

**Section 16.57.050 Private streets prohibited in certain zones.**

No lots zoned for multi-family, commercial, or industrial uses may be created using private street easements for access, except as provided in this division.

(Ord. No. 91-42, Enacted, 12/10/91)

**Section 16.57.060 Private access for commercial or industrial developments.**

Commercial or industrial developments may be created where some of the lots or buildings have no public street access provided:

- A. The development has a minimum public street frontage of two hundred (200) feet.
- B. There is a common lot which fronted on the public street and all other lots or buildings have road, landscaping, parking access over the common lots.
- C. Each lot or building has access rights over all areas designated for landscaping, parking and road access.
- D. The development has a minimum of two (2) points of ingress to the public street, each of which is no less than twenty-four (24) feet wide.
- E. The rights of access and other rights are guaranteed by recorded instrument approved by the City.
- F. The interior access and parking locations meet City specifications.

(Ord. No. 91-42, Enacted, 12/10/91)

**Section 16.57.070 Access in mobile home parks.**

Mobile home parks which were previously approved shall use private roads developed to standards used in the approval of the park.

(Ord. No. 91-42, Enacted, 12/10/91)

**Section 16.57.080 Speed bumps and speed humps on private property.**

A. Prohibition. It is prohibited and unlawful for anyone to construct, place or maintain any speed hump or speed bump on any private street, roadway, parking lot, private road easement or driveway, unless such speed hump or speed bump conforms with design standards and criteria approved by the City Council and are inspected and approved in writing by the City Traffic Engineer. For purposes of this Section, a "speed hump" or "speed bump" shall mean any device, or a raised portion of the roadway surface of any material, that is installed, constructed or placed across the roadway for the purpose of reducing the speed of vehicles using such roadway.

B. Removal of Unlawful Speed Humps and Speed Bumps. All speed humps or speed bumps located upon any private street, parking lot, private road easement, driveway, or other type of roadway provided for vehicular access across private property, that are constructed, placed or installed in violation of Subdivision A of this Section shall be removed by the owner of the property on which they are located within fifteen (15) calendar days from the date of delivery to the property owner of a written notice of violation from the City.

C. Design Standards and Criteria. The City Traffic Engineer shall prepare and submit to the City Council, from time to time, such design standards and criteria for the construction or

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placement of speed humps, speed bumps or other traffic devices as are approved or recommended by appropriate state or federal traffic safety organizations, or as required by the California Department of Transportation. The City Council may, by resolution, adopt the design standards or criteria for the construction or placement of speed humps or speed bumps.

### D. Application for Approval; Fee.

1. Application Required. An application for approval of the design and construction or placement of any speed bump or speed hump shall be made in writing on forms authorized by the City Traffic Engineer, and shall be accompanied by payment of the fee for such application, if any, authorized pursuant to the following paragraph. All such applications shall be submitted by, or with the written consent of, the property owner on whose property the speed hump or speed bump is to be located.

2. Application Fee. The City Council at any time may, by adoption of a resolution in accordance with procedures set forth in Section 66016 of the California Government Code, establish an application fee to defray the cost for handling and processing an application required under this Section.

### E. Application Review and Notification.

1. City Engineer Review and Determination. The City Traffic Engineer shall review all applications for construction or placement of speed humps or speed bumps, and shall approve or conditionally approve the design, construction or placement of the speed hump or speed bump, provided that the design or placement of the speed hump or speed bump substantially conforms to the design standards and criteria for such speed hump or speed bump as approved by the City Council pursuant to Subdivision C of this Section. The City Traffic Engineer shall not approve an application for a speed hump or speed bump if the design or placement is not in substantial conformance with the design standards and criteria approved by the City Council.

2. Notice of Determination. The City Traffic Engineer shall give written notice to the applicant within ten (10) working days from receipt of a completed application whether or not the application has been approved, conditionally approved, or denied, and if denied, the Traffic Engineer shall state the reasons for such denial in the written notice. If the application has been conditionally approved or denied, the Traffic Engineer shall inform the applicant of the appeal procedures set forth in Subdivision F of this Section.

### F. Appeal and Hearing.

1. Appeal Filing. A decision of the City Traffic Engineer to deny or conditionally approve an application for a speed hump, speed bump, or other device may be appealed by the applicant, with the consent of the property owner, if the applicant believes the Traffic Engineer has incorrectly applied the design standards and criteria approved by the City Council to the application. An appeal must be filed in writing and received by the City Clerk of the City within ten (10) calendar days from the date of the Traffic Engineer's decision on the application. The written appeal must include a statement by the appellant of the reasons why the Traffic Engineer has incorrectly applied the approved design standards or criteria to the application.

2. Review by Traffic Commission. Upon receiving a timely filed appeal, the City Clerk shall immediately notify the Traffic Engineer of the appeal. The Traffic Engineer shall schedule the matter to be heard by the Traffic Commission at the first available meeting of the Commission occurring at least 72 hours following the date on which the appeal was timely filed. At the appeal hearing, the Traffic Commission shall consider the application in its entirety and shall receive the recommendation of the Traffic Engineer. If the Commission finds that the application substantially conforms to the design standards and criteria approved by the City

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Council, the Traffic Commission shall approve or conditionally approve the application. If the Commission finds that the application does not conform substantially to the design standards and criteria approved by the City Council, the Commission shall deny the application. The decision of the Traffic Commission may be appealed to the City Council.

3. Appeal to City Council. Any interested party may appeal the decision of the Traffic Commission to a determination by the City Council. Appeals to the City Council shall be made in writing by the person making the appeal within ten (10) calendar days from the date of the Commission's decision, and shall state, with particularity, the reasons for the appeal. The decision of the City Council shall be final and binding.

G. Amortization for Prior-Existing Non-Conforming Speed Humps and Speed Bumps. Any speed hump or speed bump constructed or placed upon any private street, roadway, parking lot, private road easement, or driveway prior to the effective date of this Section and that has not been approved by the City Traffic Engineer pursuant to Subdivision D of this Section, shall be permitted to remain for a period not to exceed ninety (90) days from the date that a notice of such non-conforming speed hump or speed bump is served upon the owner of the property on which it is located. Said period of ninety (90) days is hereby deemed to constitute a reasonable and sufficient amortization period for the non-conforming speed hump or speed bump. At the conclusion of such amortization period, the non-conforming speed hump or speed bump shall be removed by the owner of the property on which it is located, unless a permit for the speed hump or speed bump has been obtained by the owner, pursuant to Subdivision E of this Section, prior to the expiration of the amortization period.

H. Existence of Unlawful or Non-Conforming Speed Humps or Speed Bumps Constitutes a Public Nuisance Per Se. The continued maintenance, placement, or existence of: (1) any unlawful speed hump or speed bump beyond fifteen (15) calendar days following the delivery of a notice of violation pursuant to Subdivision B of this Section accompanied by an order to remove such unlawful speed hump or speed bump; or (2) any non-conforming speed hump or speed bump beyond ninety (90) days following the delivery of a notice of non-conformance pursuant to Subdivision G of this Section accompanied by an order to remove such non-conforming speed hump or speed bump, constitutes a public nuisance per se subject to all available remedies provided by law, including summary abatement by removal, in accordance with the procedures set forth in Subdivision I, of this Section.

I. Summary Abatement. Any unlawful or non-conforming speed hump or speed bump that is a public nuisance per se under Subdivision H of this Section, may be summarily abated by the City under authority of Section 38773 of the California Government Code and removed in accordance with the following procedures.

1. Final Notice of Abatement by Removal to Property Owner. The Traffic Engineer shall serve final written notice upon the property owner to remove the offending speed hump or speed bump. The final notice shall include a notice to the property owner that if the offending speed hump or speed bump is not removed by the date and time specified, it shall be subject to removal by the City, at the expense of the owner. Said final written notice shall be served upon the property owner at the owner's last recorded address, and posted conspicuously upon the property, at least 72 hours prior to the date and time scheduled for the abatement.

2. Abatement by Removal. If the offending speed bump or speed hump is not removed from the property by the date and time given in the final notice, the Traffic Engineer, upon advice from the City Attorney, may cause the offending speed bump or speed hump to be removed, exercising due care and caution to avoid causing unnecessary damage to the property.

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3. **Abatement Charge Upon Property Owner.** The full cost of any summary abatement by removal of the offending speed hump, speed bump, or other device shall constitute a charge against the owner of the property. The Traffic Engineer shall cause a statement of such costs and invoice to be mailed to the last owner of record of the property, at the address given for such owner according to the last equalized assessment roll or the supplemental roll, whichever is more current. The charges shall be due and payable upon receipt of the statement and invoice, and shall be delinquent if not paid within thirty (30) days of the date of such statement. Delinquent charges shall be subject to late penalty of \$50.00 plus interest at the rate of one percent (1%) per month, until paid.

4. **Nuisance Abatement Lien.** The nuisance abatement charge, including any accrued late penalty and interest on delinquent charges and, in addition, all other costs incurred by the City regarding the processing and recording of the lien and providing notice to the property owner as part of any foreclosure action to enforce the lien, shall constitute a nuisance abatement lien on the property, pursuant to Section 38773.1 of the California Government Code. If the abatement charge is not satisfied within 120 days of the date of the initial invoice, the Traffic Engineer may, upon advice from the City Attorney, cause a notice of nuisance abatement lien to be serviced upon the owner of record of the property pursuant to Subdivision (b) of Section 38773.1, and shall record the nuisance abatement lien against the property in the official records of the Office of the County Recorder for the County of San Diego, pursuant to Subdivision (c) of Section 38773.1.

(Ord. No. 91-42, Enacted, 12/10/91; Ord. No. 94-28, Amended, 11/22/94; Ord. No. 2000-6, Amended, 10/10/2000)

### **Section 16.57.090 Private driveways.**

A. Private streets or driveways within or serving any residential development, professional office, commercial or industrial development, shall be designed and constructed in accordance with the following standards, and as provided elsewhere in this code:

1. Single family dwellings where the garage fronts directly on, or is less than twenty-four (24) feet from the ultimate street (property) line, shall have a paved driveway width of not less than that of the garage door or doors; but, in no case shall it be less than sixteen (16) feet or more than twenty-four (24) feet at the curb line (future curb line where none exists). Where such a garage is in excess of twenty-four (24) feet from the ultimate street (property) line, the driveway width shall be not less than that of the garage door or doors and thereafter may be reduced in width to a minimum of sixteen (16) feet throughout its travel way. Where a single family dwelling is served by a fee strip (panhandle or flag lot) said strip shall be not less than twenty (20) feet in width and paved to a width of sixteen (16) feet with two (2) feet on each side suitable for landscaping for the length of such a strip.

2. Driveways used as access to carports or garages for four (4) or less dwelling units, less than one hundred fifty (150) feet in length, and with no parallel parking permitted in said driveway, shall have a minimum improved (paved) width of not less than twenty-four (24) feet. Such driveways in excess of one hundred fifty (150) feet in length shall be saved to a minimum width of 32 feet. In no case shall any such driveway exceed three hundred (300) feet in length.

3. Driveways used for access to garages or carports for more than four (4) dwelling units, less than one hundred fifty (150) feet in length, and with no parking permitted within the travel way shall have a minimum improved (paved) width of not less than 32 feet. Such driveways exceeding one hundred fifty (150) feet in length shall either have a minimum

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improved (paved) with of not less than thirty-six (36) feet or be designed and marked as a fire lane.

4. Driveways on which parallel parking is permitted within the travel way on one side only, shall have a minimum improved (paved) width of not less than thirty-two (32) feet.

5. Driveways on which parallel parking is permitted within the travel way on both sides, shall have a minimum improved (paved) width of not less than forty (40) feet.

6. When perpendicular parking is provided, taking access from a driveway or private street, the travel way width shall be twenty-four (24) feet if serving open spaces and thirty-two (32) feet if serving garages or covered parking spaces.

7. Driveways designed as, or designated by the fire chief of the City of Vista as, "fire lanes," shall be made subject to public enforcement of all parking restrictions thereon an the California Vehicle Code in accordance with the provisions of Section 21107, [et.al.](#), thereof.

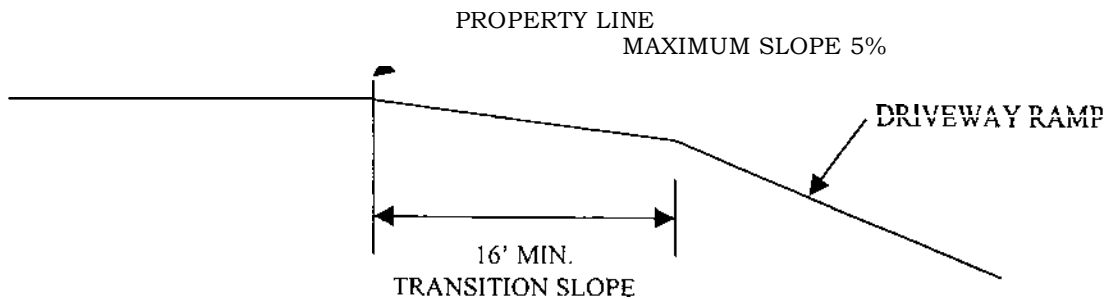
8. Commercial, office and industrial (manufacturing) uses served by a single driveway or street shall have a width of not less than twenty-four (24) feet. If two (2) separate driveways are used, one for entry and the other for exit, the width of each shall be increased to a width sufficient to accommodate the width and/or depth of any parking stalls adjacent thereto.

B. Driveway slopes. No driveway, or portion thereof, shall have a slope exceeding twenty (20) percent. No driveway, or portion thereof, shall have a dip, hump, or other surface irregularity which has an angle of approach or departure exceeding ten (10) percent, nor shall any driveway, or portion thereof, be designed or constructed so as to interfere with the passage of fire protection apparatus having a wheelbase of not less than two hundred forty-four (244) inches and ground clearance of not more than eleven (11) inches, subject, however, to the provisions of subsection (C) below with respect to driveways entering onto a public right-of-way.

C. Sight distance.

1. A driveway rising up to a public right-of-way shall have a transition section not less than sixteen (16) feet in length with a slope not exceeding five percent (5%), ending at the property line (or ultimate street line if established by general or specific plan), to prevent the hood of the vehicle from obscuring the driver's view of pedestrians and vehicles as illustrated in Figure I.

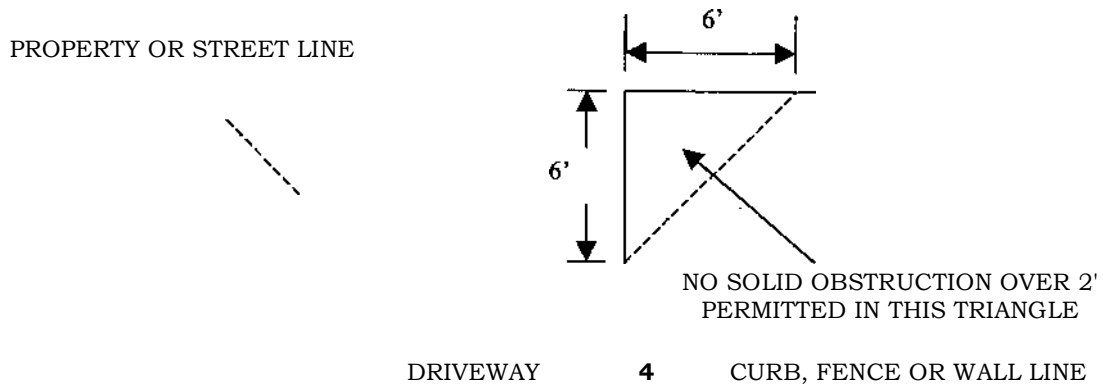
FIGURE I.



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2. Fences, walls or cut banks which exceed a height of two (2) feet shall not be permitted within a distance of six (6) feet of the point of intersection of the edge of the driveway and the property line (or ultimate street line if established by general or specific plan), as illustrated in Figure II.

FIGURE II.



D. Paving standards. The design and construction of all parking areas, including access and driveways thereto, serving residential developments and all commercial or industrial facilities, or any other facility held open for public use, shall be paved. Said paving standards shall be based upon a traffic index (T.I.) of 4.5 and the applicable "R" value of the soil(s) at the project site as determined by a registered soils engineer. Specific modification(s) of this standard may be made or approved by the director of public works where sound engineering practices may justify such modification(s).

This standard shall be applicable to all new projects and existing parking areas subject to resurfacing or repair of the parking area surface (where the original surface has broken up or is subject to removal and replacement).

(Ord. No. 91-42, Enacted, 12/10/91)