Horses may be kept in the RS-14, and RS-9 zones, on lots with at least 20,000-square feet of net lot area, subject to the granting of a minor conditional use permit, not to exceed one (1) animal over one (1) year of age for each 10,000 square feet of net lot area, and offspring less than one (1) year of age.
- D. Horses shall be kept within a fenced enclosure. Such a fenced enclosure may include stables, subject to the distance requirements listed in this chapter and the regulations for accessory buildings within residential zones. Within the PRD-Low-Low zone, horses shall be kept within a designated stable that is at least 50 feet from any structure used for assembly, the conduct of business, or human habitation.

**17.205.080 Distance requirements.**

The keeping of animals, other than ordinary household pets and pot-bellied pigs, are subject to the following minimum distance requirements:

- A. Animals other than ordinary household pets may not be kept within 50 feet of any school, church, hospital, place of business, dwelling, mobile home, or building constructed or used for human habitation, with the exception that this required separation may be reduced to 20 feet in the case of a dwelling on the same lot occupied by the owner of the or animals.
- B. Animals other than ordinary household pets may not be kept within 25 feet of any common property line shared with an adjacent lot, when the main dwelling or building has not been constructed on such adjacent lot.

**17.205.090 Animal related nuisances.**

Animals shall be kept in a manner that prevents offensive odors, flies, dust, noise and other nuisances from affecting surrounding properties.

**17.205.100 Prohibited animals.**

The following types of animals are prohibited:

- A. Any animal prohibited by the California Department of Fish and Game.

- B. Cattle.
- C. Ferrets and other members of the weasel family.
- D. Poisonous reptiles.
- E. Roosters.
- F. Swine (other than pot-bellied pigs kept as pets).
- G. Wild animals.

**17.205.110 Agricultural buildings.**

Accessory structures, used for the housing of animals, shall be located as described in this chapter. Greenhouses and agricultural buildings shall be subject to the same location and area restrictions applicable to other accessory structures permitted in residential zones.

## **Chapter 17.210**

### **ALCOHOL SALES**

#### **Sections:**

- 17.210.010 Purpose**
- 17.210.020 Applicability**
- 17.210.030 Conditional use permit required**
- 17.210.040 Nonconforming alcohol sales**
- 17.210.050 Termination of conditional use permit**
- 17.210.060 Distance requirements**
- 17.210.070 Prohibition of video games at liquor stores**
- 17.210.080 Miniature bottles**
- 17.210.090 Considerations**

#### **17.210.010 Purpose.**

The purpose of this chapter is to list regulations pertaining to the establishment and conduct of alcohol sales in the city under simplified headings.

#### **17.210.020 Applicability.**

The provisions of this section shall apply to establishments for which an application or requested transaction is required to be filed with the state of California, Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the city and allow for the filing of a protest thereon by the city (except for person-to-person transfers of existing licenses, except as otherwise provided) and/or to such existing establishments, including nonconforming uses which shall cease their operation for a period of ninety or more calendar days, and thereafter there is filed any application or requested transaction with the state of California, Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the city, and allow the filing of a protest thereon by the city (including person-to-person transfer of existing license).

#### **17.210.030 Conditional use permit required.**

With the exception of retail stores that have at least 15,000 square feet of gross floor space, and a maximum of 10 percent of the gross floor area devoted to the sales and display of alcoholic beverages, all alcoholic beverage establishments to which this Chapter is applicable shall obtain a conditional use permit pursuant to Chapter 17.50 of this title and satisfy all pertinent conditions prior to the release of the city's protest.

#### **17.210.040 Nonconforming alcohol sales.**

All existing on-sale and off-sale alcoholic beverage establishments for which no valid conditional use permit exists are declared nonconforming uses.

#### **17.210.050 Termination of conditional use permit.**

Any conditional use permit issued pursuant to the provisions of this section shall be subject to the condition, in addition to any and all other conditions, that it shall terminate and cease to apply to any establishment which:

- A. Shall have ceased its operation for a period of 90 or more calendar days, and
  - 1. if there is thereafter filed any application or requested transaction with the state of California, Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the city, and allow the filing of a protest thereon by the city (including person-to-person transfer of existing licenses); or
  - 2. where after such 90-calendar-day period, the existing license shall have ceased to apply to such establishment; or
- B. Where the existing license shall have been surrendered to the Department of Alcoholic Beverage Control for a period exceeding 180 calendar days.

#### **17.210.060 Distance requirements**

- A. No new on-sale or off-sale alcoholic beverage establishment shall be located within 600 feet of residentially zoned property, public or private schools, health care facilities, churches, parks or playgrounds, except:
  - 1. a general retail store, or grocery store, or retail pharmacy with greater than 15,000 square feet of gross floor area and a maximum of 10 percent of the gross floor area devoted to the sale and display of off-sale alcoholic beverages;
  - 2. a convenience market with a maximum of 10 percent of the retail display area devoted to the sale and display of alcoholic beverages; limited to off-sale beer and wine, non-fortified products only. Retail display area includes all floor area within the establishment that is accessible and within view of

customers, including aisles, and floor area occupied by shelves, counters, and refrigerator coolers;

3. a restaurant with an ancillary bar with less total square footage than eating area; or
4. on-sale alcoholic beverage sales secondary and incidental to an approved, complementary, principal use within the boundaries of Specific Plan No. 182.

Said distances shall be measured between the closest property lines of the affected locations. For the purposes of this section, "secondary and incidental," shall mean that the sales of alcoholic beverage shall be limited to not more than 25 percent of the gross annual retail receipts generated by the use on the site, which shall be calculated on a quarterly basis, for the prior 12-month period ending on the last day of the then concluding quarter of year, and shall further mean that sales of alcoholic beverages are not promoted or advertised in any signs, or the name of the business establishment.

For the purposes of this chapter, "principal use," shall include, but is not limited to, live entertainment, participatory sporting activities, museums, theaters, hotels or motels, or other, similar uses approved by the city council, so long as the location of the sales of alcoholic beverages occurs under the same roof as the principal use, and the owner of the principal use is the owner of the liquor license.

- B. No new on-sale alcoholic beverage establishment shall be located within 1,000 feet of an existing on-sale alcoholic beverage establishment and/or within 600 feet of an existing off-sale alcoholic beverage establishment, except:
  1. a restaurant with an ancillary bar with less total square footage than the restaurant eating area; or
  2. on-sale alcoholic beverage sales secondary and incidental to an approved, complementary, principal use within the boundaries of Specific Plan No. 182.

Said distance shall be measured between the closest property lines of the affected locations.

For the purposes of this section, "secondary and incidental," shall mean that the sales of alcoholic beverage shall be limited to not more than 25 percent of the gross annual retail receipts generated by the use on the site, which shall be calculated on a quarterly basis, for the

prior 12-month period ending on the last day of the then concluding quarter of year, and shall further mean that sales of alcoholic beverages are not promoted or advertised in any signs, or the name of the business establishment.

For the purposes of this section, "principal use," may include, but is not limited to, live entertainment, participatory sporting activities, museums, theaters, hotels or motels, or other, similar uses approved by the city council, so long as the location of the sales of alcoholic beverages occurs under the same roof as the principal use, and the owner of the principal use is the owner of the liquor license.

#### **17.210.070 Prohibition of video games at liquor stores.**

No video or other electronic games shall be located in an alcoholic beverage establishment that obtained an original or transferred Type 21 license (liquor store) after January 1, 1996.

#### **17.210.080 Miniature bottles.**

No alcoholic beverage establishment which obtained an original or transferred alcohol license after January 1, 1996 shall display for sale, trade or exchange, any airline- or "shot-" size bottles of alcohol (50 milliliters or less) except in an area under the control of the seller's employee(s). Three acceptable methods of displaying such bottles shall be:

- A. In a completely enclosed cabinet or other storage device which shall be permanently affixed to a building or building structure, and which shall, at all times except during access by authorized representatives, remain securely locked;
- B. In an enclosed area behind a sales or service counter which the public is not permitted to enter; or
- C. In an area under the direct visual supervision of employees at all times during business hours.

#### **17.210.090 Considerations.**

In considering the granting of a conditional use permit for any such establishment, the planning commission shall consider the following:

- A. The amount of existing or proposed off-street parking facilities, and the distance of such parking facilities from the proposed establishment;
- B. Hours of operation of the proposed establishment;

- C. The combination of uses proposed within the proposed establishment;
- D. The crime rate within the police district where the proposed establishment would be located as compared to the crime rate city-wide; provided that no permit is denied solely upon the basis of such crime rate if it does not exceed specified averages set forth by state law;
- E. The total area of all window signs (painted or electric) shall not exceed 33.3 percent of the total window area of the establishment;
- F. Whether there is an over-concentration of such businesses within the census tract in which the sale of alcoholic beverages is being proposed.
- G. Such other considerations as in the judgment of the planning commission are necessary to assure compliance with the purpose and intent of this title.

## Chapter 17.215

### AUTOMOTIVE FUELING STATIONS

#### Sections:

- 17.215.010 Intent and purpose**
- 17.215.020 Conditional use permit required**
- 17.215.030 Nonconforming provisions**
- 17.215.040 Conditionally permitted ancillary activities**
- 17.215.050 Prohibited activities**
- 17.215.060 Hours of operation**
- 17.215.070 Beer and wine sales**
- 17.215.080 Location**
- 17.215.090 Site area and frontage**
- 17.215.100 Setbacks**
- 17.215.110 Parking**
- 17.215.120 Perimeter wall**
- 17.215.130 Trash enclosure**
- 17.215.140 Storage**
- 17.215.150 Landscaping**
- 17.215.160 On-site lighting**
- 17.215.170 Outdoor display of auto-related merchandise**
- 17.215.180 Location of accessory outdoor equipment**

#### **17.215.010 Intent and purpose.**

The intent and purpose of this chapter is to regulate the establishment and operation of automotive fueling stations in order to ensure compatibility between fueling stations and surrounding land uses. Furthermore, it is the intent and purpose of this chapter to promote pedestrian and vehicular safety in and around automotive fueling stations, and to prevent automotive fueling stations from having negative effects upon the development or redevelopment of property in the vicinity of existing or proposed fueling stations.

#### **17.215.020 Conditional use permit required.**

The establishment of an automotive fueling station requires approval of a conditional use permit pursuant to Chapter 17.50 of this title. This requirement applies to the construction of new fueling stations, the re-opening of existing fueling stations that have been closed for a period of at least 12 months, and the renovation of existing fueling stations when the renovation includes the construction, expansion or relocation of buildings or pump islands. Furthermore, any existing fueling station that is annexed by the city shall obtain approval of a conditional use permit within nine (9) months of annexation or shall be considered a lawful nonconforming use. In obtaining conditional use permit approval, the annexed fueling station must satisfy the criteria listed in this section

related to permitted and prohibited activities and services, trash enclosures, storage space, and landscaping within one year. However, the planning commission shall have the authority to modify these requirements if finds that practical difficulties exist, which would make such requirements impossible or impractical to satisfy. New automotive fueling stations may only be established in the C-N, C-G, C-R, and C-M zones.

**17.215.030 Nonconforming provisions.**

Fueling stations existing prior to January 1, 1973, and fueling stations annexed by the city, which do obtain a conditional use permit and do not comply with the permitted and prohibited activities and services, or the requirements regarding trash enclosures, storage space, and landscaping, shall be considered lawful nonconforming uses and subject to the provisions of Chapter 17.120.

**17.215.040 Conditionally permitted ancillary activities.**

In addition to the sale of automotive fuels, propane, motor oil, automotive fluids, windshield wipers, and other automotive accessories, the following activities may be conducted at an automotive fueling station, if specifically approved with the granting of a conditional use permit:

- A. The sale and installation of tires.
- B. Automotive service and repair as defined in Chapter 17.110, except major engine and transmission repair; must be conducted completely within an enclosed building.
- C. The conduct of a convenience market.
- D. The conduct of a car wash.
- E. The sale of beer and wine, subject to the requirements listed in Chapter 17.210 and Section 17.215.070.
- F. Pay telephones.
- G. Other uses determined by the planning commission to be compatible with the fueling station and surrounding land uses.

**17.215.050 Prohibited activities.**

The following activities and facilities are prohibited at fueling stations:

- A. The sale of liquor and spirits.

- B. Vehicle storage.
- C. Vehicle sales.
- D. Automotive body repair as defined in Chapter 17.110.
- E. Outdoor automobile lifts.

**17.215.060 Hours of operation.**

The hours of operation for a fueling station may be limited as part of the conditional use permit approval. In limiting the hours of operation for a fueling station, the planning commission shall consider the following:

- A. Proximity to residential uses and other sensitive land uses.
- B. The sale of beer and wine.
- C. Crime statistics for the district in which the fueling station is located.
- D. The presence of accessory activities and equipment such as car washing, automotive fueling and repair activities, and vacuum cleaners.

**17.215.070 Beer and wine sales.**

Beer and wine may be sold within a convenience market at a fueling station, subject to the criteria listed below and also in Chapter 17.210.

- A. No beer or wine shall be displayed within five (5) feet of the cash register or the front door, unless it is in a permanently affixed cooler.
- B. No advertisement of beer or wine shall be displayed at motor fuel islands.
- C. No sale of beer or wine shall be made from a drive-in window.
- D. No sale of beer or wine shall be made from an ice tub.
- E. No self-illuminated advertising for beer or wine shall be located on buildings or windows.
- F. All employees shall be at least 21 years of age to sell beer and wine.
- G. The space allotted to the display of beer and/or wine shall not exceed 10 percent of the total available retail floor space in the convenience market.

H. No video games shall be located within 15 feet of any beer or wine display.

**17.215.080 Location.**

Fueling stations shall be located only in the C-N, C-G, and C-M zones and only at locations meeting the following criteria:

- A. Corner sites at the intersection of two (2) dedicated public streets;
- B. Lots which side on a freeway right-of-way;
- C. Shopping centers with an area equal to or greater than two (2) acres.

**17.215.090 Site area and frontage.**

Fueling stations shall meet the following minimum area requirements:

- A. Corner Site and Freeway Adjacent Site. The minimum area of a corner site, or a site that sides on a freeway right-of-way shall be 20,000 square feet, with a minimum of 150 linear feet on one street.
- B. Shopping Center Site. When fueling stations are developed as a part of a commercial development with an area greater than two (2) acres, the fueling station sites may be reduced to 1,500 square feet, providing the additional required area is provided within the mutual parking and access areas.

**17.215.100 Setbacks.**

All buildings shall be set back from street frontage property lines a minimum of 15 feet, pump islands parallel to the adjacent street shall be situated a minimum of 16 feet from all property lines, pump islands perpendicular to the adjacent street shall be a minimum of 24 feet from all property lines, and canopies shall be a minimum of five (5) feet from any street frontage property line. No setback shall be required for buildings to interior property line, except if the adjacent property is zoned residential, a setback of 15 feet shall be required.

### **17.215.110 Parking.**

There shall be a minimum of one (1) parking space for each pump island and two (2) parking spaces for each service bay. If the fueling station includes a convenience market, additional parking at a ratio of one (1) space per each 250square feet of floor area shall be required for the area dedicated to the convenience market. All such parking spaces shall be marked clearly and shall meet all city ordinances and standards as to size and accessibility.

### **17.215.120 Perimeter wall.**

Fueling station sites shall be separated from abutting property by a six-foot-high masonry wall constructed on the property line. Such walls shall be reduced to 42 inches in height 10 feet from street frontage property lines. Walls need not be installed when building walls or other acceptable walls already exist on such property lines, or the fueling station is part of a shopping center development. The wall requirement may be modified as part of the conditional use permit.

### **17.215.130 Trash and recycling.**

Each fueling station shall have at least one (1) trash/recycling enclosure, which meets the requirements listed in Section 17.130.160.

### **17.215.140 Storage.**

Each fueling station shall have a storage area. The required storage area may be constructed outside of the main building, providing that it be enclosed with a view-obscuring gate made of a durable metal material, and be roofed and contiguous to the main building, unless approved otherwise as part of the conditional use permit.

### **17.215.150 Landscaping.**

At least eight (8) percent of the site shall be landscaped with plant materials. Planting areas shall include, but not be limited to, the following:

- A. Four-foot-inside-dimensioned planters along all exterior property lines, except for driveways. Planters may be rounded at driveway entrances;
- B. A planting area at the intersecting corner of the site, from curb cut to curb cut, containing a minimum of 150 square feet of landscaping;
- C. A series of tree wells, each situated a maximum distance of 20 feet on center along all interior property lines, having a minimum inside

dimension of four (4) feet square and containing at least one 15-gallon tree of a variety, subject to city approval;

- D. Except for common traffic drive aisles, fueling stations within shopping centers or tourist centers shall be delineated from the remainder of the property by a landscaped buffer with minimum inside dimensions of four (4) feet and enclosed by a six-inch concrete curb. Common and integrated traffic drive aisles between the fueling station and the remainder of the property shall be encouraged;
- E. Plant material shall be subject to the requirements listed in Chapter 17.195 and shall be chosen for attractiveness, drought tolerance, durability and ability to screen sound and visual elements. Plantings shall include a mixture of trees, shrubs and ground cover. Artificial plant material shall be prohibited except that ground cover may be of rock, bark or artificial turf. All planting areas shall be provided with a permanent irrigation system designed by a licensed landscape architect or licensed landscape contractor and of a design suitable for the type and arrangement of the plant materials selected.

**17.215.160 On-site lighting.**

On-site light shall be required that is adequate for pedestrian and vehicular safety and sufficient to minimize security problems. However, in no case shall the lighting create a nuisance to any surrounding properties.

**17.215.170 Outdoor display of auto-related merchandise.**

Tires, windshield wipers, lubricants, automotive fluids, and similar auto-related merchandise may be displayed outdoors in racks or cabinets provided that such racks or cabinets not be located within 15 feet of any street property line or in conflict with any designated on-site drive aisles or parking spaces.

**17.215.180 Location of accessory outdoor equipment.**

Accessory outdoor equipment including but not limited to compressed air and water stations, vacuum cleaners, propane tanks, pay telephones, etc. may be permitted outside of required drive aisles and parking stalls and subject to the following distance and screening requirements:

- A. Pay telephones shall visible from, and shall be set back at least 15 feet from, the public right-of-way.
- B. Vacuum cleaners shall not be located within 15 feet of the public right-of-way, nor within 50 feet of residentially zoned property or other sensitive land uses.

- C. Other accessory equipment such as compressed air and water stations shall be located at least 15 feet from the public right-of-way and from any residentially zoned property.
- D. Exceptions may be made to the setbacks listed above for equipment that is required by other agencies and is related to soil contaminant remediation, and for equipment related to air quality management. Unless specifically addressed in the approving conditional use permit, such exceptions shall be at the discretion of the director. All such equipment shall be screened from view of the public right-of-way by buildings, landscaping or an equipment enclosure. Such landscaping and equipment enclosures are subject to the approval of the director.

## Chapter 17.220

### DENSITY BONUS FOR AFFORDABLE HOUSING DEVELOPMENTS

#### Sections:

- 17.220.010 Intent and purpose**
- 17.220.020 Applicability**
- 17.220.030 Definitions**
- 17.220.040 Density bonus affordability and longevity**
- 17.220.050 Density bonus calculations, incentives, concessions and location**
- 17.220.060 Donation of land**
- 17.220.070 Child care facilities**
- 17.220.080 Development standards**
- 17.220.090 Parking standards**
- 17.220.100 Appeals**
- 17.220.110 Penalties**

#### **17.220.010 Intent and purpose.**

The purpose of these regulations is to: (1) comply with State Density Bonus Law (California Government Code Section 65915); and (2) implement the housing element of the El Cajon general plan. The regulations are intended to materially assist the housing industry in providing adequate and affordable shelter for all economic segments of the community and to provide a balance of housing opportunities for senior, low income and very low-income households, as well as moderate income owners of condominium or planned developments as defined in California Civil Code section 1351, subdivisions (f) and (k), respectively, throughout the City. It is intended that the affordable housing density bonus and any additional development incentive be available for use in all types of residential developments. It is also intended that these regulations implement the provisions of California Government Code Sections 65915 through 65918. It is further intended that these regulations will require any increase in density of residential developments to be distributed and constructed within the same development site as the market rate housing; however, in no event shall the total number of residential units granted exceed 135% of the usual maximum density.

#### **17.220.020 Applicability.**

This chapter applies to any residential development of five (5) or more dwelling units (before density bonus is applied) when the written request of an applicant proposes density beyond that permitted by the underlying zone in exchange for an agreement that a portion of the total dwelling units in the proposed development is reserved for low or very low-income households, senior citizens or moderate income families in a condominium or planned development.

To the extent that any provision of this chapter conflicts with State Density Bonus Law, as amended from time to time, the provisions of State Density Bonus Law shall be applied in lieu of any conflicting provisions below.

### **17.220.030 Definitions.**

The following terms are hereby defined for the purposes of this chapter:

“Affordable housing agreement” means an agreement between the applicant and the city guaranteeing the affordability of rental or ownership units to applicable income households for a period of not less than 30 years, and is in accordance with the provisions of this chapter.

“Affordable housing costs” means those amounts set forth in section 50052.5 of the California Health and Safety Code, as the same may be amended from time to time, or any state law replacing section 50052.5.

“Appreciation” means the increase in value of a moderate income unit in a condominium or planned development project approved as a density bonus unit as determined by the difference between the original market value of the unit minus the price of the unit as sold to the first moderate income purchaser. If the value of the unit increases, the city and the initial purchaser shall divide the “appreciation” by respective percentage share with the city’s share equal to the percentage that the original sales price was less than fair market price at the time of original sale. So, if the original sales price was \$200,000 for a unit with a fair market price of \$300,000, the original unit sold for two-thirds or 66.67 percent of its fair market price and the city’s share of appreciation would be 33.33 percent.

“Child care facility” means a child day care facility, other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities and school age child care centers licensed by the state.

“Concession or incentive” means:

- A. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions;

- B. Approval of mixed use development in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or
- C. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient and actual cost reductions.

“Condominium project” means a project as defined by section 1351(f) of the California Civil Code, as the same may be amended from time to time.

“Density bonus” for housing projects that have the requisite percentage of housing reserved for senior citizen housing developments, lower income households or very-low income households, means a density increase of at least 20 percent, but not more than 35 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the City.

“Density bonus” for housing projects that are condominium projects or planned developments in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, means a density increase of at least five (5) percent, but not more than 35 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application.

“Development standard” includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

“Families of low or moderate income” means persons or families whose income meets the requirements set forth in California Health & Safety Code section 50093, as the same may be amended from time to time, or any state law replacing section 50093.

“Housing development” means one or more groups of projects for residential units with a minimum of five (5) residential units, including a condominium project and a planned development. “Housing development” also includes either (1) a project to substantially rehabilitate and convert an existing commercial building to residential use, or (2) the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of California Government Code Section

65863.4, as the same may be amended from time to time, or any state law replacing section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

“Lower income households” means households defined in section 50079.5 of the California Health and Safety Code, as the same may be amended from time to time, or any state law replacing section 50079.5. At the time of the adoption of this chapter section 50079.5 defines “lower income households” as those whose income is equal to or less than 80% of the area median income (“AMI”).

“Maximum allowable residential density” means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

“Persons and families of moderate income” means persons and families defined in section 50093 of the California Health and Safety Code, as the same may be amended from time to time, or any state law replacing section 50093. At the time of the adoption of this chapter section 50093 defines “moderate income households” as those whose income does not exceed 120% of the area median income.

“Planned development” or “planned unit development” or “planned residential development” means a project as defined by section 1351(k) of the California Civil Code, and as defined by a planned unit development or planned residential development in this Title.

“Senior citizen housing development” means a project as defined by section 51.3 of the California Civil Code as the same may be amended from time to time, or any state law replacing section 51.3.

“Very low income households” means households defined in section 50105 of the California Health and Safety Code, as the same may be amended from time to time, or any state law replacing section 50105. At the time of the adoption of this chapter section 50105 defines “very low income households” as those whose income is equal to or less than 50% of the area median income.

#### **17.220.040 Density bonus affordability and longevity.**

- A. Affordability in general. The affordable dwellings units proposed or constructed as defined in this subdivision shall be subject to an affordable housing agreement, and such deed restrictions and other applicable documents, approved by the city attorney, ensuring continued affordability of the dwelling units for a period of not less than 30 years or a longer period of time (if required by the construction or mortgage financing assistance program, mortgage insurance program, first time home buyer’s program, rental subsidy program or any local,

state and federal laws, regulations or statutes). Affordability limits are established as follows:

1. Rental units targeted for lower income households shall be affordable at a rent that does not exceed 30 percent of 60 percent of AMI.
  2. Rental units targeted for very low-income households shall be affordable at a rent that does not exceed 30 percent of 50 percent of AMI.
  3. Ownership units shall be made available only to households whose income does not exceed the limits for the targeted households for the duration of the affordable housing agreement.
- B. Affordability for moderate-income condominium or planned development units. The city shall ensure that the initial occupant of each moderate-income unit that is directly related to the receipt of the density bonus in a condominium project or planned development is a person or family of moderate income as defined above in Section 17.220.030. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture its proportionate share of appreciation, which shall be used as required by California Government Code Section 65915, as the same may be amended from time to time, or any applicable state law replacing section 65915. The city's share shall be equal to the percentage by which the initial sales price of the moderate-income household was less than the fair market value of the home at the time of initial sale. If there is any direct financial contribution from the city through participation in the cost of infrastructure, write-down of land costs, or subsidizing the cost of construction the city may limit the amount of the appreciation upon resale for at least 30 years or more, if required by the project funding source.
- C. Affordability covenants. Affordability shall be ensured by requiring that the applicant enter into an affordable housing agreement which shall be reviewed by the city department of redevelopment and housing and approved by the city attorney and shall be recorded and run with the land. The 30 year or longer affordability period shall commence from the date that the final certificate of occupancy is issued, or the date of the recording of the affordable housing agreement, whichever shall last occur.

**17.220.050 Density bonus calculations, incentives, concessions and location.**

- A. Density bonus calculations. Upon written request of an applicant through the processing of a conditional use permit pursuant to Chapter 17.50 of this title, the city council shall grant a density bonus of at least 20 percent, but not more than 35 percent, and incentives or concessions as provided in this section when the applicant for the housing development agrees or proposes to construct at least any one of the following: (Note: The applicant shall also simultaneously process each and every other development application required by this title for the proposed project.)
1. 10 percent of the total units of a housing development for lower income households;
  2. Five (5) percent of the total units of a housing development for very low-income households;
  3. A senior citizen housing development, including a mobile home park that limits residency to senior citizens; or
  4. 10 percent of the total units in a common interest development as defined by section 1351 of the California Civil Code for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.

For the purpose of this section, "total units" does not include density bonus units.

B. Additional density bonus.

1. If an applicant exceeds the percentages set forth in subsection A of this section the applicant shall be entitled to an additional density bonus above 20 percent calculated as follows:
  - a. For each one (1) percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent, up to a maximum of 35 percent for the total project;
  - b. For each one (1) percent increase above five (5) percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two

and one-half (2.5) percent, up to a maximum of 35 percent for the total project;

- c. For each one (1) percent above 10 percent in the percentage of units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of 35 percent for the total project.

Note: All density bonus calculations resulting in fractions shall be rounded up to the next whole number.

C. Incentives or concessions.

1. An applicant may request incentives and/or concessions pursuant to this subsection in conjunction with a density bonus request. The applicant shall submit a written request to the community development department, with a completed conditional use permit application, detailing the specific incentives and/or concessions that the applicant requests.
2. Number of incentives/concessions. The applicant shall be entitled to receive the following number of incentives or concessions:
  - a. One (1) incentive or concession for projects that include at least five (5) percent of the total units for very low income households, or at least 10 percent of the total units for lower income households or persons and families of moderate income in a condominium or planned unit development.
  - b. Two (2) incentives or concessions for projects that include at least 10 percent of the total units for very low income households, or at least 20 percent of the total units for lower income households or persons and families of moderate income in a condominium or planned development.
  - c. Three (3) incentives or concessions for projects that include at least 15 percent of the total units for very low income households, or at least 30 percent of the total units for lower income households or persons and families of moderate income in a condominium or planned development.

3. In addition to all other conditional use permit (“CUP”) application requirements, an applicant requesting incentive(s) and/or concession(s) shall also show, using one of the following methods, that the concession(s), and/or incentive(s), is necessary to make the density bonus housing units economically feasible:
  - a. A development pro forma with the capital costs, operating expenses, return on investment, loan-to-value ratio and the debt coverage ratio including the contribution(s) provided by any applicable subsidy program(s), and the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units; or
  - b. An appraisal report indicating the value of the density bonus and of the incentive(s)/concession(s); or
  - c. A use of funds statement identifying the projected financing gap for the project with the affordable housing units. The analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentive(s)/concession(s).
4. When the city council grants a density bonus in accordance with this section, the city council shall grant the additional concessions or incentives requested by the applicant, unless it finds, based upon substantial evidence, that:
  - a. The concessions or incentives are not required in order to provide for affordable housing costs or rents for the targeted units to be set as specified in Section 17.220.040; or
  - b. The concession or incentive would have a specific adverse impact (as defined in California Government Code Section 65589.5(d)(2), as the same may be amended from time to time, or any applicable state law replacing section 65589.5(d)(2)) upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
  - c. The concession or incentive would be contrary to state or federal law; or

- d. The concession would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
- D. The granting of a density bonus, incentive or concession shall not be interpreted, in and of itself, to require a general plan amendment or zoning change. The request for such items shall be processed as a CUP in addition to every other applicable planning application as described in this title.
- E. This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, or the waiver of fees or dedication requirements.
- F. All affordable units shall be of similar design and quality as the market rate units, including exteriors and floor plans.
- G. All affordable units shall be dispersed throughout the housing development rather than clustered in a single area or building.

**17.220.060 Donation of land.**

When an applicant for a tentative subdivision map, parcel map, or other residential development donates land to the city that meets the requirements of this section and California Government Code Section 65915 (g) (2), the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development.

- A. The developable acreage and zoning classification of the land must be sufficient to permit construction of units in an amount not less than 10 percent of the number of residential units of the proposed development; and
- B. The units shall be affordable to very low-income households.
- C. Any increase in the density required by this section shall be in addition to any increase in density provided to the applicant under Section 17.220.050 provided, however, that the project shall not be allowed density bonuses under this section and under Section 17.220.050 in excess of 35 percent combined.

### **17.220.070 Child care facilities.**

When an applicant proposes to construct a housing development that conforms to the requirements of this title and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the following shall apply:

- A. The city council shall grant one of the following, unless based upon substantial evidence, the council finds that the community has adequate child care facilities:
  1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
  2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. The city council shall require the following as conditions of approving the housing development; these requirements shall be included in the affordable housing agreement:
  1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 17.220.040; and
  2. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in the proposed housing development pursuant to subsections A and B of Section 17.220.050.
- C. The city council shall not be required to provide a density bonus or concession for a child care facility, if it finds, based upon substantial evidence, that the city already has adequate child care facilities.
- D. The density bonus allowed under this section shall be in addition to any density bonuses already given to the applicant pursuant to Sections 17.220.050 and 17.220.060 of this chapter.

**17.220.080 Development standards.**

- A. The city shall not apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of this title while at the same time at the densities or with the concessions or incentives permitted by this chapter.
- B. All development standards of the underlying zone shall apply to density bonus projects, unless one or more concessions have been granted.
- C. Any discretionary actions for modification or waiver shall be processed as a conditional use permit per Chapter 17.50 of this title in addition to each and every other development application required by this Title for the proposed housing project.
- D. Nothing in this chapter shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2), as the same may be amended from time to time, or any applicable state law replacing section 65589.5(d)(2), upon the health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- E. Nothing in this section shall be interpreted to require the city to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

**17.220.090 Parking standards.**

- A. Upon request of the applicant for any housing development qualifying for a density bonus under this chapter, the following maximum parking standards shall apply, inclusive of handicapped and guest parking, for the entire housing development:
  - 1. One (1) onsite parking space per dwelling unit that has up to one (1) bedroom;
  - 2. Two (2) onsite parking spaces per dwelling unit that has two (2) to three (3) bedrooms; and
  - 3. Two and one-half (2.5) parking spaces per dwelling unit that has more than three (3) bedrooms.

- B. All parking calculations for the development resulting in a fraction shall be rounded up to the next whole number.
- C. Parking may be provided by tandem parking and need not be covered or garaged, but may not be on street parking.
- D. An applicant may request additional parking incentives or concessions beyond those provided in this section pursuant to subsection D of Section 17.220.050.

**17.220.100 Appeals.**

Any decision of the commission to deny or limit any request for density bonuses, incentives, concessions, or waivers/modifications of development standards may be appealed to the city council in accordance with Chapter 1.36 of this code.

**17.220.110 Penalties.**

- A. Any violations of the density bonus agreement, deed restriction or other provisions of this chapter may be deemed a nuisance by the director and abated in accordance with Section 1.24.010 of this code. In addition to the right to abate a nuisance, the director may assess civil penalties in the manner described in Section 1.24.020 by Notice and Order properly made and the city attorney may seek recovery of civil penalties in the manner described in Section 1.24.020.
- B. Notwithstanding subsection A, above, any violation of this chapter may be prosecuted in the manner described in Section 1.24.010 of this code.

## Chapter 17.225

### MISCELLANEOUS SPECIAL USES AND REGULATIONS

#### Sections:

- 17.225.010 Purpose
- 17.225.020 Bed and breakfast establishments
- 17.225.030 Family daycare homes
- 17.225.040 Garage sales
- 17.225.050 Home occupations
- 17.225.060 Kitchen facilities in hotels and motels
- 17.225.070 Massage parlors
- 17.225.080 Mobile homes, temporary buildings used as offices
- 17.225.090 Outdoor dining areas
- 17.225.100 Resource recovery centers
- 17.225.110 Roadside stand
- 17.225.120 Satellite antennas
- 17.225.130 Take-out restaurants
- 17.225.140 Temporary construction buildings
- 17.225.150 Temporary real estate office
- 17.225.160 Temporary shade structures
- 17.225.170 Trailer used as residence
- 17.225.180 Transition service centers

#### 17.225.010 Purpose.

The purpose of this chapter to list regulations and development standards for special and/or unique land uses and facilities and under simplified headings. Because of their unique nature, the uses listed in this chapter shall be subject to special standards.

#### 17.225.020 Bed and breakfast establishments

Bed and breakfast establishments as defined in Chapter 17.110 may be permitted in any residential zone subject to the granting of a conditional use permit processed in accordance with Chapter 17.50 of this title and compliance with the following development criteria:

- A. The residence shall have received a historical rating of "2" or higher as described in the SANDAG historical preservation survey of El Cajon dated November, 1985 and on file in the offices of the department of community development;
- B. The owner/operator shall live on the property;
- C. The maximum length of stay shall be seven (7) days;

- D. The maximum number of guest rooms shall be established as part of the conditional use permit;
- E. Breakfast is the only meal that may be served and then only to registered guests. No kitchens shall be permitted in any guest rooms;
- F. Off-street parking shall be provided at the ratio of two (2) spaces for the owner/operator and one (1) space for each guest room. All parking spaces shall comply with the parking location and improvement requirements applicable in the underlying zone;
- G. Signs shall be limited to one (1) unlighted monument sign which is a maximum of six (6) feet high and 12 square feet in sign area or one (1) unlighted building face/wall sign which is a maximum of 12 square feet in sign area. No monument sign shall be located in the public right-of-way nor shall its location affect visibility from any driveways or public streets;
- H. The proposed bed and breakfast establishment shall satisfy all applicable fire, building and health codes; and
- I. A business license shall be obtained and maintained in effect at all times and any transient occupancy taxes required by Chapter 3.44 of this code shall be collected and paid.

**17.225.030 Family day care homes.**

- A. Family day care homes, small, as defined in Chapter 17.110, are a permitted use in all residential zones.
- B. Family day care homes, large, as defined by Chapter 17.110, are permitted in all residential zones, upon approval of an administrative zoning permit, as described in Chapter 17.40.
  - 1. Prior to granting approval for a large family day care home, the director shall verify that the proposed large family day care home meets the following standards:
    - a. The business operator shall demonstrate that one (1) off-street parking space for every employee (including the business owner) will be available during business hours on the subject property;
    - b. The subject property shall provide adequate space on-site for the safe loading and unloading of passengers. As

an alternative, the property may be located on a through street that allows on-street parking in front of the subject property;

- c. Any rear or side yard used as a play area for the large family day care home shall be separated from adjoining properties by a six-foot high solid fence or wall in good condition; and
  - d. No portion of the large family day care home (or accessory structures used for day care on the subject property) shall have been constructed or converted in violation of local building and zoning regulations.
2. Large family day care homes must also comply with any regulations adopted by the State Fire Marshal pursuant to Section 1597.46(d) of the California Health and Safety Code. Compliance with such ordinances shall be no more demanding for the large family day care home than for any other residential use.
  3. In no event shall a large family day care home be approved to operate in an illegally converted garage.

#### **17.225.040 Garage sales.**

A maximum of six (6) garage sales may be conducted during a single calendar year on any residentially developed property. No single garage sale event shall exceed one (1) calendar day. This limitation applies to multi-family residential developments as well as single-family homes. Therefore, residents in multi-family developments are encouraged to coordinate their garage sales.

#### **17.225.050 Home occupations.**

Home occupation means an occupation lawfully conducted within a dwelling by an inhabitant of such dwelling. A home occupation shall meet each of the requirements set forth in subsections (A) through (J) of this section, unless otherwise excepted by subsection (K), and further shall be subject to subsections (L) and (M) of this section.

- A. One for which no customer comes to the dwelling to receive the service or merchandise offered by the home occupation;
- B. One for which no employees other than inhabitants of the dwelling work at or come to the dwelling;

- C. One for which no sign or other advertising is displayed;
- D. One in which no merchandise, equipment or materials are kept or stored at the dwelling or outside the dwelling, except those necessary to maintain an office;
- E. One for which the required garage, carport or parking space for the dwelling is not converted for use in any way by the home occupation to preclude its use for parking;
- F. One in which there is no alteration of the residential character of the premises;
- G. One for which all contacts with customers or clients take place on-site only by mail, telephone, or electronic media, such as a computer and/or facsimile machine, or entirely off-site;
- H. One in which any equipment necessary to perform the home occupation on the premises must be kept in a pickup truck or van with a maximum capacity of one (1) ton or a trailer that can be towed by a truck or van;
- I. One which does not create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference or similar conflicts with compatibility; and
- J. One for which a valid business license is obtained and annually renewed.
- K. Notwithstanding the above, any home occupation conducted by a disabled person or by a person for therapy and not deemed detrimental to the subject area may be permitted, provided the applicant's claim for handicap or therapy is supported by a written statement by a licensed medical doctor.
- L. Notwithstanding the above, any home occupation may be revoked by the director of community development upon the violation of any requirements of this title or any conditions of approval, unless the violation is corrected within five days of giving written notice thereof.
- M. Any decision of the director may be appealed to the planning commission for review pursuant to Chapter 17.30.

**17.225.060 Kitchen facilities in hotels and motels.**

A conditional use permit shall be required for any hotel or motel containing any units with kitchen facilities, except that one (1) unit designed for a resident manager may contain one kitchen by right. A maximum of 10 percent of the total number of hotel or motel units may contain kitchen facilities with any fractional total rounded down to the next lowest whole number.

**17.225.070 Massage parlors.**

A. Massage parlors shall comply with all of the requirements provided in Chapter 5.40 of the El Cajon Municipal Code and shall be located pursuant to the following minimum proximity requirements:

1. No massage parlors shall be located within 1,000 feet of any other massage parlor or adult entertainment establishment as defined in Section 17.45.040;
2. No massage parlor shall be located within 500 feet of any residential zone; and
3. No massage parlor shall be located within 600 feet of any parcel of land that contains any one or more of the following specific land uses:
  - a. Religious facility;
  - b. Courthouse;
  - c. Public playground/park/recreation area; or
  - d. School.

B. Distance, without regard to intervening structures shall be:

1. A straight line measure from the closest exterior structural wall of any massage parlor to any other massage parlor, or adult entertainment establishment as defined in Section 17.45.040; and
2. A straight line measured from the closest exterior structural wall of any massage parlor and to the closest property line of a religious facility, courthouse, public playground/park/recreation area, school, or residential zone.

**17.225.080 Mobile homes, temporary buildings used as offices.**

An owner may use a trailer, mobile home or other temporary building or structure as a temporary business office, trade or business facility for a period of time and upon such reasonable conditions as approved by a temporary use permit pursuant to Chapter 17.75. No such trailer, mobile home, or structure shall be used as a permanent business or other permanent trade or business facility.

**17.225.090 Outdoor dining areas.**

Outdoor dining areas are permitted in association with otherwise permitted and legally established eating and drinking establishments, subject to the following guidelines and subject to obtaining an administrative zoning permit for outdoor dining pursuant to Chapter 17.75. The total area dedicated to outdoor dining shall not exceed the area dedicated to indoor dining unless the planning commission authorizes a larger area through the granting of a conditional use permit. The outdoor dining area shall not be located in the public right of way, unless an encroachment permit is issued for the outdoor dining area by the department of public works. No additional parking is required for the outdoor dining area as long as the area dedicated to outdoor dining is less than the area dedicated to indoor dining.

**17.225.100 Resource recovery centers.**

Resource recovery centers authorized by the California Beverage Container Recycling and Litter Reduction Act may be located in any commercial or industrial zone subject to the processing of a minor conditional use permit. This requirement shall not apply to the installation of reverse vending machines used for purposes of returning beverage containers. Resource recovery centers located in commercial zones shall be conducted within permanent enclosed structures.

**17.225.110 Roadside stand.**

Farm products may be sold at roadside stands in the O-S, RS-40, and RS-20 zones, the design subject to the approval of an administrative zoning permit and provided the product is grown or produced on the same property.

**17.225.120 Satellite antennas.**

- A. Building permit required. Prior to installation, a building permit shall be required for any satellite antenna (as defined in Chapter 17.105) that is:
  - 1. Roof-mounted or otherwise mounted upon an existing or proposed structure regardless of the size of such antenna; or

2. Ground-mounted and greater than 10 feet in diameter; or
3. Ground-mounted and greater than 11 feet in height as measured from the ground to the top of the antenna when fully positioned for operational use; or
4. Ground-mounted and located between a building and any exterior yard in residential zones or between a building and any public street in office, commercial or industrial zones.

B. Development standards. The following development standards shall apply to all satellite antenna installations regardless of type, size or location or whether a building permit is required.

1. All antennas, but especially roof-mounted antennas, shall be positioned so as to minimize their appearance from the street level of surrounding properties;
2. The color of an antenna shall be harmonious with its background or the surrounding area;
3. No antenna shall contain any advertising copy or be used as a sign;
4. No antenna shall occupy a required parking space;
5. Any roof-mounted antenna greater than five (5) feet in diameter shall be constructed of mesh material as opposed to being solid unless the applicant can demonstrate that a solid roof-mounted antenna greater than five (5) feet in diameter will be adequately screened from view;
6. Wind-load calculations shall be required for all roof-mounted antennas, all ground-mounted antennas greater than 10 feet in diameter and all ground-mounted antennas greater than 11 feet in overall height;
7. No satellite antenna shall be permitted in the front setback (yard) in a residential zone; and
8. Only one satellite antenna shall be permitted on any lot for any single business enterprise, unless additional antennas are approved by the planning commission.

**17.225.130 Take-out restaurants.**

Take-out restaurants, as defined in Chapter 17.110 shall not be required to provide the increased parking that is required for other restaurants. However, take-out restaurants may not provide tables, counters, or any other amenities for the purpose of on-site dining either inside or outside of the establishment. A take-out restaurant shall be allowed a maximum of eight (8) indoor seats for the convenience of customers who are waiting for take out orders.

**17.225.140 Temporary construction buildings.**

Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project, provided that such temporary structure may not be maintained for a period exceeding one (1) year.

**17.225.150 Temporary real estate office.**

One (1) temporary real estate office may be located on any new subdivision in any zone, provided that such office in any "R" zone shall be removed at the end of two (2) years from the date of recording of the map of the subdivision upon which such office is located, or completion of original sales, whichever is earlier.

**17.225.160 Temporary shade structures.**

A. One temporary shade structure may be allowed as an accessory carport in front of an existing single-family home, upon approval of an administrative zoning permit, if performance standards 1 or 2 below, and performance standards 3, 4 and 5 below, are met:

- 1 The lot on which the shade structure is proposed contains a single-family home, but not two covered parking spaces.
2. One or more of the residents in the home on the property has been issued a disabled person placard or plates by the department of motor vehicles.

3. The temporary shade structure is designed and will be located in such a manner that it will not create a sight distance hazard.
  4. No temporary shade structure shall encroach into the public right-of-way.
  5. The area occupied by the temporary shade structure is paved and in compliance with Section 17.140.160.A.2.
- B. Temporary shade structures, including the frame and covering, shall be well maintained. Any worn, torn, faded, bent, or graffiti marred structure or covering, if located within public view, whether or not it was authorized with an administrative zoning permit, shall be removed.

**17.225.170 Trailer used as residence.**

During the construction of a permanent residence on a lot pursuant to a valid building permit, the director may grant permission to an owner or caretaker to use a trailer or recreation vehicle as a temporary residence on the lot during construction of the residence, subject to the approval of a temporary use permit as described in Chapter 17.75 of this title. The permit shall be approved for a period of not more than six (6) months, unless extended by the director. All required permits to temporarily place the trailer or recreation vehicle on the lot, including connection to utilities, shall be obtained.

**17.225.180 Transition service centers.**

- A. Transition service centers, including homeless shelters, as defined in Chapter 17.110, may be located on properties in the C-M and M zones, subject to the approval of a site development plan permit (SDP), processed in accordance with Chapter 17.65 and the following requirements. Transition service centers may be located in the C-G and C-R zones, subject to the approval of a conditional use permit (CUP).
- B. The following development standards and operational procedures shall be applicable in the review of an SDP or CUP proposed for a transition service center—either temporary or permanent.

1. Development standards.

- a. A detailed site plan shall be submitted to the department of community development and accepted for review upon a determination that the application is complete, including the payment of the applicable processing fee.
- b. The applicant shall submit a detailed operation plan. The operation plan shall include, but not be limited to, the maximum client occupancy consistent with applicable building and fire codes; the number of case managers and security personnel; the hours of operation; and a description of all case management programs and their objectives.
- c. The applicant shall submit an exterior lighting plan in accordance with Section 17.130.150.
- d. The plan shall reflect sufficient off-street parking spaces to accommodate support staff and vehicles.
- e. All activities, except outdoor recreational activities, shall be conducted totally within an enclosed building or other structures in compliance with applicable fire and building codes.
- f. Other development standards as determined through the review process.

2. Operation procedures.

- a. All clients must be referred to the center/shelter by a recognized social service agency. No drop-in clients will be accepted.
- b. No clients under the influence of or in possession of illegal drugs, drug paraphernalia, alcohol or weapons will be accepted.
- c. All clients shall comply with the center/shelter behavioral rules at all times. Failure to comply may result in expulsion from the center/shelter.
- d. No loitering, sleeping or camping shall be permitted outside the center/shelter or on any adjacent properties in violation of the El Cajon Municipal Code.

- e. All clients shall participate in case management programs presented by the shelter/center or any affiliated social service agency or service provider.
- f. Other operational procedures as determined through the review process.

## Chapter 17.230

### MOTION PICTURE THEATERS

#### Sections:

**17.230.010 Intent and purpose**

**17.230.020 Conditional use permit required**

**17.230.030 Motion picture theatre defined**

**17.230.040 Development standards and operational requirements**

#### **17.230.010 Intent and purpose.**

The intent and purpose of this chapter is to regulate the establishment and operation of motion picture theatres.

#### **17.230.020 Conditional use permit required.**

The establishment of a motion picture theatre requires approval of a conditional use permit pursuant to Chapter 17.50 and Chapter 17.145 of this title. Each and every requirement listed herein that applies to motion picture theatres shall also apply to adult motion picture theatres.

#### **17.230.030 Motion picture theatre defined.**

The term "motion picture theatre" shall include, but is not limited to:

- A. Any premises in which motion pictures, films, digital video images, video cassettes, slides, or similar photographic reproductions are shown as the principal use of the premises or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a significant portion of business, and wherein such films are shown an average of 20 percent or more of the establishment's regular business hours, and not to include school or public auditoriums used generally for noncommercial purposes on an infrequent basis, or
- B. A room which contains one or more "motion picture booths," which shall be defined as an activity to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, computers, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at one time. Such a room containing the described booths may be commonly described as a "peep show establishment."

**17.230.040 Development standards and operational requirements.**

Motion picture theaters shall be developed and operated in compliance with all applicable zoning, building and fire safety code requirements.

## Chapter 17.235

### PERSONAL STORAGE FACILITIES

#### Sections:

- 17.235.010 Purpose
- 17.235.020 Conditional use permit required
- 17.235.030 Conduct of use
- 17.235.040 Prohibited activities
- 17.235.050 Caretaker's unit
- 17.235.060 General development standards
- 17.235.070 Parking
- 17.235.080 Loading areas
- 17.235.090 Fences, walls, and gates
- 17.235.100 Trash and recycling areas
- 17.235.110 Landscaping
- 17.235.120 Truck, trailer and moving van rentals

#### 17.235.010 Purpose.

The purpose of this chapter is to regulate the development and operation of personal storage facilities, also known as self-storage or mini-warehouse facilities.

#### 17.235.020 Conditional use permit required.

A conditional use permit shall be required for the establishment and operation of a self-storage facility and such conditional use permit shall only be authorized in compliance with the land use tables identified in Chapter 17.145 of this title. The conditional use permit shall be processed as described in Chapter 17.50 of this title.

#### 17.235.030 Conduct of use.

All storage shall occur within a completely enclosed building.

#### 17.235.040 Prohibited activities.

The following uses and activities are expressly prohibited at self-storage facilities:

- A. Vehicle repairs.
- B. Manufacturing.

- C. The conduct of any business activity other than the operation of the self-storage facility and any approved accessory services.

**17.235.050 Caretaker unit.**

A self-storage facility may include a single caretaker's unit subject to the parking requirements listed in this chapter.

**17.235.060 General development standards.**

A self-storage facility shall satisfy all of the development standards for the zone in which it is located and all other general development standards listed in this title except as specifically modified by this chapter.

**17.235.070 Parking.**

Off-street parking shall be provided as follows:

- A. One parking space per every 250 square feet of gross floor area dedicated to office use. Such parking shall be provided in close proximity to the office.
- B. Two (2) parking spaces for the caretaker's unit. Such parking shall be provided in close proximity to the caretaker's unit.
- C. At least two (2) parking spaces located directly adjacent to any exterior doorways or elevator entrances leading to storage units with internal access from common hallways.
- D. The planning commission may require additional parking based upon the physical design and proposed floor area of the self-storage facility.

**17.235.080 Loading areas.**

Self-storage facilities shall provide adequate loading areas for all storage units. Such loading areas shall have a minimum width of 10 feet, shall be located directly adjacent to all exterior doorways providing direct access to individual storage units, and shall be clearly marked and signed as loading areas. The loading areas shall be provided separate from and in addition to any required emergency vehicle access lanes, or on-site driveway aisles.

**17.235.090 Fences, walls, and gates.**

Self-storage facilities may include fences, walls, and gates as permitted in the zones in which they are located. Where justified, the planning commission may approve walls or fences with a greater height subject to written approval

from the affected adjoining property owners. However, no such fence or wall shall obstruct the visibility of motorists. Automated security gates shall be permitted but shall be located a minimum of 25 feet from the public right-of-way and shall not impede or obstruct the required parking and loading areas or the required emergency vehicles access.

**17.235.100 Trash and recycling enclosures.**

Self-storage facilities shall provide at least one (1) double binned trash and recycling enclosure designed in compliance with the requirements of Section 17.130.160. Such enclosures shall be placed in a convenient location for the use of self-storage patrons. Additional trash and recycling enclosures may be required based upon the physical design and proposed floor area of the self-storage facility.

**17.235.110 Landscaping.**

Landscaping shall be required for self-storage facilities pursuant to the requirements of Section 17.195.100. However, landscaping shall not be required in loading areas.

**17.235.120 Truck, trailer and moving van rentals.**

Truck, trailer, and moving van rentals may be authorized at self-storage facilities provided that rental trucks and trailers are parked on-site in designated parking areas that are outside of the parking, loading, and emergency access lanes required for the self-storage use. Furthermore, trucks and trailers may not be parked in areas that are visually prominent as viewed from the public right-of-way.

## Chapter 17.240

### TOBACCO SHOPS AND SMOKE SHOPS

#### Sections:

- 17.240.010 Purpose
- 17.240.020 Findings
- 17.240.030 Title
- 17.240.040 Definitions
- 17.240.050 Tobacco and smoke shop conditional use permit required
- 17.240.060 Tobacco or smoke shop conditional use permit
- 17.240.070 Development standards—general and specific
- 17.240.080 Measure of distance
- 17.240.090 Abatement of nonconforming tobacco or smoke shops
- 17.240.100 Public hearing
- 17.240.110 Findings and decision
- 17.240.120 Notice of decision
- 17.240.130 Tobacco or smoke shop permit—grant or denial, modification, suspension, or revocation
- 17.240.140 Hearing—subpoena of witnesses
- 17.240.150 Hearing—swearing of witnesses—presentation of evidence
- 17.240.160 Violation—penalty
- 17.240.170 Violation—each day deemed separate offense—public nuisance
- 17.240.180 Nonretaliation
- 17.240.190 Conflicts with other applicable laws
- 17.240.200 Severability

#### 17.240.010 Purpose.

The purpose of this chapter is to regulate the location and operation of retail purveyors of tobacco and tobacco products in the city of El Cajon in order to maintain the city's character, the diversity and vitality of the community's commercial areas, and the quality of life of El Cajon residents. It is presumed that establishing or preserving an appropriate and balanced mix of commercial businesses will more effectively serve to achieve this purpose as a strategy to maintain the economic health of the community's business districts and its suburban ambiance, and will promote the redevelopment of the city's downtown area.

#### 17.240.020 Findings.

The city council of the city of El Cajon finds and determines that:

- A. The proliferation of tobacco shops and smoke shops in the commercial areas of the city of El Cajon has a deleterious affect on the vitality of a

strong central business area, and a downtown area, removing from the stock of commercial properties those properties that could be better utilized for local retail operations that would complement the existing and future commercial activities;

- B. The over-concentration of tobacco shops and smoke shops would create a type of commercial character in the city's commercial areas, preventing the diversification of permitted and conditionally permitted uses in the city's commercial areas;
- C. On-site advertising of tobacco products tends to create unsightly commercial operations, which businesses are aesthetically displeasing and tend to contribute to visual blight;
- D. The location of tobacco shops and smoke shops adversely impacts certain sensitive uses in the city of El Cajon; and
- E. The over-concentration of tobacco shops and smoke shops would tend to attract groups of visitors who would tend to loiter outside such shops, creating health hazards from secondhand smoke in the congregation of their patrons, and further creating safety hazards when loitering in an area of such shops.

#### **17.240.030 Title.**

This chapter may be known and cited as the "Tobacco Shops and Smoke Shops Regulations Code."

#### **17.240.040 Definitions.**

The words and terms used in this chapter shall have the meanings as provided in this section. Where words or terms are not defined in this section they shall have the meanings ordinarily ascribed to them or as may be further defined in Chapter 17.105 of this title. Should any word, term or phrase defined in this section conflict with any other word, term or phrase defined in this title, the definitions provided in this section shall apply.

"Advertising" means printed matter that calls the public's attention to things for sale.

"Business" means any sole proprietorship, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

“City” means the city of El Cajon.

“City manager” means the city manager of the city or the city manager’s designee.

“Creation of a tobacco or smoke shop establishment” means:

- A. The opening or commencement of any such establishment as a new establishment; or
- B. The conversion of an existing establishment, to a tobacco or smoke shop establishment as defined in this chapter; or
- C. The relocation of any such establishment.

“Employee” means any person who is employed by any employer for consideration for direct or indirect wages or profit, and any person who volunteers his or her services for a nonprofit entity.

“Minor” means any individual who is less than eighteen years old.

“Nonprofit entity” means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character-building, political, social, or other similar purpose, the net proceeds from the operation of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

“Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

“Public playground/park/recreation area” means an area to which the public, and particularly minors, come to participate in athletic or recreational activities, whether or not such activities are supervised or organized. Such areas include, but are not limited to, publicly owned and maintained parks, athletic fields, playgrounds, picnic areas, any outdoor premises or grounds owned or operated by the city, a public or private school, child care center, and any youth or recreational facilities such as the Boys’ and Girls’ Club, YMCA and YWCA, that contains any play or athletic equipment used or intended to be used by minors.

“School” means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, or which is maintained for preschool or day care services.

This definition includes a day care center, nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

“Self-service merchandising” means open display of tobacco products and point-of-sale tobacco-related promotional products that the public has access to without the intervention of an employee.

“Tobacco product” means (1) any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

“Tobacco retailer” means any person or governmental entity that operates a store, stand, booth, concession, or other place at which sales, rentals, or other give-aways of tobacco products are made to purchasers for consumption or use.

“Tobacco or smoke shop” means any store, stand, booth, concession, or other place that either devotes a substantial portion of its display area (i.e., fifteen percent or more of floor space) to tobacco products, or devotes more than sixteen cubic feet of shelf space, for the display or sale of tobacco or drug paraphernalia to purchasers for consumption or use.

“Transfer of ownership or control of a tobacco or smoke shop” means:

- A. The sale, lease or sublease of such establishment; or
- B. The transfer of securities which constitute a controlling interest in such establishment, whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of such establishment, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

“Tobacco vending machine” means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper currency, or other things representative of value, that dispenses or releases a tobacco product.

“Zoning ordinance” means Title 17 of the municipal code of the city of El Cajon, as it may be amended from time to time.

**17.240.050 Tobacco and smoke shop conditional use permit required.**

No person shall cause or permit the creation, substantial enlargement or transfer of ownership or control of any tobacco or smoke shop without first obtaining and maintaining a conditional use permit as provided in this chapter.

**17.240.060 Tobacco or smoke shop conditional use permit.**

Upon receipt of a completed application, the planning commission shall review the application to determine if the applicant has complied with the development standards set forth in this chapter. If the applicant has complied with such standards, the planning commission shall grant the conditional use permit. The required findings listed in Section 17.80.060 of this title relating to variances shall be of no force and effect when considering an application for a conditional use permit for a tobacco or smoke shop.

**17.240.070 Development standards—general and specific.**

An application for a conditional use permit shall be approved by the planning commission upon a determination that all of the following standards have been met:

- A. The tobacco or smoke shop will be located within a permitted zone. Tobacco or smoke shops may be located only within the O-P zone, the C-N zone, the C-G zone, and/or the C-R zone. No such establishment shall be permitted to locate in any area outside such zoning classifications.
- B. The tobacco or smoke shop will meet the following minimum spacing and proximity requirements:
  - 1. No tobacco or smoke shop shall be located within 1,000 feet of any other tobacco or smoke shop.
  - 2. No tobacco or smoke shop shall be located within 500 feet of any parcel of land zoned for residential use.
  - 3. No tobacco or smoke shop shall be located within 600 feet of any parcel of land that contains any one or more of the following specific land uses:
    - a. Religious facility;
    - b. Courthouse;
    - c. Day nursery;

d. Public playground/park/recreation area;

e. School.

4. Nothing in this chapter prohibits the location of tobacco or smoke shops within retail shopping centers in the above-specified commercial zones if such activities have their only frontage upon enclosed malls or malls isolated from direct view from public streets, parks, schools, churches or residentially zoned property. However, the spacing requirements in this subsection above shall apply to tobacco or smoke shops located within such a mall.

5. No tobacco or smoke shop located in a building sharing one or more common walls with another retail or commercial establishment, or sharing common attic space with any other use, shall permit smoking anywhere on the premises.

C. The tobacco or smoke shop is in substantial compliance with the requirements of all health and safety codes, including, but not limited to, the building code, fire code, electrical code, mechanical code and plumbing code. Unless delay is caused by refusal of applicant to schedule or permit timely inspection, substantial compliance shall be verified no later than 30 days following the application or the applicant shall be deemed to be in substantial compliance with such requirements for the purposes of permit issuance.

D. The tobacco or smoke shop is in substantial compliance with the development standards for the commercial zone in which the establishment is to be located, and with the general provisions of Chapter 17.130 relating to development standards and of Chapter 17.190 relating to sign regulations, except that, to the extent that provisions of this chapter may conflict or be more restrictive, this chapter shall control.

E. The tobacco or smoke shop meets the following minimum specific standards:

1. No person or business shall engage in the sale of tobacco products without first posting a plainly visible sign at the point of purchase of tobacco products that has wording similar to:

“THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW AND SUBJECT TO PENALTIES. PHOTO IDENTIFICATION IS

REQUIRED OF PURCHASERS APPEARING TO BE 26 YEARS OF AGE AND YOUNGER.”

The letters of the sign shall be at least one-quarter inch high.

2. No person, business, tobacco retailer, or owner, manager or operator of any establishment subject to this article shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification of customers appearing to be 26 years and younger for the purpose of establishing the purchaser's age as 18 years or greater, unless the seller has some other clear or convincing basis for determining the buyer's age.
3. No person, business, tobacco retailer or other establishment shall sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.
4. It shall be unlawful for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for sale any tobacco product by means of self-service merchandising or by means other than vendor-assisted sales.
5. No person, business or tobacco retailer shall locate, install, keep, maintain, or use, or permit the location, installation, keeping, maintenance, or use on his, her or its premises any tobacco vending machine for the purpose of selling or distributing any tobacco product.
6. It shall be unlawful for any person, business or tobacco retailer to distribute free tobacco products or promotional items, except in enclosed areas where minors are not permitted.

In addition to the standards in this chapter, each tobacco or smoke shop shall comply with each and every provision of Chapter 8.33 of this code. No person shall obtain a tobacco or smoke shop permit for a tobacco or smoke shop unless that person first or concurrently obtains a tobacco retailer's license under Chapter 8.33.

**17.240.080 Measure of distance.**

Distance, without regard to intervening structures, shall be:

- A. A straight line measured from the closest exterior structural wall of any two tobacco or smoke shops.

- B. A straight line measured from the closest exterior structural wall of a tobacco or smoke shop to the closest property line of a religious facility, courthouse, day nursery, public playground/park/recreation area, school, or residential zone.

**17.240.090 Abatement of nonconforming tobacco or smoke shops.**

- A. All tobacco or smoke shops that were established prior to the adoption of this chapter that do not conform to all of the provisions of this chapter shall be brought into conformance or abated as provided in Chapter 17.120 of this title.
- B. Notwithstanding anything to the contrary herein, no tobacco or smoke shop legally operating at the time this chapter becomes effective shall be abated solely on the basis of its proximity to a parcel of land containing the following specific land uses:
  - 1. Residential;
  - 2. Religious facility;
  - 3. Day nursery
  - 4. Courthouse;
  - 5. Public playground/park/recreation area;
  - 6. School;
  - 7. Another tobacco or smoke shop establishment.

**17.240.100 Public hearing.**

Applications for conditional use permits for a tobacco or smoke shop by a property owner or his or her agent, shall be processed in accordance with Chapters 17.25 and 17.50 of this title, as applicable. Procedures for modification, suspension or revocation of a tobacco or smoke shop conditional use permit shall be conducted pursuant to Chapters 17.35 and 17.50 of this title, as applicable.

**17.240.110 Findings and decision.**

Within the period of time required by this title, upon the close of the public hearing, the planning commission shall announce its findings and decision by resolution. Such resolution shall grant an application for a tobacco or smoke

shop permit if the standards in Section 17.240.070 are met and shall deny an application for a tobacco or smoke shop permit if one or more of the standards in Section 17.240.070 are not met. Such resolution shall state the facts and findings supporting any modification, suspension or revocation of an existing tobacco or smoke shop permit.

**17.240.120 Notice of decision.**

Within five (5) days of the passage of a resolution as described in Section 17.240.110, the planning commission shall cause all of the following to be done on the same day:

- A. Notify the applicant of its action by mailing a copy of such resolution to the applicant at the address shown upon the application;
- B. File a copy of such resolution with the city clerk;
- C. Forward a copy of such resolution to the city council.

**17.240.130 Tobacco or smoke shop permit—grant or denial, modification, suspension, or revocation.**

The resolution of the planning commission shall be final and conclusive, unless appealed to the city council pursuant to Chapter 17.30 of this title. The only grounds for such an appeal shall be either that all of the requirements set out in Section 17.240.070 have been met or that the criteria in Section 17.240.070 have not been met.

**17.240.140 Hearing—subpoena of witnesses.**

The city clerk, at the request of the city manager, or upon his or her own initiative, or upon the written request of the applicant or permittee, shall issue subpoenas for the attendance of witnesses at such hearing. Any person served with such subpoena shall attend such hearing. Failure to do so shall constitute a violation of this chapter.

**17.240.150 Hearing—swearing of witnesses - presentation of evidence.**

At such hearing, the city council may, at its discretion, require witnesses to be sworn. The applicant or permittee, or his or her agent, may present evidence in support of the issuance or continuance of his or her permit. Any other person may, at the discretion of the city council, be allowed to participate in the hearing and present evidence.

**17.240.160 Violation—penalty.**

Any person, firm or corporation violating any of the provisions of this chapter may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in Section 1.24.010 of this code.

**17.240.170 Violation—each day deemed separate offense—public nuisance.**

Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which a violation of any section of this chapter is committed, continued or permitted by such person, and shall be punishable as provided for in Section 17.240.160. Any use or occupation of any building or structure maintained contrary to the provisions of this title shall constitute a public nuisance.

**17.240.180 Nonretaliation.**

- A. No person or employee shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant agrees to abide by the provision of this chapter.
- B. No person shall intimidate or threaten any reprisal or effect any reprisal for the purpose of retaliating against another person because such other person seeks to attain compliance with provisions of this chapter.

**17.240.190 Conflicts with other applicable laws.**

This chapter shall not be interpreted or construed to permit tobacco vending machines and distribution of tobacco product samples where they are otherwise restricted by other applicable laws. Nor shall this chapter be construed to be cause for breach of any pre-existing private contract, or cause for interference with regulations imposed by state or federal law or related to interstate commerce.

**17.240.200 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason declared to be void, unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The council hereby declares that it would have enacted this chapter regardless of the invalid or proscribed section, subsection, sentence, clause or phrase.

## Chapter 17.245

### WIRELESS COMMUNICATIONS FACILITIES

#### Sections:

- 17.245.010 Title
- 17.245.020 Intent and purpose
- 17.245.030 Applicability
- 17.245.040 Permits required
- 17.245.050 Application requirements
- 17.245.060 Exceptions
- 17.245.070 Director's determination
- 17.245.080 Development and design standards
- 17.245.090 Operation and maintenance
- 17.245.100 Discontinuation of wireless communications facilities
- 17.245.110 Revocation of permit

#### 17.245.010 Title.

This chapter shall be known as the "wireless ordinance."

#### 17.245.020 Intent and purpose.

The intent and purpose of this section is to establish standards for the citing, development, and maintenance of wireless communications facilities and antennas defined in Chapter 17.110. The regulations set forth herein are intended to protect and promote the public health, safety, community welfare and the aesthetic quality of the city as set forth within the goals, objectives and policies of the general plan, while concurrently allowing for the efficient development of a wireless communications infrastructure in accordance with the guidelines and intent of the Federal Telecommunications Act of 1996. Finally, because the wireless communications industry utilizes unique technologies that are in a constant state of change, it is intended that these regulations be appropriate for the analysis of various citing and facility circumstances.

#### 17.245.030 Applicability.

The provisions of this chapter shall apply to all wireless communications facilities proposed to be located in any residential, office, commercial or industrial zone except as provided below in Section 17.245.060.

#### 17.245.040 Permits required.

A conditional use permit processed in accordance with Chapter 17.50 of this title shall be required for all wireless communications facilities proposed to be located in any residential zone. Further, a conditional use permit shall be

required for any proposed monopole facility, including collocation facilities, in any commercial, office or industrial zone. A site development plan processed in accordance with Chapter 17.65 of this title shall be required for any “stealth” design facility in commercial, office or industrial zones only, and any new collocated facilities added to a collocation wireless communications facility approved by a conditional use permit and accompanied by either a negative declaration, mitigated negative declaration, or environmental impact report. Subject to the determination of the director, any modification to existing wireless facilities may require an amendment of the applicable conditional use permit or site development plan.

**17.245.050 Application requirements.**

In addition to meeting standard application submittal requirements for conditional use permits pursuant to Chapter 17.50 of this title, or site development plans pursuant to Chapter 17.65 of this title, all applications shall include the following:

- A. Provide a description of the services that the applicant proposes to offer or provide at the proposed site;
- B. Provide documentation certifying the applicant has obtained all applicable licenses or other approvals required by the Federal Communications Commission and, if applicable, the California Public Utilities Commission, to provide the services proposed in connection with the application;
- C. Submit a visual impact analysis consisting of photo-simulations, a photographic montage, elevations or other visual or graphic illustrations of the proposed wireless communications facilities, including antennae, which includes proper coloration and blending of the facility with the proposed site and surrounding area;
- D. Identify the geographic service area for the proposed site, including a map showing the site and the associated “next” cell sites within the network. Describe how the proposed site fits into and is necessary for the company’s service network and include possible alternative locations;
- E. Provide a written report of the assessment of all potential alternative sites, as well as a statement that an effort was made to attempt co-location at another site;
- F. Provide a copy of any field tests (“drive tests”) performed reflecting the strength of signals at each of the potential, or alternative sites.

#### **17.245.060 Exceptions.**

Satellite dish antennas described in Section 17.225.120 of this title are exempt from the requirements of this section. In addition, fixed wireless service antennas are not required to meet the provisions of this chapter and are exempt from review by the planning commission and city council. Also, amateur radio antennas, as defined in 47 CFR 17.3, are exempt from the requirements of this section.

#### **17.245.070 Director's determination.**

Following the review of any application, the director may determine that a conditional use permit is necessary because the proposed project will have a substantial effect on the surrounding area or because the wireless communications facility is of sufficient size to warrant the consideration of the planning commission.

#### **17.245.080 Development and design standards.**

Every proposed wireless communications facility shall satisfy the following development and design standards:

- A. The installation of wireless communications facilities shall not reduce the number of required parking spaces on any proposed sites in any zone;
- B. All wireless communications facilities and accessory equipment shall meet the required setbacks of the underlying zone, except that in any residential zone, the minimum setback for any antenna or equipment building from any property line shall be 20 feet. Furthermore, any wireless facility located in a commercial or manufacturing zone shall maintain a setback of 20 feet from any adjacent residentially zoned property;
- C. All wireless communications facilities shall meet the height requirement of the underlying zone, unless a greater height is approved by means of a specific plan according to Chapter 17.70;
- D. Each service provider with a wireless communications facility in the city shall obtain a city business license;
- E. All proposed wireless communications facilities shall be located so as to minimize their visual impact to the maximum extent feasible, considering technological requirements, by means of placement, screening and camouflage, as well as landscaping, to be compatible with adjacent uses, existing architectural elements, topography,

neighborhood landscaping, and building materials, and other site characteristics;

- F. Colors and materials for facilities shall be chosen to blend into their background;
- G. Façade-mounted antennas shall be integrated architecturally into the style and character of the structure they are attached to; they shall be painted and textured to match the existing structure, and shall not project more than 18 inches from the face of the building or other support structure, unless approved by a conditional use permit;
- H. Roof-mounted antennas shall be constructed at the minimum height possible while complying with the building height requirements of this title to serve the operator's service area and be designed to minimize their visibility from surrounding areas;
- I. Roof-mounted antennas shall be painted and textured to match the existing structure or building;
- J. Freestanding facilities, including towers, lattice towers and monopoles shall be discouraged unless no reasonable alternative is possible. If necessary, this type of facility shall be designed to the minimum functional height and width required to support the proposed wireless facility;
- K. Proposed freestanding facilities shall be of a stealth design only (e.g., piece of art/sculpture, clock tower, flag pole, tree or other interesting, appropriate and compatible visual form). They shall be painted and designed to blend in with the surrounding area. Landscaping necessary to minimize the visual effect of a stealth freestanding facility shall be provided;
- L. Wireless facility support structures such as equipment buildings, cabinets, cables, air conditioning units and fencing, shall be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts; and
- M. No advertising signs shall be placed on any facilities or equipment.

#### **17.245.090 Operation and maintenance.**

All wireless communications facilities shall comply with the following operational and maintenance standards in order to obtain an appropriate level of compatibility:

- A. Air conditioning units and noise generating equipment shall comply with the noise standards as stated in Section 17.115.120 of this title;
- B. In residential zones, security lighting shall only be illuminated by a timing device with shielding installed to limit light exposure on neighboring properties;
- C. All wireless communications facilities and related equipment shall be maintained in good condition and free from trash, debris, and graffiti and any other form of vandalism. Any damaged wireless communications facilities or equipment shall be repaired as soon as reasonably possible so as to minimize dangerous conditions or visual blight;
- D. Wireless communications facilities containing landscaping elements shall be maintained in good condition at all times. Damaged, dead or decaying landscaping shall be promptly replaced;
- E. In residential zones, routine equipment maintenance shall only be conducted during the hours of 8 a.m. to 5 p.m. Monday through Friday. In all other zones, routine maintenance may be conducted at any time;
- F. Emergency maintenance shall only be conducted during power outages or equipment failure;
- G. In residential zones, non-emergency visits, for scheduled upgrades, other than as described above in subsection (5) of this section, shall require 72 hour notice to the city and adjacent neighbors. No more than one (1) scheduled upgrade shall be permitted every 12 months; and
- H. An annual statement that the wireless communications facility conforms to the current FCC safe exposure standards shall be submitted to the department of community development.

#### **17.245.100 Discontinuation of wireless communications facilities.**

Any service provider discontinuing operations of wireless communications facilities located within the city for an uninterrupted period of six (6) months, shall promptly remove such abandoned or discontinued facilities unless the service

provider notifies the city in writing of their intention to maintain the facility. The city will consider this written request in determining the status of the facility. The service provider shall remove or cause the removal of the wireless communications facility, including all antennae, cables, cabinets, equipment buildings, poles and support equipment, within 30 calendar days of its termination of operations. If the service provider fails to remove the facility, the subject property owner will be required to have the facility removed.

**17.245.110 Revocation of permit.**

Wireless communications service providers and their operational facilities shall comply with all conditions of approval in the applicable application(s) and the standards set forth in this title, as well as other applicable provisions of this code, at all times. Failure to comply with any condition of approval or standard in this title shall constitute grounds for possible revocation in accordance with Chapter 17.35 of this title.