PUBLIC REVIEW DRAFT

February 2012

CITY OF SAN JACINTO

DEVELOPMENT CODE

Prepared for:

City of San Jacinto
Planning Department
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San Jacinto, CA 92583

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SAN JACINTO

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Article 1

Development Code Authority and Applicability

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Chapter 17.100 — Purpose and Effect of Development Code

Sections:

17.100.010 — Title
17.100.020 — Adoption
17.100.030 — Purpose and Intent of Development Code
17.100.040 — Authority, Relationship to General Plan
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17.100.090 — Effect of Development Code Amendments on Projects in Progress

17.100.010 — Title

Title 17 of the San Jacinto Municipal Code constitutes the City of San Jacinto Development Code, hereafter referred to as "this Development Code."

17.100.020 — Adoption

This Development Code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

17.100.030 — Purpose and Intent of Development Code

This Development Code carries out the policies of the San Jacinto General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. More specifically, the purposes of this Development Code are to:

A. **Maintain community character.** Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and community identity of San Jacinto;

B. **Conserve resources.** Conserve and protect the City's natural beauty and setting, including its hills and trees, historic and environmental resources, scenic vistas, and waterways;

C. **Regulate pattern of land uses.** Create a comprehensive and stable pattern of land uses upon which to plan energy, sewage, transportation, water supply, and other public facilities and utilities;

D. **Avoid congestion.** Minimize motor vehicle congestion by promoting suitable pedestrian-oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and

E. **Ensure compatibility between land uses.** Ensure compatibility between different types of development and land use.

17.100.040 — Authority, Relationship to General Plan

A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the City of San Jacinto by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

B. **Consistency with General Plan.** This Development Code is a primary tool used by the City to carry out the goals, objectives, and policies of the San Jacinto General Plan, which is the City's overall policy document. The San Jacinto City Council intends that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision, approved in compliance with these regulations also be consistent with the General Plan.

17.100.050 — Responsibility for Administration

A. **Responsible bodies and individuals.** This Development Code shall be administered by: the San Jacinto City Council, hereafter referred to as the "Council;" the Planning Commission, hereafter referred to as the "Commission;" the Planning Director, hereafter referred to as the "Director;" and the Planning Department, hereafter referred to as the

"Department." See Table 6-1 (Review Authority) in Chapter 17.600 (Permit Application Filing and Processing).

B. **Exercise of discretion.** In the event that a provision of this Development Code allows the review authority (designated City official or body) for a permit or other decision to exercise discretion in the application of a specific standard or requirement to a project, but does not identify specific criteria for a decision, the discretion shall be based on the following criteria:

1. The proposed project complies with all applicable provisions of this Development Code;

2. The exercise of discretion will act to improve the compatibility of the proposed project with its site, surrounding properties, and the community, to a greater extent than if discretion were not exercised;

3. The manner in which discretion is exercised will result in a more practical application of the provisions of this Development Code given specific characteristics of the site and its surroundings than if discretion were not exercised; and

4. The decision is consistent with the General Plan, any applicable specific plan, or any other applicable regulation or standard.

17.100.060 — Applicability of Development Code

This Development Code applies to all land uses, subdivisions, and development within the City of San Jacinto, as provided by this Section.

A. **Compliance required.** No structure shall be altered, erected, or reconstructed in any manner, nor shall any structure or land be used for any purpose, other than as allowed by this Development Code, except that City shall be exempt from the provisions of this Development Code when the Director makes any of the following findings:

1. Reasonable attempts have been made to comply with the regulations contained in this Development Code;

2. The strict and literal interpretation and enforcement of this Development Code would inhibit the Planning Agency's ability to maintain public health, safety, and general welfare; or

3. The granting of the exemption will not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.

B. Subdivisions. A subdivision of land proposed within the City after the effective date of the ordinance adopting this Development Code shall comply with the minimum parcel size requirements of Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), other applicable requirements of this Development Code, and Municipal Code Title 16 (Subdivisions).

C. Continuation of an existing land use. An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with applicable provisions of this Development Code and any condition(s) imposed on a discretionary application, including Chapter 17.705 (Nonconforming Parcels, Structures, and Uses,). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of the ordinance adopting this Development Code or any applicable amendment, except as otherwise provided by Chapter 17.705 (Nonconforming Parcels, Structures, and Uses).

D. Minimum requirements. The provisions of this Development Code shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a review authority, the discretion may be exercised to impose more stringent requirements than required by this Development Code, as determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Development Code.

E. Conflicting requirements. Conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved in compliance with Section 17.105.020 (Rules of Interpretation).

F. Other requirements may apply. Nothing in this Development Code eliminates the need for obtaining other permits required by the City, or a permit, approval, or entitlement required by another applicable special district or agency, or other approvals required by the regulations of a State or Federal agency. The City shall not issue any permit, business license, or other approval if the structure or land use would violate the provisions of this Development Code. Permits issued in error shall be void.

G. Graffiti abatement. For provisions governing graffiti abatement and the approval of discretionary permits (e.g., site plan and design review, conditional use permits, variances, etc.), see Municipal Code Section 9.12.060 Graffiti abatement-A condition to issuance of city permits and approval).

17.100.070 — Partial Invalidation of Development Code

If a portion of this Development Code is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the decision shall not affect the validity, effectiveness, or enforceability of the remaining portions of this Development Code.

17.100.080 — Use of Headings

The headings of the Chapters, Sections, Subsections, Subparagraphs, and clauses of this Development Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Development Code or its provisions.

17.100.090 — Effect of Development Code Amendments on Projects in Progress

The enactment of this Development Code, or an amendment to this Development Code, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Development Code or a future amendment could require more off-street parking spaces for a particular land use than former regulations.) The following provisions determine how the requirements of this Development Code will apply to a development project that is in progress at the time this Development Code or an amendment goes into effect.

A. **Application complete.** A planning permit application (Article 6 [Permit Procedures]), which has been accepted by the Department as complete before the effective date of this Development Code or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.

B. **Project under construction.** A project for which a Building Permit has been issued under the provisions of earlier ordinances of the City which are in conflict with this Development Code, and on which substantial construction has been performed by integration of materials on the site before the effective date of this Development Code, nevertheless may be continued and completed in compliance with the plans and specifications upon which the permit was issued.

C. **Subdivision maps.** Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Municipal Code Title 16 (Subdivisions).

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Chapter 17.105 — Interpretation of Regulations

Sections:

17.105.010 — Purpose of Chapter
17.105.020 — Rules of Interpretation
17.105.030 — Procedures for Interpretations
17.105.040 — Official Version of Development Code

17.105.010 — Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Development Code and the General Plan.

17.105.020 — Rules of Interpretation

A. **Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of a Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for its determination. A decision of the Director may be appealed in compliance with Chapter 17.715 (Appeals).

B. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including, but not limited to…"

C. Calculations.

1. **Residential density.** When the number of dwelling units allowed on a site is calculated based on density limits established by a zone, any fraction of a unit shall be rounded down to the next lowest whole number. For example, within a residential zone that allows 14 dwelling units per net acre of site area, a site of 8,500 square feet would be allowed two dwelling units (du).

   Example: 8,500 sq. ft. / 43,560 sq. ft. = 0.195 acres;
   0.195 acres x 14 du/acre = 2.730 du, rounded down to 2 du

2. **Minimum lot area and number of parcels.** The fractional/decimal results of calculations of the number of housing units allowed within a zone shall be rounded down to the next lowest whole number.

3. **All other calculations.** For all other calculations required by this Development Code, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, unless otherwise specified.

D. Time limits. Whenever a number of days is specified in this Development Code, or in a permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days. A time limit shall extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend, State holiday, or other day the City is not open for business.

E. State law requirements. Where this Development Code refers to provisions of State law (for example, the California Government Code, Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.

F. Conflicting requirements.

1. **Development Code and Municipal Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and the San Jacinto Municipal Code, or other regulations of the City, the most restrictive shall apply.

2. **Development agreements or specific plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of an applicable development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

3. **Private agreements.** This Development Code and its requirements shall not interfere with, repeal, abrogate, or annul any covenant, easement, or other agreement that existed at the time, or was entered into after, this Development Code became effective. This Development Code applies to all land uses and development, regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, Conditions, Covenants, and Restrictions), without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party or an express third-party beneficiary to the covenant or agreement.

G. **Allowable uses of land.** See Section 17.205.030 (Allowable Land Uses and Permit Requirements).

H. **Unlisted uses of land.** If a proposed use of land is not specifically listed in Table 2-2, 2-6, 2-8, or 2-10, the use shall not be allowed in the applicable zone, except as provided below for similar uses:

1. **Director's determination.** The Director may determine that a proposed use not listed may be allowed as a permitted or conditional use, in compliance with Section 17.105.030 (Procedures for Interpretations), below. In making this determination, the Director shall first find that:

   a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, traffic generation, parking, dust, noise, or intensity than the uses listed in the zone;

   b. The proposed use will meet the purpose and intent of the zone that is applied to the site;

   c. The proposed use will be consistent with the goals, objectives, and policies of the General Plan or any applicable specific plan; and

   d. The proposed use is not listed as allowable in another zone.

2. **Applicable standards and permit requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

I. **Zoning Map boundaries.** If there is uncertainty about the location of a zone boundary shown on the official Zoning Map adopted in compliance with Section 17.200.030 (Zoning Map Adopted), the Director shall determine the location of the boundary as follows:

1. Where a district boundary approximately follows a lot line or an alley or street line, the lot line, alley centerline, or street centerline shall be construed as the district boundary, as applicable;

2. If a district boundary divides a parcel and the boundary line location is not specified by distances indicated on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

17.105.030 — Procedures for Interpretations

Whenever the Director determines that the meaning or applicability of any of the requirements of this Development Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.

A. **Request for interpretation.** A request for an interpretation or determination shall be made in writing to the Director and shall include all information described in the instructions for interpretation requests, available from the Department and payment of the applicable fee in compliance with the City's Fee Schedule.

B. **Findings, basis for interpretation.** The issuance of an interpretation by the Director shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan and any applicable specific plan.

C. **Record of interpretations.** Official interpretations shall be written, and shall quote the provisions of this Development Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination.

D. **Amendment.** When a provision of this Development Code is determined by the Director to need refinement or revision, the provision shall be corrected by amending this Development Code as soon as is practical. Until an amendment can occur, the Director shall maintain a complete record of all official interpretations as an appendix to this Development Code, which are indexed by the number of the Article, Chapter, or Section that is the subject of the interpretation.

E. **Referral of interpretation.** The Director has the option of forwarding an interpretation or determination of the meaning or applicability of a provision of this Development Code directly to the Commission for consideration.

F. **Appeals.** Any interpretation of this Development Code by the Director may be appealed in compliance with Chapter 17.715 (Appeals).

17.105.040 — Official Version of Development Code

A. **Responsibility for maintaining official version.** The City Clerk shall maintain the official version of this Development Code. In the event the City Clerk maintains an online version, an electronic version (e.g., Microsoft Word, PDF, etc.), and/or a printed (hard copy) version of the Development Code or contracts with an outside vendor to provide online public access to the Development Code, the printed (hard copy) version of the Development Code maintained by the City Clerk shall be the controlling legal authority. The City Clerk may provide an online version or an electronic version (e.g., Microsoft Word, PDF, etc.) of the Development Code as a public service in order to enhance public access and interaction. A disclaimer should be included indicating that the Development Code and related materials that are posted to, or linked from, the City's website are provided as a public service and may, from time to time, contain information that is not completely up-to-date.

B. **Discrepancy between versions.** In the case of a discrepancy between the online or electronic version and the official hard copy version of the Development Code, the order of prevailing accuracy shall be the following:

1. The adopting ordinance;

2. This Development Code; and

3. The Online or electronic version.

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Article 2

Zones, Allowable Land Uses, and Zone-Specific Standards

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Chapter 17.200 — Establishment of Zones, Adoption of Zoning Map

Sections:

17.200.010 — Purpose
17.200.020 — Zones Established
17.200.030 — Zoning Map Adopted
17.200.040 — Zoning of Annexed Areas and Undesignated Land

17.200.010 – Purpose

This Chapter establishes the zones applied to property within the City; establishes and adopts the Zoning Map; and determines how the zones are depicted on the Zoning Map.

17.200.020 – Zones Established

The City of San Jacinto shall be divided into zones that are intended to implement and be consistent with the San Jacinto General Plan. Each parcel of land within the City shall be located within a zone identified on the City of San Jacinto Zoning Map. Table 2-1 identifies the zones established by this Development Code.

Table 2-1
Zones Implementing the General Plan

Zoning District		General Plan	
Zoning Map Symbol	**Zone Name**	**GP LUP Symbol**	**General Plan Land Use Designation Implemented by Zoning District**
Residential Zones			
RE	Estate Residential	ER	Estate Residential
RR	Rural Residential	RR	Rural Residential
RL	Residential, Low Density	LDR	Low Density Residential
RM	Residential, Medium Density	MDR	Medium Density Residential
RMH	Residential, Medium High Density	MHDR	Medium High Density Residential
RH	Residential, High Density	HDR	High Density Residential
RVH	Residential, Very High Density	VHDR	Very High Density Residential
Commercial and Professional Zones			
CD	Commercial Downtown	DC	Downtown Commercial
CG	Commercial General	CC	Community Commercial
CN	Commercial Neighborhood	CC	Community Commercial
CR	Commercial Regional	RC	Regional Commercial
OP	Office Park	OP	Office Park
Industrial Zones			
BP	Business Park	BP	Business Park
IL	Industrial Light	I	Industrial
IH	Industrial Heavy	I	Industrial
Special Purpose Zones			
OSG	Open Space General	OS	General Open Space
OSR	Open Space Recreation	OS-R	Open Space - Recreation
		P	Parks
PI	Public Institutional	PI	Public Institutional
SP	Specific Plan	SP	Specific Plan
Combining/Overlay Zones			
-RAAB	Residential Agricultural Accessory Business	ER	Estate Residential
-UC	Urban Corridor	CC	Community Commercial

17.200.030 – Zoning Map Adopted

The Council hereby adopts the City of San Jacinto Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department.

A. **Inclusion by reference.** The Zoning Map, together with all legends, symbols, notations, references, zone boundaries, and other information on the map, has been adopted by the Council and is hereby incorporated into this Development Code by reference as though it were fully included here.

B. **Zone boundaries.** The Zoning Map shall indicate the boundaries of the zones established by Section 17.200.020 (Zones Established).

C. **Relationship to General Plan.** The Zoning Map shall implement, and shall be consistent with, the City's adopted General Plan.

D. **Map amendments.** The Zoning Map, if amended, shall be amended in compliance with the process established in Chapter 17.720 (Amendments).

E. **Zoning Map interpretation, applicability of zone requirements.** The Zoning Map shall be interpreted in compliance with Section 17.105.020 (Rules of Interpretation).

17.200.040 – Zoning of Annexed Areas and Undesignated Lands

Property subject to annexation shall be classified (i.e., pre-zoned) in the zone(s) that are most consistent with the General Plan land use designation before commencement of Local Agency Formation Commission (LAFCO) proceedings in compliance with Government Code Section 56375 et seq. (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).

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Chapter 17.205 — Allowable Land Uses and Development

Sections:

17.205.010 — Purpose
17.205.020 — General Requirements for Development and New Land Uses
17.205.030 — Allowable Land Uses and Permit Requirements
17.205.040 — Exemptions from Permit Requirements
17.205.050 — Additional Permits and Approvals
17.205.060 — Temporary Uses

17.205.010 – Purpose

This Chapter identifies requirements for the approval of proposed development and new land uses. The permit requirements for specific land uses are located in Chapter 17.215 through 17.235.

17.205.020 – General Requirements for Development and New Land Uses

No land use or structure shall be altered, constructed, established, moved, reconstructed, maintained, or replaced unless in compliance with the requirements in this Section.

A. **Allowable use.** A land use shall be allowable in the zone applied to the site. The basis for determining whether a use is allowable is described in Section 17.205.030 (Allowable Land Uses and Permit Requirements).

B. **Permit and approval requirements.** A planning permit or other approval or authorization required by Section 17.205.030 (Allowable Land Uses and Permit Requirements) shall be obtained before the issuance of a required building permit, grading permit, or other construction related permit; other permits identified in the Municipal Code; and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.205.040 (Exemptions from Permit Requirements).

C. Development standards, conditions of approval. Each land use and structure shall comply with the development standards of this Article 2; applicable standards and requirements in Article 3 (Site Planning and Project Design Standards), Article 4 (Standards for Specific Land Uses), and Article 5 (Resource Management); and any applicable conditions imposed by a previously approved or granted planning permit.

D. Legal parcel. The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act (Government Code Sections 66410 et seq.) and Municipal Code Title 16 (Subdivisions).

17.205.030 – Allowable Land Uses and Permit Requirements

A. Allowable land uses. The uses of land allowed in each zone are indicated in Chapters 17.215 through 17.235, including the type of planning permit, approval, or authorization required for each use. See Tables 2-2, 2-6, 2-8 & 2-10. Each land use is defined in Article 8 (Definitions).

1. Establishment of an allowable use.

a. Any one or more land uses identified in the tables as being allowable within a specific zone may be established on any parcel within that zone. The land uses shall be subject to the planning permit requirements indicated in the tables as described in Paragraph B, below, and shall comply with all applicable requirements of this Development Code.

b. Where a single parcel is proposed for development with two or more allowable land uses at the same time, the overall project shall be subject to the highest permit level required by Paragraph B for any individual use. For example, a food service establishment (i.e., restaurant) serving alcohol that is proposed in the CN (Commercial Neighborhood) zone would require approval of a Conditional Use Permit because Table 2-6 requires Conditional Use Permit approval for alcohol sales, even though a food service establishment is listed as a permitted use in the CN zone, requiring only a Zoning Clearance.

2. Use not listed. A land use that is not listed in Tables 2-2, 2-6, 2-8 or 2-10 and is determined by the Director to not be included in Article 8 (Definitions) under the definition of a listed land use, is not allowed within the applicable zone, except as otherwise provided in Section 17.105.020.H (Rules of Interpretation – Unlisted Uses of Land) or Section 17.205.040 (Exemptions from Permit Requirements).

B. Permit requirements. Tables 2-2, 2-6, 2-8 and 2-10 within Chapters 17.215 through 17.235 provide for land uses that are:

1. Permitted subject to first obtaining a Zoning Clearance (Chapter 17.655) and compliance with all applicable provisions of this Development Code. These are shown as "P" uses in the tables.

    a. Structures erected to accommodate any of the land use activities listed as permitted (P) shall require the approval of a Site Plan and Design Review in compliance with Chapter 17.630.

    b. Site Plan and Design Review approval shall be required before the issuance of a Building or Grading Permit for any new structure (not including fences or walls), and existing structures to be reconstructed or remodeled (including facade improvements) that increase the gross floor area by at least 25 percent or to increase structure height.

    c. The applicable review authority shall be as specified in Section 17.630.030, Table 6-2 (Review Authority for Site Plan and Design Review).

2. Allowed subject to the approval of a Minor Use Permit (Chapter 17.605), and shown as "MUP" uses in the tables.

3. Allowed subject to the approval of a Conditional Use Permit (Chapter 17.605), and shown as "CUP" uses in the tabes.

4. Allowed subject to the approval of a Home Occupation Permit (Chapter 17.615), and shown as “HOP” uses in the tables.

5. Allowed subject to the approval of a Temporary Use Permit (Chapter 17.640), and shown as “TUP” uses in the tables.

6. Expressly not allowed in particular zones, and shown as "---" in the tables.

17.205.040 – Exemptions from Permit Requirements

The planning permit requirements of this Development Code do not apply to the land uses, structures, and activities identified in this Section. These are allowed in all zones subject to compliance with this Section. However, building, grading, encroachment, or other construction permits may still be required in compliance with the Municipal Code.

A. General requirements for exemption. The land uses, structures, and activities identified in Paragraph B, below, are exempt from the planning permit requirements of this Development Code only when:

1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article (Zones, Allowable Land Uses, and Zone-Specific Standards), and Article 3 (Site Planning and Development Standards), Article 4 (Standards for Specific Land Uses), Article 5 (Resource Management), and, where applicable, Chapter 17.705 (Nonconforming Parcels, Structures, and Uses); and

2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a building permit) in compliance with Section 17.205.050 (Additional Permits and Approvals).

B. Exempt activities and land uses. The following are exempt from the planning permit requirements of this Development Code when established and conducted in compliance with Paragraph A, above.

1. Governmental facilities. Facilities of State government, Federal government, or local government (e.g., water district, sanitation district) on land owned or leased by that governmental agency, for governmental operations, to the extent that the facilities are exempted by State or Federal law and in compliance with Section 17.100.060 (Applicability of Development Code).

2. Decks, platforms, and walkways. Decks, platforms, and walkways that are not required to have a building permit or grading permit. Walkways shall be in compliance with Section 17.305.090 (Paving Within Residential Front Yard Area).

3. Fences and walls. See Chapter 17.315 (Fences, Walls, and Hedges).

4. Interior remodeling. Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.

5. **Repairs and maintenance.**

   a. Single-family dwellings. Ordinary repairs to, and maintenance of, single-family dwellings, if any exterior repairs employ the same materials and design as the original construction.

   b. Multi-family residential structures and nonresidential structures. Ordinary repairs to, and maintenance of multi-family residential structures and nonresidential structures, if:

      (1) The work does not change the permitted land use of the site or structure, or add to, enlarge, or expand the land use or structure; and

      (2) Any exterior repairs employ the same materials and design as the original construction.

6. **Small, portable residential accessory structures.** A single portable structure per parcel or unit, including pre-manufactured storage sheds or other small structures, in residential zones that are exempt from building permit requirements in compliance with the Municipal Code and the Building Code. Additional structures may be approved in compliance with Chapter 17.405 (Accessory Structures and Uses), where allowed by the applicable zone.

7. **Solar energy systems.** The addition or replacement of solar energy systems to the roof or side of a structure; provided that the systems comply with California Building Code and the provisions in Section 17.430.325 (Solar Energy Systems).

8. **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.

9. **Utilities.** The alteration, construction, erection, or maintenance by a public utility or agency of utility infrastructure , subject to the provisions of Government Code Section 53090 et seq. (Regulation of Local Agencies by Counties and Cities), any local utility shall be allowed in any zone. See definition of "Utility Infrastructure" in Section 17.800.220 ("U" – Definitions). See Section 17.305.0 for utility undergrounding requirements.

10. **Satellite/dish and amateur radio antennae.** Satellite/dish and amateur radio antennae are exempt if in compliance with Section 17.430.280 (Satellite/Dish and Amateur Radio Antennae).

17.205.050 – Additional Permits and Approvals

A land use authorized through the approval of a Zoning Clearance, Minor Use Permit, or Conditional Use Permit may also require a building permit or other permit or approval required by the Municipal Code. Nothing contained in this Development Code, or any entitlement granted in compliance with this Development Code, shall serve to invalidate those other requirements.

17.205.060 – Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are located in Chapter 17.640 (Temporary Use Permits).

Chapter 17.215 — Residential Zones

Sections:

17.215.010 — Purposes of Residential Zones
17.215.020 — Residential Zone Land Uses and Permit Requirements
17.215.030 — Residential Zone Development Standards
17.215.040 — Residential Zone Amenity Density Incentives

17.215.010 – Purposes of Residential Zones

The purposes of the individual residential zones and the manner in which they are applied are as follows:

A. **RE (Residential Estate) Zone.** The RE zone is applied to areas appropriate for detached single-family dwelling units with appropriate accessory structures and uses in semi-rural areas and areas where scenic and natural resources should be protected, together. The RE zone may also allow mobile and modular homes, second dwelling units, agricultural uses, public facilities, and other uses that are compatible with rural estate single-family neighborhoods. Horses and other farm animals are also allowed in this zone in compliance with Section 17.430.050 (Animal Keeping). This zone allows a maximum density of 1.0 dwelling unit per two net acres of land. The RE zone is consistent with the Estate Residential (ER) land use designation of the General Plan.

B. **RR (Residential Rural) Zone.** The RR zone is applied to areas appropriate for detached single-family dwelling units with appropriate accessory structures and uses in a semi-rural setting. The RR zone may also allow mobile and modular homes, second dwelling units, public facilities, and other uses that are compatible with rural single-family neighborhoods. Horses and other farm animals are also allowed in this zone in compliance with Section 17.430.050 (Animal Keeping). This zone allows a maximum density of 2.0 dwelling units per acre of land. The RR zone is consistent with the Rural Residential (RR) land use designation of the General Plan.

C. **RL (Residential, Low Density) Zone.** The RL zone is applied to areas appropriate for a range of detached single-family residential dwellings on standard suburban parcels, together with appropriate accessory structures and uses. The RL zone may also allow

mobile and modular homes, second dwelling units, condominiums, townhomes, public facilities, and other uses that are compatible with low density single-family neighborhoods. This zone allows a density ranging from 2.1 to 5.0 dwelling units per net acre. The RL zone is consistent with the Low Density Residential (LDR) land use designation of the General Plan.

D. **RM (Residential, Medium Density) Zone.** The RM zone is applied to areas appropriate for neighborhoods with a variety of housing types located in proximity to parks, schools, and public services. The housing types range from attached and detached single-family residential dwelling units, duplexes, triplexes, fourplexes, condominiums, townhomes, mobile home parks, recreational vehicle parks, as well as accessory structures and uses. The RM zone may also allow limited neighborhood serving commercial uses on small appropriately located individual parcels or in small pedestrian-oriented neighborhood centers, public facilities, and other uses that are compatible with medium density neighborhoods. This zone allows a density ranging from 5.1 to 10.0 dwelling units per net acre. The RM zone is consistent with the Medium Density Residential (MDR) land use designation of the General Plan.

E. **RMH (Residential, Medium High Density) Zone.** The RMH zone is applied to areas appropriate for neighborhoods with a variety of multi-family attached housing types (for example, duplexes, triplexes, apartments, garden-style units, condominiums, townhomes, etc.), as well as accessory structures and uses primarily on larger parcels where site design can provide the desired mixture of housing types, aesthetic and functional open space areas, and other features that enhance the development and neighborhood. This zone allows a density ranging from 10.1 to 14.0 dwelling units per net acre. The RMH zone is consistent with the Medium High Density Residential (MHDR) land use designation of the General Plan.

F. **RH (Residential, High Density) Zone.** The RH zone is applied to areas appropriate for a variety of multi-family attached housing types (for example, apartments, garden style units, condominiums, townhomes, etc.), as well as accessory structures and uses primarily on larger parcels where site design can provide the desired mixture of housing types, aesthetic and functional open space areas, and other features that enhance the development and neighborhood. The RH zone may also allow limited neighborhood serving commercial uses on small appropriately located individual parcels or in small pedestrian-oriented neighborhood centers, public facilities, and other accessory structures and uses that are compatible with high density neighborhoods. This zone allows a density ranging from 14.1 to 18.0 dwelling units per net acre. The RH zone is consistent with the High Density Residential (HDR) land use designation of the General Plan.

G. RVH (Residential, Very High Density) Zone. The RVH zone is applied to areas appropriate for apartments, senior housing, and housing affordable to lower and moderate income families located near commercial areas and public services. The RVH zone may also allow limited neighborhood serving commercial uses on small appropriately located individual parcels or in small pedestrian-oriented neighborhood centers, public facilities, accessory structures and uses, and other uses that are compatible with high density neighborhoods. This zone allows a density ranging from 18.1 to 22.0 dwelling units per net acre. The RVH zone is consistent with the Very High Density Residential (VHDR) land use designation of the General Plan.

17.215.020 – Residential Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-2 indicates the uses allowed within each residential zone and the planning permit required to establish each use, in compliance with Article 6 (Permit Procedures).

2. Residential uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. Any table cell with a "---" means that the listed land use is expressly prohibited in that specific zone.

C. Land uses not listed. For land uses not listed in Table 2-2, the provisions of Chapter 17.105 (Interpretation of Regulations) shall apply.

D. Site Plan and Design Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall require Site Plan and Design Review approval in compliance with Chapter 17.630 (Site Plan and Design Review).

E. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Development Code may also apply.

Table 2-2 Allowed Uses and Permit Requirements Residential Zones		Permit Requirements P Zoning Clearance (17.655) CUP Conditional Use Permit (17.605) HOP Home Occupation Permit (17.615) MUP Minor Use Permit (17.605) TUP Temporary Use Permit (17.640) --- Not allowed			
Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**RE**	**RR**	**RL**	**Specific Use Regulations**
Residential Uses					
Accessory Living Quarters					
Guest Houses		P	P	P	
Second Dwelling Units		P	P	P	17.430.300
Accessory Residential Structures		P	P	P	17.405
Agricultural Employee Housing		P	---	---	17.430.030
Animal-Keeping		See Section 17.430.050 (Animal-Keeping)			
Congregate Living Facilities (6 or fewer persons)		P	P	P	
Congregate Living Facilities (7 -11 persons)		MUP	MUP	MUP	
Home Occupations		HOP	HOP	HOP	17.615
Household Living					
Single-Family Dwellings		P	P	P	
Mobile Home Parks and Subdivisions		CUP	CUP	CUP	17.415
Recreational Vehicle Parks		CUP	CUP	CUP	17.430.260
Care Uses					
Child Day Care Facility					
Small (8 or fewer children)		P	P	P	17.430.110
Large (9 to 14 children)		MUP	MUP	MUP	17.430.110
Community Care Facility – Up to 6 persons		P	P	P	17.430.120
Congregate Care Facility – Up to 6 persons		P	P	P	17.430.120
Convalescent Home – Up to 6 persons		P	P	P	
Residential Care Facility – Up to 6 persons		P	P	P	17.430.280
Residential Care Facility for Elderly – Up to 6 persons		P	P	P	
Supportive Housing		P	P	P	
Transitional Housing		P	P	P	
Education, Recreation, and Public Assembly Uses					
Educational Facilities (Grades K-12), Private/Public		---	CUP	CUP	
Assembly/Meeting Facilities, Private and Public		---	CUP	CUP	
Parks and Recreation Facilities, Private and Public		---	CUP	CUP	
Industry, Manufacturing & Processing, Warehousing Uses					
Cottage Businesses (only in –RAAB overlay)		---	MUP	---	17.235.030 17.430.150
Agricultural Uses					
Agricultural Accessory Structures		P	---	---	17.405.030
Agricultural Activities and Facilities		P	---	---	17.305.040
Community Gardens		P	P	P	17.430.130
Livestock and Dairy Operations		P	---	---	
Produce Stands					
Permanent		P	P	P	
Temporary		TUP	TUP	TUP	17.640

Table 2-2 **Allowed Uses and Permit Requirements** **Residential Zones**	Permit Requirements P Zoning Clearance (17.655) CUP Conditional Use Permit (17.605) HOP Home Occupation Permit (17.615) MUP Minor Use Permit (17.605) TUP Temporary Use Permit (17.640) --- Not allowed			
Land Use See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**RE**	**RR**	**RL**	**Specific Use Regulations**
Service Uses – General				
Food Service (No drive-through)	---	P	P	
Kennels	MUP	---	---	17.430.060
Lodging - Bed and Breakfast Inns	---	P	P	17.430.090
Neighborhood Grocery	---	P	P	
Transportation, Communication, and Infrastructure Uses				
Satellite/Dish & Amateur Radio Antennae	MUP	MUP	MUP	17.430.290
Utility Facilities	CUP	CUP	CUP	
Utility Infrastructure	P	P	P	
Wireless Telecommunication Facilities				
No Co-location & on lot with no single-family dwelling	CUP	CUP	CUP	17.430.360
Co-Location	P	P	P	17.430.360
Other Uses				
Alternative Energy				
Solar Energy Systems (noncommercial)	P	P	P	17.430.330
Wind Energy Systems (noncommercial)	MUP	MUP	MUP	17.430.340
Cargo Containers	P	P	P	17.430.100
Garage Sales	--	P	P	MC 5.24
Temporary Uses	TUP	TUP	TUP	17.640

Table 2-2 **Allowed Uses and Permit Requirements** **Residential Zones**	Permit Requirements P Zoning Clearance (17.655) CUP Conditional Use Permit (17.605) HOP Home Occupation Permit (17.615) MUP Minor Use Permit (17.605) TUP Temporary Use Permit (17.640) --- Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**RM**	**RMH**	**RH**	**RVH**	**Specific Use Regulations**
Residential Uses						
Accessory Residential Structures		P	P	P	P	17.405
Animal-Keeping		See Section 17.430.050 (Animal-Keeping)				
Congregate Living Facilities (6 or fewer persons)		P	P	P	P	
Congregate Living Facilities (7 -11 persons)		MUP	MUP	MUP	MUP	
Congregate Living Facilities (12+ persons)		CUP	CUP	CUP	CUP	
Home Occupations		HOP	HOP	HOP	HOP	17.615
Household Living						
Two-Family Dwellings		P	P	P	---	
Multi-Family Dwellings		P	P	P	P	
Mobile Home Parks and Subdivisions		CUP	CUP	CUP	CUP	17.415
Organizational Houses		CUP	CUP	CUP	CUP	
Recreational Vehicle Parks		CUP	CUP	CUP	CUP	17.430.260
Single-Room Occupancy Facilities		CUP	CUP	CUP	CUP	
Care Uses						
Child Day Care Facility						
Small (8 or fewer children)		P	P	P	P	17.430.110
Community Care Facility – Up to 6 persons		P	P	P	P	17.430.120
Community Care Facility – 7 or more persons		CUP	CUP	CUP	CUP	17.430.120
Congregate Care Facility – Up to 6 persons		P	P	P	P	17.430.120
Congregate Care Facility- 7+ persons		CUP	CUP	CUP	CUP	17.430.120
Convalescent Home – Up to 6 persons		P	P	P	P	
Convalescent Home – 7+ persons		CUP	CUP	CUP	CUP	
Residential Care Facility – Up to 6 persons		P	P	P	P	17.430.280
Residential Care Facility – 7+ persons		CUP	CUP	CUP	CUP	17.430.280
Residential Care Facility for the Elderly – Up to 6 persons		P	P	P	P	
Residential Care Facility for the Elderly – 7+ persons		CUP	CUP	CUP	CUP	
Supportive Housing		P	P	P	P	
Transitional Housing		P	P	P	P	
Education, Recreation, and Public AssemblyUses						
Educational Facilities (Grades K-12), Private and Public		CUP	CUP	CUP	CUP	
Assembly/Meeting Facilities, Private and Public		CUP	CUP	CUP	CUP	
Parks and Recreation Facilities, Private and Public		CUP	CUP	CUP	CUP	
Agricultural Uses						
Community Gardens		P	P	P	P	17.430.130
Produce Stands						
Permanent		P	P	P	P	
Temporary		TUP	TUP	TUP	TUP	17.640

Table 2-2 **Allowed Uses and Permit Requirements** **Residential Zones**	Permit Requirements P Zoning Clearance (17.655) CUP Conditional Use Permit (17.605) HOP Home Occupation Permit (17.615) MUP Minor Use Permit (17.605) TUP Temporary Use Permit (17.640) --- Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**RM**	**RMH**	**RH**	**RVH**	**Specific Use Regulations**
Service Uses – General						
Food Service (No drive-through)		P	P	P	P	
Lodging - Bed and Breakfast Inns		P	P	P	P	17.430.090
Neighborhood Grocery		P	P	P	P	
Transportation, Communication, and Infrastructure Uses						
Satellite/Dish & Amateur Radio Antennae		MUP	MUP	MUP	MUP	17.430.290
Utility Facilities		CUP	CUP	CUP	CUP	
Utility Infrastructure		P	P	P	P	
Wireless Telecommunication Facilities						
No Co-location & on lot with no single-family dwelling		CUP	CUP	CUP	CUP	17.430.360
Co-Location		P	P	P	P	17.430.360
Other Uses						
Alternative Energy						
Solar Energy Systems (noncommercial)		P	P	P	P	17.430.330
Wind Energy Systems (noncommercial)		MUP	MUP	MUP	MUP	17.430.340
Garage Sales		P	P	P	P	MC 5.24
Temporary Uses		TUP	TUP	TUP	TUP	17.640

17.215.030 – Residential Zone Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-3, 2-4, and 2-5, in addition to the standards and guidelines in Article 3 (Site Planning and Development Standards) (e.g., landscaping, parking and loading, etc.) and Article 4 (Standards for Specific Land Uses (e.g., accessory structures, single-family and multi-family development, etc.).

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Table 2-3
Development Standards for RE, RR, and RL Zones

Development Feature See Article 8 (Definitions)	**RE**	**RR**	**RL 20,000**	**RL 15,000**	**RL 10,000**	**RL 7,200**
Parcel Dimensions	*Minimum dimensions required for each newly created parcel. Parcel area shall be measured in terms of net area, as defined in Article 8 (Definitions).*					
Parcel Area (Net)	2 acres	20,000 sq ft	20,000 sq ft	15,000 sq ft	10,000 sq ft	7,200 sq ft
Parcel Width	150 ft	100 ft	Corner Parcel = 72 ft Interior Parcel = 60 ft			
Parcel Depth	300 ft	100 ft	100 ft	100 ft	100 ft	100 ft
Density	One dwelling unit per parcel.		*Minimum and maximum number of dwelling units allowed per net acre. See Section 17.215.040 (Residential Zone Amenity Density Incentives). See "Area, Net" in Article 8 (Definitions).*			
			Minimum 2.1 dwelling units per net acre			
			Maximum 5.0 dwelling units per net acre			
Floor Area	*Minimum required interior floor area. See Chapter 17.425 (Single-Family Development) for compatibility standards that may require or allow a different minimum floor area.*					
	1,200 sq ft					1,000 sq ft
Setbacks	*Minimum required setbacks. See Section 17.305.120 for setback measurement, allowed projections into setbacks, and exceptions. See Article 4 for setback requirements applicable to specific land uses.*					
Front	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft
Interior Side	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Street Side	Primary Structure = 10 ft and Detached Garage = 20 ft					
Rear	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Impervious Surface Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures **and** impervious surfaces.*					
	50%	50%	50%	50%	50%	55%
Structure Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures.*					
	35%	35%	35%	35%	35%	40%
Height	*Maximum allowable height of structures. See Section 17.305.060 for height measurement requirements and height limit exceptions.*					
Agricultural Structure	40 ft	40 ft	N/A	N/A	N/A	N/A
Primary Structure	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Accessory Structure	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
Slope	Rear Setback Area = 3% maximum slope Rear Yard Area = 5% maximum slope with 20 ft min depth					
Separation Distance	10 ft minimum separation distance between primary and accessory structures.					
Accessory Structures	See Chapter 17.405 (Accessory Structures and Uses).					
Fences and Walls	See Chapter 17.315 (Fences, Walls, and Hedges).					
Landscaping	See Chapter 17.325 (Landscaping Standards).					
Parking	See Chapter 17.330 (Off-Street Parking and Loading Standards).					
Paving Within Front Setback Area	See Section 17.305.090 (Paving Within Residential Front Yard Area); Section 17.330.100 (Paving Limitations for Driveways in Residential Zones); and Chapter 17.655 (Zoning Clearances).					
Satellite Antennas	See Section 17.430.290 (Satellite/Dish Antenna and Amateur Radio Facilities).					
Signs	See Chapter 17.335 (Sign Standards).					

Table 2-4
Development Standards for RM, RMH, RH, and RVH Zones

Development Feature See Article 8 (Definitions)	RM	RMH	RH	RVH
Parcel Dimensions	*Minimum dimensions required for each newly created parcel. Parcel area shall be measured in terms of net area, as defined in Article 8 (Definitions).*			
Parcel Area (Net)	50,000 sq ft			
Parcel Width	100 ft			
Parcel Depth	100 ft			
Density	*Minimum and maximum number of dwelling units allowed per net acre.* *See Section 17.215.040 (Residential Zone Amenity Density Incentives).*			
Minimum	5.1	10.1	14.1	18.1
Maximum	10.0	14.0	18.0	22.0
Floor Area (Interior)	Studio = 550 sq ft minimum 1 bedroom = 750 sq ft minimum 2 bedroom = 900 sq ft minimum 3 bedroom = 1,000 sq ft minimum 4+ bedroom = 1, 200 sq ft minimum			
Setbacks	*Minimum setbacks required. See Section 17.305.120 for setback measurement, allowed projections into setbacks, and exceptions. See Article 4 (Standards for Specific Land Uses) for setback requirements applicable to specific land uses.*			
Front	First Floor = 20 ft and Second Floor = 25 ft			
Interior Side	One story structure = 10 ft			
	Two story structure = 15 ft; or 20 ft if abutting any RL zone			
	Three story structure = 20 ft; or 25 ft if abutting any RL zone			
Street Side	One story structure = 10 ft			
	Two story structure = 15 ft			
	Three story structure = 20 ft			
Rear	One story structure = 15 ft			
	Two story structure = 20 ft; or 30 ft if abutting any RL zone			
	Three story structure = 50 ft; or 70 ft if abutting any RL zone			
Impervious Surface Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures* ***and*** *impervious surfaces.*			
	60%			
Building Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures.*			
	40%	45%	45%	45%
Open Space	*Minimum open space to be provided for each dwelling unit.*			
Common	250 sq ft	250 sq ft	250 sq ft	250 sq ft
Private	150 sq ft	100 sq ft	100 sq ft	100 sq ft
Height	*Maximum allowable height of structures. See Section 17.305.060 for height measurement requirements and height limit exceptions.*			
Primary Structure	45 ft			
Accessory Structure	15 ft			
Separation Distance	10 ft minimum separation distance between structures. See also Chapter 17.420 (Multi-Family Development).			

Table 2-4
Development Standards for RM, RMH, RH, and RVH Zones

Development Feature See Article 8 (Definitions)	RM	RMH	RH	RVH
Accessory Structures	See Chapter 17.405 (Accessory Structures and Uses).			
Fences and Walls	See Chapter 17.315 (Fences, Hedges, and Walls).			
Landscaping	See Chapter 17.325 (Landscaping Standards).			
Parking	See Chapter 17.330 (Off-Street Parking and Loading Standards).			
Paving Within Front Setback Area	See Section 17.305.090 (Paving Within Residential Front Yard Area); Section 17.330.100 (Paving Limitations for Driveways in Residential Zones); and Chapter 17.655 (Zoning Clearances).			
Signs	See Chapter 17.335 (Sign Standards).			

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17.215.040 – Residential Zone Amenity Density Incentives

This Section provides incentives, procedures, and standards for a proposed project to be developed up to the maximum density allowed in residential zones, except for RE (Residential Estate) and RR (Residential Rural) zones. The intent of the amenity density incentives is to encourage a compact urban form; encourage the redevelopment and renewal of blighted areas; provide incentives for infill development; encourage a density of development at or near to the maximum allowed; promote convenience; reduce travel distance; conserve energy and achieve high standards of design.

A. Compliance with density thresholds. The minimum and maximum density thresholds indicated in Tables 2-3 and 2-4 shall apply to development in residential zones. Development shall NOT be allowed at less than or more than the indicated density thresholds, except in the following instances:

1. **Less than minimum density threshold.** A proposed project may be allowed at less than the applicable minimum density threshold ONLY if the project complies with Chapter 17.645 (Transfer of Development Rights).

2. **Greater than maximum density threshold.** A proposed project may be allowed at greater than the applicable maximum density threshold ONLY if the project complies with Chapter 17.310 (Affordable Housing – Density Bonuses).

B. Allowed by right. A proposed project shall be allowed by right at the applicable minimum density, subject to any permits required by Table 2-2 (Allowed Uses and Permit Requirements in Residential Zones).

C. Allowed density up to maximum threshold. A proposed project may be allowed at a density higher than the minimum, up to the maximum applicable density, if the proposed project:

1. Obtains approval of a Site Plan and Design Review in compliance with Chapter 17.630 (Site Plan and Design Review), as modified in this Section; and

2. Provides the required amenities identified in Subsection D (Amenity Density Incentives Schedule), below.

D. Amenity Density Incentives. A proposed project in any residential zone, except the RE and RR zones, may qualify for an amenity density incentives (i.e., be allowed to develop up to the maximum applicable density threshold) by providing the amenities identified in Table 2-5 (Amenity Density Incentives for Projects in Residential Zones). The amount of the increased density shall not exceed the maximum of the density range stated for

the specific zone. For the purposes of this Section, the term "amenity" shall be broadly defined to include natural features (e.g., trees, streams, green space, views, etc.) as well as amenities for the benefit of the community (e.g., street furniture, child care space, community space, street awnings, etc.). An amenity shall not include cash or the provision of cash in lieu of a physical amenity. Where the applicant considers an amenity to be inappropriate, the review authority may approve waivers of the amenity density incentive requirement through the site plan and design review process (Chapter 17.630 – Site Plan and Design Review). A waiver shall only be granted when it is justified by clear and convincing evidence submitted by the applicant, in writing, to the review authority.

Table 2-5
Amenity Density Incentives for Projects in Residential Zones

Amenity	Incentive
Development is located within 1/2 mile of a shopping center and medical facilities	1 additional dwelling unit per acre
Development is located within 1/2 mile of public transportation OR a shuttle service is provided	1 additional dwelling unit per acre
Development is located within 1/2 mile of public park	1 additional dwelling unit per acre
Development is part of a mixed-use project	1 additional dwelling unit per acre
Development exhibits a strong compatibility with adjacent land uses	1 additional dwelling unit per acre
Existing natural features (rock outcrops, mature trees, topography, etc.) are saved on-site and integrated into the development	1 additional dwelling unit per acre
An on-site professional management service is provided full-time	½ additional dwelling unit per acre
Active and passive solar energy concepts are used to lower energy costs to residents	½ additional dwelling unit per acre
Minimum open space requirement is exceeded by 25% or more	½ additional dwelling unit per acre
Day care services are provided on-site	½ additional dwelling unit per acre
Other amenities that the applicant or the review authority propose	Subject to approval by the review authority

E. **Submittal requirements.** In addition to the submittal requirements in Chapter 17.630 (Site Plan and Design Review) and in Chapter 17.600 (Permit Application Filing and Processing), the Director may request additional information to properly evaluate the need, appropriateness, or impact of the proposed amenity density incentive and to permit a finding that the proposed incentive is justified and, if granted, would not negatively impact the public health, safety, or welfare.

F. **Approval of amenity density incentive.** An amenity density incentive may be approved, disapproved, conditionally approved, approved at a lower intensity or conditionally approved at a lower intensity.

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Chapter 17.220 — Commercial and Office Zones

Sections:

17.220.010 — Purposes of Commercial and Office Zones
17.220.020 — Commercial and Office Zone Land Uses and Permit Requirements
17.220.030 — Commercial and Office Zone Development Standards

17.220.010 – Purposes of the Commercial and Office Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows:

A. **CD (Commercial Downtown) Zone.** The CD zone is applied to the core of the downtown and is intended to accommodate a variety of commercial uses with a strong pedestrian orientation and design that enhances the City's small town character. The CD zone may also allow mixed nonresidential and residential development (with residential uses customarily located above nonresidential uses). This zone allows a maximum floor area ratio (FAR) 2.0. The maximum allowable residential density for the residential component of a mixed-use project is 5.0 dwelling units per net acre. The CD zone is consistent with the Downtown Commercial land use designation of the General Plan.

B. **CG (Commercial General) Zone.** The CG zone is applied to areas appropriate for general commercial and daily shopping needs of a broad market area. The CG zone may allow a wide range of retail sales and business, professional, and personal services that are accessible to transit corridors. This zone allows a maximum floor area ratio (FAR) of 0.40. The CG zone is consistent with the Community Commercial land use designation of the General Plan.

C. **CN (Commercial Neighborhood) Zone.** The CN zone is applied to areas appropriate for providing small-scale retail and personal service uses for the local population living in adjacent residential neighborhoods. This zone allows a maximum floor area ratio (FAR) of 0.40. The CN zone is consistent with the Community Commercial land use designation of the General Plan.

D. CR (Commercial Regional) Zone. The CR zone is applied to areas appropriate for large scale commercial development with retail, entertainment, and or service uses of a scale and function to serve a regional market. Uses allowed in the CR zone may include auto repair and sales, "big box" retail, factory outlets, hotels, and movie theaters. This zone allows a maximum floor area ratio (FAR) of 0.50. The CR zone is consistent with the Regional Commercial land use designation of the General Plan.

E. Office Park (OP). The OP zone is applied to areas appropriate for a variety of single-tenant and multi-tenant offices that include administrative, corporate, financial, general business, legal, medical, professional, research and development, and other supporting uses customarily situated on large parcels in a campus park like setting. Uses allowed in this zone may also include small convenience or service commercial activities intended to meet the needs of the onsite employee population. Other uses that are determined to be compatible with the primary uses may also be allowed. This zone allows a maximum floor area ratio (FAR) of 0.35. The OP zone is consistent with the Office Park land use designation of the General Plan.

17.220.020 – Commercial and Office Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-6 indicates the uses allowed within each commercial and office zone and the planning permit required to establish each use, in compliance with Article 6 (Planning Permit Procedures).

2. Commercial and office uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. Any table cell with a "---" means that the listed land use is expressly prohibited in that specific zone.

C. Land uses not listed. For land uses not listed in Table 2-6, the provisions of Chapter 17.105 (Interpretation of Regulations) shall apply.

D. Site Plan and Design Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall require Site Plan and Design Review approval in compliance with Chapter 17.630 (Site Plan and Design Review).

E. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Development Code may also apply.

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements	
P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CD**	**CN**	**CG**	**Specific Use Regulations**
Education, Recreation, and Public Assembly Uses					
Accessory Amusement Devices		P	P	P	17.405.010
Adult-Oriented Businesses		---	---	P	17.400
Arcades (6+ machines)		CUP	CUP	CUP	17.430.070
Assembly/Meeting Facilities, Public and Private		CUP	CUP	CUP	
Bingo Game Operations (nonprofit orgs only)		P	P	P	MC 5.16
Commercial Recreation Facilities					
Indoor		CUP	CUP	CUP	MC 5.40
Outdoor		---	---	CUP	
Cultural Institutions		P	---	P	
Educational Facilities, Private and Public					
Academic (Grades K-12)		CUP	CUP	CUP	
Colleges and Universities		CUP	---	CUP	
Commercial Schools		P	---	P	
Live Entertainment					
Amplified		MUP	MUP	MUP	17.430.190
Unamplified		P	P	P	17.430.190
Poolrooms/Billiard Halls (2 or more tables)		P	P	P	MC 5.36
Studios for Art, Dance, Martial Arts, Music, etc.		P	P	P	
Theaters, Movies or Performing Arts		MUP	CUP	MUP	
Industry, Manufacturing &Processing, and Warehousing Uses					
Furniture/Fixtures Manufacturing - Only Cabinet Shops		---	---	P	
Handcraft Manufacturing		MUP	---	MUP	
Recycling Facilities					
Donation Boxes		P	P	P	17.430.160
Reverse Vending Machine		P	P	P	17.430.270
Collection Facility – Small		---	---	MUP	17.430.270
Collection Facility – Large		---	---	MUP	17.430.270

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements

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CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CD**	**CN**	**CG**	**Specific Use Regulations**
Residential Uses					
Caretaker Housing		---	---	CUP	
Congregate Living Facilities		---	CUP	CUP	
Home Occupations		HOP	HOP	HOP	17.615
Live-Work Units		MUP	---	MUP	17.430.200
Mixed-Use Projects (Residential over Retail/Office)		MUP	---	MUP	17.430.210
Multi-Family Dwellings		MUP	---	---	17.420
Organizational Houses		---	CUP	CUP	
Senior Residential Projects		MUP	---	MUP	17.430.310
Care Uses					
Child Day Care Facility					
Small (8 or fewer)		P	---	P	17.430.110
Large (9 to 14)		P	---	P	17.430.110
Day Care, General (15+ children/adults)		MUP	MUP	MUP	17.430.110
Child Day Care (Accessory to on-site employer)		P	P	P	
Community Care Facility - 6 or fewer persons		P	---	P	17.430.120
Community Care Facility – 7+ persons		---	CUP	CUP	17.430.120
Congregate Care Facility – 7+ persons		---	CUP	CUP	
Convalescent Home – 7+ persons		---	CUP	CUP	
Residential Care Facility – 7+ persons		---	CUP	CUP	17.430.280
Residential Care Facility for Elderly – 7+ persons		---	CUP	CUP	
Supportive Housing		MUP	---	MUP	
Transitional Housing		MUP	---	MUP	
Retail Trade Uses					
Accessory Retail and Services		P	P	P	17.405.020
Alcohol Sales		CUP	CUP	CUP	MC 5.36 17.430.040
Animal Retail Sales		P	P	P	17.430.060
Artisan Shops		P	P	P	
Building/Landscape Materials Sales					
Indoor		---	---	P	
Outdoor		---	---	MUP	
Convenience Markets		P	P	P	
Drive-Through Retail		---	MUP	MUP	
Farm Supply and Feed Store		---	---	P	
Farmers Market		MUP	---	MUP	
Food and Beverage Sales					
Neighborhood Grocery		P	P	P	
Chain Grocery		P	P	P	
Specialty Food		P	P	P	

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements	
P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	CD	CN	CG	Specific Use Regulations
Fuel Dealer (propane for home/farm use, etc.)	---	---	P	
Gun Shops	---	---	P	
Outdoor Display and Sales	MUP	MUP	MUP	17.430.240
Pharmacies	P	P	P	
Plant Nursery	MUP	---	MUP	17.430.240
Retail Sales				
General Merchandise (50,000 sq. ft. or less)	P	P	P	
Secondhand Stores/Pawnshops	P	---	P	
Shopping Centers				
Neighborhood Shopping Center (Up to 50,000 sq ft)	---	---	P	17.430.330
Community Shopping Center (50,001 - 150,000 sq ft)	---	---	P	17.430.330
Service Uses – Business and Professional				
Automated Teller Machine (ATM)				
Drive-Through	---	MUP	MUP	17.430.080
Walk-Up	P	P	P	17.430.080
Banks and Financial Services	P	P	P	
Business Support Services	P	---	P	
Medical Services – Clinic, Laboratory, Urgent Care	P	---	P	
Medical Services – Hospitals	---	---	CUP	
Medical Services – Offices	P	P	P	
Office – Accessory				
Up to 1,000 sq ft	P	P	P	
Up to 10% of the total gross floor area	MUP	MUP	MUP	
Office – Business Service	P	---	P	
Office – Government	P	---	P	
Office – Processing	P	---	P	
Office – Professional/Administrative	P	P	P	
Service Uses – General				
Animal Services				
Accessory Boarding/Training - Indoor	P	P	P	17.430.060
Accessory Boarding/Training - Outdoor	MUP	MUP	MUP	17.430.060
Grooming	P	P	P	17.430.060
Veterinary Clinic, Animal Hospital	MUP	MUP	MUP	17.430.060
Auction Houses	---	---	CUP	
Bail Bond Services	P	---	P	
Bars, Lounges, Nightclubs	CUP	---	CUP	17.430.040
Catering Services	P	P	P	
Drive-Through Service	---	MUP	MUP	17.430.170
Equipment Rental				
Indoor Only	P	P	P	
With Outdoor Storage	---	---	MUP	17.430.230

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements	
P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CD**	**CN**	**CG**	**Specific Use Regulations**
Food Service Establishments					
No alcohol service		P	P	P	
Incidental alcohol service for on-site consumption		MUP	MUP	MUP	17.430.040
Health and Fitness Facilities					
Small – 2,000 sq. ft or less		P	P	P	
Large – Over 2,000 sq. ft.		MUP	---	MUP	
Hookah Lounge					
Accessory to Food Service Establishments		MUP	MUP	MUP	
Independent		CUP	CUP	CUP	
Lodging					
Bed and Breakfast Inns		MUP	---	---	17.430.090
Hotels		MUP	---	P	
Motels		MUP	---	P	
Maintenance and Repair Service					
Indoor		P	---	P	
With Outdoor Storage		---	---	MUP	
Massage Establishments and Services		P	P	P	MC 5.32
Medical Marijuana Dispensaries		---	---	---	MC 9.28
Mortuary, Funeral Home		P	---	P	
Outdoor Dining		MUP	MUP	MUP	17.430.230
Personal Services		P	P	P	
Personal Services - Restricted		MUP	MUP	MUP	
Personal Storage Facility		---	---	P	
Repair Service – Equipment, Large Appliances, etc.		P	---	P	
Public and Semi-Public Uses					
Government Facilities		P	P	P	
Parks and Playgrounds, Public		P	P	P	
Public Safety Facility		P	P	P	
Transportation, Communication, and Infrastructure Uses					
Broadcasting Studio		P	---	P	
Parking Facilities, Public or Commercial		CUP	P	P	
Satellite/Dish Antenna and Amateur Radio Antenna		P	P	P	17.430.290
Transit Stop Shelter		P	P	P	
Transportation Service Dispatch Facilities		---	---	P	
Utility Facilities		CUP	CUP	CUP	
Utility Infrastructure		P	P	P	
Wireless Telecommunication Facilities					
No Co-Location		MUP	MUP	MUP	17.430.360
With Co-Location		P	P	P	17.430.360

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements	
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HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CD**	**CN**	**CG**	**Specific Use Regulations**
Vehicle Rentals, Sales, and Services					
Vehicle Parts and Supply Sales		---	---	P	
Vehicle Rentals					
Office only		P	P	P	
General		---	---	P	
Vehicle Sales (With incidental rentals)			---		
New		----	---	MUP	
Used		---	---	CUP	
Vehicle Services					
Car Washing, Automated		---	---	MUP	
Car Washing, Full-Service		---	---	MUP	
Car Washing, Self-Service		---	---	MUP	
Major Repair/Body Work		---	---	MUP	
Minor Maintenance/Repair/Installation		---	---	MUP	
Service Station		---	---	MUP	17.430.320
Towing and Storage		---	---	CUP	
Other Uses					
Accessory Nonresidential Structures		P	P	P	17.405.040
Alternative Energy					
Solar Energy Systems (noncommercial)		P	P	P	17.430.340
Wind Energy Systems (noncommercial)		MUP	MUP	MUP	17.430.350
Cargo Containers					
Permanent		--	---	--	
Temporary		TUP	TUP	TUP	17.430.100
Conversion of Residential to Nonresidential		MUP	---	---	17.430.140
Temporary Uses		TUP	TUP	TUP	17.640

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements	
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HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CR**	**OP**	**Specific Use Regulations**
Education, Recreation, and Public Assembly Uses				
Accessory Amusement Devices		P	P	17.405.010
Arcades (6+ machines)		CUP	---	17.430.070
Assembly/Meeting Facilities, Public and Private		CUP	CUP	
Bingo Game Operations (nonprofit orgs only)		P	---	MC 5.16
Commercial Recreation Facilities				
Indoor		CUP	---	MC 5.40
Outdoor		CUP	---	
Cultural Institutions		P	CUP	
Educational Facilities, Private and Public				
Academic (Grades K-12)		CUP	---	
Colleges and Universities		CUP	CUP	
Commercial Schools		P	P	
Live Entertainment				
Amplified		MUP	MUP	17.430.190
Unamplified		P	P	17.430.190
Poolrooms/Billiard Halls (2 or more tables)		P	---	MC 5.36
Studios for Art, Dance, Martial Arts, Music, etc.		P	P	
Theaters, Movies or Performing Arts		MUP	MUP	
Industry, Manufacturing &Processing, and Warehousing Uses				
Furniture/Fixtures Manufacturing - Only Cabinet Shops		P	---	
Handcraft Manufacturing		MUP	MUP	
Recycling Facilities				
Donation Boxes		P	--	17.430.160
Reverse Vending Machine		P	P	17.430.270
Collection Facility – Small		MUP	---	17.430.270
Collection Facility – Large		MUP	---	17.430.270
Residential Uses				
Caretaker Housing		CUP	---	
Congregate Living Facilities		---	---	
Home Occupations		HOP	HOP	17.615
Live-Work Units		MUP	---	17.430.200
Mixed-Use Projects (Residential over Retail/Office)		MUP	---	17.430.210
Senior Residential Projects		MUP		17.430.310
Care Uses				
Child Day Care Facility				
Small (8 or fewer)		P	---	17.430.110
Large (9 to 14)		P	---	17.430.110
Day Care, General (15 or more children/adults)		---	MUP	17.430.110
Child Day Care (Accessory to on-site employer)		P	P	

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements

P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CR**	**OP**	**Specific Use Regulations**
Community Care Facility - 6 or fewer persons	P	---	17.430.120
Supportive Housing	MUP	---	
Transitional Housing	MUP	---	
Retail Trade Uses			
Accessory Retail and Services	P	P	17.405.020
Alcohol Sales	CUP	CUP	MC 5.36 17.430.040
Animal Retail Sales	P	---	17.430.060
Artisan Shops	P	---	
Building/Landscape Materials Sales			
Indoor	P	---	
Outdoor	MUP	---	
Convenience Markets	P	P	
Drive-Through Retail	MUP	---	
Farm Supply and Feed Store	P	---	
Food and Beverage Sales			
Neighborhood Grocery	---	P	
Chain Grocery	P	---	
Specialty Food	P	---	
Gun Shops	P	---	
Outdoor Display and Sales	MUP	---	17.430.240
Pharmacies	P	---	
Plant Nursery	MUP	---	17.430.240
Retail Sales			
General Merchandise (50,000 sq. ft. or less)	P	---	
Bulk Merchandise (over 50,000 sq. ft)	CUP	---	
Secondhand Stores/Pawnshops	P	---	
Shopping Centers			
Community Shopping Center (50,001 - 150,000 sq ft)	P	---	17.430.330
Regional Shopping Center (150,001 sq ft and over)	P	---	17.430.330
Service Uses – Business and Professional			
Automated Teller Machine (ATM)			
Drive-Through	MUP	---	17.430.080
Walk-Up	P	P	17.430.080
Banks and Financial Services	P	P	
Business Support Services	P	P	
Medical Services – Clinic, Laboratory, Urgent Care	P	MUP	
Medical Services – Hospitals	CUP	---	
Medical Services – Offices	P	P	

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Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements

P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CR**	**OP**	**Specific Use Regulations**
Office – Accessory			
Up to 1,000 sq ft	P	P	
Up to 10% of the total gross floor area	MUP	MUP	
Office – Business Service	P	P	
Office – Government	P	P	
Office – Processing	P	P	
Office – Professional/Administrative	P	P	
Service Uses – General			
Animal Services			
Accessory Boarding/Training - Indoor	P	---	17.430.060
Accessory Boarding/Training - Outdoor	MUP	---	17.430.060
Grooming	P	---	17.430.060
Veterinary Clinic, Animal Hospital	MUP	---	17.430.060
Auction Houses	CUP	---	
Bail Bond Services	---	---	
Bars, Lounges, Nightclubs	CUP	CUP	17.430.040
Catering Services	P	---	
Drive-Through Service	MUP	---	17.430.170
Equipment Rental			
Indoor Only	P	---	
With Outdoor Storage	MUP	---	17.430.230
Food Service Establishments			
No alcohol service	P	P	
Incidental alcohol service for on-site consumption	MUP	---	17.430.040
Health and Fitness Facilities			
Small – 2,000 sq. ft or less	P	P	
Large – Over 2,000 sq. ft.	MUP	MUP	
Hookah Lounge			
Accessory to Food Service Establishments	MUP	MUP	
Independent	CUP	CUP	
Lodging			
Hotels	P	P	
Motels	P	---	
Maintenance and Repair Service			
Indoor	P	P	
With Outdoor Storage	MUP-	---	
Massage Establishments and Services	P	P	MC 5.32
Medical Marijuana Dispensaries	---	---	MC 9.28
Mortuary, Funeral Home	P	P	
Outdoor Dining	MUP	MUP	17.430.230
Personal Services	---	---	

Table 2-6
Allowed Uses and Permit Requirements
Commercial and Office Zones

Permit Requirements	
P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
HOP	Home Occupation Permit (17.615)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CR**	**OP**	**Specific Use Regulations**
Personal Services - Restricted	MUP	---	
Personal Storage Facility	P	--	
Repair Service – Equipment, Large Appliances, etc.	P	---	
Public and Semi-Public Uses			
Government Facilities	P	P	
Parks and Playgrounds, Public	P	P	
Public Safety Facility	P	P	
Transportation, Communication, and Infrastructure Uses			
Broadcasting Studio	P	---	
Parking Facilities, Public or Commercial	P	P	
Satellite/Dish Antenna and Amateur Radio Antenna	P	P	17.430.290
Transit Stop Shelter	P	P	
Transportation Service Dispatch Facilities	P	P	
Utility Facilities	CUP	CUP	
Utility Infrastructure	P	P	
Wireless Telecommunication Facilities			
No Co-Location	MUP	MUP	17.430.360
With Co-Location	P	P	17.430.360
Vehicle Rentals, Sales, and Services			
Mobile Home, Boat, & RV Sales	MUP	---	
Vehicle Parts and Supply Sales	P	---	
Vehicle Rentals			
Office only	P	P	
General	P	---	
Vehicle Sales (With incidental rentals)			
New	MUP	---	
Used	CUP	---	
Vehicle Services			
Car Washing, Automated	MUP	---	
Car Washing, Full-Service	MUP	---	
Car Washing, Self-Service	MUP	---	
Major Repair/Body Work	MUP	---	
Minor Maintenance/Repair/Installation	MUP	---	
Service Station	MUP	---	17.430.320
Towing and Storage	---	---	

Table 2-6 **Allowed Uses and Permit Requirements** **Commercial and Office Zones**	Permit Requirements P Zoning Clearance (17.655) CUP Conditional Use Permit (17.605) HOP Home Occupation Permit (17.615) MUP Minor Use Permit (17.605) TUP Temporary Use Permit (17.640) --- Not allowed		
Land Use See Article 8 (Definitions). See Section 17.105.020.H. (Unlisted uses).	**CR**	**OP**	**Specific Use Regulations**
Other Uses			
Accessory Nonresidential Structures	P	P	17.405.040
Alternative Energy			
Solar Energy Systems (noncommercial)	P	P	17.430.340
Wind Energy Systems (noncommercial)	MUP	MUP	17.430.350
Cargo Containers			
Permanent	---	---	
Temporary	TUP	TUP	17.430.100
Conversion of Residential to Nonresidential	---	---	17.430.140
Temporary Uses	TUP	TUP	17.640

17.220.030 – Commercial and Office Zone Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-7, in addition to the standards and guidelines in Article 3 (Site Planning and Development Standards) (e.g., landscaping, parking and loading, signs, etc.) and Article 4 (Standards for Specific Land Uses (e.g., outdoor display and sales, outdoor storage, etc.).

Table 2-7
Development Standards for Commercial and Office Zones

Development Feature See Article 8 (Definitions)	CD	CN	CG	CR	OP
Parcel Dimensions	*Minimum dimensions required for each newly created parcel. Parcel area shall be measured in terms of net area, as defined in Article 8 (Definitions).*				
Parcel Area (Net)	3,500 sq ft min and 12,000 sq ft max	5,000 sq ft	5,000 sq ft	15 acres	5 acres
Parcel Width	50 ft	50 ft	50 ft	500 ft	300 ft
Parcel Depth	70 ft	100 ft	100 ft	250 ft	250 ft
Floor Area Ratio (FAR)	*Maximum floor area ratio (FAR) allowed per net acre. See "Area, Net" in Article 8 (Definitions).*				
Maximum FAR	2.0	.40	.40	.50	.35
Setbacks	*Minimum setbacks required. See Section 17.305.120 for setback measurement, allowed projections into setbacks, and exceptions. See Article 4 (Standards for Specific Land Uses) for setback requirements applicable to specific land uses.*				
Front	None allowed	15 ft	10 ft	15 ft	15 ft
Side (Interior)					
Abutting nonresidential	None allowed	None required	None required	30 ft	30 ft
Abutting residential	5 ft	10 ft	10 ft	35 ft	35 ft
Side (Street)	None allowed*	10 ft	10 ft	20 ft	20 ft
Rear					
Abutting nonresidential	None required	None required	None required	None required	25 ft
Abutting residential	1st floor = 5 ft 2nd floor = 10 ft	15 ft	15 ft	35 ft	35 ft
Height	*Maximum allowable height of structures. See Section 17.305.060 for height measurement requirements and height limit exceptions.*				
Primary Structure	45 ft	35 ft	45 ft	45 ft	45 ft
Accessory Structure	15 ft	15 ft	15 ft	15 ft	15 ft
Impervious Surface Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures* ***and*** *impervious surfaces.*				
	90%	80%	85%	90%	70%
Structure Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures.*				
	90%	40%	50%	60%	40%
Accessory Structures	See Chapter 17.405 (Accessory Structures and Uses).				
Fences and Walls	See Chapter 17.315 (Fences, Walls, and Hedges).				
Landscaping	See Chapter 17.325 (Landscaping Standards).				
Parking	See Chapter 17.330 (Off-Street Parking and Loading Standards).				
Satellite Antenna	See Section 17.430.290 (Satellite/Dish Antenna and Amateur Radio Facilities).				
Signs	See Chapter 17.335 (Sign Standards).				

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Chapter 17.225 — Industrial Zones

Sections:

17.225.010 — Purposes of Industrial Zones
17.225.020 — Industrial Zone Land Uses and Permit Requirements
17.225.030 — Industrial Zone Development Standards

17.225.010 – Purposes of the Industrial Zones

The purposes of the individual industrial zones and the manner in which they are applied are as follows:

A. **BP (Business Park) Zone.** The BP zone is applied to areas appropriate for single-tenant and multi-tenant offices that include corporate headquarters, research and development, product development, and general business uses customarily situated on large parcels in a campus park like setting. Uses allowed in this zone may also include small convenience or service commercial activities intended to meet the needs of the onsite employee population. Other uses that are determined to be compatible with primary uses may also be allowed. This zone allows a maximum floor area ratio (FAR) of 0.35. The BP zone is consistent with the Business Park land use designation of the General Plan.

B. **IL (Industrial Light) Zone.** The IL zone is applied to areas appropriate for light industry and manufacturing and heavier commercial service-type uses whose proximity to major arterial highways is essential or desirable for their operation due to the large volumes of vehicle and truck traffic that they generate. Uses allowed in this zone may include auto repair services, pest control services, pool maintenance services, and woodworking shops. This zone allows a maximum floor area ratio (FAR) of 0.40. The IL zone is consistent with the Industrial land use designation of the General Plan.

C. **IH (Industrial Heavy) Zone.** The IH zone is applied to areas appropriate for a variety of low polluting and nonpolluting industrial and manufacturing activities, including limited regional and subregional commercial activities that are nonpolluting and can coexist compatibly with surrounding land uses. Uses allowed in this zone may include research and development; manufacturing and processing; large single-tenant

distribution and sales; boat, recreational vehicle, and truck sales, leasing and repair; offices; warehousing and indoor storage; and high technology production. Other uses that are determined to be compatible with primary uses may also be allowed. This zone allows a maximum floor area ratio (FAR) of 0.40. The IH zone is compatible with the Industrial land use designation of the General Plan.

17.225.020 – Industrial Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-8 indicates the uses allowed within each industrial zone and the planning permit required to establish each use, in compliance with Article 6 (Planning Permit Procedures).

2. Industrial uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. Any table cell with a "---" means that the listed land use is expressly prohibited in that specific zone.

C. Land uses not listed. For land uses not listed in Table 2-8, the provisions of Chapter 17.105.020 (Rules of Interpretation) shall apply.

D. Site Plan and Design Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall require Site Plan and Design Review approval in compliance with Chapter 17.630 (Site Plan and Design Review).

E. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Development Code may also apply.

Table 2-8
Allowed Uses and Permit Requirements
Industrial Zones

Permit Requirements

P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Section 17.105.020.H (Unlisted uses). See Article 8 (Definitions).	BP	IL	IH	Specific Use Regulations
Education, Recreation, and Public Assembly Uses					
Adult-Oriented Businesses		---	P	---	17.400
Assembly/Meeting Facilities		CUP	CUP	---	
Commercial Recreation Facilities					
Indoor		CUP	CUP	CUP	
Outdoor		---	CUP	CUP	MC 5.40
Educational Facilities					
Academic (Grades K-12)		CUP	--	--	
Colleges and Universities		CUP	--	--	
Commercial Schools		P	P	---	
Live Entertainment					
Amplified		MUP	MUP	---	17.430.190
Unamplified		P	P	P	17.430.190
Industry, Manufacturing & Processing, and Warehousing Uses					
Agricultural product processing, wholesaling/distribution		---	CUP	CUP	
Bakery Products		---	P	P	
Carpet/Upholstery Cleaning Plants		---	---	P	
Chemical Product Manufacture, Wholesaling/Distribution		---	---	CUP	
Clothing and Fabric Products		---	P	P	
Contractor Storage Base		---	P	P	
Contractor Construction/Storage Yard		---	CUP	CUP	
Drug Manufacturing		---	P	P	
Electronics, Equipment, and Appliance Manufacturing		---	P	P	
Food and Beverage Products (except bakeries)		---	P	P	
Furniture/Fixtures Manufacturing, Cabinet Shops		---	P	P	
Handcraft Manufacturing		---	P	---	
Laundries, Dry Cleaning Plants, and Linen Supply		---	---	P	
Lumber and Wood Product Manufacturing		---	---	P	
Machinery Manufacturing		---	---	P	
Metal Products Fabrication, Machine/Welding Shops		---	P	P	
Motor Vehicles and Transportation Equipment		---	P	P	
Paper Product Manufacturing		---	P	P	
Plastics, Other Synthetics, and Rubber Products		---	P	P	
Printing and Publishing		---	P	P	

Table 2-8
Allowed Uses and Permit Requirements
Industrial Zones

Permit Requirements

P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Section 17.105.020.H (Unlisted uses). See Article 8 (Definitions).	BP	IL	IH	Specific Use Regulations
Recycling Facilities					
Collection Facility – Small		---	P	P	17.430.270
Collection Facility – Large		---	P	P	17.430.270
Processing Facility		---	---	CUP	17.430.270
Recycling—Scrap and Dismantling Yards		---	---	CUP	
Research and Development (R&D)		P	P	P	
Stone and Cut Stone Products		---	P	P	
Structural Clay, Pottery, and Ceramic Products		---	P	P	
Textile and Leather Product Manufacturing		---	P	P	
Warehouses, Wholesaling, and Distribution Facilities		---	MUP	P	
Residential Uses					
Caretaker Housing		---	---	MUP	
Care Uses					
Emergency Shelters		---	P	---	17.430.180
Retail Trade Uses					
Accessory Retail and Services		P	P	P	17.405.020
Building/Landscape Materials Sales					
Indoor		---	P	P	
Outdoor		---	P	P	
Farm Supply and Feed Store		---	P	---	
Fuel Dealer (propane for home/farm use, etc.)		---	P	---	
Outdoor Display and Sales		---	P	P	17.430.240
Outdoor Storage		---	P	P	17.430.250
Service Uses – Business and Professional					
Automated Teller Machines (ATMs)					
Walk-Up		P	P	---	17.430.080
Drive-Through		P	P	---	17.430.080
Banks and Financial Services		P	P	P	
Business Support Services		P	P	P	
Medical Services					
Offices		P	P	P	
Clinic, Laboratory, Urgent Care		P	P	P	
Hospitals		CUP	CUP	CUP	
Offices					
Accessory – Up to 1,000 sq ft		P	P	P	
Accessory – Up to 10% of total gross floor area		MUP	MUP	MUP	
Business Service		P	P	P	
Government		P	P	P	
Processing		P	P	P	
Professional/Administrative		P	P	P	

Table 2-8
Allowed Uses and Permit Requirements
Industrial Zones

Permit Requirements

P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Section 17.105.020.H (Unlisted uses). See Article 8 (Definitions).	**BP**	**IL**	**IH**	**Specific Use Regulations**
Service Uses – General					
Auction Houses		---	CUP	CUP	
Catering Services		---	P	---	
Equipment Rental		---	P	P	
Indoor Only		---	P	P	
With Outdoor Storage		---	MUP	MUP	
Food Service Establishments					
No alcohol service		P	P	P	
Incidental alcohol service for on-site consumption		MUP	MUP	MUP	17.430.040
Health and Fitness Facilities					
Small – 2,000 sq. ft. or less		P	P	P	
Large – Over 2,000 sq. ft.		CUP	CUP	CUP	
Maintenance and Repair Service					
Indoor		---	P	P	
With Outdoor Storage		---	P	P	
Maintenance and Service Facility		MUP	P	P	
Massage Establishments and Services		P	---	---	MC 5.32
Outdoor Storage		---	MUP	MUP	17.430.230
Repair Service – Equipment, Large Appliances, etc.		---	P	P	
Public and Semi-Public Uses					
Government Facility		P	P	P	
Public Safety Facility		P	P	P	
Transportation, Communication, and Infrastructure Uses					
Broadcasting Studio		P	P	---	
Parking Facilities, Public or Commercial		P	P	P	
Satellite/Dish Antenna and Amateur Radio Antenna		P	P	P	17.430.290
Transit Stop Shelter		P	P	P	
Transportation Service Dispatch Facilities		---	P	P	
Truck and Freight Terminals		---	---	CUP	
Utility Facilities		P	P	P	
Utility Infrastructure		P	P	P	
Wireless Telecommunications Facilities					
No Co-Location		MUP	MUP	MUP	17.430.360
With Co-Location		P	P	P	17.430.360

Table 2-8
Allowed Uses and Permit Requirements
Industrial Zones

Permit Requirements

P	Zoning Clearance (17.655)
CUP	Conditional Use Permit (17.605)
MUP	Minor Use Permit (17.605)
TUP	Temporary Use Permit (17.640)
---	Not allowed

Land Use	See Section 17.105.020.H (Unlisted uses). See Article 8 (Definitions).	**BP**	**IL**	**IH**	**Specific Use Regulations**
Vehicle Rentals, Sales, and Services					
Construction, Farm, and Heavy Equipment Sales		---	P	P	
Mobile Home, Boat, & RV Sales		---	---	P	
Vehicle Rentals					
Office only		P	---	---	
General		---	P	P	
Vehicle Services					
Major Repair/Body Work		---	---	P	
Minor Maintenance/Repair/Installation		---	P	P	
Towing and Storage		---	---	P	
Vehicle Storage		---	---	P	
Other Uses					
Accessory Nonresidential Structures		P	P	P	17.405.040
Alternative Energy					
Solar Energy Systems (noncommercial)		P	P	P	17.430.340
Wind Energy Systems (noncommercial)		MUP	MUP	MUP	17.430.350
Cargo Containers		P	P	P	17.430.100
Temporary Uses		TUP	TUP	TUP	17.640

17.225.030 – Industrial Zone Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-9, in addition to the standards and guidelines in Article 3 (Site Planning and Development Standards) (e.g., landscaping, parking and loading, signs, etc.) and Article 4 (Standards for Specific Land Uses (e.g., outdoor storage, etc.).

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Table 2-9
Development Standards for Industrial Zones

Development Feature See Article 8 (Definitions)	**BP**	**IL**	**IH**
Parcel Dimensions	*Minimum dimensions required for each newly created parcel. Parcel area shall be measured in terms of net area, as defined in Article 8 (Definitions).*		
Parcel Area (Net)	5 acres	No minimum	No minimum
Parcel Width	300 ft	50 ft	150 ft
Parcel Depth	200 ft	200 ft	200 ft
Floor Area Ratio	*Maximum floor area ratio (FAR) allowed per net acre. See "Area, Net" in Article 8 (Definitions).*		
	.35	.40	.40
Setbacks	*Minimum setbacks required. See Section 17.305.120 for setback measurement, allowed projections into setbacks, and exceptions. See Article 4 for setback requirements applicable to specific land uses.*		
Front			
Adjacent to nonresidential	10 ft	10 ft	15 ft
Adjacent to residential	25 ft	50 ft	50 ft
Side (Interior)			
Abutting nonresidential	10 ft	10 ft	10 ft
Abutting residential	35 ft	35 ft	50 ft
Side (Street)			
Adjacent to nonresidential	20 ft	20 ft	20 ft
Adjacent to residential	25 ft	25 ft	50 ft
Rear			
Abutting nonresidential	25 ft	None	None
Abutting residential	35 ft	15 ft	75 ft
Impervious Surface Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures **and** impervious surfaces.*		
	70%	80%	85%
Structure Coverage	*Maximum percentage of the total gross parcel area that may be covered by structures.*		
	40%	*65%*	*70%*
Height	*Maximum allowable height of structures. See Chapter 17.305.060 for height measurement requirements and height limit exceptions.*		
Primary Structure	45 ft	45 ft	60 ft
Accessory Structure	15 ft	15 ft	15 ft
Accessory Structures	See Chapter 17.405 (Accessory Structures and Uses).		
Fences and Walls	See Chapter 17.315 (Fences, Walls, and Hedges).		
Landscaping	See Chapter 17.325 (Landscaping Standards).		
Parking	See Chapter 17.330 (Off-Street Parking and Loading Standards).		
Satellite/Dish Antennae	See Section 17.430.290 (Satellite/Dish Antenna and Amateur Radio Facilities).		
Signs	See Chapter 17.335 (Sign Standards).		

Chapter 17.230 — Special Purpose Zones

Sections:

17.230.010 — Purposes of Special Purpose Zones
17.230.020 — Special Purpose Zone Land Uses and Permit Requirements
17.230.030 — Special Purpose Zone Development Standards

17.230.010 – Purposes of the Special Purpose Zones

The purposes of the individual special purpose zones and the manner in which they are applied are as follows:

A. **Open Space General (OSG) Zone.** The OSG zone is applied to areas appropriate for passive recreational activities and conservation of natural and scenic resources. Uses may include hiking, biking and equestrian trails; outdoor recreation; and extremely low density single-family dwellings. The maximum allowable residential density is 1.0 dwelling unit per 40 net acres. This zone allows maximum floor area ratio (FAR) of 0.10. The OSG zone is consistent with the General Open Space land use designation of the General Plan.

B. **Open Space Recreation (OSR) Zone.** The OSR zone is applied to areas appropriate for public or private, active or passive outdoor recreational facilities and accessory indoor facilities. Uses may include equestrian clubs, golf courses, swimming schools, tennis clubs, and areas for active sports play (e.g., large multipurpose fields for community events and informal recreation, sports fields and courts, concessions, tot lots, picnic areas, support facilities, caretaker facilities, etc.). This zone allows a maximum floor area ratio (FAR) of 0.15. The OSR zone is consistent with the Open Space Recreation and with the Parks land use designations of the General Plan.

C. **Public Institutional (PI) Zone.** The PI zone is applied to areas appropriate for publicly-owned facilities and properties, including the Eastern Municipal Water District properties. Uses may include City administrative offices and office complexes, community centers, fire stations, police stations, schools, utility substations, and water facilities. Other uses that are determined to be compatible with primary uses may also be allowed. This zone allows a maximum floor area ratio (FAR) of 0.50. The PI zone is consistent with the Public Institutional land use designation of the General Plan.

D. Specific Plan (SP) Zone. The SP zone is applied to areas appropriate for all projects of 100 acres or more in size as well as areas that are designated as Specific Plan on the General Plan, both of which warrant a comprehensive set of land use policies and standards designed for the unique features of an area within specific project boundaries. A specific plan shall be prepared in compliance with *Government Code Sections 65450 et seq.* and shall include detailed conditions, programs, and regulations that address specific site constraints and opportunities, including buffering, traffic, noise, and other land use compatibility impacts. Allowed densities and uses are based on the underlying General Plan designation per parcel or, in the absence of a designation, the densities and uses identified in the Specific Plan. The SP zone is consistent with the Specific Plan land use designation of the General Plan.

17.230.020 – Special Purpose Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-10 indicates the uses allowed within each special purpose zone and the planning permit required to establish each use, in compliance with Article 6 (Planning Permit Procedures).

2. Recreational uses, open space uses, and public facility uses and accessory support uses represent the principal allowed uses, and only those additional uses that are complementary to, and can exist in harmony with, the character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. Any table cell with a "---" means that the listed land use is expressly prohibited in that specific zone.

C. Land uses not listed. For land uses not listed in Table 2-10, the provisions of Chapter 17.105.020 (Rules of Interpretation) shall apply.

D. Site Plan and Design Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall require Site Plan and Design Review approval in compliance with Chapter 17.630 (Site Plan and Design Review).

E. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Development Code may also apply.

Table 2-10 **Allowed Land Uses and Permit Requirements** **Special Purpose Zones**	Permit Requirements P Zoning Clearance (17.655) CUP Conditional Use Permit (17.605) MUP Minor Use Permit (17.605) TUP Temporary Use Permit (17.640) --- Not allowed			
Land Use	See Section 17.105.020.H (Unlisted uses). See Article 8 (Definitions).	**OSG**	**OSR**	**PI**	**Specific Use Regulations**
Agricultural and Resource-Related Uses					
Agricultural Activities and Facilities					
Agricultural Accessory Structures	P	---	---		
Community Gardens	P	---	---	17.405.010
Produce Stands				
Permanent	P	---	---	
Temporary	TUP	---	---	17.640
Education, Recreation, and Public Assembly Uses				
Assembly/Meeting Facilities, Public and Private	CUP	CUP	CUP	
Commercial Recreation Facilities				
Indoor	CUP	CUP	CUP	
Outdoor	---	CUP	---	
Cultural Institutions	CUP	CUP	---	
Recreational Vehicle Parks	---	CUP	---	
Public and Semi-Public Uses				
Cemeteries	---	CUP	CUP	
Government Facilities	P	P	P	
Parks and Playgrounds, Public	P	P	P	
Public Safety Facility	P	P	P	
Residential Uses				
Caretaker Housing	---	CUP	---	
Home Occupation	P	---	---	17.615
Single-Family Dwelling	P	---	---	
Retail Trade Uses				
Accessory Retail and Services	---	CUP	---	17.405.050
Service Uses – Business and Professional				
Office – Accessory	CUP	CUP	CUP	
Office – Government	P	P	P	
Service Uses – General				
Accessory Food Service Establishments	CUP	CUP	CUP	
Transportation, Communication, and Infrastructure Uses				
Utility Facilities	P	P	P	
Utility Infrastructure	CUP	CUP	CUP	
Wireless Telecommunication Facilities				
Co-Location	P	P	P	17.430.330
No co-location	CUP	CUP	CUP	17.430.330
Other Uses				
Alternative Energy Systems				
Solar Energy Systems (noncommercial)	P	P	P	17.430.340
Wind Energy Systems (noncommercial)	MUP	MUP	MUP	17.430.350
Temporary Uses	TUP	TUP	TUP	17.640

17.230.030 – Special Purpose Zone Development Standards

New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements in Table 2-11 (Development Standards for Special Purpose Zones), in addition to the general development standards and guidelines (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and Development Standards) and Article 4 (Standards for Specific Land Uses (e.g., accessory structures, etc.).

Table 2-11
Development Standards for Special Purpose Zones

Development Feature	OSG	OSR	PI
Minimum Parcel Area	N/A	N/A	N/A
Maximum Floor Area Ratio (FAR)	.10	.15	.50
Maximum Density	*Minimum and maximum number of dwelling units allowed per net acre. See "Area, Net" in Article 8 (Definitions).*		
	1 dwelling unit per 40 net acres	N/A	N/A
Setbacks	*The minimum front, side and rear setbacks required shall be equal to those required in the most restrictive abutting zone. The review authority may modify the setbacks when it is found to be necessary to maintain the purpose of the zone.*		
Maximum Height	*The maximum height of a structure shall be equal to that required in the most restrictive abutting zone. The review authority may allow higher structures when it is found to be necessary to maintain the purpose of the zone.*		
Accessory Structures	See Chapter 17.405 (Accessory Structures and Uses).		
Fences and Walls	See Chapter 17.315 (Fences, Walls, and Hedges).		
Landscaping	See Chapter 17.325 (Landscaping Standards).		
Parking	See Chapter 17.330 (Off-Street Parking and Loading Standards).		
Satellite Antenna	See Section 17.430.290 (Satellite/Dish Antennas and Amateur Radio Facilities).		
Signs	See Chapter 17.335 (Sign Standards).		

Chapter 17.235 — Combining/Overlay Zones

Sections:

17.235.010 — Purposes of the Combining/Overlay Zones
17.235.020 — Applicability of Combining/Overlay Zone Provisions
17.235.030 — Residential Agricultural Accessory Business (-RAAB) Combining/Overlay Zone
17.235.040 — Urban Corridor (-UC) Combining/Overlay Zone

17.235.010 – Purposes of the Combining/Overlay Zones

This Chapter provides regulations for development and new land uses in the combining/overlay zones established by Section 17.20.020 (Zones Established). The combining/overlay zones are intended to provide guidance for development and new land uses in addition to the standards and regulations of the primary zones, where important site, neighborhood, economic development, or compatibility issues require particular attention in project planning.

17.235.020 – Applicability of Combining/Overlay Zone Provisions

A. **Mapping of combining/overlay zones.** The symbols for combining/overlay zones in Section 17.200.020 (Zones Established) shall be used on the Zoning Map to indicate the applicability of combining/overlay zones to specific sites. Each combining/overlay symbol shall be appended as a suffix to the symbol for the primary zone on the Zoning Map. For example, CG-UC represents an Urban Corridor Overlay Zone in the Commercial General Zone.

B. **Allowed land uses.** A land use normally allowed in the primary zone shall be allowed within a combining/overlay zone subject to any additional requirements of the combining/overlay zone, unless otherwise provided in a specific combining/overlay zone.

C. **Permit requirements.** Development and new land uses within a combining/overlay zone shall obtain the planning permits required for the primary zone, unless otherwise provided in a specific combining/overlay zone.

D. **Development standards.** Development and new land uses within a combining/overlay zone shall comply with all applicable requirements of the primary zone, unless otherwise provided in a specific combining/overlay zone.

E. **Conflict between standards and regulations.** In the event of a conflict between the provisions of this Section and any other provision of this Development Code, this Section shall control.

17.235.030 – Residential Agricultural Accessory Business (-RAAB) Combining / Overlay Zone

A. **Purpose.** The -RAAB combining/overlay zone is applied to various areas of the City that have both low-density residential uses and low-intensity nonresidential uses. The intent is to establish standards that allow the continued and expanded use and operation of the low-intensity nonresidential uses and that will ensure the compatibility of these uses with low-density residential uses. The -RAAB combining/overlay zone is consistent with the Rural Residential land use designation in the General Plan.

B. **Applicability.** The -RAAB overlay may be applied only to properties in the RR (Rural Residential) and RL (Low-Density Residential) zones.

C. **Allowed uses.** In addition to the uses allowed in the RR (Rural Residential) and RL (Low-Density Residential) zones in compliance with Table 2-2 (Allowed Uses and Permit Requirements in Residential Zones), cottage businesses shall also be allowed within the -RAAB combining/overlay zone.

D. **Development standards.** All cottage business shall be located, developed, and operated in compliance with Section 17.430.150 (Cottage Businesses).

17.235.040 – Urban Corridor (-UC) Combining/Overlay Zone

A. **Purpose.** The -UC combining/overlay zone is applied to various zones along the major urban corridors of the City. The intent is to establish community design principles and standards that promote land use compatibility among the diverse zones situated along the corridors. The corridors are important to the City in projecting a positive image of the community while also enhancing the quality of life for the users and occupants. The –UC combining/overlay zone is consistent with all land use designations in the General Plan.

B. **Applicability.** The provisions of this Section shall apply to all activities (e.g., additions, alterations, new construction, reconstruction, redevelopment, remodeling, site

modification, etc.) within the –UC combining/overlay zone that require approval of a Site Plan and Design Review in compliance with Chapter 17.630 (Site Plan and Design Review). If there is a perceived conflict between the provisions of this Section and those of the underlying zone, the provisions of this Section shall prevail.

C. **Allowed uses.** The uses allowed within the -UC combining/overlay zone shall be the same as those of the underlying zone, unless modified by this Section, except that in the BP, IL, and IH zones, hotels, motels, hospitals, convalescent hospitals, and child day care facilities shall not be allowed on the same parcel as industrial uses without a Conditional Use Permit approved in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

D. **Site planning and design guidelines and standards.**

1. **Compatibility with adjacent sites.** The proposed development shall be compatible with the landscape elements, structures, and uses of adjacent sites.

2. **Location and orientation of structures.**

a. Structures shall face the street. At least 50 percent of the front ground-level façade of the structure shall be located at the front setback line required by the underlying zone.

b. On sites with multiple structures and uses, commercial structures and uses shall face the street with office-professional structures and uses or industrial structures and uses located to the rear of the site. If the structures and uses are office-professional and industrial, the office-professional structures and uses shall face the street.

3. **Pedestrian circulation.**

a. Walkways shall be provided from the public sidewalk to the structure entrances. Pedestrian circulation and pedestrian amenities should be emphasized in all site plan proposals. Covered walkways along and between structures may be utilized.

b. Public sidewalks shall receive special decorative paving accents where crossed by driveway entrances to a parking lots.

4. **Parking and circulation.**

a. Corner properties shall provide vehicular access from the adjacent street with the lesser traffic category and avoid driveway openings on the major street, where feasible.

b. Shared driveways shall be developed, where feasible, to reduce the traffic conflict points on adjacent roadways. When no development exists on adjacent property, the site plan should give consideration to its future development and address how the two sites may develop common access and circulation.

c. Off-street parking should be located to the side or rear of the structure(s). No parking shall (vs. should) be located between the front elevation of a structure and a public street or in the required front or street side setback.

d. Parking shall be used as a buffer between diverse land uses where possible, either on-site or off-site.

e. Off-street parking areas visible from public streets shall be screened from view with a minimum 30-inch high solid wall or landscaped hedge. Screens shall not exceed 42 inches in height within required front or side setbacks.

f. Landscaping shall be dispersed evenly throughout the parking area. Landscape islands that are a minimum of five feet wide shall be located between every 10 parking stalls. The choice of trees should consider the goal of shading 50 percent of the paved surface within five years.

E. Architectural design guidelines.

1. Industrial adjacent to residential. Where industrial uses abut property zoned for residential uses, no window or door openings in the structure(s) shall face a residentially-zoned property.

2. Architectural design.

a. Where an urban corridor has a recognizable architectural theme, style, or character, it shall be considered for incorporation into the project's design. Where possible, the design should respect the City's architectural heritage.

b. Corner structures may provide vertical elements (e.g., towers).

3. Structure scale and height.

a. Where appropriate, efforts to coordinate with the architecture and the height of adjacent structures are encouraged, particularly where structures are located very close together. Similar design linkages can be

achieved by placing window lines, belt courses, or other horizontal elements in a pattern that reflects the same elements in neighboring structures.

b. All sides of a structure shall receive enhanced architectural treatment.

c. Structures over two stories in height shall step back the upper story street-facing facades to reduce apparent height and bulk. The step-back shall be at least 10 feet in depth.

d. Elevations of structures over 50 feet wide shall divide their elevations into smaller parts by utilizing a change of plane, projection, or recess. Large or long continuous blank wall planes shall be avoided.

4. Entrances.

a. Entries shall be emphasized by the use of canopies, arches, and columns; a change in roofline; or other architectural feature.

b. Commercial and office/professional structures with long frontages shall provide frequent entrances along the street, when feasible. Entrances from parking areas should always be accompanied by a front street-facing entrance.

5. Windows. Structures shall provide generous openings at ground level to allow views of display windows by pedestrians and passing traffic, as well as visual access for emergency personnel. Opaque and reflecting glass shall not be used.

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Article 3

Site Planning and Development Standards

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Chapter 17.300 — Performance Standards

Sections:

17.300.010 — Purpose
17.300.020 — Applicability
17.300.030 — Air Quality
17.300.040 — Electrical Disturbances
17.300.050 — Fire Hazards
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17.300.090 — Property Maintenance
17.300.100 — Vibration
17.300.110 — Waste Disposal
17.300.120 — Water Quality

17.300.010 — Purpose

The purpose of this Chapter is to establish uniform performance standards for development within the City that promote compatibility with surrounding areas and land uses.

17.300.020 — Applicability

The provisions of this Chapter apply to all new and existing uses in all zones. Uses of the land that existed on the effective date of this Chapter shall not be altered or modified so as to conflict with, or further conflict with, these standards. If requested by the Director or the review authority, applicants shall provide evidence to the Director that the proposed development is in compliance with the standards in this Chapter and other applicable standards in this Development Code before the issuance of a Building Permit or Business License.

17.300.030 — Air Quality

A. **Discharge prohibited.** The operation of any structure or use shall not directly or indirectly discharge air contaminants (e.g., carbon, dust, fumes, gases, mist, noxious

acids, odors, particulate matter, smoke, soot, sulfur compounds, etc.) into the atmosphere that exceed any local, State, or Federal air quality standards or that might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site.

B. **Compliance with rules and regulations.** Stationary sources of air pollution shall comply with the requirements of the most recent Air Quality Management Plan and any rules identified by the California Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and the South Coast Air Quality Management District (SCAQMD).

C. **SCAQMD permit filing requirements.** If requested by the Director, operators of uses, activities, or processes that require SCAQMD approval to operate shall file a copy of the permit with the Department within 30 days of approval by the SCAQMD.

D. **Minimum separation distances.** The proximity of proposed sensitive land uses to air pollution sources shall be considered in the siting of the sensitive use. For the purposes of this Section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g., athletes, children, elderly, sick, etc.) than the population at large are most likely to spend time (e.g., schools and schoolyards, parks and playgrounds, day care centers, nursing homes, hospitals, residential communities, etc.). Table 3-1 (Minimum Separation Distances for Proposed Sensitive Land Uses) identifies the minimum separations between new sensitive land uses and known air pollution sources.

Table 3-1
Minimum Separation Distance for Proposed New Sensitive Land Uses

Air Pollution Source	*Minimum Separation Distance for Proposed New Sensitive Land Use*
Freeways and High-Traffic Roads	500 feet away from limited access conventional highways (i.e., State Road 79 and the Mid-County Parkway) and from urban arterial highways, as described in the Circulation Element of the General Plan.
Distribution Centers	1,000 feet away from a distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week. The review authority should take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.
Dry Cleaners Using Perchloroethylene	300 feet away from any dry cleaning operation. For operations with two or more machines, provide for 500 feet of separation. For operations with three or more machines, consult with the South Coast Air Quality Management District (SCAQMD). New sensitive land uses shall not be sited in the same structure with perchloroethylene dry cleaning operations. This provision shall not apply to drop-off and pick-up only operations.
Gasoline Dispensing Facilities	300 feet away from a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A minimum 50-foot separation shall be required for smaller gas dispensing facilities.

E. **Other performance standards.** Other land use-based air quality-specific performance standards that a review authority may impose include the following:

1. Placing a process vent away from the direction of the local playground that is nearby or increasing the stack height so that emissions are dispersed to reduce the emissions impact on surrounding homes or schools.

2. Limiting the hours of operation of a facility to avoid excess emissions exposure or foul odors to nearby individuals.

3. Requiring fleet operators to use cleaner vehicles before project approval (if a new business), or when expanding the fleet (if an existing business); and

4. Providing alternate routes for truck operations that discourage detours into residential neighborhoods.

F. **Dust control measures.** See Section 17.520.040 (Soil Conservation) for provisions related to dust control.

17.300.040 — Electrical Disturbances

Uses, activities, and processes shall be conducted so as not to produce electric or magnetic fields that adversely affect public health, safety, and welfare including interference with normal radio, telephone, or television reception from off the premises where the activity is conducted, except for amateur radio operations that comply with Federal Communication Commission regulations. Existing or proposed uses that generate electrical disturbances that may be considered hazardous or a nuisance shall be shielded, contained, or modified to prevent any disturbances. Operators of these uses shall comply with all applicable Federal Communications Commission regulations. For regulations of wireless telecommunication facilities, see Section Chapter 17.430.360 (Wireless Telecommunication Facilities).

17.300.050 — Fire Hazards

A. **Structural fire hazards.** The use, handling, storage, and transportation of combustibles and explosives shall comply with the California Fire Code and California Code of Regulations, Title 19 (Public Safety).

B. **Wildland fire hazards.** A fire management plan shall be prepared for all development located in or adjacent to wildfire prone areas (i.e., naturally vegetated hillsides). The fire management plan shall be subject to the review and approval of the Fire Chief. The Fire Chief may require fire protection measures (e.g., landscape or open space buffers), maintenance programs for weed and vegetation abatement, installation of fire resistant plants, and the use of noncombustible building materials, including roofing.

17.300.060 — Noise

Noise emanating from any site or use shall comply with the noise standards contained in Municipal Code Chapter 8.40 (Noise) and in the Noise Element of the General Plan.

17.300.070 — Odor

Sources of odorous emissions shall comply with the rules and regulations of the South Coast Air Quality Management District (SCAQMD) and the California Health and Safety Code. Noxious odorous emissions in a matter or quantity that is detrimental to or that endangers the public health, safety, comfort, or welfare is declared to be a public nuisance and unlawful, and shall be modified to prevent further emissions release, except for agricultural operations that are in compliance with Section 17.305.030 (Agricultural Preservation – Right to Farm).

17.300.080 — Outdoor Light and Glare

Light or glare from exterior lights, mechanical or chemical processes, or from reflective materials used or stored on a site shall be shielded or modified to prevent emission of light or glare beyond the property line, or upward into the sky. See Figure 3-1 (Outdoor Light and Glare).

A. Exterior lights shall be located so as to eliminate spillover illumination or glare onto adjoining properties and to prohibit any interference with the normal operation or enjoyment of adjacent property.

B. Exterior lights shall be made up of a light source, reflector, and shielding devices so that, acting together, the light beam is controlled and not directed across a property line or upward into the sky. Bare bulbs shall not be allowed.

C. Lighting fixtures used to illuminate an outdoor advertising display shall be mounted on the top of the advertising structure and be directed downward.

D. Exterior light fixtures existing and legally installed prior to the effective date of this Development Code are exempt from the requirements of this Section. When existing luminaries are reconstructed or replaced, the reconstruction or replacement shall comply with this Section.

E. Lights used for temporary holiday decorations are exempt from the requirements of this Section.

F. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property, are exempt from the requirements of this Section.

G. For lighting standards for parking areas, see Section 17.330.080 (Parking Design and Development Standards).

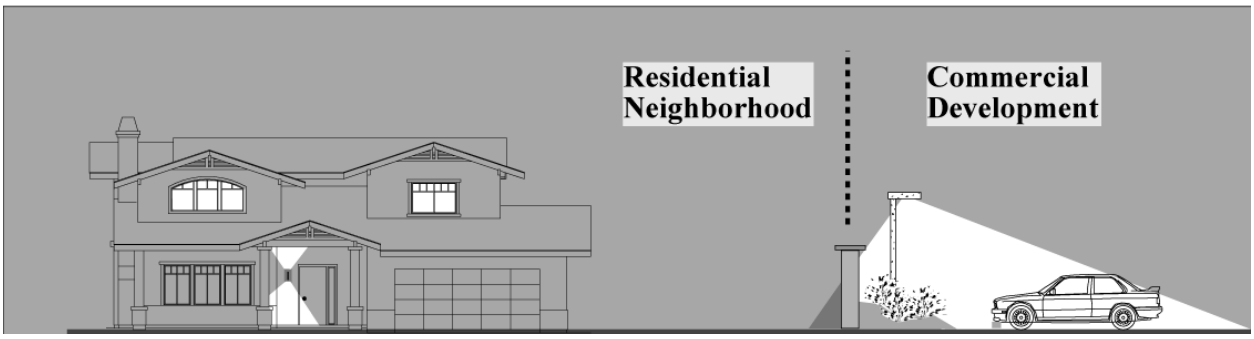


Figure 3-1
Outdoor Light and Glare

17.300.090 — Property Maintenance

Properties shall be properly maintained in compliance with the following provisions:

A. Municipal Code Chapter 8.44 (Nuisances);

B. Municipal Code Chapter 8.60 (Abandoned Residential Property Registration); and

C. Municipal Code Section 9.12.060 (Graffiti abatement-A condition to issuance of city permits and approval).

17.300.100 — Vibration

Uses, activities, and processes that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

A. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

B. Uses shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents whose property abuts the property lines of the parcel;

C. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities on adjoining parcels; and

D. Vibrations from temporary construction/demolition equipment and vehicles that leave the subject parcel (e.g., trucks, trains, etc.) are exempt from the provisions of this Section.

17.300.110 — Waste Disposal

An applicant for a proposed nonresidential project that will involve the generation, use, transportation, or storage of hazardous substances shall comply with the requirements of the County of Riverside Department of Environmental Health, which enforces the provisions of the Hazardous Waste Control Law (*Health and Safety Code Section 25100 et seq.*). The City's land use permit application for the project shall include detailed information on hazardous waste reduction, recycling, transportation, and storage, and a plan for emergency response to a release or threatened release of a hazardous material.

17.300.120 — Water Quality

No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with the following:

A. The Porter-Cologne Water Quality Control Act (*Water Code Section 13000 et seq.*);

B. Applicable regulations of the California Regional Water Quality Control Board (RWQCB) [*California Code of Regulations, Title 23 (Waters), Division 3 (State Water Resources Control Board and Regional Water Quality Control Boards*]; and

C. Municipal Code Chapter 13.44 (Storm Water Management).

Chapter 17.305 — Development and Use Standards

Sections:

17.305.010 — Purpose
17.305.020 — Applicability
17.305.030 — Access, General
17.305.040 — Agriculture Preservation (Right-to-Farm)
17.305.050 — Floodplain Management
17.305.060 — Height Measurement and Height Limit Exceptions
17.305.070 — Hillside Development
17.305.080 — Metal Buildings and Structures
17.305.090 — Paving Within Residential Front Yard Area
17.305.100 — Rural Standards
17.305.110 — Screening and Buffering
17.305.120 — Setback Regulations and Exceptions
17.305.130 — Solid Waste/Recyclable Materials Storage
17.305.140 — Surface Mining and Reclamation
17.305.150 — Traffic Visibility Area
17.305.160 — Undergrounding of Utilities

17.305.010 — Purpose

The purpose of this Chapter is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

17.305.020 — Applicability

The standards of this Chapter apply to all zones. These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) and in Article 4 (Standards for Specific Land Uses). In the event of a conflict, the standards specific to the zone or the specific land use shall override these general standards.

All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined to be applicable by the Director, except as identified in Chapter 17.705 (Nonconforming Parcels, Structures, and Uses).

17.305.030 — Access, General

The following are general access requirements applicable to all land uses.

A. **Access to streets.** Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, or a private street or road, conforming to City standards. All structures shall be located to provide safe and convenient access for servicing, fire protection, and required off-street parking. Parcels, which are located on a private street or road and were legally established before the effective date of this Development Code, are exempt from the required compliance with the latest adopted City standards for private streets or roads.

B. **Access to structures.** Structures or features shall not be located in a way that prevents complete pedestrian access at all times to and around a primary structure. Gates or other similar openings at least two and one-half feet in width shall be considered as providing suitable pedestrian access.

C. **Driveways.** Driveways providing site access shall be from an improved street, alley, public right-of-way, or private right-of-way and shall be designed, constructed, and maintained in compliance with the City's standard specifications.

D. **Flag lot.** The creation of flag lots shall be discouraged. However, where allowed, a flag lot shall have a minimum 20-foot wide direct access to a public or private right-of-way subject to the approval of the Director. See Municipal Code Section 16.20.120 (Lot side lines).

17.305.040 — Agriculture Preservation (Right-to-Farm)

This Section provides the City's policy regarding the "right to farm" and contains a subdivider's and owner's disclosure statement that acknowledges the subdivider's and owner's understanding of the presence of the adjoining agricultural use and the City's policy regarding its right to continue.

A. **Policy of the City.** It is the declared policy of the City to preserve, protect, and encourage development of its agricultural land consistent with *Civil Code Section 3482.5*. That Section provides that no agricultural activity, operation, or facility, or appurtenances, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and

followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began. This policy applies to normally acceptable agricultural operations, as defined in *Civil Code Section 3482.5*, and shall not apply if the agricultural activity, operation, or facility, or appurtenances obstruct the free passage or use, in the customary manner, of any public park, square, street, or highway. This policy shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code, if the agricultural activity, operation, or facility, or appurtenances constitute a nuisance, public or private, as specifically defined or described in any of those provisions.

B. **Subdivisions.** If a subdivision is at any point located within 300 feet of land zoned or used for agricultural uses, the approval of the tentative and final subdivision map or parcel map shall be conditional upon the recordation with the County Recorder of a Right-to-Farm Covenant acknowledging, accepting, and complying with this Section, in substantially the following wording or similar form:

The undersigned, in consideration of recordation of the subdivision by the City of San Jacinto, do hereby covenant and agree with the declared policy of the City of San Jacinto (Right-to-Farm Ordinance) to preserve, protect, and encourage development of its agricultural land consistent with *California Civil Code Section 3482.5* which provides that no agricultural activity, operation, or facility, or appurtenances thereof, as defined in the code, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began; that the described property is in or near agricultural zones or operations and that the residents of the property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. This covenant shall run with the land and be binding upon all future owners, heirs, successors, and assigns to the property.

C. **Notice to owners and tenants.** Project applicants shall prepare a written disclosure statement before the sale, lease, or rental of a dwelling unit that is located within 300 feet of land zoned or used for agricultural purposes. The disclosure statement shall indicate that the buyers/occupants will be living in an area with active agricultural operations and that the noise, odors, and outdoor activity levels may be more intrusive than levels in a typical suburban residential area. Each buyer or tenant shall sign the written disclosure statement acknowledging that they have received, read, and understand the disclosure statement.

17.305.050 — Floodplain Management

See Municipal Code Chapter 15.40 (Floodplain Management).

17.305.060 — Height Measurement and Height Limit Exceptions

A. **Maximum height.** The height of structures shall not exceed the maximum standard established by the applicable zone in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), except as provided in this Section.

B. **Height measurement.** Maximum height shall be measured as the vertical distance from the finished grade to an imaginary plane located parallel to the finished grade at a height allowed by the zone. See Figure 3-2 (Height Measurement).

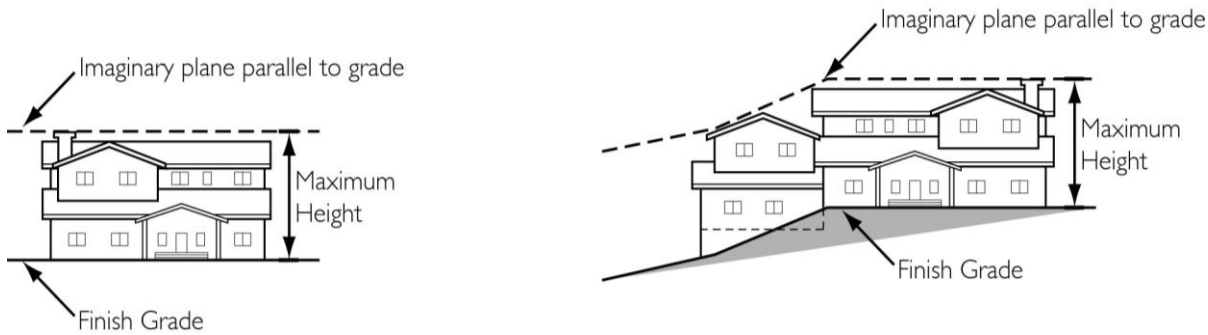


Figure 3-2
Height Measurement

C. **Increase in certain height limits.** The maximum allowable height may be increased by no more than 10 percent for the following structures, unless otherwise noted.

1. Barns, silos, grain elevators, and other farm structures in the RE (Residential Estate) zone.

2. Architectural features of places of worship.

3. Cooling towers, smokestacks, or other structures that are necessary to operate allowed industrial processes in industrial zones.

4. Cupolas, domes, skylights, and gables.

5. Elevator housings.

6. Fences, hedges, and walls, which shall comply with Chapter 17.315 (Fences, Walls, and Hedges).

7. Fire and hose towers.

8. Fire or parapet walls up to four feet above the allowable height limit of the structure. No mechanical equipment shall exceed the height of the parapet.

9. Flag poles.

10. Mechanical equipment and its screening to include roof-mounted wireless telecommunication support facilities.

11. Noncommercial antenna in compliance with Section 17.425.280 (Satellite/Dish Antenna and Amateur Radio Antenna).

12. Observation and carillon towers.

13. Ornamental towers and spheres.

14. Radio and television station towers.

15. Residential chimneys, flues, smokestacks, and enclosures.

16. Noncommercial solar energy collectors.

17. Signs, which shall comply with Chapter 17.335 (Sign Standards).

18. Stairway housings.

19. Stealth monopole towers, which shall comply with Section 17.425.340 (Wireless Telecommunication Facilities).

20. Water tanks and water towers.

21. Other roof structures and mechanical equipment similar to those listed above.

17.305.070 — Hillside Development

See Municipal Code Chapter 15.28 (Hillside Development).

17.305.080 — Metal Buildings and Structures

A. Applicability. This Section provides standards for all metal buildings and structures, except for the following:

1. Small metal storage structures not exceeding 120 square feet and utilized as accessory structures on residentially zoned properties; and

2. Metal storage structures on sites with existing bona fide agricultural uses.

B. Prohibited locations. Prefabricated, all-metal buildings shall be prohibited on properties having frontage along streets with a classification of "Secondary" or higher in the General Plan Circulation Element. This shall not preclude the use of typical metal details (e.g., Cor-Ten™ steel, weathering steel, etc.) on structures approved through the Site Plan and Design Review process.

C. Design criteria.

1. Structures utilizing metal sheathing shall be designed to be compatible with surrounding land uses and architecture.

2. The front of the structures shall face the street, where practical, and shall utilize materials other than metal (e.g., masonry, stone, concrete, wood, glass, etc.), either structurally or applied as a veneer.

3. The structure's design shall include an architecturally enhanced roofline (e.g., mansard roof, parapet wall, etc.).

4. Enhanced treatment shall not end at an exposed corner, but shall wrap around the side walls a distance of at least three feet.

17.305.090 — Paving Within Residential Front Yard Area

A. Driveways. As specified in Section 17.330.100 (Paving Limitations for Driveways in Residential Zones), the amount of allowable paving for driveways shall not exceed 35 percent of the required total front yard area. See Figure 3-3 (Limits on Paving and Hardscaping for Residential Front Yards). The Director may approve deviations from this standard for parcels of 50 feet or less in width.

B. Walkway. The amount of paved walkways and hardscape shall not exceed 25 percent of the required front yard area. See Figure 3-3 (Limits on Paving and Hardscaping for Residential Front Yards).

C. **All of front yard area.** A minimum of 40 percent of the front yard shall consist of pervious surfaces for landscaping.

D. **Zoning Clearance.** New driveway paving and hardscape features (e.g., walkways, patios, etc.) shall require a Zoning Clearance issued in compliance with Chapter 17.655 (Zoning Clearances).

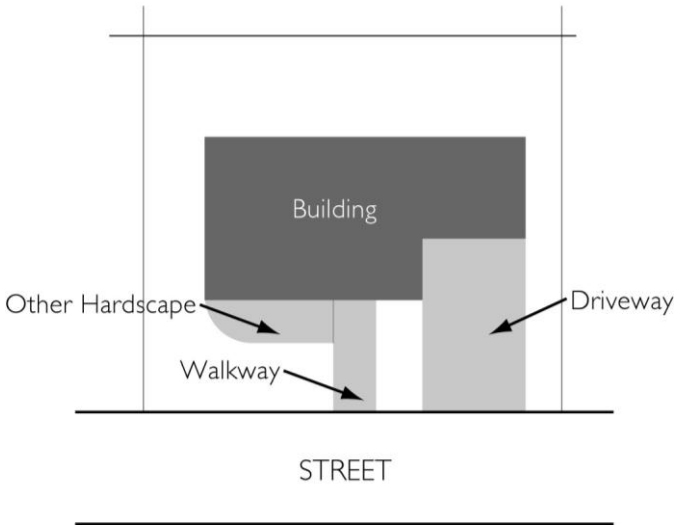


Figure 3-3
Limits on Paving and Hardscaping for Residential Front Yards

17.305.100 — Rural Standards

Improvements in residential subdivisions in the RE (Residential Estate) zone and RR (Rural Residential Zone) shall comply with Municipal Code 16.24.020 (Improvements - Rural Standards).

17.305.110 — Screening and Buffering

This Section establishes screening standards for the separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas. See also Chapter 17.315 (Fences, Walls, and Hedges).

A. Screening between different zones.

1. Screening shall be required between different zones. For example, a nonresidential land use proposed on a site abutting a residential zone shall provide screening at the lot line that is common with the residential zone. See Figure 3-4 (Screening and Buffering between Different Land Uses and Zones).

2. The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material installed and maintained in compliance with Chapter 17.315 (Fences, Walls, and Hedges). See Figure 3-4 (Screening and Buffering between Different Land Uses and Zones).

3. The decorative wall shall be architecturally treated on both sides, subject to Director approval.

4. A landscape strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that a greater landscape strip between a parking lot and a screening wall may be required in compliance with Section 17.330.090 (Landscaping Standards for Parking Areas).

5. The Director may waive, or approve a substitute for the requirements of Paragraphs 2, 3, and 4 above, if the Director first determines that:

   a. The relationship of the proposed uses makes screening unnecessary;

   b. The intent of this Section can be successfully met by alternative screening methods; or

   c. Physical characteristics or constraints on the site make the required screening infeasible or unnecessary.

B. Mechanical equipment. Mechanical equipment (e.g., air conditioning, ductwork, heating, plumbing lines, refrigeration equipment, transformers, etc.) shall be screened as provided in this paragraph. Telecommunication equipment and antennae shall be screened in compliance with Section 17.425.340 (Wireless Telecommunication Facilities).

1. Exterior mechanical equipment installed on the ground shall be screened from public view on all sides.

2. Screening of the top of roof-mounted exterior mechanical equipment may be required by the Director, if necessary to protect views from adjacent parcels. See Figure 3-5 (Screening of Roof-Mounted Equipment).

3. Screening materials may be solid concrete, wood, or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from an adjacent parcel or public right-of-way.

4. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style and subject to the approval of the Director.

Figure 3-4
Screening and Buffering between Different Land Uses and Zones

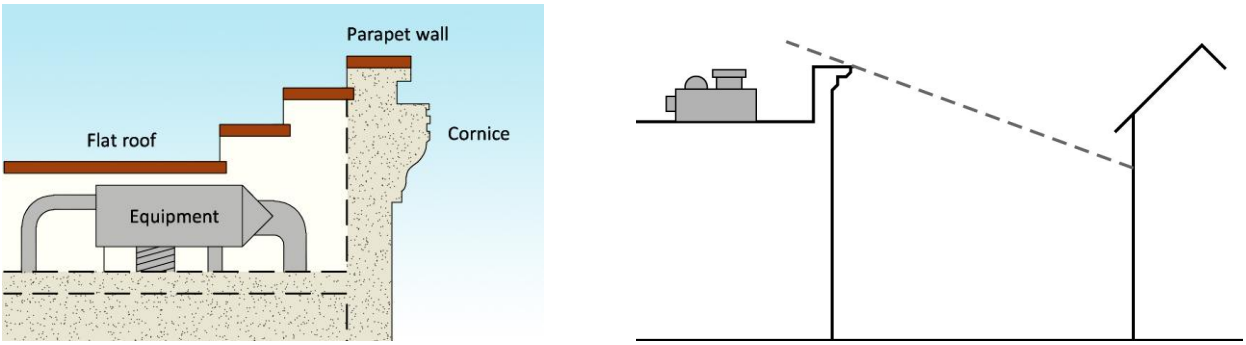


Figure 3-5
Screening of Roof-Mounted Equipment

C. Utility meters. Utility meters shall be:

1. Enclosed within subsurface vaults when located within a required front setback or in a street side setback; and

2. Screened from view from public rights-of-way in compliance with Subparagraphs B.3 and B.4, above, but need not be screened on top or when located within the interior side setback of a single-family parcel.

D. Loading docks and refuse areas. Loading docks and refuse storage areas shall be screened so that they are not visible from an adjacent parcel or public right-of-way. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style and subject to the approval of the Director. Refuse storage areas shall comply with Section 17.305.100 (Solid Waste/Recyclable Materials Storage). The height of screening shall be determined by a sight distance analysis in which the wall intercepts a line drawn from the approximate eye level of a passerby in a vehicle to the top of the loading door.

E. Screening for other activities and land uses. Screening shall also be provided in compliance with the standards contained in Chapter 17.330 (Off-Street Parking and Loading) and Article 4 (Standards for Specific Land Uses), as applicable.

F. Buffering between different land uses.

1. Buffering between incompatible land uses shall be required. For example, a developer or a subdivider of a residential project shall install buffers between a residential project and adjacent agricultural uses (e.g., dairy farms, crops, horse farms, etc.), subject to approval of the Director.

2. Roll-up doors and loading doors in nonresidential zones shall not face or be visible from a public right-of-way.

3. Open space, landscaped buffers, trees, fences or walls, or any combination of them, shall be provided between major roadways and sensitive land uses identified in Section 17.300.030 (Air Quality).

17.305.120 — Setback Regulations and Exceptions

This Section establishes standards to ensure the provision of open areas for access to and around structures, access to natural light and ventilation, landscaping, recreation, separation of incompatible land uses, space for privacy, traffic safety, and visibility.

A. General requirements.

1. All structures shall conform to the setback requirements identified for each zone in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), except as modified for hillside development in compliance with Section 17.305.070 (Hillside Development) or for specific uses in Article 4 (Standards for Specific Uses).

2. Each setback area shall be open and unobstructed from the ground upward, except as provided in Paragraph C (Allowed projections into setback areas).

B. Exemptions from setback requirements. The minimum setback requirements do not apply to the following:

1. A building feature that encroaches into a required setback as allowed by Paragraph D (Allowed projections);

2. A fence or wall six feet or less in height, when located outside of a required front or street side setback;

3. A driveway, walkway, deck, earthwork, step, patio, free-standing solar device in other than a front setback, or other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point;

4. A sign in compliance with Chapter 17.335 (Sign Standards);

5. A retaining wall less than 30 inches in height above finished grade; or

6. An accessibility improvement is not subject to setback or lot coverage limitations if the size of the accessibility improvement does not exceed the minimum design specifications in the California Building Code. For purposes of this provision, an accessibility improvement is an unroofed and open structure, including a ramp and chairlift that: (1) allows a person with a physical disability access to a single-family dwelling and (2) is exterior to the single-family dwelling.

C. Measurement of setback areas. Setback areas -- Figure 8-6 (Setbacks) -- shall be measured as follows:

1. Right-of-way line. Whenever a future street right-of-way line is officially established (e.g., by designation in the General Plan, in subdivision map, etc.), required setback areas shall be measured from the established future right-of-way line(s).

2. Front setback area.

a. Lots generally. The front setback area shall be measured by a line, at right angles to the front lot line or by the radial line in the case of curved front lot line, from the nearest point on the front lot line to the nearest relevant setback line.

b. Corner lots. The front setback area for a corner lot shall be measured by a line, at right angles to the lot line adjoining the street to which access to the property is taken, from the nearest point on that front lot line to the nearest relevant setback line.

c. Through lots. One of the front setback areas of a through lot may serve as a required rear setback area, provided that the rear setback area conforms to the front setback area of the adjoining parcels.

d. Averaging for infill situations. In a residential zone, the required front setback area for a parcel may be the average depth of the front setback areas for the two adjacent parcels if the two adjacent parcels have existing structures that:

(1) Are located within 25 feet of the parcel's lot lines; and

(2) Project beyond the required front setback line.

3. Side setback area. The side setback area shall be measured by a line, at right angles to the side lot line, from the nearest point on the side lot line to the nearest relevant setback line.

4. Street side setback area. The side setback area on the street side of a corner lot shall be measured from the nearest point on the side lot line adjoining the street to the nearest point of the relevant setback line.

5. Rear setback area. The rear setback area shall be measured at right angles from the nearest point on the rear lot line to the nearest relevant setback line, except:

a. If an access easement or street right-of-way line extends into or through a rear setback area, the measurement shall be taken from the nearest point of the access easement or right-of-way line; and

b. Where the side lot lines converge to a point at the rear of the lot, a line at least 10 feet long within the parcel, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback area. See Figure 3-6 (Rear Setback Areas on Irregularly-Shaped Parcels).

6. Director's determination. In situations different from those identified above, the Director shall have the authority to determine how setbacks shall be measured.

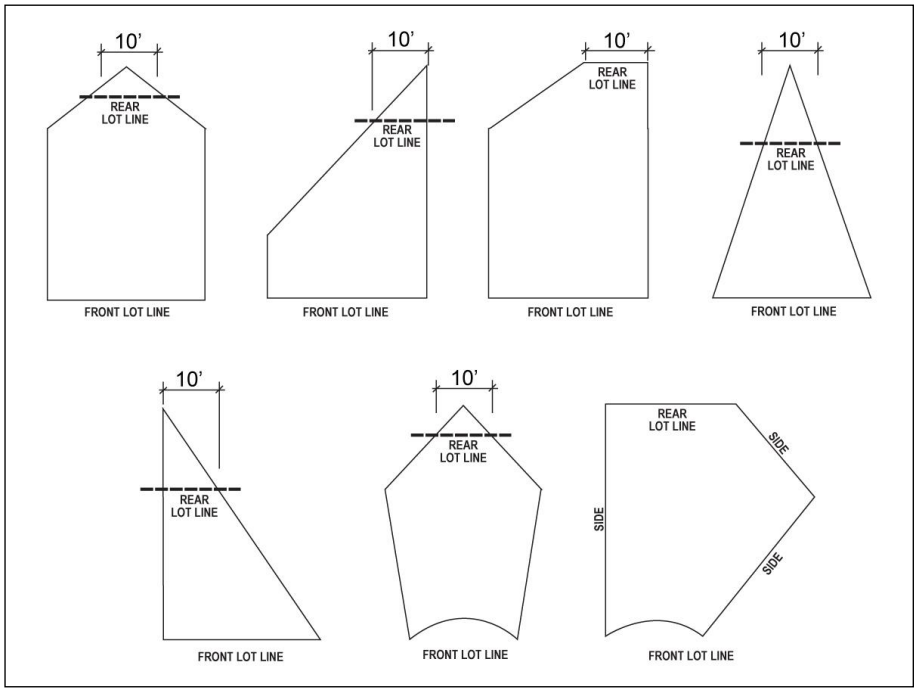


Figure 3-6
Rear Setback Areas on Irregularly-Shaped Parcels

D. Allowed projections into setback areas.

1. Projections into required setback areas are allowed for all zones in compliance with the standards in Table 3-2 (Maximum Allowed Projections into Setback Areas), subject to the exceptions in Subparagraph 2, below. For detached accessory structures, see Chapter 17.405 (Accessory Structures and Uses). See Figure 3-7 (Allowed Projections in Setback Areas).

Table 3-2
Maximum Allowed Projections into Setback Areas

Projecting Feature	***Front Setback Area***	***Side Setback Area***	***Rear Setback Area***
Architectural Features			
Brackets, cornices, eaves, roof overhangs, etc.	36 inches max.	36 inches max.	36 inches max.
Belt courses, ornamental moldings, pilasters, etc.	6 inches max.	6 inches max.	6 inches max.
Awnings and canopies			
Residential zones	20% of required front setback area or 5 ft, whichever is less	0 ft	20% of required rear setback area or 5 ft, whichever is less
Nonresidential zones	½ depth of required front setback area	2 ft max.	½ depth of required rear setback area
Balconies, decks, landings, porches, stairways			
Uncovered, unenclosed, and less than 30″ above grade	6 ft max.	36 inches max.	36 inches max.
Covered, but otherwise unenclosed and less than 30″ above grade	6 ft max.	20% of required side setback area	20% of required rear setback area
Covered and enclosed	Not allowed in required setback area		
Uncovered and 30″ or more above grade	6 ft max.	36″ max.	6 ft max.
Bay windows	30 inches max.	30 inches max.	30 inches max.
Chimneys, fireplaces, and barbecues (attached), 6 ft. or less in width	24 inches max.	24 inches max.	24 inches max.
Fire escapes	Not allowed	48 inches max.	48 inches max.

2. Exceptions to allowed projections.

a. Minimum 36-inch wide passageway. Regardless of the allowed projections into setback areas, a minimum 36-inch wide passageway shall be maintained within at least one side setback area adjacent to the primary structure. The passageway shall be free of any encroachments and obstructions, including fences, walls, mechanical equipment, and other items not attached to the primary structure. No reduction or modification to this requirement shall be allowed.

b. Public rights-of-way. A revocable encroachment permit issued by the City Engineer, with conditions specified in Municipal Code Section 9.12.060 (Graffiti abatement-A condition to issuance of city permits and approval), if applicable, shall be required for any type of projection into a public right-of-way.

c. A**lleys.** No projections at the ground level are allowed within the required setback area of a parcel abutting an alley.

d. **Traffic visibility area.** See Section 17.305.120 (Traffic Visibility Area) for restrictions on projections into traffic visibility areas.

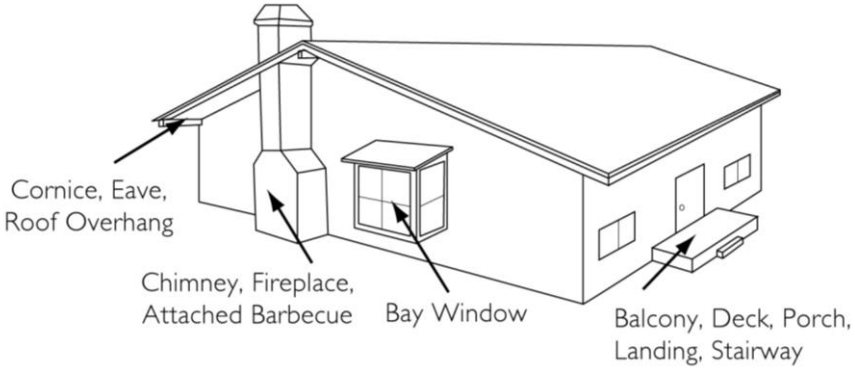


Figure 3-7
Allowed Projections into Setback Area

17.305.130 — Solid Waste/Recyclable Materials Storage

This Section provides standards that support the City's compliance with the California Solid Waste Reuse and Recycling Access Act (*Public Resources Code Sections 42900 through 42911*). Related standards are in Municipal Code Chapter 8.32 (Garbage Collection and Disposal) and Municipal Code Chapter 8.34 (Construction and Demolition Waste Management).

A. **Applicability.** These requirements apply to new multi-family residential development, nonresidential development, and changes to existing multi-family or nonresidential development that increase gross floor area by 25 percent or more.

B. **Extent of storage area required.** Solid waste and recyclable materials storage areas shall be provided in the number, dimensions, and types required by the Director or review authority. Additional storage areas may be required, as deemed necessary by the Director or review authority.

C. **Location requirements.** Refuse and recyclable materials storage areas shall be located in the following manner:

1. Refuse and recyclable material storage areas shall be side-by-side or combined together.

a. They shall only be located:

1) Inside a specially-designated structure;

2) On the outside of a structure in an approved fence/wall enclosure; or

3) A designated interior court or yard area with appropriate access or in rear yards and interior side yards.

b. Exterior storage area(s) shall not be located in a required:

1) Front setback area;

2) Street side setback area;

3) Parking space; or

4) Landscaped or open space area.

2. Storage area(s) shall be accessible to residents and employees at all times. Storage areas within multi-family residential developments shall be located within 250 feet of an access doorway to the dwellings that they are intended to serve;

3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector; and

4. Storage areas shall not be placed closer than 20 feet from doors or operable windows of adjacent structures.

D. Design and construction. The design and construction of the storage area(s) shall:

1. Be architecturally compatible with adjacent structures;

2. Prevent removal of bins by unauthorized persons, while allowing ungated pedestrian access for disposal of materials;

3. Provide a concrete pad within the fenced or walled area(s) and a concrete apron in order to facilitate the handling of the individual bins or containers;

4. Minimize potential adverse environmental impacts (e.g., odors, stormwater runoff, etc.); and

5. Be fully screened from view by solid masonry walls, gates, overhead roofs, and landscaping in compliance with Section 17.305.070 (Screening and Buffering). See Figure 3-8 (Solid Waste Enclosure).

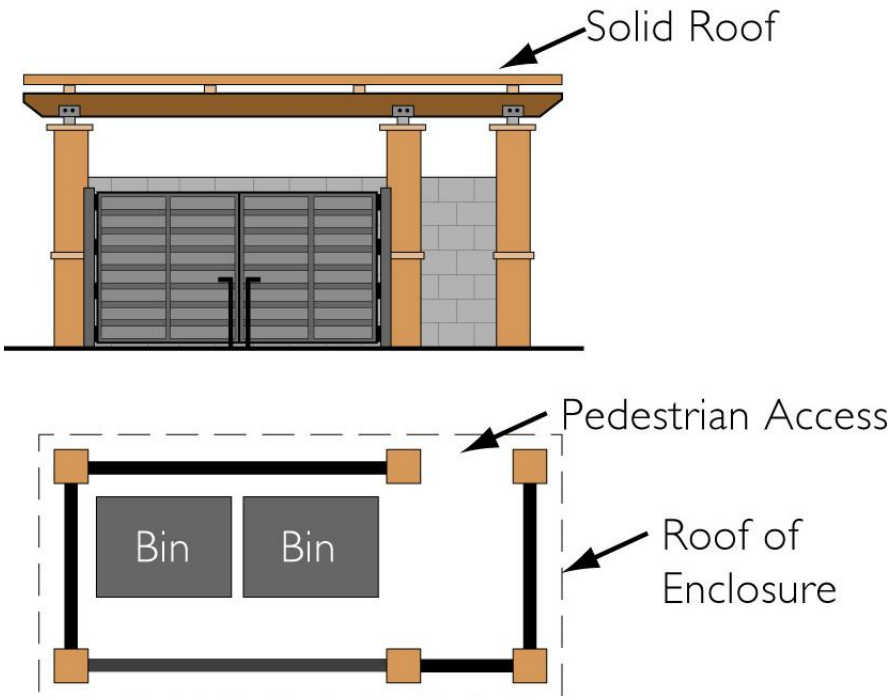


Figure 3-8
Solid Waste Enclosure

17.305.140 — Surface Mining and Reclamation

Refer to Municipal Code Chapter 8.56 (Surface Mining and Reclamation).

17.305.150 — Traffic Visibility Area

A. **Traffic visibility area required.** Development proposed adjacent to a public or private street or alley intersection, or the intersection of a driveway with a street, shall be designed to provide an area of unobstructed vision, known as a traffic visibility area, to provide for pedestrian and traffic safety.

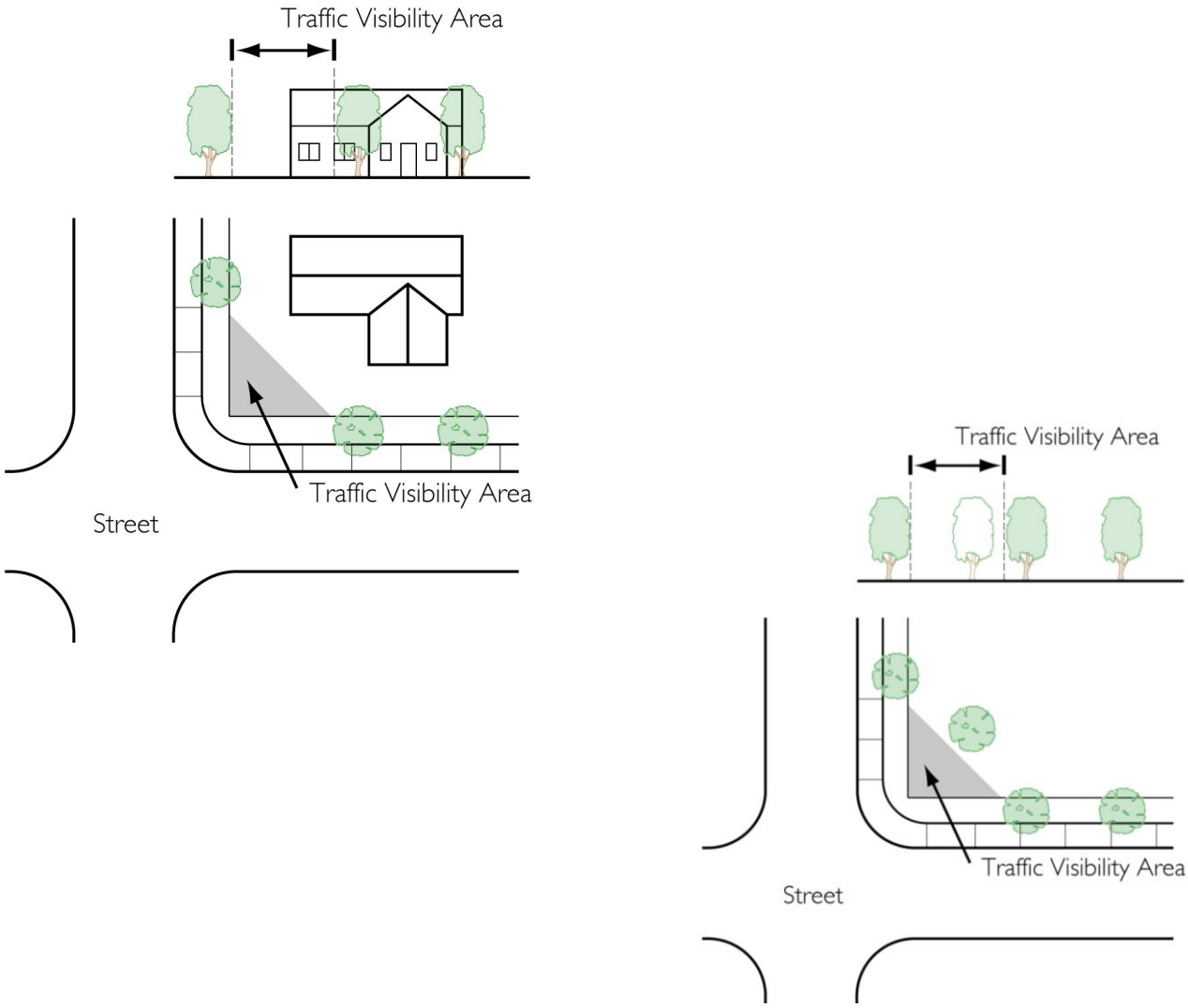
B. Measurement of visibility area. A traffic visibility area may include private property and public right-of-way and is formed by a triangle measured as follows:

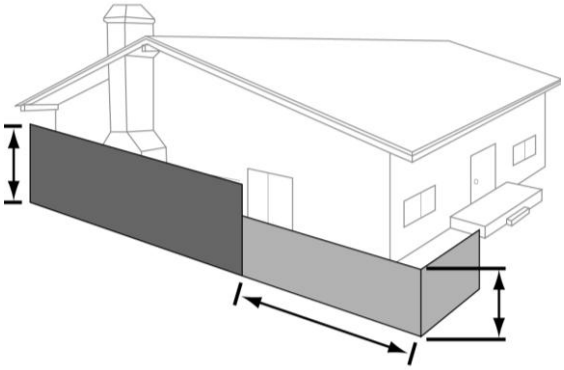
1. **Street intersections.** At the intersection of two streets, the visibility area shall be bounded by measuring from the intersection of the street property lines or the projections thereof to points 25 feet along each of the street property lines and connecting the points with a diagonal line across the parcel. See Figure 3-9 (Traffic Visibility Area for Street-to-Street Intersections).

2. **Driveways.** At the intersection of a street and a driveway, the visibility area shall be bounded by measuring from the intersection of the driveway with the street right-of-way line to a point 15 feet along the driveway and to a point 15 feet along the street line, away from the driveway, and connecting the points with a diagonal line across the parcel. See Figure 3-10 (Traffic Visibility Area for Street-to-Driveway Intersections).

3. **Reverse corner lots.** For a reverse corner lot on local streets only, adequate sight distance shall be provided that is satisfactory to the City Engineer and shall be maintained in both directions from the centerline of the driveway, as measured 15 feet back from the right-of-way line. Local streets shall be as defined in the Circulation Element in the General Plan.

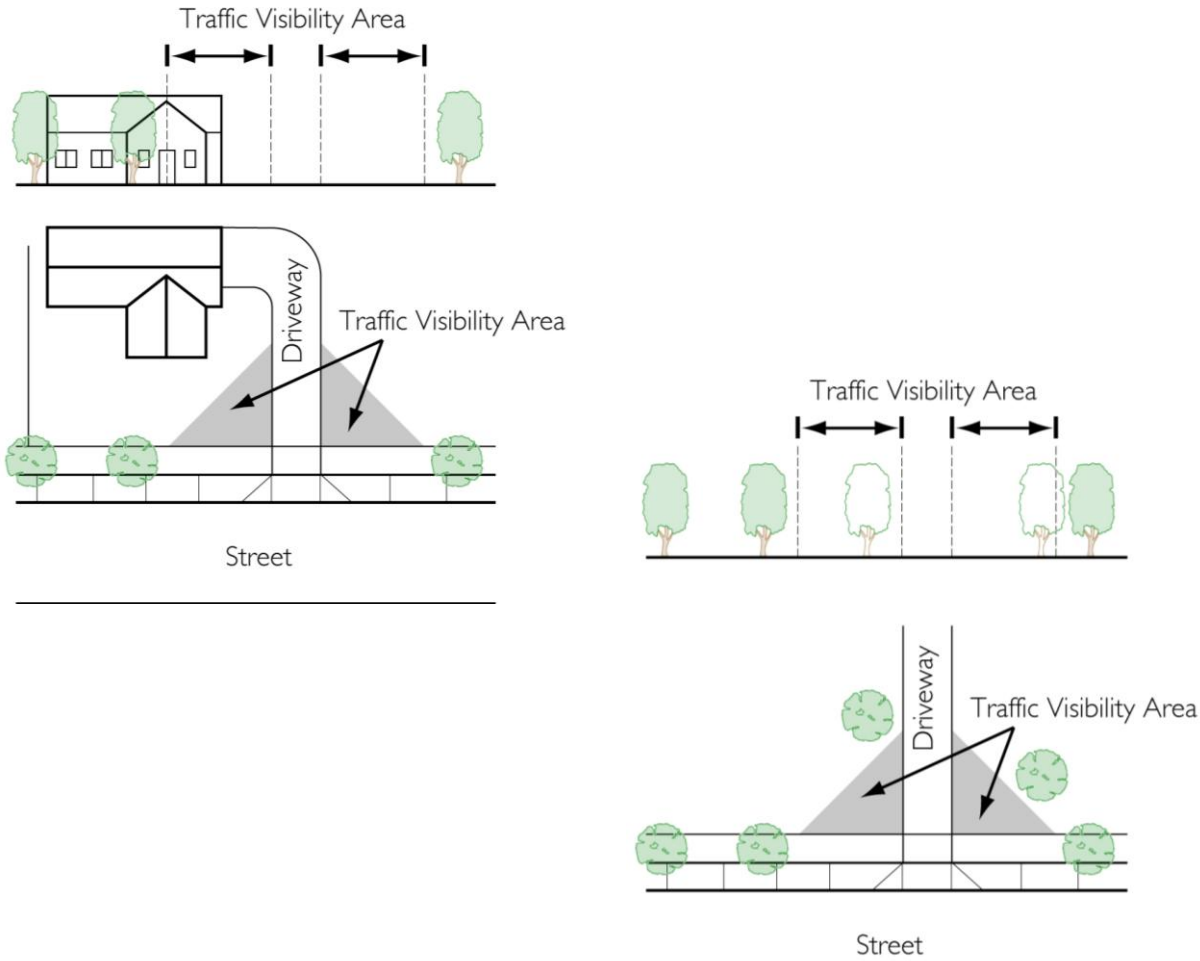
C. Height limit. No structure (e.g., fence, wall, etc.), sign, or landscape element shall exceed 30 inches in height within the traffic visibility area, unless approved by the City Engineer. This limitation shall not apply to existing public utility boxes, traffic signs and signals, trees with their canopy trimmed to a minimum of seven feet above grade, or corners where the contour of the land itself prevents visibility. See example of fence step-down in Figure 3-9 and Figure 3-10.

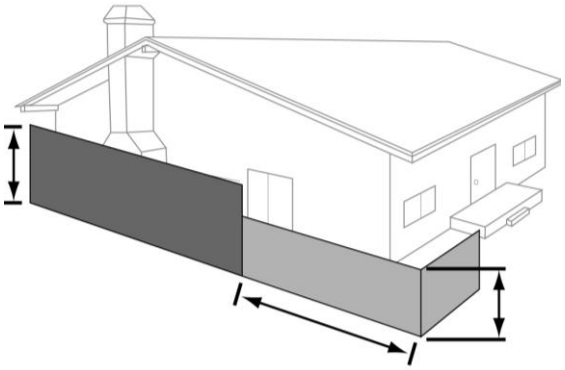




Fence Step-Down in Traffic Visibility Area

Figure 3-9
Traffic Visibility Area for Street-to-Street Intersections





Fence Step-Down in Traffic Visibility Area

Figure 3-10
Traffic Visibility Area for Street-to-Driveway Intersections

17.305.160 — Undergrounding of Utilities

A. When undergrounding required. Except as provided in Subsection C (Exceptions), below, all of the following electrical distribution lines of less than 66,000 volts, communications, video, and similar service wires or cables shall be installed underground:

1. Existing and located within the boundaries of the parcel being developed;

2. Existing between the lot line and the centerline of the peripheral streets of the parcel being developed; or

3. Located along or within six feet of the lot lines of the parcel to be developed and that do not provide service to immediate adjacent properties.

B. Responsibility for undergrounding. The developer shall be responsible for complying with this Section and the California Public Utilities Commission rules and regulations. Facilities fronting public streets shall be installed underground to the next available pole, or to a location minimizing impacts on adjacent properties and approved by the City Engineer. The developer shall make all necessary arrangements with the utility company for the installation of the facility.

C. Exceptions to undergrounding requirement. The following exceptions shall apply:

1. Utility service poles may be placed in the area within six feet of the rear lot line of the property to be developed for the sole purpose of terminating underground facilities.

2. Temporary aerial relocation of existing facilities may be allowed to accommodate construction for an agreed-upon time period based on the developer/owner obtaining valid Building Permits, Temporary Use Permits in compliance with Chapter 17.640 (Temporary Use Permits), and other permits required by the Municipal Code.

3. Equipment (e.g., surface-mounted transformers; pedestal-mounted terminal boxes and meter cabinets; concealed ducts in an underground system, etc.) may be placed aboveground when installation underground is not technologically feasible, as determined by the City Engineer. Equipment installed aboveground shall be screened from public view in compliance with Section 17.305.070 (Screening and Buffering).

4. Residential development containing three or fewer residential units shall be exempt from Subsection A (when undergrounding required), above.

D. Temporary waivers.

1. The City Manager may temporarily waive the requirement to underground existing aerial facilities when a project applicant files a formal request in the following circumstances:

   a. Developments consisting of more than three residential units but having less than 600 feet of street frontage;

   b. Nonresidential uses having less than 600 feet of street frontage; or

   c. When electrical distribution lines of less than 66,000 volts, communications, video, or similar service wires or cables are located on developed property on the other side of a public right-of-way from the proposed development.

2. In the event of a waiver in connection with Subparagraphs 1.a. or 1.b. above, an estimated cost for undergrounding utilities shall be determined and cash in this amount shall be deposited with the City in compliance with Section 17.660.070 (Performance Guarantees). This cash amount shall be held in trust by the City until an area sufficient in size to warrant the formation of an underground utility district or until costs for undergrounding a minimum distance of 600 feet, or a greater distance as determined by the City Engineer, have been collected.

3. In the event of a waiver in connection with Subparagraph 1.c. above, an estimated cost for undergrounding utilities shall be determined and cash in an amount equal to 50 percent of the estimated cost shall be deposited with the City in compliance with Section 17.660.070 (Performance Guarantees). The fee shall be held in trust by the City until an area sufficient in size to warrant the formation of an underground utility district or other similar undergrounding program has been collected.

E. Nonconforming structures.

1. A structure that is nonconforming, due to above-ground on-site utility lines, may continue to be used, altered, or enlarged as if the nonconforming utility lines did not exist. However, the utility lines shall be installed underground when any of the following occurs:

   a. The structure(s) is enlarged to over 2,500 square feet in area;

   b. Alteration or enlargement requires the installation of utility lines at new locations on the structure(s);

c. Existing electrical capacity to the structure(s) is increased 100 percent or more; or

d. The structure(s) is improved in an amount of more than $35,000, as may be adjusted from time to time by the City Council.

2. Notwithstanding Subparagraph 1, above, nonconforming structures located in an area eligible for use of Rule 20 funds (i.e., funds from the local electric utility to relocate overhead electric facilities and install them underground), the developer/owner shall pay the fee required by the City and the local electric utility.

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Chapter 17.310 — Affordable Housing – Density Bonuses

Sections:

17.310.010 — Purpose
17.310.020 — Applicability
17.310.030 — Eligible Projects for Density Bonus
17.310.040 — Concessions or Incentives
17.310.050 — Waivers or Reductions
17.310.060 — Application Filing, Processing, and Approval
17.310.070 — Findings for Approval of Density Bonus

17.310.010 — Purpose

This Chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to very-low income, lower- income, and moderate-income or senior households. This Chapter is intended to implement the requirements of *Government Code Section 65915 et seq.* and the Housing Element of the General Plan.

17.310.020 — Applicability

The regulations in this Chapter apply to proposed residential development consisting of five or more dwelling units, where allowed by Article 2 (Zones, Allowed Uses, and Zone-Specific Standards). An applicant may request a density bonus and may also request concessions, incentives, reductions, or waivers consistent with the requirements of this Chapter and *Government Code Section 65915 et seq.*

17.310.030 — Eligible Projects for Density Bonus

A. Eligible projects.

1. The type of development that is eligible for a density bonus, the number of density bonuses, and the number of concessions or incentives is identified in Table 3-3 (Summary of State-Mandated Density Bonus Requirements).

Table 3-3
Summary of State-Mandated Density Bonus Requirements

Residential development projects of five or more dwelling units			
Target Household Or Project	***Eligibility Threshold Minimum % Restricted Affordable Units***	***Density Bonus (1)***	***Maximum # Concessions/Incentives (2)***
Lower Income Household Health & Safety §50079.5	10%	20%	1
	1.5% increase in density bonus for every 1% of dedicated units over 10% threshold (maximum 35% density bonus)		
	20%	35%	2
	30% or above	35%	3
Very-Low Income Household Health and Safety §50105	5%	20%	1
	2.5% increase in density bonus for every 1% of dedicated units over 5% threshold (maximum 35% density bonus)		
	10%	32.5%	2
	11%	35%	2
	15% or above	35%	3
Moderate Income Household Health and Safety §50093 (only common interest development (3) where all of the units are offered for sale)	10%	5%	1
	1% increase in density bonus for every 1% of dedicated units over 10% threshold (maximum 35% density bonus)		
	20%	15%	2
	30%	25%	3
	40% or above	35%	3
Senior housing project or mobile home park that limits residency based on age per Civil Code §798.76 or §799.5 No household income limitations	100% age-restricted	20%	None
Other Development			
Target Project	***Eligibility Threshold***	***Density Bonus (1)***	***Maximum # Concessions/Incentives (2)***
Land Donation	Application for a tentative map, parcel map, or other residential development approval	See Government Code §65915(g)	None
Child care facility	Residential development	1 concession/incentive or a density bonus, at the City's option, but not both Government Code §65915(h)	
	Commercial and industrial development	Government Code §65917.5	

Notes:
(1) See Government Code §65915(f) (Density bonus defined).
(2) See 17.310.040 (Incentives or Concessions).
(3) See Civil Code §1351 (Common interest development defined).

B. **Calculations.** The applicant may request a lesser density bonus than that which is available to the project; however, the City shall not be required to similarly reduce the number or type of units required to be provided in compliance with Government Code Sections 65915(b), 65915(c), and 65915(f). In calculating the density bonus for a project, each project shall be entitled to only one density bonus as provided in Section 65915(b)(2), and density bonuses from more than one category may not be combined. When calculating the number of required affordable units to qualify a project for a density bonus, the affordable units themselves shall not be included when calculating the number of housing units that make a project eligible for a density bonus. Any calculations resulting in fractional units shall be rounded up to the next larger integer. The density bonuses that are awarded to a density bonus housing development in a commercial zone are provided in the form of an increase in the allowable floor area over the otherwise allowable floor area.

17.310.040 — Concessions or Incentives

A. **Concessions or incentives defined.** For purposes of this Section, a concession or incentive shall mean a regulatory concession or incentive as defined in Government Code Section 65915(k) and as permitted by Government Code Section 65915(d).

B. **Number.** The number of eligible concessions or incentives for an eligible project is provided in Table 3-3 (Summary of State-Mandated Density Bonus Requirements).

C. **Type of incentive or concession.** The following types of concessions or incentives are available for an eligible project:

1. **By-right parking incentives.** Parking incentives are available for an eligible project by-right and are not included when calculating the number of concessions and incentives that are allowed in Table 3-3 (Summary of State-Mandated Density Bonus Requirements).

a. Density bonus developments shall be granted the following maximum parking standards, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted affordable units, when requested by a project applicant:

(1) Zero to one bedrooms: One on-site parking space.

(2) Two to three bedrooms: Two on-site parking spaces.

(3) Four and more bedrooms: Two and one-half on-site parking spaces.

b. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Subsection, a development may provide on-site parking through uncovered parking, but not through on-street parking.

2. Discretionary incentives. A housing developer may request the following specific incentives or may submit a proposal for other incentives or concessions that results in identifiable, financially sufficient, and actual cost reductions:

a. Menu of concessions/incentives in residential zones. Eligible housing developments in residential zones may request one or more of the following incentives, as applicable:

(1) Up to a 15 percent deviation from one side setback requirement.

(2) Up to a 10 percent deviation from parcel coverage requirement.

(3) Up to a 15 percent deviation from front or rear setback requirements so long as rear setback is at least five feet.

(4) Up to a 10 percent reduction in required parking spaces

b. Menu of concessions/incentives in commercial zones. Eligible housing developments in commercial zones may request one or more of the following incentives, as applicable:

(1) Elimination of any restriction on the number of stories that can be constructed within the allowable height limit of the commercial zone in which the development is constructed.

(2) Reduction of the private open space requirement.

D. Financial incentives. Nothing in this Section requires the City to provide direct financial incentives for the residential development project, including but not limited to financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City at its sole and absolute discretion may choose to provide direct financial incentives.

E. Approval. The granting of an incentive or concession shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

17.310.050 — Waivers or Reductions

A. Waiver request.

1. An applicant may submit to the City a proposal for the waiver or modification of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site.

2. For the purposes of this Section, a development standard is as defined in Government Code Section 65915(o)(1).

3. The granting of a waiver shall be allocated to the entire development and not on a per parcel basis. For example, a side setback reduction could be applied to each and every parcel in a development and still count as only one concession or incentive.

B. Response to waiver request. As required by Government Code Section 65915(e), the City shall not apply a development standard that will have the effect of precluding development at the densities or with the incentives or concessions allowed by this Chapter, unless the City can make the findings specified in Section 17.310.070 (Findings for Approval of Density Bonus).

C. Effect of request for waiver. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled under this Chapter.

17.310.060 — Application Filing, Processing, and Approval

A. Permit requirement. Except as provided by Government Code 65589.4, a request for a density bonus and other incentives or concessions shall be evaluated and decided through Conditional Use Permit approval in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

B. Applicable review authority. For the purposes of approving a density bonus request and concessions or incentives, the Commission shall make a recommendation to the Council on whether to approve or disapprove the application for a Conditional Use Permit and the Council shall make the final decision as described in Chapter 17.605 (Conditional Use Permits and Minor Conditional Use Permits).

C. Contents of application. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard shall be submitted in conjunction with the first application for the development project and shall be processed

concurrently with all other applications required for the project. The cost of reviewing any required data submitted as part of the application in support of a request for a concession or incentive, including but not limited to the cost to the City of hiring a consultant to review the data, shall be borne by the applicant. The application shall be submitted on a form provided by the City and shall include, at a minimum, the following information:

1. A site plan showing the total number of units, the number and location of the affordable or senior units qualifying the project for a density bonus, and the number and location of the proposed density bonus units;

2. The level of affordability of any proposed affordable units and their conformance with Government Code Section 65915(c);

3. A description of any requested incentives, concessions, waivers, or reductions of development standards, or modified parking standards. An application for an incentive or concession shall also include a pro-forma demonstrating to the City that the requested concession or incentive results in an identifiable, financially sufficient, and actual cost reduction. Where the applicant is requesting the reduction or waiver of a development standard, the applicant shall submit evidence demonstrating that the application of the development standard would physically preclude construction of the project at the densities or with the concessions or incentives to which the project is entitled under this Chapter.

4. If a density bonus is requested for a land donation in compliance with Government Code Section 65915(g), the application shall show the location of the land to be dedicated and shall provide evidence that the requirements of Section 65915(g) have been met.

5. If a density bonus is requested for construction of a child care facility in compliance with Government Code Section 65915(h), the application shall show the location and square footage of the proposed facility and shall provide evidence that the requirements of Section 65915(h) have been met.

D. Density bonus agreement. The project developer and the City shall enter into a density bonus agreement with the City in the City's standard form of agreement. The agreement shall include provisions to maintain the availability of for-sale and rental affordable housing units; shall be in recordable form; and shall be binding on all future owners, developers, and successors-in-interest.

17.310.070 — Findings for Approval of Density Bonus

A. Findings for CUP approval. In addition to the findings required by Section 17.605.060 (Findings and Decisions) for the approval of a Conditional Use Permit, the review authority shall make the following findings, as applicable, before approving a request for a density bonus, incentive, concession, parking reduction, or waiver:

1. The residential development project is eligible for a density bonus and for any concessions, incentives, waivers, or parking reductions requested; conforms to standards for affordability in Government Code Section 65915(c); and includes a financing mechanism for implementation and monitoring costs;

2. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation required by this Chapter;

3. If the density bonus is based all or in part on dedication of land, all of the requirements in Government Code Section 65915(g) have been met;

4. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, all of the requirements in Government Code Section 65915(h) have been met;

5. If the incentive or concession includes mixed uses, all of the findings included in Government Code Section 65915(k)(2) can be made; and

6. If a waiver or reduction of a development standard is requested, the development standard would have the effect of physically precluding the construction of the development project at the density or with the incentives or concessions permitted by Government Code Section 65915.

B. Denial of incentive or concession. The review authority may deny a request for an incentive or concession only if it can make a written finding, based upon substantial evidence, of one of the following:

1. The incentive or concession is not required to provide for affordable rents or affordable ownership costs, as provided in Government Code Section 65915(d)(1)(A);

2. The incentive concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the

development unaffordable to low-income, very-low income, and moderate-income households. For the purpose of this Subparagraph, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete; or

3. The concession or incentive would be contrary to State or Federal law.

C. Denial of waiver or reduction. The review authority may deny a request for a waiver or reduction only if it can make a written finding, based upon substantial evidence, of one of the following:

1. The waiver or modification would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households. For the purpose of this Subparagraph, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or

2. The waiver or reduction would be contrary to State or Federal law.

D. Denial based on provision of child care facilities. The review authority may deny a density bonus, incentive, or concession that is based on the provision of child care facilities only if it can make a written finding, based on substantial evidence, that the City already has adequate child day care facilities.

Chapter 17.315 — Fences, Walls, and Hedges

Sections:

17.315.010 – Applicability
17.315.020 – Location, Height, and Type Standards
17.315.030 – Modifications to Location and Height Standards
17.315.040 – Measurement of Height
17.315.050 – Retaining Walls
17.315.060 – Standards for Specific Types of Fences and Walls
17.315.070 – Materials and Construction
17.315.080 – Permit and Review Procedures

17.315.010 — Applicability

The regulations for fences, walls, and hedges apply to the RE, RR, RL, RM, RH, RVH, CD, CG, CN, CR, OP, BP, IL, IH, OSG, OSR, and PI zones. For development in an SP (Specific Plan) zone or subject to a Planned Development Permit issued in compliance with Chapter 17.620 (Planned Development Permits), the height, location, and design of fences, walls, and hedges shall be determined by the specific plan development standards or the conditions of the planned development permit.

17.315.020 — Location, Height, and Type Standards

The location and height of fences, walls, and hedges shall be determined by the setback area for the zone in which the property is located as indicated in Tables 2-3, 2-4, 2-7, 2-10, and 2-13 in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). Table 3-4 (Standards for Fences, Walls, and Hedges) indicates the allowed location and height of fences, walls, and hedges subject to the required setback area(s) of the applicable zone. See Figure 3-11 (Types of Fencing) and Figure 3-12 (Fence, Wall, and Hedge Location and Height).

Table 3-4
Standards for Fences, Walls, and Hedges

Residential Zones		
Location of Fence or Wall		***Height – Maximum unless otherwise noted***
A = Allowed but not required. R = Required. MUP – Minor Use Permit (17.605) --- = Not allowed.		
Fencing = fence or solid wall, solid wall is preferred		
Within front setback area or on the front lot line	A	4 ft solid or open fencing Minor decorative entry treatments (e.g. arbor, trellis, etc.)
Within street side setback area (1) or on the street side lot line	R	6 ft maximum solid fencing
Within interior side setback area or on interior side lot line (3)	R	6 ft solid or open fencing
	MUP	2 ft of additional screening at least 50% open (2)
Within rear setback area or on rear lot line	R	6 ft solid or open fencing
	MUP	2 ft of additional screening at least 50% open (2)
Outside of a required setback area	A	6 ft solid or open fencing
At intersections of alleys, streets, and driveways	A	30 inches See Section 17.305.150 (Traffic Visibility Area)
Between front lot line and sidewalk	---	---
Between street side lot line and sidewalk if distance is less than 4 ft	A (4)	6 ft solid fencing
Between rear lot line and sidewalk if distance is less than 4 ft	A (4)	6 ft solid fencing
Location of Hedge		***Height – Maximum unless otherwise noted***
All portions of parcel, except	A	8 ft
Between front lot line and sidewalk	---	---
Between street side lot line and sidewalk edge if distance is less than 4 ft	A (4)	4 ft
Between rear lot line and sidewalk edge if distance is less than 4 ft	A (4)	4 ft
At intersections of alleys, streets, and driveways	A	30 inches –See Section 17.305.150 (Traffic Visibility Area)

Table 3-4
Standards for Fences, Walls, and Hedges

Commercial Zones – CD, CG, CN, and CR		
Location of Fence or Wall		***Height – Maximum unless otherwise noted***
A = Allowed but not required. R = Required. MUP – Minor Use Permit (17.605), --- = Not allowed.		
Fencing = fence or solid wall, solid wall is preferred		
On front lot line, street side lot line	---	---
On interior side lot line	A	8 ft solid or open fencing, but only 4 ft for the 20 feet closest to and perpendicular to a right-of-way
On rear lot line	R	8 ft solid or open fencing
Within or behind all setback areas	A	4 ft
At intersections of alleys, streets, and driveways	A	30 inches - See Section 17.305.150 (Traffic Visibility Area)
Location of Hedge		***Height***
Within or behind all setback areas	A	4 ft
At intersections of alleys, streets, and driveways	A	30 inches - See Section 17.305.150 (Traffic Visibility Area)
Business, Industrial, and Other Special Zones – BP, OP, IL, IG , OSG, OSR, and PI		
Location of Fence or Wall		***Height – Maximum unless otherwise noted***
A = Allowed but not required. R = Required. --- = Not allowed.		
Behind required front or street side setback area	A	6 ft solid or open fencing
	MUP	2 ft of additional screening at least 50% open (2)
Within required front or street side setback area	---	---
At intersections of alleys, streets, and driveways	A	30 inches - See Section 17.305.150 (Traffic Visibility Area)
Location of Hedge		***Height – Maximum unless otherwise noted***
All portions of parcel	A	4 ft

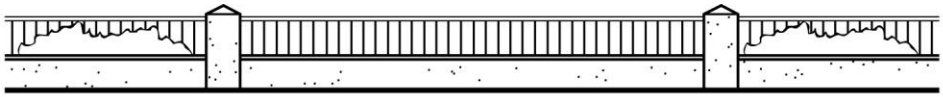
Notes:

(1) If a fence or wall is located in a required street side setback area, the fence or wall shall not extend any closer than 20 feet to the front lot line or as allowed by Section 17.305.150 (Traffic Visibility Area), whichever is most restrictive.

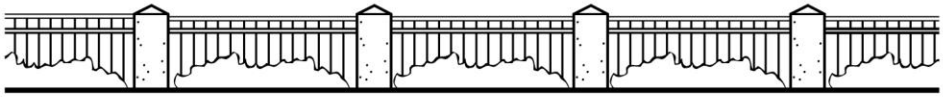
(2) An additional two feet of fence height may be added to any allowed six-foot high fence located on the rear lot line or interior side lot line of a residential use or zone abutting any nonresidential use or zone subject to a Minor Use Permit approved in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

(3) The side yard fence shall be set back a minimum of five feet from the front of the structure. Where the five-foot setback conflicts with a door or window opening, the Director shall determine the appropriate setback.

(4) Allowed against rear of sidewalk only with Encroachment Permit approved by City Engineer. For street side lot lines and rear lot lines abutting streets, “street" shall include public and private streets, publicly maintained alleys, and driveways serving flag lots; provided the driveway serves at least two parcels and is at least 20 feet wide.

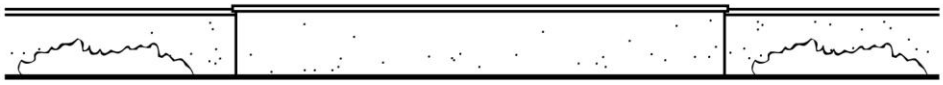


Elevation of Wall / Wrought Iron Combination

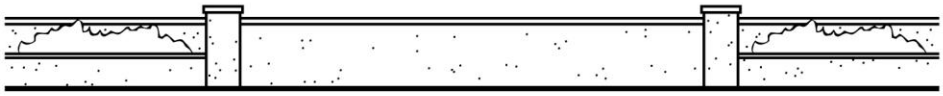


Elevation of Wrought Iron with Pilasters

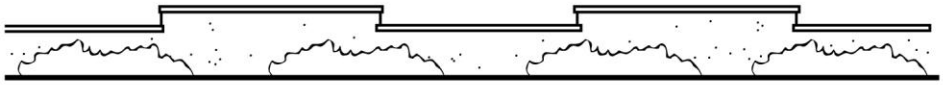
Examples of Open Fencing



Elevation of Staggered Wall



Elevation of Planters / Wall



Elevation of Wall with Breaks

Examples of Solid Fencing

Figure 3-11
Types of Fencing

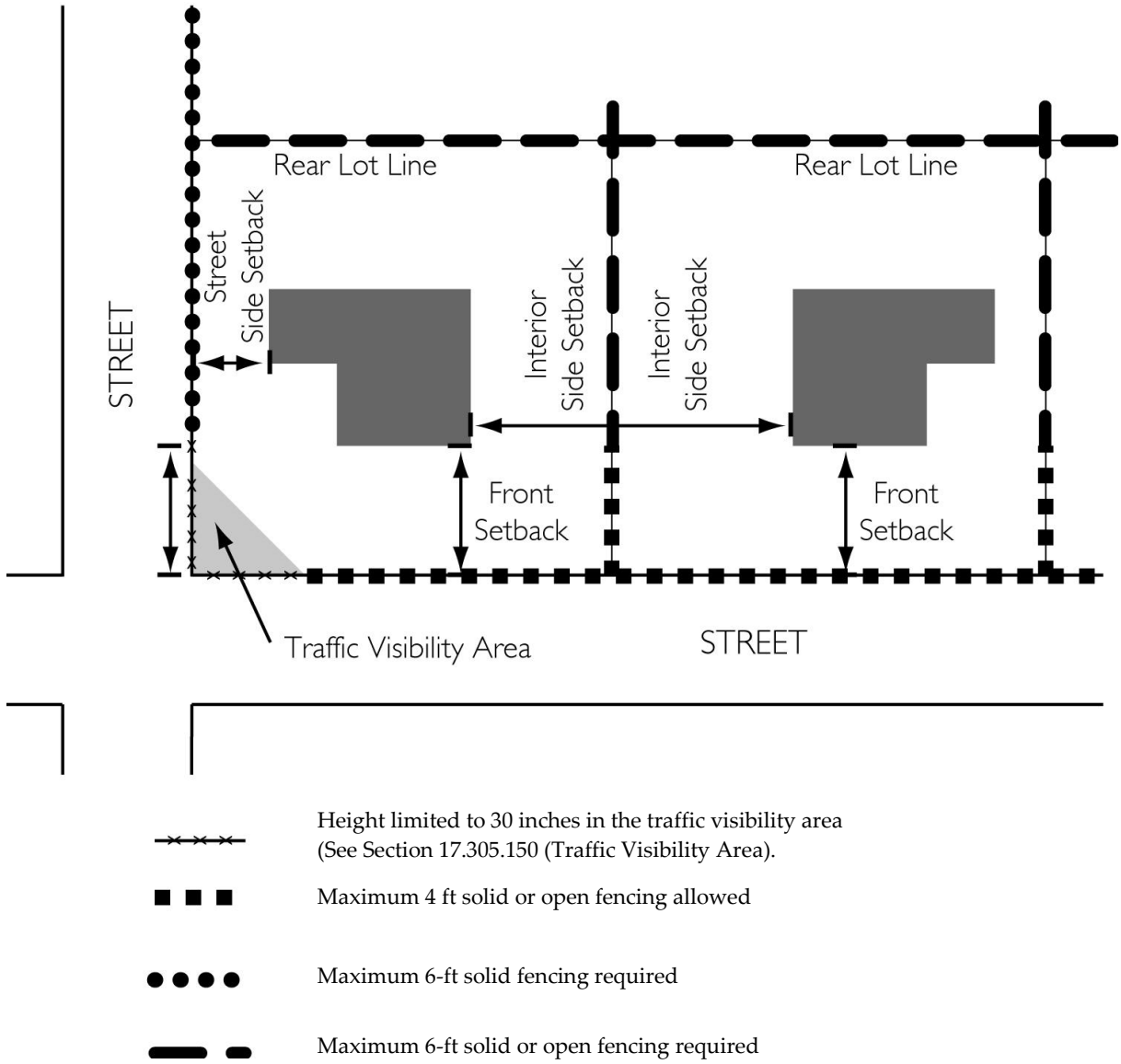


Figure 3-12
Fence, Wall, and Hedge Location and Height

17.315.030 — Modifications to Location and Height Standards

A. **Irregularly shaped lots.** For flag lots and other irregularly shaped parcels where the required fence location is not consistent with the required setback area for the zone in which the property is located, the Director may allow a modification to the required fence location at the Director's discretion.

B. **Screening.** The height of fences and walls that are intended to screen loading areas in nonresidential zones from the view from residential zones shall be determined by a line-of-sight study prepared in compliance with Section 17.330.120 (Off-Street Loading Design and Development Standards).

C. **Retaining walls.** See Section 17.315.050 (Retaining Walls).

17.315.040 — Measurement of Height

A. **Flat elevation.** Fence height shall be measured as the vertical distance between the highest finished grade of the ground abutting the fence and the top edge of the fence material. Adjacent grades shall not be artificially elevated in order to allow for a fence or wall that is higher than the allowable maximum height.

B. **Sloping elevation or with retaining walls.** For fences on sloping ground or on retaining walls, solid fence height of six feet may be allowed as measured from the up-slope property so long as a total height, inclusive of any retaining wall, does not exceed 10 feet as measured from the down-slope property. See Figure 3-13 (Maximum Height of Combined Fence and Retaining Wall).

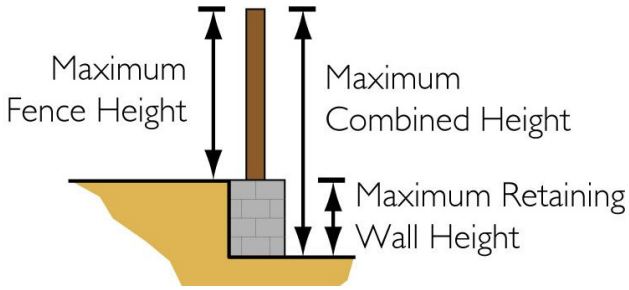


Figure 3-13
Maximum Height of Combined Fence and Retaining Wall

17.315.050 — Retaining Walls

A. **Stepped retaining walls.** Slopes are discouraged. An embankment to be retained that is over 36 inches in height shall be stepped so that no individual exposed retaining wall exceeds 36 inches in height, and each intervening step is a minimum width of 36 inches. See Figure 3-14 (Stepped Retaining Walls).

B. **Retaining walls in required front setback area.** Retaining walls not exceeding 36 inches in total height may be allowed in a required front setback area, provided that the coverage does not exceed five percent of the required front setback area. On corner lots, retaining walls shall not be located within the traffic visibility area identified in Section 17.305.150 (Traffic Visibility Area).

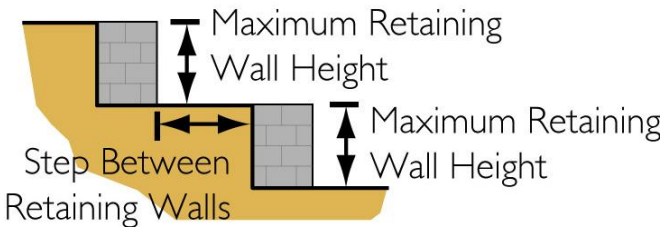


Figure 3-14
Stepped Retaining Walls

C. **Retaining walls on hillsides.** For parcels that are located on hillsides, the location and height standards for retaining walls may be modified in compliance with Section 17.305.070 (Hillside Development Standards).

17.315.060 — Standards for Specific Types of Fences and Walls

A. **Temporary security fences.** Temporary security fences may be erected around construction sites during the time a valid Building Permit is in effect for construction. A Temporary Use Permit is not required and the fences do not have to comply with the location requirements of Table 3-4, except that a traffic safety visibility area shall be maintained in compliance with Section 17.305.150 (Traffic Visibility Area). Temporary security fences shall be immediately removed upon completion of the construction authorized by the Building Permit.

B. **Fencing for tennis courts.** When located in a rear or side yard, up to 12 feet of fence height may be allowed for tennis courts with the approval of a Minor Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

C. Swimming pools. A swimming pool, hot tub, spa, or the entire property on which any of these are located shall be walled or fenced to prevent uncontrolled access in compliance with the California Building Code.

D. Separation of uses required. Fences and walls shall be required to separate residential from nonresidential uses.

17.315.070 — Materials and Construction

A. Materials in all zones.

1. When in areas where not normally allowed. Fences and walls that are authorized in an area where they are normally prohibited shall be constructed of brick, concrete, decorative masonry, wrought -iron, or any other similar materials acceptable to the Director.

2. When for purpose of separating land uses or zones. Fences and walls that separate different land uses or zones shall be constructed only of decorative masonry.

3. Gates. Gates in fences and walls shall be chain link, wrought iron, vinyl, or any other similar materials acceptable to the Director.

4. Prohibited materials. Barbed wire, razor wire, or any other similar materials that contain an electrical charge that can be touched from outside the fence and wall shall be prohibited.

5. Compatibility with existing theme. Where a fence and wall type or theme exists in a development, fences and walls that are replaced or repaired shall be consistent with the existing fence and wall type or theme.

6. Alternative materials. The Director may approve alternative fence and wall materials, if the Director finds a need for the alternative fence and wall materials due to special security or inventory display considerations.

7. Wood. Wood fences, where allowed, shall comply with the following specifications:

a. Materials.

(1) All wood shall be pressure treated Douglas Fir or equivalent.

(2) Minimum size vertical fence board shall be 1 inch by 6 inches.

(3) Exposed wood surfaces shall be painted with two coats of exterior grade paint or oil base stain, color to be neutral to match that of stucco or the structure's exterior.

b. Construction.

(1) Wood fences shall be supported by a 2-½ inch diameter tubular steel post (adjacent to gate post shall be 3 inches) set eight feet on centers in an 18-inch by 10-inch concrete post footing. The steel posts shall not be visible from any public right(s)-of-way.

(2) Top and bottom rails shall be provided on both sides of the fence to attach the 1-inch by 6-inch vertical fence boards.

(3) A 2-inch by six-inch base bolted to the support post shall be provided.

(4) A 2-inch by six-inch cap extending the length of the fence shall be affixed to the top support rails.

(5) Hinges, brackets, and bolts (3/8 inch minimum) shall be galvanized and where exposed shall be painted to match the color of the fence.

B. Materials in RE, RR, RL, RM, RH, and RVH zones. In addition to the standards in Subsection A (Materials in all zones), the following standards shall apply:

1. Visible from public right-of-way. Fences and walls that are visible from a public right-of-way and are located:

a. On the street side shall be constructed of solid decorative materials (e.g., brick, concrete, masonry, stucco, etc.) acceptable to the Director. Wood is prohibited.

b. Parallel to the right-of-way at the front building setback line (i.e., running from house to house) shall be constructed of vinyl, wrought iron, or any other similar materials acceptable to the Director. Wood is prohibited.

c. Within the front setback area shall be constructed of block, wrought iron, combination block and wrought iron, "picket," or "split rail" materials acceptable to the Director. Any "picket" and "split rail" shall be continuously maintained so as to appear in a "new" condition. Walls shall have decorative capping.

2. **Not visible from public right-of-way.** Fences and walls that are not visible from a public right-of-way may be constructed of wood, chain link, or other approved material.

C. **Materials in CD, CG, CN, and CR zones.** In addition to the standards in Subsection A (Materials applicable in all zones), a minimum of the first six feet in height of fences and walls that face a right-of-way or a residential use or zone shall be constructed of solid decorative masonry, concrete, or similar material. All other fences and walls may be constructed of vinyl, masonry, wrought iron, or an equivalent material(s). Wood fences are prohibited.

D. **Materials in BP, IL, IG, OSG, OSR, and PI zones.** In addition to the standards in Subsection A (Materials applicable in all zones), fences and walls shall be constructed of chain link, masonry, wrought iron, or an equivalent material. Wood fences are prohibited.

17.315.080 — Permit and Review Procedures

A. **Department review and approval required.**

1. Any person proposing to install a new wall or fence or replace or repair an existing wall or fence shall submit copies of the plans and details to the Director for review and approval. The submittal package shall include a plot plan drawn to scale, reflecting lot lines, adjacent public rights-of-way, driveways and existing buildings and structures. A dimensional detail of the proposed fence or wall shall also be provided reflecting the proposed materials and proposed height from existing and finished grade.

2. The Director shall approve the proposed fence or wall only if it is found to be in compliance with the applicable provisions of this Chapter. Replacement walls and fences shall meet current standards.

B. **Building Permit required.** A fence or wall shall be installed or constructed only following the issuance of a Building Permit.

Chapter 17.325 — Landscaping Standards

Sections:

17.325.010 — Purpose
17.325.020 — Applicability
17.325.030 — Exemptions from Landscaping Requirements
17.325.040 — Waiver or Modification of Landscaping Requirements
17.325.050 — Landscape Plans
17.325.060 — Landscape Standards
17.325.070 — Water Waste Prohibited
17.325.080 — Maintenance Required
17.325.090 — Protection of Solar Access

17.325.010 — Purpose

The purpose of this Chapter is to:

A. Enhance the aesthetic appearance of the City by providing standards related to the quality and functional aspects of landscaping;

B. Increase the compatibility between abutting land uses and public rights-of-way by providing appropriate and suitable landscape screening and buffers;

C. Provide for the conservation and protection of water resources through the efficient use of water, as required by Government Code Section 65595 and Municipal Code Chapter 15.44 (Landscape Water Use Efficiency), and the appropriate use of plant materials suitable for climate and location, and regular maintenance of landscaped areas; and

D. Protect public health, safety, and welfare by preserving property values and enhancing pedestrian and vehicular traffic and safety.

17.325.020 — Applicability

A. **New uses, structures, and subdivisions.** All projects that require the issuance of a Zoning Clearance in compliance with Chapter 17.655 shall provide and maintain landscaping in compliance with the provisions of this Chapter, except as may be exempted by Section 17.325.030 (Exemptions from Landscaping Requirements), below.

B. **Existing structures and uses.** When there is an addition to an existing structure greater than 25 percent of the existing floor area, landscaping shall be provided in compliance with the landscape area requirements of this Chapter to the greatest extent feasible. If existing physical constraints on the site, (e.g., structures, parking, circulation, etc.) limit the amount of landscaping that can be provided, the applicant shall provide the maximum additional landscaping the site can accommodate to fulfill the landscape area requirements of this Chapter.

17.325.030 — Exemptions from Landscaping Requirements

The following areas or projects shall be exempt from the landscaping requirements in this Section:

A. **Undeveloped areas.** Undeveloped portions of residential and nonresidential project sites that are intended for future development, provided that the developer installs adequate dust, erosion, and weed control features satisfactory to the Director (e.g., hydroseed, hydromulch, tackifying agents, etc.) and provides a statement of security in compliance with Subsection 17.325.050.F. (Landscape Plans - Statement of Surety), below. The dust, erosion, and weed control features shall be installed before completion of construction of the approved development.

B. **Agricultural production.** Property that is in agricultural production;

C. **Remainder parcels.** Parcels for which there are no final or parcel maps or which are identified as remainder parcels on a final or parcel map;

D. **Historical sites.** Historical sites specifically listed on local, State, or Federal registers.

E. **Building Permits.** Parcels for which a Building Permit is obtained for:

1. Tenant improvements.

2. Maintenance, repair, and replacement of building elements;

3. Electronic security systems;

4. Fire and life safety devices and systems; or

5. Emergency or hazardous conditions which must be corrected in the interest of public health, safety, and welfare.

F. Other. Other conditions that the Director determines to be immaterial.

17.325.040 — Waiver or Modification of Landscaping Requirements

A. Director approval. The Director may approve waivers from, or modifications to, the requirements of this Chapter. The waivers or modifications shall be limited to the following:

1. Minor modifications to approved landscaping or irrigation plans that comply with the spirit and intent of these regulations, including, but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and similar changes.

2. Modifications of planting, installation, and soil preparation details.

3. Occupancy of structures before installation of landscaping due to exceptional and unforeseen circumstances when a bond or other security is provided in compliance with Section 17.325.050.F. (Statement of surety), below.

4. Other modifications approved in compliance with Chapter 17.650 (Variances and Minor Variances).

B. Fire protection zones. The standards in this Chapter may be modified by the Fire Chief to comply with the provisions in the City's Landscape Design Guidelines applicable to fire protection and fuel modification zones.

C. Conditions imposed in connection with waivers. In granting a waiver, the Director may impose conditions as deemed necessary to comply with the spirit and intent of these regulations.

17.325.050 — Landscape Plans

A. **Landscape plans required.** Landscape plans shall be submitted to the Department for projects specified in Section 17.325.020 (Applicability), above.

B. **Content.** Landscape plans, including fuel modification plans, shall be prepared in compliance with the City's Landscape Design Guidelines.

C. **Review.** After initial application, the Director shall review the plans for compliance with the requirements of this Chapter. In addition, plans for projects in wildland fire hazard areas or hillside locations shall be submitted to the Fire Chief for approval before issuance of any Grading Permits.

D. **Installation.** Landscaping shall be installed:

1. Only after the applicant receives approval of the landscape plans; and

2. Before issuance of the final Certificate of Occupancy or final Building Permit, except for extensions granted by the Director due to exceptional and unforeseen circumstances (e.g., seasonal conditions).

E. **Changes to approved landscape plans.** Changes to the approved landscape plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for approval before installation.

F. **Statement of surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit in an amount equal to 120 percent of the total value of all plant materials, irrigation, installation, water, and maintenance shall be posted with the City for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (i.e., adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of a site.

17.325.060 — Landscape Standards

A. **Area requirements.** Unless exempt in compliance with Section 17.325.030 (Exemptions from Landscaping Requirements) or modified in compliance with Chapter 17.650 (Variances and Minor Variances), the following landscaping shall be provided:

1. **Minimum percentage area.** Each residential and nonresidential land use shall provide and maintain minimum landscaped areas based on impervious surface

coverage standards in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). For example, an RM zone maximum impervious surface coverage standard of 60 percent in Table 2-4 (Development Standards for RM, RMH, RH, and RVH Zones) requires landscaping of the remaining 40 percent. Residential zones shall be subject to landscaping and paving standards in Section 17.305.090 (Paving within Residential Front Yard Area).

2. **Parking areas.** Parking areas shall be landscaped in compliance with Section 17.330.090 (Landscaping Standards for Parking Areas). Parking lot area shall be counted as part of the total lot area when computing the minimum landscaped area.

3. **Minimum dimensions.** Landscaped areas shall measure at least five feet in any direction in order to be counted as meeting the minimum requirements.

B. General design standards. The following features shall be incorporated into the design of landscaped areas and shall comply with the specifications in the City's Landscape Design Guidelines.

1. Landscaping shall be planned as an integral part of the overall project design and not simply located in excess space after parking areas and structures have been planned.

2. Landscaped areas shall be provided with an automatic irrigation system(s).

3. Landscaping may include lawn, ground cover, trees, shrubs, and other live plant materials. Landscaping may also include small amounts of accessory decorative outdoor landscape elements (e.g., ponds, fountains, sculpture, and paved or decorated surfaces) excluding driveways, parking, and storage areas.

4. Front setbacks and side setbacks abutting a street shall be landscaped and maintained. A minimum of 50 percent of the area required to be landscaped shall consist of live plants and turf grass. As provided in the Landscape Design Guidelines, up to 30 percent of the total required landscape area may be planted in a turf grass.

5. Sidewalks providing pedestrian access shall be considered in the design of all landscaped areas, including the need to locate plants so as not to interfere with the ability of pedestrians to have an adequate view of paths and surrounding areas to ensure their safety.

6. Landscape planting shall be provided within adjacent public street rights-of-way, in compliance with the City's Landscape Design Guidelines.

7. Landscaping over 30 inches in height shall not be allowed within a traffic visibility area formed by the intersection of public rights-of-way, parking lot entrances and exits, pedestrian rights-of-way, driveways, or alleys as determined by the Director in compliance with Section 17.305.150 (Traffic Visibility Area).

8. Landscaping shall be required to screen storage areas, trash enclosures, and parking areas in compliance with Section 17.305.110 (Screening and Buffering).

9. Graded areas proposed for development in a later phase shall be planted with native vegetation specified in an approved revegetation plan and shall be maintained in a weed-free condition until development occurs, if the later phase will not begin construction within six months of completion of the previous phase.

C. Plant materials.

1. Only plant materials listed on the City's approved plant list shall be accepted, unless otherwise approved in writing by the Director. The approved plant list is contained in the City's Landscape Design Guidelines.

2. An appropriate mix of plant materials shall be provided.

3. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines and traffic visibility areas.

4. Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.

5. Trees planted near public sidewalks or curbs shall be of a species and installed in a manner that prevents physical damage to the sidewalks, curbs, gutters and other public improvements.

17.325.070 — Water Waste Prohibited

A. Irrigation design. Landscape areas shall be designed and maintained to ensure water efficiency, avoid runoff, and promote conservation in compliance with the City's Landscape Design Guidelines and Municipal Code Chapter 15.44 (Landscape Water Use Efficiency). Suggested methods include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; installing precipitation sensors; aerating and detaching turf areas; adding or replenishing mulch, fertilizer, and soil amendments; and pruning and weeding all landscaped areas.

B. **Waste water runoff prohibited.** Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, sidewalks, roadways, or structures is prohibited. An estimated annual water use budget shall be prepared for the entire landscape area in compliance with the City's Landscape Design Guidelines and landscape water use efficiency requirements in Municipal Code Chapter 15.44 (Landscape Water Use Efficiency).

C. **Recycled/reclaimed water.** Recycled / reclaimed water shall be utilized whenever available, and reclaimed irrigation equipment shall be specified on the landscape plans.

17.325.080 — Maintenance Required

All installed landscaping and irrigation systems shall be continually maintained. Maintenance shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, monitoring for pests and disease, the removal and timely replacement of dead plants, and the repair and timely replacement of irrigation systems, and integrated architectural features.

17.325.090 — Protection of Solar Access

In compliance with Public Resources Code Section 25982, a structure, fence, or wall shall not be constructed or modified, and vegetation shall not be placed or allowed to grow after the effective date of this Chapter, so as to obstruct more than 10 percent of the absorption area of a solar energy system on a neighboring parcel at any one time between the hours of 10 a.m. and 2 p.m.

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Chapter 17.330 — Off-Street Parking and Loading Standards

Sections:

17.330.010 — Purpose
17.330.020 — Applicability
17.330.030 — General Parking Provisions
17.330.040 — Limitations on Parking/Storage of Vehicles
17.330.050 — Number of Parking Spaces Required
17.330.060 — Adjustments to Parking Requirements
17.330.070 — Disabled/Handicapped Parking Requirements
17.330.080 — Parking Design and Development Standards
17.330.090 — Landscaping Standards for Parking Areas
17.330.100 — Paving Limitations for Driveways in Residential Zones
17.330.110 — Bicycle Parking
17.330.130 — Off-Street Loading Design and Development Standards

17.330.010 — Purpose

The purpose of this Chapter is to provide off-street parking and loading standards to:

A. Provide for the general welfare and convenience of persons within the City by ensuring sufficient off-street parking and loading facilities to meet the needs generated by specific uses;

B. Provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities;

C. Increase public safety by reducing congestion on public streets;

D. Buffer surrounding land uses from the visual impact of off-street parking and loading facilities; and

E. Provide loading and delivery facilities in proportion to the needs of allowed uses.

17.330.020 — Applicability

A. **Applicability.** Every use, including a change or expansion of a use or structure, except as otherwise provided in Chapter 17.705 (Nonconforming Parcels, Structures, and Uses), shall provide and maintain off-street parking and loading facilities in compliance with this Chapter.

B. **Timing of installation.** A use shall not be commenced and a structure(s) shall not be occupied until improvements required by this Chapter are satisfactorily completed.

C. **Projects in progress.** Notwithstanding the requirements in Section 17.100.090 (Effect of Development Code Amendments on Projects in Progress) or unless the conditions of an approved discretionary permit expressly provide a different time limit, previously approved parking facilities shall be given 12 months from the effective date of this Development Code to be under construction. In the event of hardship, one 12-month extension may be granted by the Director upon confirmation of the hardship.

17.330.030 — General Parking Provisions

A. **Parking and loading spaces to be permanent.** Required parking and loading spaces shall be permanently available. Off-site parking shall require a permanent covenant or a secured lease agreement in compliance with Subsection 17.330.060.B (Adjustments to Parking Requirements – Shared Parking).

B. **Parking and loading spaces to be unrestricted.** A lessee, owner, tenant, or other person having control of the premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons (including employees) from using the spaces without the prior written approval of the Director.

C. **Maintenance.** The required parking and loading features (e.g., landscaping, parking surfaces, striping, signs, etc.) shall be continuously maintained in good condition by any person having control of the premises (e.g., lessee, owner, tenant, etc.).

1. Landscaping shall be kept alive and continually maintained in compliance with Section 17.330.090 (Landscaping Standards for Parking Areas).

2. Parking surfaces shall be kept free of holes and substantial deterioration.

3. Striping shall be visible.

4. Signs shall be kept in place, legible, and continually maintained.

5. Parked vehicles shall not extend over a property line or into a public right-of-way.

D. Usable and accessible. Required parking and loading spaces shall be usable and accessible.

17.330.040 — Limitations on Parking/Storage of Vehicles

A. Storage of trucks. The parking and storage of trucks exceeding eight feet in height or 20 feet in length shall be prohibited in any residential zone unless parked within an enclosed structure. This restriction shall not apply to trucks used during pickup and delivery or during construction or repair work while in service. Height shall be measured from level ground to the top of the cab or trailer, whichever is higher, but excludes camper shells.

B. Prohibited parking or storage. The parking or storage of the following types of vehicles in required parking areas or within the required front yard of any residentially zoned parcel shall be strictly prohibited, unless listed as exempt under Subsection C, below:

1. Recreational vehicles (RV) (e.g., boats, motor homes, travel trailers, campers, camper shells, etc.);

2. Commercial vehicles (i.e., trucks and vans exceeding eight feet in height or 20 feet in length);

3. Utility trailers;

4. Tractors; or

5. Wrecked, junked, non-registered, or inoperable motor vehicles.

C. Exceptions to vehicle type restrictions.

1. Recreational vehicle (RV).

a. An RV may be temporarily parked in the driveway for up to a total of 72 hours within any consecutive 120-hour period for the purpose of loading and unloading the RV and for light maintenance and repair, provided that:

(1) The RV shall not extend into the public right-of-way at any time; and

(2) The RV shall not be used for living, sleeping, or housekeeping purposes.

b. Upon the expiration of 72 hours, the RV shall be moved to any of the following locations:

(1) A distance of at least 300 feet from the area where last parked;

(2) For any lot in a residential zone, in one side yard next to the garage and driveway, extending to the rear lot line, except that for corner lots, storage is only allowed in the interior side yard, extending to the rear lot line. See Figure 3-15 (Allowable Recreational Vehicle Storage Area). The Director may approve alternative storage in the rear yard of corner lots only in cases where interior side yard storage is not feasible, street side access is approved with an encroachment permit, traffic visibility standards are met (Section 17.305.150); paving limitations are met (Section 17.305.090); and the visual amenities and views of adjacent properties are not adversely impacted.

c. Motorized RV's shall be stored on an improved surface of concrete or other material as approved by the Director.

2. **Inoperable vehicles.** Inoperable vehicles may be stored in an enclosed structure on any residential property; provided the structure is constructed to City standards, as determined by the Director. For purposes of this provision, an inoperable vehicle is defined in Article 8 (Definitions).

3. **Tractors.** Agricultural or farming tractors may be temporarily parked in the front yard of parcels whose primary use is agricultural in nature.

D. **Violations.** Violations of this Section maybe addressed through the Administrative Citation process, with an abatement period of not less than one and no more than three days permitted for correction. This remedy is in addition to any other remedies available to the City.

E. **Vehicles for sale.** The parking of vehicles, trailers, or other personal property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental shall be regulated as specified in Municipal Code Section 10.16.140 (Parking for certain purposes prohibited).

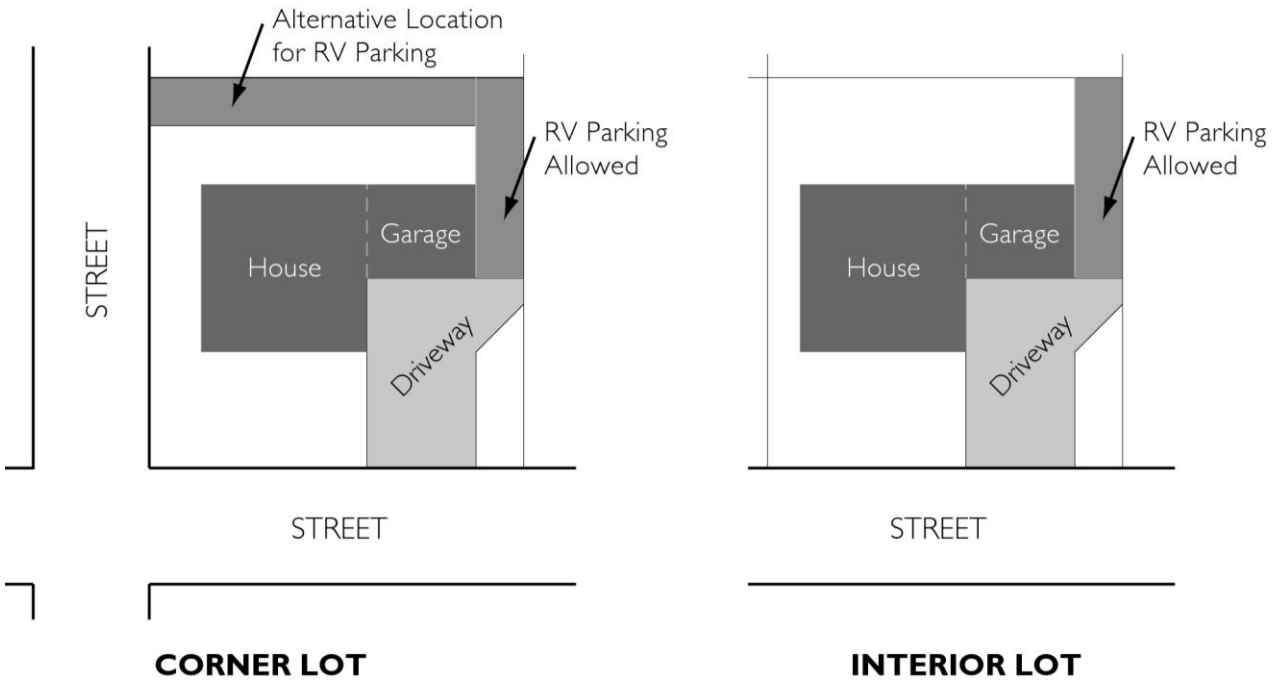


Figure 3-15
Allowable Recreational Vehicle Storage Area

17.330.050 — Number of Parking Spaces Required

Each land use shall be provided the number of off-street parking spaces required by this Section. See Sections 17.330.110 for off-street parking requirements for bicycles.

A. **Minimum <u>AND</u> maximum number of off-street parking spaces required.** Each land use shall provide the number of off-street parking spaces indicated in Table 3-5 (Parking Requirements by Land Use), spaces, including disabled access spaces required by Section 17.330.070 (Disabled/Handicapped Parking Requirements), except where an increase or decrease has been granted in compliance with Section 17.330.060 (Adjustments to Parking Requirements).

B. **Use not listed.** A land use not specifically listed in Table 3-5 (Parking Requirements by Land Use) shall provide parking as required by the Director based on the most similar use that is listed. The Director shall use the requirements specified in Table 3-5 as a guide in determining the appropriate number of off-street parking spaces required for the use.

C. **Mixed uses or occupancies.** In the case of mixed-uses or occupancies, the total number of required off-street parking spaces 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, unless a shared use of parking facilities agreement has been approved in compliance with Section 17.330.060 (Adjustments to Parking Requirements).

D. **Computation of required number of parking spaces.** Whenever the computation of the required number of off-street parking spaces results in a fractional parking space, one additional parking space shall be required for one-half or more fractional parking space and any fractional space less than one-half of a parking space shall not be counted.

E. **Floor area.** Where Table 3-5 establishes a parking requirement based on floor area in square feet (e.g., 1 space for each 1,000 square feet of floor area), the floor area shall be construed to mean gross interior floor area unless otherwise specified, and shall include all locations of shared halls, lobby areas, and rest rooms, but shall not include areas for vertical circulation, elevators, or stairs.

F. **Bench or bleacher seating.** Where fixed seating (e.g., benches, bleachers, pews, or similar seating) is provided, a seat shall be defined as 18 inches of bench space for the purpose of calculating the number of required parking spaces as provided in Table 3-5.

G. **Nonconforming parking.** A structure with nonconforming off-street parking may be physically changed or undergo a change in use subject to the provisions in Section 17.705.110 (Nonconforming Parking).

H. **Tandem parking.** Tandem parking spaces shall not count towards required parking unless specifically approved by the Director.

I. **Compact car parking.** Compact spaces shall be prohibited. For the purposes of this Subsection, a compact space shall be any space that is smaller than the minimum size indicated in Section 17.330.080 (Parking Design and Development Standards).

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Agricultural and Resource-Related Uses	
Accessory Agricultural Structures and Uses (Noncommercial)	1 space per site
Agricultural Activities and Facilities (Commercial)	1 space per employee
Produce Stands	3 spaces per 1,000 sq ft GFA
Residential Uses	
Accessory Living Quarters	
Guest Houses	1 covered space per unit
Second Dwelling Units	1 space per each studio and 1-bedroom unit; 2 spaces per each 2-bedroom or greater unit
Agricultural Employee Housing	1 per unit
Caretaker Housing	1 covered per unit
Congregate Care Facility (15 or more)	1 space for each 3 beds
Condominiums -New	
Resident Parking	2 enclosed spaces for each unit
Guest Parking	0 - 30 units – .25 spaces per unit; with a minimum of 1 space 31 - 60 units - .20 spaces per unit 61 units and over - .166 spaces per unit
Condominiums - Conversions	2 covered spaces per unit
Emergency Shelters	Determined by Conditional Use Permit (Chapter 17.605)
Group Homes	Determined by Conditional Use Permit (Chapter 17.605)
Home Occupations	Same as primary residential use
Live-Work Units(residential portion only)	2 spaces for each unit
Mixed Use Projects (Residential over Retail/Office)	2 covered spaces per residential unit; Spaces for nonresidential uses per Minor Use Permit (Chapter 17.605)
Mobile Home Parks	2 covered spaces on each mobile home site - tandem parking allowed in attached carport; 1 guest space for each 5 mobile home spaces; Parking spaces for recreational vehicles and community buildings – Determined by Conditional Use Permit (Chapter 17.605)
Mobile Home Subdivisions	2 enclosed spaces for each parcel in the subdivision
Multi-Family Dwellings	
Studio Apartments	1.5 spaces per unit, 1.0 of which shall be enclosed
1 Bedroom Apartments	1.5 spaces per unit, 1.0 of which shall be enclosed
2 Bedroom Apartments	1.75 spaces per unit, 1.50 of which shall be enclosed
3 or more Bedroom Apartments	2 spaces per unit, 1.50 of which shall be enclosed
Guest Parking in multi-family projects	0 - 10 units – None required 11 - 30 units - .25 spaces per unit 31 - 60 units - .20 spaces per unit 61 units and over - .166 spaces per unit
Recreational Vehicles	1 space per every 10 units
Organizational Houses	Determined by Conditional Use Permit (Chapter 17.605)
Senior Residential Projects	1 covered space per unit, plus 1 guest space per 10 units

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Single-Family Dwellings (Detached)	2 enclosed spaces for up to 4 bedrooms, and 3 enclosed spaces for 5 or more bedrooms. *See Section 17.425.020 (Residential Development Design Guidelines) for garage design and layout.*
Single-Room Occupancy Units	Determined by Conditional Use Permit
Townhouses (Attached Single-Family)	
Resident Parking	2 covered spaces per unit
Guest Parking	0 - 30 units – .25 spaces per unit; with a minimum of 1 space 31 - 60 units - .20 spaces per unit 61 units and over - .166 spaces per unit
Triplexes	2 spaces per unit; at least 1 covered
Two-Family Dwellings (duplex)	2 enclosed spaces per unit
Care Uses	
Child Day Care	
Small (8 or fewer)	Same as primary residential use
Large (9 to 14)	In addition to spaces for primary residential use, 1 space per employee; and 1 drop-off space for every 7 care recipients
Day Care Centers (15+)	1 space per employee; and 1 drop-off space for every 7 care recipients
Accessory to on-site employer	1 space per employee; and 1 drop-off space for every 7 care recipients
Community Care Facility	
Small – up to 6	Same as primary residential use
Large – 7 or more	In addition to spaces for primary residential use, 1 space per employee; and 1 drop-off space for every 4 care recipients
Congregate Care Facility	
Small – up to 6	Same as primary residential use;
Large – 7 or more	In addition to spaces for primary residential use, 1 space per employee; and 1 space for every 7 care recipients
Residential Care Facility	
Small - up to 6	Same as primary residential use
Large – 7 or more	In addition to spaces for primary residential use, 1 drop-off space for every 7 care recipients
Residential Care Facility	
Small - up to 6	Same as primary residential use
Large – 7 or more	In addition to spaces for primary residential use, 1 drop-off space for every 7 care recipients
Residential Care Facility for the Elderly	
Small - up to 6	Same as primary residential use
Large – 7 or more	In addition to spaces for primary residential use, 1 drop-off space for every 7 care recipients

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Supportive Housing	Same as for single-family dwelling if 6 or fewer persons Same as for multi-family housing if 7 or more persons
Transitional Housing	Same as for single-family dwelling if 6 or fewer persons Same as for multi-family housing if 7 or more persons
Education, Recreation, and Public Assembly Uses	
All uses listed under "Education, Recreation, and Public Assembly Uses" in use tables in Article 2, except for the following:	1 space for each 50 sq ft GFA; or 1 space for each 4 fixed seats (18" lineal bench = 1 seat)
Adult-Oriented Businesses	1 space for every 2 occupants per allowable occupant load as established by Fire Chief; and 1 space for each employee or independent contractor on the maximum shift
Arcades	1 space per 200 sq ft of GFA
Assembly/Meeting Facilities	1 space for every 4 fixed seats; and 1 space for each 40 sq ft of additional assembly area (does not include foyers, corridors, restrooms, kitchens, storage and other areas not used for assembly of people.
Bingo Game Operations (nonprofit only)	1 space per every 3 occupants per allowable occupant load as established by Fire Chief
Commercial Recreation Facilities - Indoor, except for the following:	Determined by Conditional Use Permit (Chapter 17.605)
Bowling Alleys	5 spaces for each alley, plus 1 for each 5 seats in any gallery
Game Courts	5 spaces for each court
Skating Rinks	1 space for each 100 sq ft of rink area
Swimming Pools	1 space for every 500 sq ft of enclosed pool area
Commercial Recreation Facilities – Outdoor, except for the following:	Determined by Conditional Use Permit (Chapter 17.605)
Driving Ranges	1 space per tee
Golf Courses	5 spaces for each hole, plus the requirements for additional uses on the site
Miniature Golf Courses	3 spaces for each hole
Swimming Pools	1 space for every 500 sq ft of fenced pool area
Cultural Institutions	1 space for each 350 sq ft
Educational Facilities	
Academic – K-8	2 spaces for each classroom
Academic – 9-12	9 spaces for each classroom
Colleges and Universities	20 spaces for each classroom
Commercial Schools	1 space for every 1.5 students at maximum enrollment
Equestrian Facilities	1 space per every 5 stable stalls
Live Entertainment and Dancing	Determined by Minor Use Permit
Parks and Recreation Facilities	Public - Determined by Public Works Director Private - 1 space for each 8,000 sq ft of active recreational area within a park or playground, plus 3 spaces per acre of passive recreational area within a park or playground

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Pool halls	4 spaces per table
Recreational Vehicle Park	1 space per employee; 1 space for RV on each lot; 1 space on each RV lot not including parking space for RV; and 1 guest space for every 10 RV lots
Studios-Art, Dance, Martial Arts, Music, etc.	1 space for every 1.5 students at maximum enrollment
Theaters, Movies, or Performing Arts	1 space for every 4 fixed seats; 1 space for each 40 sq ft of assembly area (does not include foyers, corridors, restrooms, kitchens, storage and other areas not used for assembly of people)
Industry, Manufacturing & Processing, and Warehousing Uses	
All uses listed under "Industry, Manufacturing & Processing, and Warehousing Uses" in use tables in Article 2, except for the following:	Up to 50,000 sq ft GFA – 1 space / 500 sq ft GFA 50,001 to 100,000 sq ft GFA - 100 spaces plus 1 space / 1,000 sq ft GFA for area over 50,000 sq ft 100,001 to 500,000 sq ft GFA - 150 spaces plus 1 space / 2,000 sq ft GFA for area over 100,000 sq ft If offices/sales space exceeds 10% of GFA, then 1 space for each 250 sq ft GFA of office/sales space
Cottage Businesses	1 space per employee; 1 space for 1 primary business vehicle; and up to a maximum of 5 spaces for clients.
Recycling Scrap/ Dismantling Yards	1 space for each 3,000 sq ft of yard area
Recycling Facilities	
Reverse Vending Machine	No dedicated space required
Collection Facility – Small	Determined by Minor Use Permit
Collection Facility – Large	Determined by Minor Use Permit
Processing Facility	Determined by Conditional Use Permit
Research and Development (R&D)	1 space for each 500 sq ft GFA
Storage, Personal	1 space for every 100 rentable storage spaces; plus 2 spaces for the resident manager and office
Storage yards	2 spaces per facility; and 1 space per 250 sq ft of office space
Warehouses, Wholesaling and Distribution	1 space for each 1,500 sq ft GFA[up to 500,00 sq ft GFA; Portion over 500,000 – 1 space for each 4,000 sq ft GFA; 1 space for each company truck or motor vehicle; and If offices/sales space exceeds 10% of GFA, then 1 space for each 250 sq ft GFA of office/sales space
Retail Trade Uses	
All "Retail Trade" and general retail uses listed in use tables in Article 2, except for the following:	1 space for each 250 sq ft GFA, and 1 space for each 300 sq ft of outdoor sales area.
Alcohol Sales	1 space for every 225 sq ft GFA
Building/Landscape Materials	1 space for every 500 sq ft GFA; and 1 space for each 2,500 sq ft of outdoor display area

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Construction, Farm, and Heavy Equipment Sales	1 space for every 600 sq ft GFA
Convenience Stores	1 space for every 225 sq ft GFA
Drive-Through Retail	Up to 2,000 sq ft = 1 space for each 200 square feet of GFA; Over 2,000 sq ft = 1 space for each additional 60 sq ft of GFA, including outdoor seating; and Stacking for 7 vehicles at each bay, window, lane, ordering station, or machine
Farmers Market	1 space per every 100 sq ft
Food and Beverage Sales (not part of Shopping Center) Chain Grocery Neighborhood Specialty Food	1 space for every 225 sq ft GFA
Outdoor Display and Sales	1 space for each 2,500 sq ft of outdoor display area
Plant Nurseries	1 space for every 500 sq ft GFA and 1 space for each 2,500 sq ft of outdoor display area
Retail Sales	
Bulk Merchandise (over 50,000 sq. ft)	1st 5,000 sq ft -1 space for every 500 sq ft Over 5,000 sq ft – 1 space for every 1,000 sq ft
Shopping Centers	1 space per 250 sq ft GFA for centers of 25,000 to 400,000 sq ft. 1 space per 225 sq ft GFA for centers of 400,000 and over Parking requirements for restaurants and theaters within the center will be added to the shopping center minimum parking requirements.
Service Uses – Business and Professional	
All uses listed under "Service Uses – Business and Professional" in use tables in Article 2, except for the following	1 space per 250 square feet GFA
ATM's	1 space for each exterior ATM
Banks and Financial Services	1 space for every 200 sq ft GFA
Medical Services – Clinic, Laboratory, Urgent Care	1 space for every 200 sq ft GFA
Medical Services Hospitals	1.5 spaces for each bed, and 1 space for every hospital vehicle
Offices - Medical Services	1 space for each 200 sq ft GFA
Offices - Government	1 space for every 200 sq ft GFA; and 1 space per government-owned vehicle
Service Uses – General	
All uses listed under "Service Uses - General" in use tables in Article 2, except for the following	1st 50,000 sq ft – 1 space per each 250 sq ft GFA Over 50,000 sq ft – 1 space per each 500 sq ft GFA
Animal Services (All)	1 space per each 500 sq ft GFA; and 1 space per each 800 sq ft of boarding area
Bars, Lounges, and Nightclubs	1 space for every 35 sq ft GFA where the public is served; and # of spaces required for food service uses, if applicable

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Drive-Through Service	Stacking for 4 vehicles at each bay, window, lane, ordering station, or machine
Equipment Rental Indoor Only With Outdoor Storage	2 spaces per 1,000 sq ft GFA; and 1 space per 2,500 outdoor display area
Food Service Establishments	
Fast Food With or Without Drive-Through Service	Up to 2,000 sq ft = 1 space for each 200 sq ft GFA Over 2,000 sq ft = 1 space for each additional 60 sq ft GFA; and Stacking for 7 vehicles at each bay, window, lane, or ordering station for each No additional parking required if outdoor dining area comprises no more than 15 percent of the interior gross floor area of the primary food service use; If outdoor dining area is over 15%, 1 space for every 50 sq ft or 1 space for every 3 seats, whichever is greater
Table Service	1 space for each 50 sq ft GFA available to the public, or 1 space for every 3 seats, whichever provides the greater number of spaces No additional parking required if outdoor dining area comprises no more than 15 percent of the interior gross floor area of the primary food service use; If outdoor dining area is over 15%, 1 space for every 60 sq ft or 1 space for every 3 seats, whichever is greater
Health and Fitness Facilities Small – 2,000 sq ft or less Large – Over 2,000 sq ft	1 space for each 300 sq ft GFA
Lodging Bed and Breakfast Inn	1 space for each guest room; and 1 space per manager
Hotels and Motels	1.1 spaces for each guest room; and 75% of the spaces required for accessory uses (.e.g, banquet rooms, meeting rooms, restaurants, etc.), if any
Mortuary, Funeral Home	1 space for each 4 fixed seats; and 1 space for each 40 sq ft of remaining area; and 1 enclosed space for each vehicle owned by the establishment.
All Personal Service uses, except for the following:	1 space for each 250 sq ft GFA
Laundromats	1 space for every 3 machines
Public and Semi-Public Uses	
Government Facilities	Determined by government agency
Public Safety Facility	Determined by government agency
Transportation, Communication, and Infrastructure Uses	
Broadcasting Studio	1 space per 200 sq ft indoor space
Transportation Service Dispatch Facilities	1 space per 250 sq ft; and 1 space per each service vehicle
Truck and Freight Terminals	1 space per 250 sq ft indoor space
Utility Facilities	None
Utility Infrastructure	None
Wireless Telecommunication Facilities	Determined by Conditional Use Permit

Table 3-5
Parking Requirements by Land Use

Land Use Type	Minimum/Maximum Number of Spaces Required (See §17.330.050.A)
Vehicle Rentals, Sales, and Services	
Mobile Home, Boat, or RV Sales	1 space for each 500 sq ft GFA to be clearly delineated as public parking, and as required below for Vehicle Services
Vehicle Parts and Supply Sales	1 space for each 200 sq ft GFA, and 1 space for each 300 sq ft of outdoor sales area
Vehicle Rentals Office only General	 1 space for each 200 sq ft of GFA 1 storage space for each vehicle stored on lot
Vehicle Sales	1 space for each 500 sq ft GFA to be clearly delineated as public parking, and as required below for Vehicle Services
Vehicle Services	
Car Washing, Self-Service	2 stacking spaces and 2 drying spaces per each washing stall
Car Washing, Automated	Stacking area for each automatic car wash lane - 4 times the capacity of the automatic car wash lane
Car Washing, Full Service	1 parking space per each employee of the largest shift; Stacking for 4 vehicles for each automatic car wash lane, and 3 spaces per lane for manual drying
Minor Maintenance	4 spaces for each service bay; and For service stations, 1 space for each employee on duty during heaviest traffic 8-hour shift
Major Repair/Body Work	
Service Station	
Towing and Storage	4 spaces minimum; and 1 space for each 300 sq ft GFA in excess of 4,000 sq ft
Other Uses	
Temporary Uses	Determined by Temporary Use Permit

17.330.060 — Adjustments to Parking Requirements

A. **Temporary reduction.** The Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for a period of not more than 30 days. Longer periods may be allowed with the approval of a Temporary Use Permit (Chapter 17.640).

B. **Shared parking.** In the case of uses that operate at hours not coincident with adjacent uses (i.e., a theater and a bank), the Director may approve parking credits for the use of those adjacent parking spaces if all of the following conditions are met:

1. **Analysis of peak demand.** Sufficient evidence is presented in a form satisfactory to the Director that demonstrates the compatibility of the uses and the absence of substantial overlap in the principal hours or periods of peak demand of the uses for which the joint use is proposed. The analysis of peak demand shall be conducted by a licensed traffic engineer or other transportation professional satisfactory to the Director and shall be based upon methodologies in *Shared Parking* published by the Urban Land Use Institute or other similar appropriate source; and

2. **Location.** The location of the credited space(s) does exceed the distance authorized in Subsection 17.330.080.B (Parking Design and Development Standards - Location) from the subject use; and

3. **Evidence of how spaces attributed to user.** The spaces will be attributed to the user by a written agreement between the property owners involved in the shared use of parking facilities that designates the spaces and their hours of use to the subject use. The Director shall approve the form and substance of the agreement. This agreement shall be in the form of a covenant running with the land and shall be recorded with the County Recorder, and a recorded copy shall be filed with the Department.

C. **Downtown Area.** Nonresidential uses within the area bounded by Third Street, Sixth Street, Pico Avenue, and Alessandro Avenue as depicted in Figure 3-16 (Downtown Area Subject to Reduced Parking Requirements) shall provide one-third of the number of spaces required in Section 17.330.050 (Number of Parking Spaces Required). A nonresidential use unable to provide the required parking, as reduced, may make in-lieu payments in compliance with Subsection D (In-Lieu Payments), below.

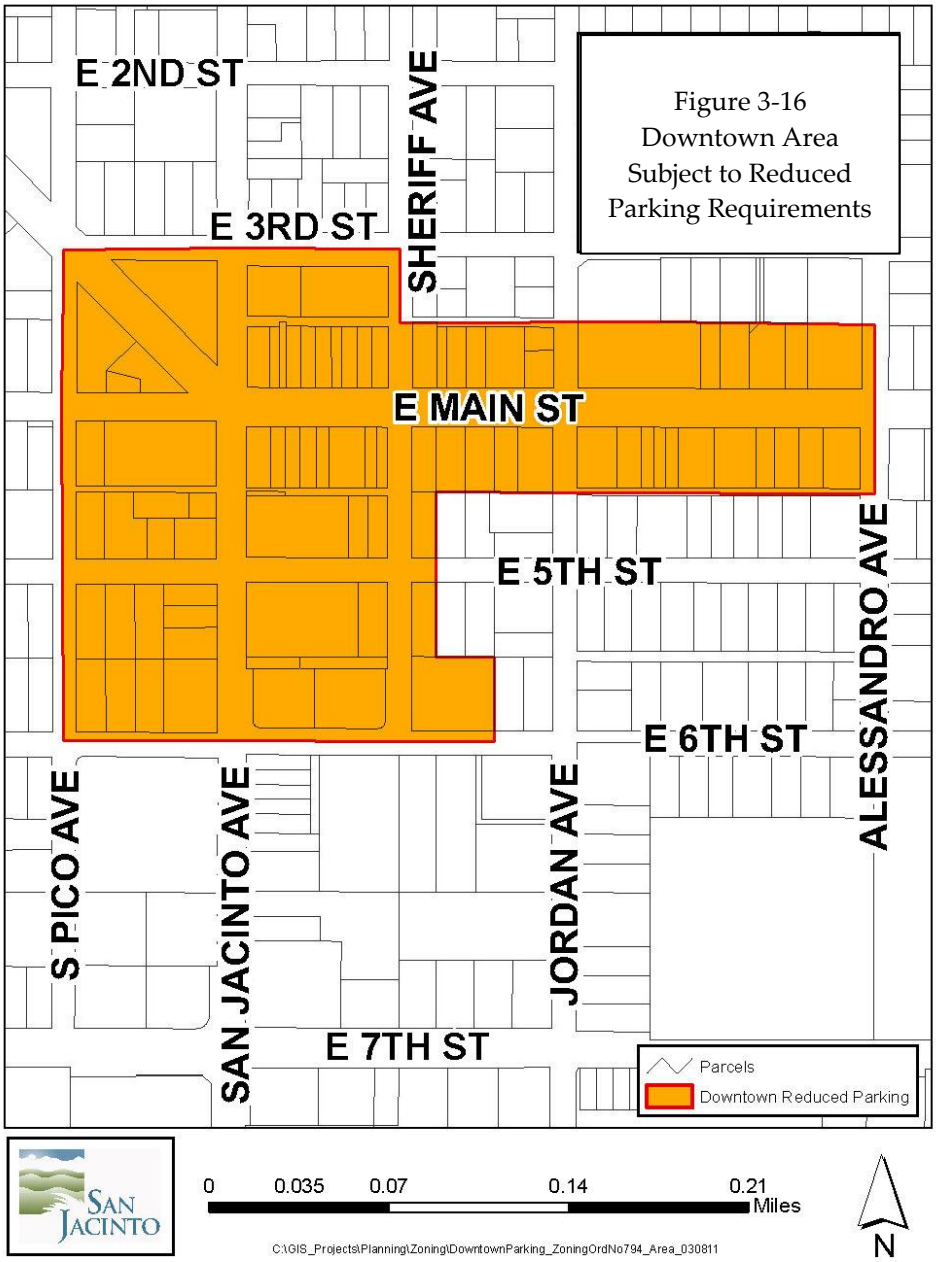


Figure 3-16
Downtown Area Subject to Reduced Parking Requirements

D. In-lieu payments.

1. **Cash in-lieu payment.** In commercial zones with public parking located within 600 feet of the proposed use, a parking requirement may be met by a cash in-lieu payment to the City before issuance of a Building Permit, or a Certificate of Occupancy, if no Building Permit is required.

2. **Fee to provide parking in vicinity.** The fee shall be collected and spent exclusively for the purpose of providing public off-street parking in the general vicinity of the use(s) for which the in-lieu payments were made.

3. **City may set limitations.** In establishing any parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be collected.

E. Reduced parking. The Director may reduce the number of parking spaces required by Sections 17.330.050 (Number of Parking Spaces Required) and 17.330.120 (Off-Street Loading Design and Development Standards) through approval of a Minor Variance in compliance with Chapter 17.650 (Variances and Minor Variances).

F. Excess parking.

1. **Excess parking discouraged.** The City discourages a land use being provided more off-street parking spaces than required by this Chapter in order to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.

2. **Up to five percent excess.** Off-street parking spaces up to a maximum of five percent in excess of the requirements in Table 3-5 may be allowed once during the lifetime of a project.

3. **Over five percent excess.** Any parking in excess of five percent over the requirements in Table 3-5 may be allowed only with Minor Use Permit approval in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits) and only when additional landscaping, pedestrian amenities and necessary storm drain improvements are provided to the satisfaction of the review authority.

17.330.070 — Disabled/Handicapped Parking Requirements

A. Accessibility requirements. Parking facilities and spaces shall be designed, located, constructed, and maintained to provide access for the physically disabled from public rights-of-way, across intervening parking spaces, and into structures. Standards for the

facilities shall be based on the standards of the American Standards Association and other applicable guidelines.

B. **Number, location of, and access to spaces required.** Parking spaces for the disabled shall be provided in compliance with the California Building Code, the Federal Accessibility Guidelines, the California Code of Regulations (Title 24, Part 2, Chapter 2-71), and with the sign requirements of the California Vehicle Code, Section 22507.8, as applicable. Parking spaces required for the disabled shall count toward compliance with the number of off-street parking spaces required by Section 17.330.050 (Number of Parking Spaces Required).

17.330.080 — Parking Design and Development Standards

Required off-street parking areas shall be designed, constructed, and maintained in compliance with this Section. In the event practical difficulties and hardships result from the strict enforcement of the standards due to existing permanent structures, or an irregular shaped parcel, the Director may approve a Minor Variance for standards, not to exceed 10 percent in compliance with Chapter 17.650 (Variances and Minor Variances).

A. **Site Plan.** In addition to the filing requirements in Section 17.630.040 (Application Filing, Processing, and Review), the site plan of a proposed project shall include a scaled drawing of the parking lot layout and shall indicate the following, when applicable:

1. Number of students at ultimate enrollment.
2. Number of beds.
3. Number of repair bays.
4. Number of classrooms.
5. Number of fixed seats.
6. Total floor areas in each structure within a project.
7. Total area of proposed outdoor uses.

B. **Location.**

1. **Residential uses.** Parking required to serve a residential use shall be located on the same parcel as each residential unit served. Shared driveways (i.e., driveways that provide access to several residences from a single egress point off of a local street) are encouraged.

2. Nonresidential uses.

a. Parking required to serve a nonresidential use may be located on the same or a different site under the same or different ownership as the use served; provided that the parking shall be located within the maximum distances of the uses served as shown in Table 3-6 (Maximum Distances for Off-Site Parking for Nonresidential uses). Where a distance is specified, the distance shall be measured from the nearest point of the parking facility to the nearest point of the structure or use served by the parking.

Table 3-6
Maximum Distances For Off-Site Parking For Nonresidential Uses

Uses	Maximum Distance Allowed
Convalescent homes	150 feet
Organizational Houses	150 feet
Hospitals	150 feet More than 150 feet if approved by Conditional Use Permit and if automatic gate or similar access control feature is installed
All other nonresidential uses	400 feet 600 feet for car sharing spaces

b. IL and IH zones adjacent to agricultural or residential zones. On an alley that is the boundary between an IL or IH zone and any residential or agricultural zone, the rear setback area may be used for parking and loading.

3. Bicycle spaces. See Section 17.330.110 (Bicycle Parking Standards) for size and location requirements for bicycle spaces.

C. Curbs and parking improvements.

1. Six-inch Portland-Concrete cement curb and gutters shall be installed, except that six-inch Portland-Concrete cement vertical curbs may be installed in-lieu of curb and gutters if no drainage is carried along curb line. Where a six-inch Portland-Concrete cement vertical curb is used, a two foot wide concrete gutter section shall be installed along the drainage line.

2. Curbs shall be installed at a minimum of five feet from the faces of walls, fences, or other structures. This requirement shall not apply to driveways that are not a part of the maneuvering area for parking.

3. Curb radius shall be three-foot minimum.

4. Parking lots may be surfaced with Portland-Cement Concrete with a minimum four-inch thickness over native soil compact to 95 percent compaction or asphalt concrete with minimum 2 1/2 inch thickness over four inches of Class III aggregate base compacted to 95 percent relative compaction, or pervious concrete or other alternatives may be approved by the Director and City Engineer.

5. Six-inch high concrete curbs with gaps for allowing drainage run-off into landscaped areas shall be installed to serve as wheel stops for motor vehicles, edging or planting areas, and protection for walls at entrances and exits, located no closer than five feet from any structure, hedge, fence, or wall.

D. Drainage. Parking areas shall be designed in compliance with the storm water quality and quantity standards in Chapter 17.520.050 (Water Quality).

E. Striping and identification. Parking stalls shall be clearly delineated with a four-to-six inch stripe - "hairpin" or elongated "U" design - or other approved striping or stall delineation.

F. Lighting.

1. Off-street parking for multi-family residential uses shall provide night lighting throughout the required parking area(s).

2. Nonresidential uses shall provide night lighting throughout required parking areas at all hours of customer and employee use.

3. Entries to parking areas for all multi-family residential uses and nonresidential uses shall provide safety lighting as approved by the Director.

4. Lighting shall be indirect, hooded, and arranged to reflect lighting away from adjoining properties and streets in compliance with Section 17.300.080 (Outdoor Light and Glare). Light standards shall be a maximum of 25 feet in height overall, as measured from the usable parking or driving surface. Up-lighting in landscaping, low level walk lights, and lighting diffused off of wall surfaces is encouraged.

5. Illumination of parking lots and adjacent pedestrian areas shall be required to provide a minimum of one foot-candle for all parking and pedestrian areas, and shall not exceed one-half foot-candle along lot lines of a project.

6. In consideration of the City's proximity to Palomar Observatory, the installation of low pressure sodium vapor is encouraged.

G. Access. Off-street parking shall be accessible as follows:

1. **Controlled access to off-street parking areas.** Off-street parking areas designed to control public access [i.e., gate] shall require approval from the Fire and Police Departments and the City Engineer. Ingress and egress design should facilitate proper vehicle maneuvering and "stacking" space to avoid internal and external traffic conflict. Suitable drop-off and pick-up areas are encouraged.

2. **Local and collector streets in residential zones.** Along local and collector streets in residential zones, single-family and two-family uses may use the street for maneuvering (i.e., driveway design may allow for backing out of a driveway to gain access to a public right-of-way).

3. **Secondary highways.** Single-family or two-family uses taking access from secondary highways, parcels with three or more dwelling units, and nonresidential uses shall provide suitable on-site maneuvering (i.e., driveway design shall not allow for backing out of a driveway to gain access to a public right-of-way).

4. **Access to adjacent sites.** Applicants for nonresidential developments are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement between the owners of the abutting properties that guarantees the continued availability of the shared access between the properties shall be recorded with the County Recorder and shall run with the land. The Director shall approve the form and substance of the agreement.

H. Circulation.

1. **Driveway widths.** Driveway widths shall be a minimum width of 25 feet. The distance from a wall to the closest curb at driveway entrances shall be a minimum of two feet. The Director may require a wider driveway to accommodate needs.

2. **Driveway location.** No driveway opening shall be installed closer than five feet to any side or rear lot line.

3. **On-site turnaround required.** Parking arranged in a manner that requires the backing of motor vehicles onto a major or secondary highway is prohibited in all zones.

4. **Parking lot layout.** Parking stalls, driveways, and landscape planters shall be arranged so that a free flow of vehicular traffic and adequate site clearances are allowed at all times. City standards and specifications relating to curve radii and similar maneuvering requirements shall apply.

5. Pedestrian movement.

a. To the maximum extent feasible, a site plan for proposed development shall separate movement of pedestrians from movement of motor vehicles and bicycles. At least one pedestrian route shall be provided that is uninterrupted by surface parking and driveways. Concrete walks with a minimum width of two feet shall be installed adjacent to end parking spaces.

b. Where complete separation of movement of pedestrians from movement of motor vehicles and bicycles is not possible, the site plan shall minimize potential hazards by using special paving, grade separations, pavement marking, directional signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use. The material and layout of any walkway shall be continuous as the pedestrian access crosses the driveway or aisle, with a break in continuity of the driveway or aisle paving and not in the pedestrian access way.

c. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to accommodate anticipated pedestrian and bicycle traffic volumes. The review authority shall be guided by the standards applicable to bicycle facilities (e.g., design of bicycle parking areas, directional pavement markings, signage, etc.) in the State Manual of Uniform Traffic Control Devices (MUTCD).]

d. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, bicyclists, and people pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the California Building Code and ramp standards associated with the Americans with Disabilities Act, and shall avoid crossing or directing traffic through loading areas, drive-in/drive-through lanes, and solid waste storage and collection areas.

e. Concrete walks with a minimum width of two feet shall be installed adjacent to end parking spaces, unless end spaces are at least 11 feet wide.

I. Parking space and lot dimensions.

1. Each parking space, drive aisle, and other parking lot feature shall comply with the minimum dimension requirements in Tables 3-7 and 3-8, below, and as illustrated in Figure 3-17 (Parking Area Layout).

Table 3-7
Parking Space Dimensions

Type of Space	Minimum Dimensions (1)	Notes
Single-Family Residential (1)		
Carports	9 ft wide by 20 ft deep by 7 ft high	(1)
1-Car Garage	10 ft wide by 20 ft deep	(1)
2-Car Garage	20 ft wide by 20 ft deep	(1)
3-Car Garage	30 ft wide by 20 ft deep	(1) (2) (3)
Other Residential		
Parking Structure	9 ft wide by 19 ft deep	(1)
Tandem Space	10 ft wide by 20 ft deep	(1) (4)
Non-Residential Uses		
Uncovered Space	9 ft wide* by 19 ft deep *10 ft wide for 1st parking space located closest to street for an angle parking layout	
Parking Structure	9 ft wide by 19 ft deep	(1) (3)
Parallel Space	8 ft wide by 22 ft long* *20 ft long if end space	
Handicap Space	See the California Building Code	
Bicycle Space	See Section 17.330.110 (Bicycle Parking)	

Notes:

(1) No affixed obstructions (e.g., water heaters, washers and dryers, sinks, furnaces/air conditioning units, etc.) shall intrude on required parking space areas. The measurements shall be from the face of interior walls, not including structure supports.

(2) Uncovered spaces not allowed for single-family residential uses.

(3) Maximum "garage face" of 50 % of total front façade.

(4) In approved mobile home parks.

Table 3-8
Parking Area Dimensions

Angle (degrees)	Stall Width (1)	Stall Depth (2)	Aisle Width (3)	
			One-Way	Two-Way
Parallel	8 ft	N/A	14 ft	25 ft
45	9 ft	19 ft	18 ft	N/A
60	9 ft	19 ft	20 ft	N/A
90	9 ft	19 ft	25 ft	25 ft

Notes:

(1) Structural elements shall not encroach into the required stall, with the exception of a one-foot square area at the front corners.

(2) A maximum of two feet of the parking stall depth may be landscaped with low-growing, hearty materials in lieu of paving or an adjacent walkway may be increased, allowing a two-foot bumper overhang while maintaining the required parking dimensions.

(3) A minimum aisle width of 42 inches shall be provided between rows of bicycle spaces.

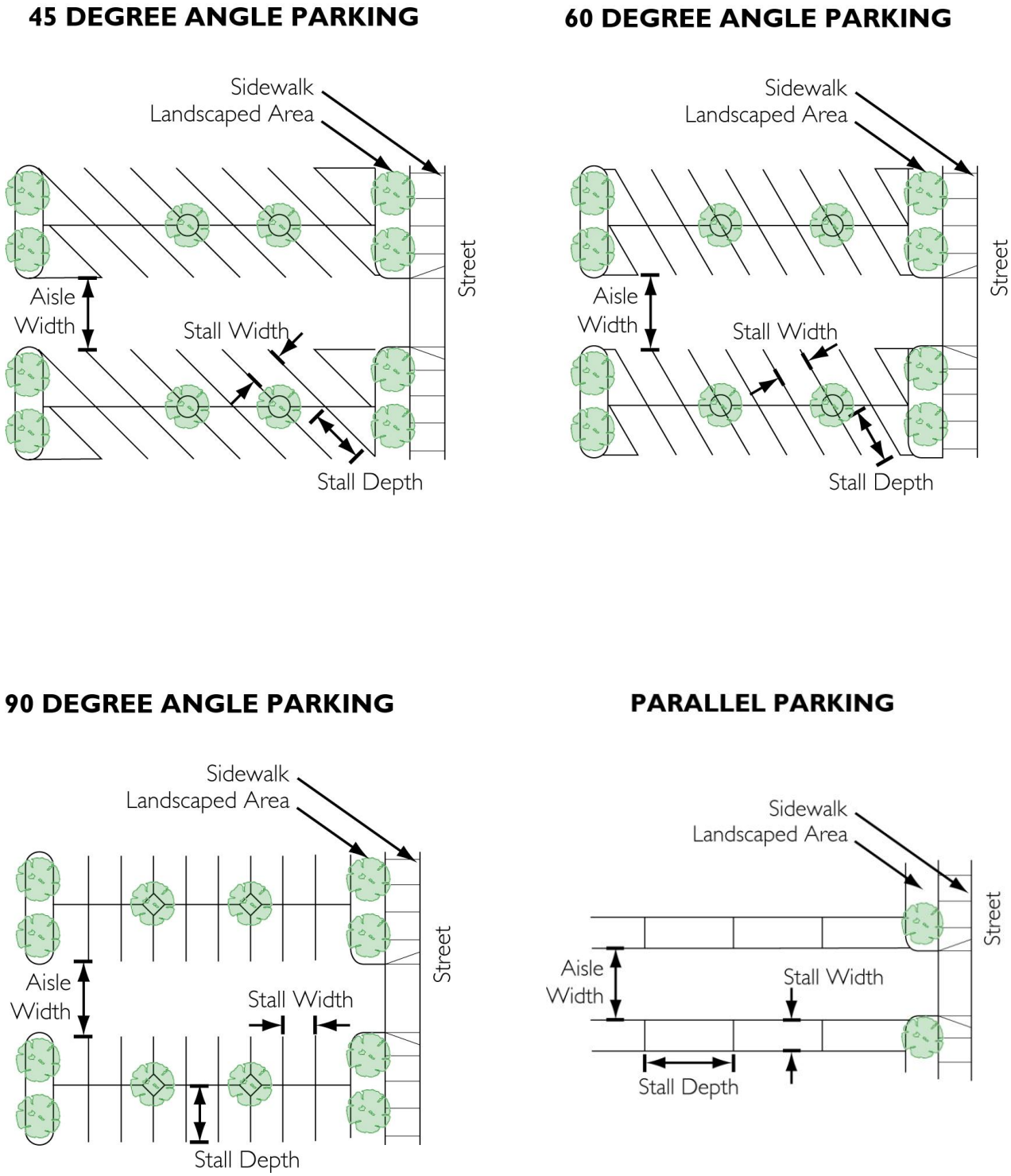


Figure 3-17
Parking Area Layout

17.330.090 — Landscaping Standards for Parking Areas

Landscaping shall be incorporated into the design of all off-street parking areas in compliance with this Section.

A. **Minimum required area.** All parking areas shall contain a minimum landscape area equivalent to five percent of the total parking area.

B. **Distribution.** Landscaping shall be distributed evenly throughout the parking area. The Director may approve the limited grouping of trees in order to achieve a desired theme or character of design.

C. **Landscape plan.** A landscape plan that complies with all requirements in the City's Landscape Design Guidelines shall be submitted to the Department for review.

D. **Landscape maintenance.** Planting areas shall be well-maintained in compliance with Subsection 17.330.030.C (General Parking Provisions - Maintenance).

E. **Screening of parking areas in Downtown Area.** For off-street parking areas in the Downtown Area identified in Figure 3-16 (Downtown Area Subject to Reduced Parking Requirements), the sides of the parking areas that are adjacent to or abutting:

1. A public right-of-way shall be screened from view from the public right-of-way by decorative fences and walls between three feet and four feet in height; or

2. Any parcel shall be screened along the interior side lot lines and rear lot lines by a six-foot high fence or wall, unless a joint access agreement has been entered into in compliance with Section 17.330.060 (Adjustments to Parking Requirements).

F. **IL and IH zones adjacent to agricultural or residential zones.** Where an IL or IH zone abuts or is adjacent to any residential or agricultural zone, a 15-foot wide strip that directly abuts any lot line shall be landscaped and continuously maintained. The next 35 feet (i.e., the strip from the interior edge of the 15-foot wide strip to the front setback line) may be used either for parking or landscaping but shall not be used for loading.

G. **Perimeter parking lot landscaping – Adjacent to streets and residential zones.**

1. Where the front, side, or rear of a parking area is located adjacent to a street, a landscaped border of not less than 10 feet in depth shall be installed adjacent to the property line.

2. Any parking area adjacent to a residential zone shall have a decorative solid masonry wall or landscaped berm that is a minimum of four feet in height. Any remaining area between the landscape border and the paved parking area shall also be landscaped. The wall or berm shall be reduced to 30 inches in overall height within any traffic safety visibility area in compliance with Section 17.305.150 (Traffic Visibility Area).

H. **Perimeter parking lot landscaping - Abutting residential zones.** Where the side or rear of a parking area located within a nonresidential zone directly abuts a residential zone, a decorative solid masonry wall six feet in height shall be installed on the boundary line. The wall shall be reduced to a maximum four feet in height within the front or side setback areas consistent with the requirements in Section 17.315.020 (Location, Height, and Type Standards), and a landscape border not less than five feet in width shall be installed on the nonresidential zone side between the wall and the paved parking area.

I. **Perimeter parking lot landscaping – Abutting nonresidential zones.** Where parking abuts a nonresidential zone, the adjacent property shall be protected from vehicles by landscaping, curbing, or wheel stops, unless a joint access agreement is in place in compliance with Subsection 17.330.080.G.4 (Access to adjacent sites).

J. **Islands and landscape planters.** Islands at the end of parking aisles shall be a minimum of eight feet in width. Landscape planters between parking islands shall be consistent with the City's Landscape Design Guidelines and shall be a minimum four-foot square). One landscape planter shall be required for every six parking spaces. See Figure 3-18 (Interior Parking Lot Landscaping).

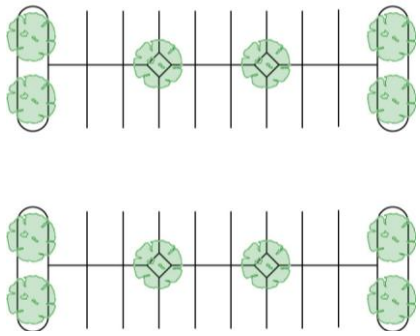


Figure 3-18
Interior Parking Lot Landscaping

K. **Loading/unloading areas – Abutting residential zones.** Where loading/unloading docks abut a residential zone, a 25-foot wide planting buffer area shall be provided, which shall be consistent with the City's Landscape Design Guidelines.

17.330.100 — Paving Limitations for Driveways in Residential Zones

A. **Driveways.** In compliance with Section 17.305.090 (Paving Within Residential Front Yard Area), paving for driveways in residential zones shall not exceed 35 percent of the required total front yard area. See Figure 3-3 (Limits on Paving and Hardscaping for Residential Front Yards). The Director may approve deviations from this standard for parcels of 50 feet or less in width.

B. **Zoning Clearance.** New driveway paving shall require a Zoning Clearance issued in compliance with Chapter 17.655 (Zoning Clearances).

17.330.110 — Bicycle Parking

Each multi-family residential project of five or more units and each nonresidential land use shall provide bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, in compliance with this Section.

A. **Number of spaces required.**

1. **Multi-family project.** A multi-family project of five or more units shall provide bicycle parking facilities equal to a minimum of 10 percent of the required motor vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle facilities shall be distributed throughout the project.

2. **Nonresidential project.** A nonresidential project (e.g., retail, office, etc.) shall provide bicycle parking facilities equal to a minimum of 10 percent of the required motor vehicle spaces, distributed to serve customers and employees of the project.

B. **Types of bicycle parking facilities.** Bicycle parking facilities may consist of any of the following:

1. **Parking racks.** Bicycle parking racks shall be designed to allow the bicycle to be securely locked in an upright position. The parking rack shall be of permanent construction (e.g., heavy gauge tubular steel) with angle bars permanently attached to the pavement. The design shall be approved by the Director.

2. **Lockers.** Bicycle storage lockers should be located close to building entrances, or on the first level of a parking garage and within range of security surveillance, and away from sidewalks and areas with high pedestrian traffic. Each bicycle storage locker shall be:

a. Large enough to accommodate the user's bicycle and associated items.

b. Fully enclosed and weather-tight.

c. Made of durable materials that resist theft and vandalism.

d. Accessible only to user and owner by a controlled access system that may use keys, swipe card (key fob) or an electronic key pad located on a locker door.

e. Installed on a level surface with clearance for locker doors.

f. Securely attached to the ground or floor by bolting them to a hard surface or fixing them in concrete with fasteners that cannot be removed by standard tools. Concrete is the preferred surface for maximum security although other surfaces may also be appropriate.

3. Site design standards and strategies.

a. Aisles. Access aisles to bicycle parking facilities shall be at least five feet in width.

b. Accessibility. Where possible, a site plan that includes stairways shall also include an alternative, level access route for bicycles. If it is not possible to provide an alternative access, a ramp or a small channel for bicycle wheels on the edge of a stairway shall be provided.

c. Space dimensions. Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance, with additional back-out or maneuvering space of at least five feet.

d. Location. Bicycle spaces shall be located within 50 feet of building entrances and shall be highly visible from the uses they serve. They shall not be located to interfere with pedestrian or motor vehicle traffic flow or to cause damage to plant material from bicycle traffic.

e. Relationship to motor vehicle parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

4. **Surface.** A hard surfaced parking area shall be provided.

5. **Signs.** Where bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the location of the facilities.

6. **Maintenance.** Damage to bicycle racks and lockers shall be repaired in a timely fashion and any derelict or abandoned bikes shall be removed so as not to prevent or discourage continued use of the racks and lockers.

17.330.120 — Off-Street Loading Design and Development Standards

A. **Number of loading spaces required.** Nonresidential uses with less than 10,000 square feet of gross floor area shall provide one off-street loading space, which may be combined with an off-street parking space. Nonresidential uses with 10,000 square feet of gross floor area or more shall provide off-street loading space(s) in compliance with Table 3-9, below. Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

Table 3-9
Required Loading Spaces

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Manufacturing, research and development, institutional, and service uses	10,000 – 30,000 sq ft	One
	30,001 sq ft or more	One for each additional 20,000 sq ft, plus additional as required by Director.
Office uses	30,000 to 60,000 sq ft	One
	60,001 + sq ft	One for each additional 30,000 sq ft, plus additional as required by Director.
Commercial and other allowed uses	10,000 to 20,000 sq ft	One
	20,001 + sq ft	One for each additional 10,000 sq ft, plus additional as required by Director.

B. Design and development standards for off-street loading areas.

1. **Dimensions.** Loading spaces shall be at least 10 feet in width, 25 feet in length, with 14 feet of vertical clearance.

2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting sources shall be shielded to prevent light spill beyond the property line. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structure(s) in compliance with Section 17.300.080 (Outdoor Light and Glare).

3. **Location.** Loading spaces shall be located and designed as follows:

   a. As near as possible to the primary structure and limited to the rear one-third of the parcel, if feasible;

   b. Situated to ensure that the loading facility is not visible from adjacent public rights-of-way or is properly screened from view;

   c. Situated to ensure that all loading and unloading takes place on-premises and in no case within an adjacent public right-of-way or other traffic circulation areas on-premises;

   d. Situated to ensure that all vehicular maneuvers occur on-premises; and

   e. Situated to avoid adverse impacts upon neighboring residential properties.

4. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

5. **Dock-high loading areas.**

   a. Dock-high loading areas shall not face public rights-of-way unless adequately screened from view. Screening shall consist of a solid decorative masonry wall. The height of the screening shall be determined by a line-of-sight study that illustrates where the top of the wall will intercept a line-of-sight drawn from the eye level of the occupant of a passing motor vehicle, adjudged to be five feet above the ground level, located in the farthermost travel lane of the adjacent public right-of-way to the top of the loading door opening. See Figure 3-19 (Line of Sight Study).

b. A minimum 120-foot deep maneuvering area shall be provided in front of each dock-high loading door.

c. Dock-high loading doors shall be closed when not in use.

d. Dock-high doors that face sensitive receptors (e.g., residential uses, hospitals, schools, etc.) shall be fitted with a rubber boot or similar sound-muffling material.

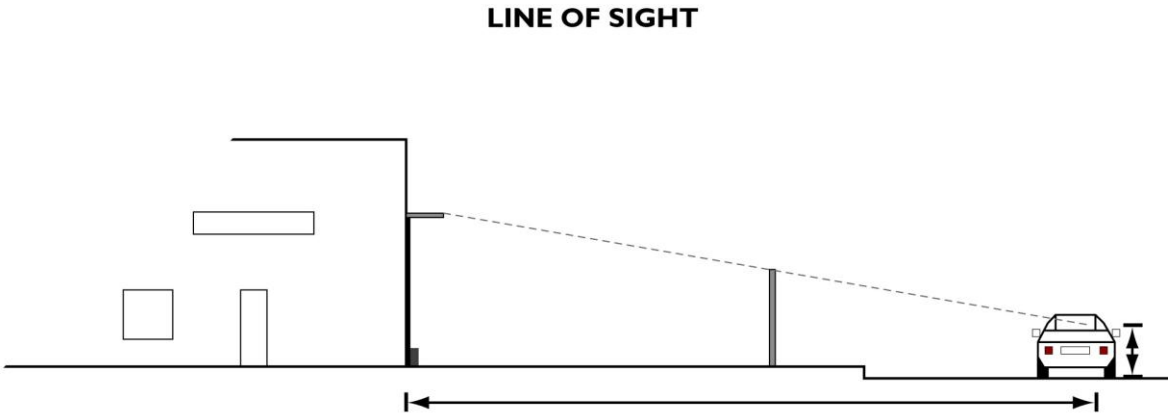


Figure 3-19
Line of Sight Study

Chapter 17.335 — Sign Regulations

Sections:

17.335.010 — Purpose
17.335.020 — Applicability
17.335.030 — General Provisions
17.335.040 — Definitions
17.335.050 — Prohibited Signs
17.335.060 — Standards for All Types of Signs
17.335.070 — Standards for Permanent Signs
17.335.080 — Standards for Specific Types of Permanent Signs
17.335.090 — Standards for Signs for Specific Uses
17.335.100 — Standards for Temporary Signs
17.335.110 — Guidelines for Signs in Downtown Area
17.335.120 — Procedures for Sign Permits, Exemptions, and Revocations
17.335.130 — Comprehensive Sign Program
17.335.140 — Maintenance
17.335.150 — Enforcement
17.335.160 — Nonconforming Signs
17.335.170 — Abandoned Signs
17.335.180 — Illegal Signs

17.335.010 — Purpose

Because of the need to protect and enhance the City's unique character, to protect public safety and property values, and to promote economic development and tourism through enhanced aesthetic appeal, the Council finds that proper sign control is an important governmental interest. Therefore, the intent of the standards in this Chapter is as follows:

A. Provide each sign user an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs by appropriately regulating the time, place, and manner under which signs may be displayed.

B. Preserve and enhance the community's appearance by regulating the type, size, location, quality, design, character, scale, color, illumination, and maintenance of signs.

C. Encourage well-designed signs that attract and invite rather than demand the public's attention.

D. Encourage the design of signs that are complementary to the structures and uses to which they relate and that are harmonious with their surroundings.

E. Ensure freedom of expression for sign uses, including noncommercial speech, by maintaining a content-neutral approach to sign regulation.

F. Enhance the safety of motorists and pedestrians by minimizing the distraction of intrusive signs, as well as to protect the life, health, property, and general welfare of City residents and visitors.

G. Provide a review process for signs to ensure compliance with the requirements of this Chapter.

17.335.020 — Applicability

A. Regulatory Scope. This Chapter regulates signs, as defined in this Chapter, that are placed on private property or on property owned by public agencies other than the City and over which the City has zoning authority.

B. Applicability. The regulations in this Chapter shall apply to all signs in all zones that come within the regulatory scope as defined in Subsection A, above, unless specifically exempted. Sign Permits shall be required in compliance with Section 17.335.120 (Procedures for Sign Permits, Exemptions, and Revocations). In addition, the provisions of Municipal Code Title 15 (Buildings and Construction) relating to building and electrical codes, fees, penalties, and a method of enforcement shall also apply. Applications for Sign Permits that comply with all of the applicable requirements of this Chapter, and other applicable laws, shall be granted. Signs approved in conjunction with any other application shall be consistent with this Chapter, unless modified by a discretionary permit. Where approval of a Conditional Use Permit, Minor Use Permit, Minor Variance, Site Plan and Design Review, or Variance has been obtained, any applicable conditions of that approval shall supersede the requirements of this Chapter.

C. Sign Permit Required. A Sign Permit shall be required for all signs, including change of copy allowed under the provisions of this Chapter. Only signs that comply with all of the applicable provisions of this Chapter shall be granted. Content of a noncommercial message shall not be considered when any required Sign Permit application is reviewed. Content of a commercial message shall be considered only to the extent required to determine whether the sign is an on-site sign. Refer to Section 17.335.120 (Procedures for Sign Permits, Exemptions, and Revocations).

D. **Nonconforming signs.** An existing legally allowed sign that does not conform to the requirements of this Chapter shall be deemed a nonconforming sign and shall be subject to the requirements of Section 17.335.160 (Nonconforming Signs).

E. **Planned developments.** Sign regulations contained in an approved Planned Development Permit shall not be less restrictive than the regulations in this Chapter. If the Planned Development Permit does not provide regulations for a particular sign type or situation, the requirements of this Chapter shall prevail.

F. **Specific plans.** Sign regulations contained in an adopted specific plan document shall not be less restrictive than the regulations in this Chapter. If the adopted specific plan does not provide regulations for a particular sign type or situation, the requirements of this Chapter shall prevail.

17.335.030 — General Provisions

The policies, rules, and regulations stated in this Section apply to all signs subject to compliance with this Chapter.

A. **Content neutral regulation.** It is the City's policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages. For the purposes of this Chapter, a content-neutral regulation is a so-called "time, place, or manner" regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed.

B. **Regulatory interpretations.** Interpretations of the requirements of this Chapter shall be exercised in light of the City's content 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 the California Building Code, 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.

C. **Substitution of messages.** Signs authorized by this Chapter are allowed to carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without an additional permitting process. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent an 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 signs on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly constructed.

D. **Rules for non-communicative aspects of signs.** Rules and regulations concerning the non-communicative aspects of signs, (e.g., number, type, location, size, height, illumination, spacing orientation, etc.), stand enforceable independently of any permit or review process.

E. **Mixed-use projects and multiple use zones.** In a mixed-use structure or in a zone where both residential and nonresidential uses are allowed, the sign rights and responsibilities applicable to a particular use shall be determined as follows:

1. Residential uses shall be treated as if they were located in the residential area where that type of use would be allowed as a matter of right; and

2. 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.

F. **Billboard policy.** The City completely prohibits the construction, erection, or use of billboards (i.e., off-site advertising signs), 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 was first adopted. The City adopts this policy in compliance with California Government Code section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). Permits shall not be issued for billboards that violate this policy, and the City will take immediate abatement action against billboards constructed or maintained in violation of this policy. The Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Chapter. The Council intends for this billboard policy 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 provision does not prohibit agreements to relocate existing, legal billboards, as encouraged by California Business and Professions Code Section 5412.

G. **Property owners' consent.** Signs shall not be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this regulation, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control, or use of the property.

H. **Legal nature of sign rights and duties.** As to all signs attached to property, real or personal, the sign 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 provision does not modify or affect the law of fixtures, sign-related provisions in private leases, easements, mutual covenants or equitable servitudes regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

17.335.040 — Definitions

A-Frame Sign. A portable freestanding sign that is hinged, folded, or otherwise angled at the top and widens at the bottom to form a shape similar to the letter "A".

Abandoned Nonconforming Sign. A nonconforming sign that is advertising a use that has ceased, or is located upon a structure that has been abandoned for more than 90 days. See "Abandoned Sign." For the purposes of this definition, abandonment for the applicable 90-day period shall be deemed conclusive evidence of abandonment irrespective of the property, sign, or business owner's intent.

Abandoned Sign. A sign that is advertising a use that has ceased; is located upon a structure that has been abandoned by its owner; does not identify or advertise a current bona fide business, lessor, service, owner, or product available upon the site; or that identifies or advertises an event or activity that has previously occurred. See Section 17.335.170 (Abandoned Signs) for timelines for determining abandonment.

Address Sign. The numeric reference of a structure or use to a street included as part of a sign.

Animated Sign. A sign that uses movement, lighting, or special materials to depict action or create a special effect or scene. This classification includes wind-actuated and other elements (e.g., balloons, bunting, pennants, streamers, whirligigs), or other similar devices.

Awning. A roof-like structure usually covered in fabric (e.g., canvas) that projects from the wall of a structure for the purpose of shielding a doorway or window from the elements.

Awning Sign. A sign painted on, printed on, or attached to the surface of an awning. See Figure 3-20 (Awning Sign).

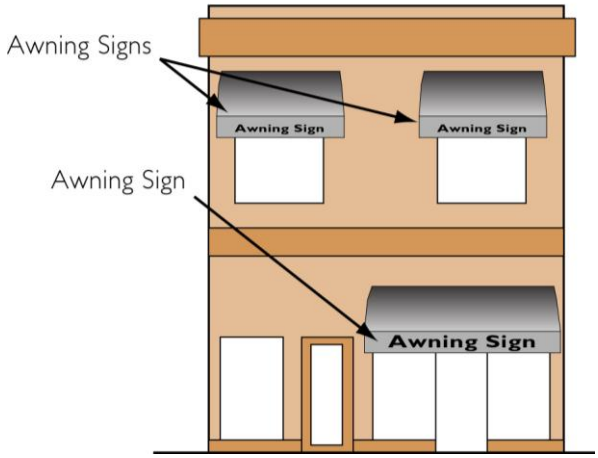


Figure 3-20
Awning Sign

Back-Lit Awning. An internally illuminated, fixed, space-frame structure with translucent, flexible, fabric reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework.

Billboard. A permanent structure used for the display of off-site commercial messages.

Blade/Bracket Sign. A small, pedestrian-oriented sign that projects perpendicular from a structure (blade sign) or is hung beneath a canopy (bracket sign).

Building Marker. A sign indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

Building Sign. A sign attached to or painted on a building.

Cabinet Sign. A sign that has one or more plastic, acrylic, or similar material faces (panels) that may or may not be internally illuminated. The sign panels may be either flat or shaped ("pan face") and are attached to a metal frame (cabinet).

Canopy. A permanent roof-like structure of rigid or fabric materials extending from the main entrance of a structure and typically supported by posts at the corners furthest from where the canopy attaches to the structure. See also "Awning."

Canopy Sign. A sign located on a permanent roof-like structure or canopy of rigid or fabric materials extending from the main entrance of a structure. See Figure 3-21 (Canopy Sign). See also "Blade/Bracket Sign."

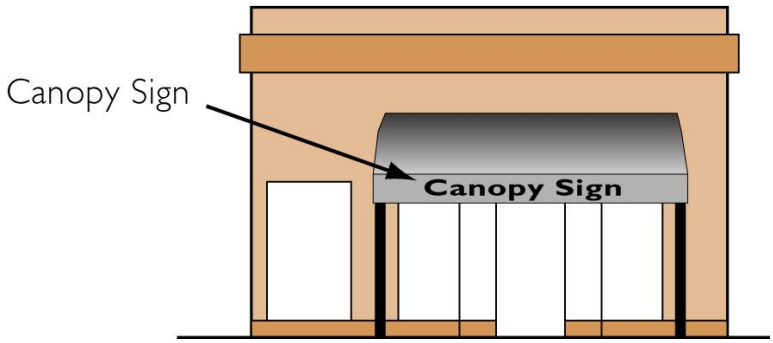


Figure 3-21
Canopy Sign

Changeable Copy Sign (electronic). A sign with changeable copy that is changed by incorporating video display, flip-disks, incandescent lamps, fluorescent lamps, fiber optics, light-emitting diodes, liquid crystal displays, plasma-displays, field emission displays, or any other mechanical or light-emitting matrix to convey changing copy or images. Also considered an animated sign. See Figure 3-22 (Changeable Copy Signs).

Changeable Copy Sign (manual). A sign with changeable copy that is manually changed, regardless of method of attachment or materials of construction. This classification includes bulletin boards and changeable copy signs on marquees. Does not include electronic message boards with lighted displays. See Figure 3-22 (Changeable Copy Signs).

Figure 3-22
Changeable Copy Signs

Commercial Mascot. Humans or animals used as advertising devices for commercial establishments, typically by the holding or wearing of signs, insignia, masks, or costumes associated with or advertising the commercial establishment. Includes sign twirlers, sign clowns, etc.

Commercial Message. A message displayed on a sign that relates primarily to economic interests (e.g., the exchange or sale of goods or services). This definition shall automatically incorporate court rulings defining the term "commercial speech."

Construction Project Sign. A temporary sign erected on a parcel where construction is taking place.

Content Neutrality. See Section 17.335.030 (General Provisions).

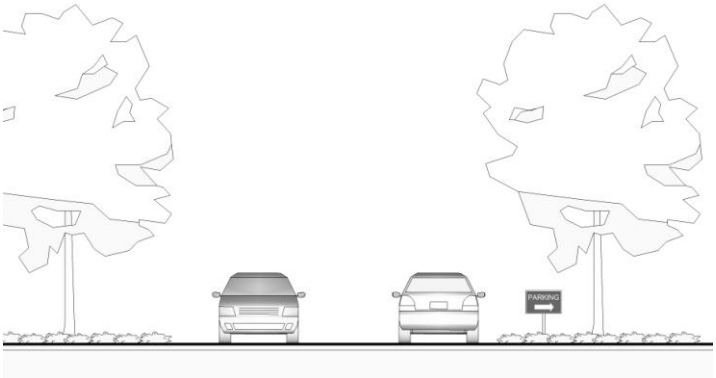
Copy. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Department. The Planning Department of the City of San Jacinto.

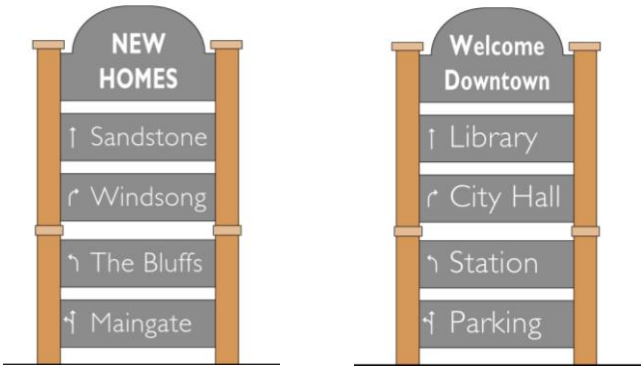
Directional Sign.

On-Site Directional Sign. An on-site sign giving directions for traffic, instructions, or facility information of an establishment but with no advertising copy (e.g., stop signs, parking, or exit and entrance signs). See Figure 3-23 (Directional Sign).

Off-Site Directional Sign. An off-site sign giving directions to businesses, sales offices, model home complexes, or points of interest, etc., but with no advertising copy. See Figure 3-23 (Directional Sign). See Subsection 17.335.090.H (Standards for Signs for Specific Uses – Kiosk/off-site subdivision directional signs) and Subsection 17.335.090.I (Standards for Signs for Specific Uses – Off-Site Directional Signs).



On-Site Directional Sign



Off-Site Directional/Kiosk Sign

Figure 3-23
Directional Sign

Director. The Planning Director of the City's Planning Department, or the Planning Director's designee.

Directory Sign. A sign listing the tenants or occupants of a building or building complex.

Display Surface. The area made available by the sign structure for the purpose of displaying the advertising message.

Double-Faced Sign. A sign designed with the intent of providing copy on both sides. See Figure 3-24 (Double-Faced Sign).

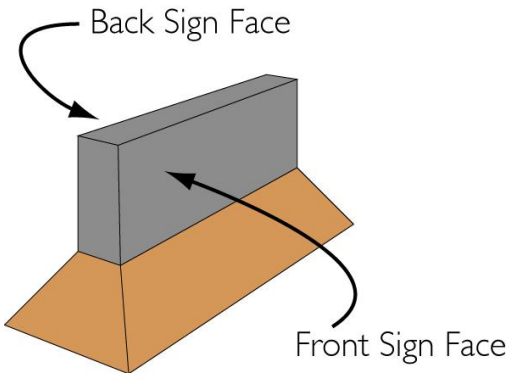


Figure 3-24
Double-Faced Sign

Establishment. A legal, nonresidential use of land to conduct a commercial or noncommercial activity. By way of example and not limitation, "establishment" includes stores, offices, places of worship, hospitals, manufacturing facilities, etc. Does not include home-based occupations or hobbies.

Façade. The entire building elevation, including the parapet.

Face of Sign. The area of a sign on which the copy is placed.

Fascia. Typically, the smooth wall surface between a window and the parapet.

Flag. A rectangular or cylindrical piece of fabric of distinctive design that is used as a symbol, as a sign device, or as a decoration.

Flashing Sign. A sign that displays an intermittent or sequential flashing light source.

Freestanding Sign. A sign supported permanently upon the ground by a structure and not attached to a building. This includes monument signs and pylon signs. See "Monument Sign" and "Pylon Sign." See Figure 3-25 (Types of Freestanding Signs).

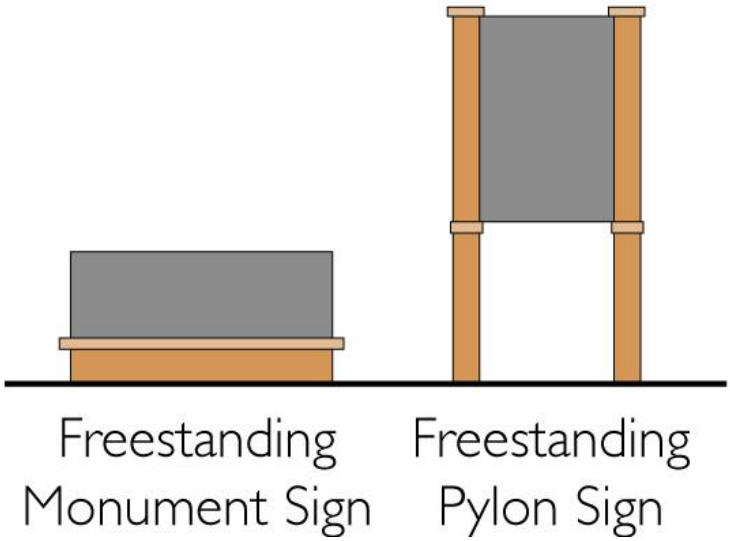


Figure 3-25
Types of Freestanding Signs

Frontage.

Building Frontage. The structure elevation that fronts on a street, alley, driveway, parking area, pedestrian plaza, walkway, courtyard, or arcade.

Building Frontage, Primary. The side or façade of a structure that abuts the front yard of the parcel on which the structure is located. See Figure 3-26 (Frontages).

Building Frontage, Secondary. The side or façade of a structure that abuts the street side yard of the parcel on which the structure is located. See Figure 3-267 (Frontages).

Street Frontage. The length of the property line of a parcel along a right-of-way on which it borders.

Tenant Frontage. That portion of a multi-tenant building facade that is devoted to a single tenant.

Figure 3-26
Frontages

Human Sign-Holder. Someone who applies an advertisement on his or her person. Most commonly, this means holding or wearing a sign of some sort. Sign holders are known as human directionals in the advertising industry, or colloquially as sign walkers, sign wavers, or sign twirlers. Frequently, they will spin or dance or wear costumes with the promotional sign in order to attract attention.

Illegal Sign. A sign installed without issuance of a Sign Permit; or that is not in compliance with this Chapter; or that is not a legal nonconforming sign.

Illuminated Sign. A sign lighted with an artificial light source for the purpose of decorating, outlining, accentuating, or brightening the sign area.

Externally Illuminated Sign. A sign illuminated from an exterior light source.

Indirectly Illuminated Sign. A sign whose illumination is derived entirely from an external artificial source that is arranged to illuminate the sign area only.

Internally Illuminated Sign. A sign illuminated from an interior light source contained within the sign cabinet.

Incidental Sign. A small sign, emblem, or decal informing the public of the facilities, trade affiliation, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business or presence of parking).

Inflated Display Sign. A three-dimensional object filled or activated by moving or non-moving air or other gas, located, attached, or tethered to the ground, site, merchandise, structure, or roof and used as a sign or to attract attention. This definition does not include inflated gymnasium-type jumping or sliding devices used temporarily for a non-advertising activity (e.g., children's parties, etc.).

Kiosk. See "Directional Sign."

Logo. An established trademark or symbol associated with a business or corporation.

Luminous Tube Signs. A sign that consists of or is illuminated by exposed electrically-charged gas-filled tubing, (e.g., neon and argon signs), or by fiber optics.

Menu Board. A permanently mounted sign displaying the bill of fare for a drive-through restaurant.

Menu Sign. Menu displayed on the exterior premises of a restaurant, visible from the public right-of-way.

Monument Sign. A freestanding sign, the structure of which is supported from finished grade, giving the appearance of having a solid base. See "Freestanding Sign."

Mural. An artistic image or design painted or affixed to the exterior surface of a wall that does not contain any commercial or noncommercial text or message nor relates to the business upon whose premises it is painted.

Nonconforming Sign.

> **Legal Nonconforming Sign.** A legal sign that lawfully existed before the effective date of this Development Code or amendment, and that does not comply with the minimum sign regulations of this Development Code. This also includes legal signs lawfully located on sites annexed into the City after the adoption of this Development Code.
>
> **Illegal Nonconforming Sign.** See Subsection 17.335.180.C. (Illegal Signs).

Noncommercial Message. A sign message that is not commercial in nature. This definition shall automatically incorporate court rulings defining the term "noncommercial speech."

Off-Site Sign. A sign erected on a parcel that is not the location of the business or use that the sign is advertising. See also "Directional Sign."

Off-Site Message. A message on a sign that advertises a business, accommodation, service, or activity not provided on the premises on which the sign is located. This classification includes billboards. The off-site/on-site distinction applies only to commercial messages.

On-Site Message. A message on a sign that advertises a business, accommodation, service, or activity provided on the premises on which the sign is located. The off-site/on-site distinction applies only to commercial messages.

Parapet. The extension of a false front or wall above a roofline.

Pedestrian-Oriented Sign. A sign that is designed for and directed toward pedestrians so that the pedestrians can easily and comfortably read the sign as they stand adjacent to it. A pedestrian-oriented sign is usually read from a distance of 15 to 20 feet.

Permanent Sign. A sign designed with durable materials and intended to be used in excess of 60 days per calendar year.

Pole Sign. A sign that is supported by a single pole or similar support structure so that the bottom edge of the sign is one foot or more above grade.

Political Sign. A temporary sign directly associated with national, state or local elections.

Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Projecting Sign. A sign that projects from and is supported by a wall of a building.
See Figure 3-27 (Projecting Sign).

Figure 3-27
Projecting Sign

Projection. The distance by which a sign extends from the building it is supported by. See Figure 3-28 (Sign Projection).

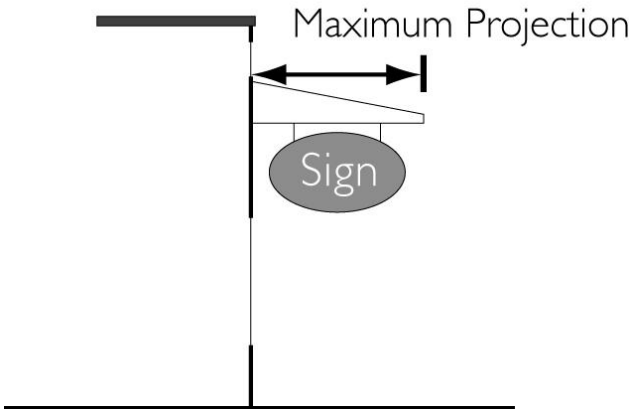


Figure 3-28
Sign Projection

Public Service Sign. Signs of utilities or other publicly regulated service providers indicating danger, and similar aids to service or safety, including official advisory and signal flags.

Pylon Sign. A sign that is supported by two or more uprights, poles, or braces in or upon the ground that are not a part of a building or enclosed within the exterior walls of a building and are separated from any other structures by a distance of at least six inches. This includes a sign that is supported by two or more poles that are surrounded by a decorative cover to form one solid sign support. See "Freestanding Sign."

Raceway. A channel for protecting and holding electrical wires and cables, typically a rectangular metal box for the electrical components of an illuminated sign consisting of channel letters. Pre-wired channel letters are mounted to the raceway, which in turn is mounted to a building wall. One set of wiring is then connected to the main circuit. The rectangular box (raceway) sets behind the attached letters and is not designed as an architectural feature. Typically, the raceway is painted to match the building wall color so that it blends in with the wall. See Figure 3-29 (Electrical Raceway with Channel Letter).

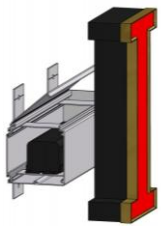


Figure 3-29
Electrical Raceway with Channel Letter

Real Estate Sign. An on-site sign advertising real property for sale, exchange, lease, or rent.

Roof Line. The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.
Roof Sign. A sign that is erected, constructed, or placed on or over the roof of a structure, to include a mansard roof, and that is partially or totally supported by the structure.

Service Station. For purposes of this Chapter, a commercial facility that sells gasoline, diesel, or alternative fuel for the on-site fueling of individual vehicles.

Sign. Any device, fixture, placard or structure, including its component parts, that draws attention to an object, product, place, activity, opinion, person, establishment, institution, organization, or place of business, or that identifies or promotes the interests of any person and that is to be viewed from any public street, road, highway, right-of-way or parking area. Does not include signs that are internal to a development (e.g., within a mall, office building, or multi-family building, etc.) and not visible from the public right-of-way.

The following are not within the definition of "sign" for regulatory purposes of this Chapter:

a. Architectural features. Decorative or architectural features of buildings (not including lettering, logos, trademarks, or moving parts).

b. Fireworks and other lights. The legal use of fireworks, spotlights, candles and artificial lighting not otherwise regulated by this Chapter.

c. 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 or located at least five feet inward from the interior face of the window, provided the building or enclosed structure is otherwise legal.

d. Legally required information (e.g., public notices, registration or licensing information, etc.).

e. 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.

f. Murals. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

g. Newsracks or newsstands.

h. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when they are permanently integrated into the structure or a permanent building that is otherwise legal; also includes foundation stones, corner stones and similar devices.

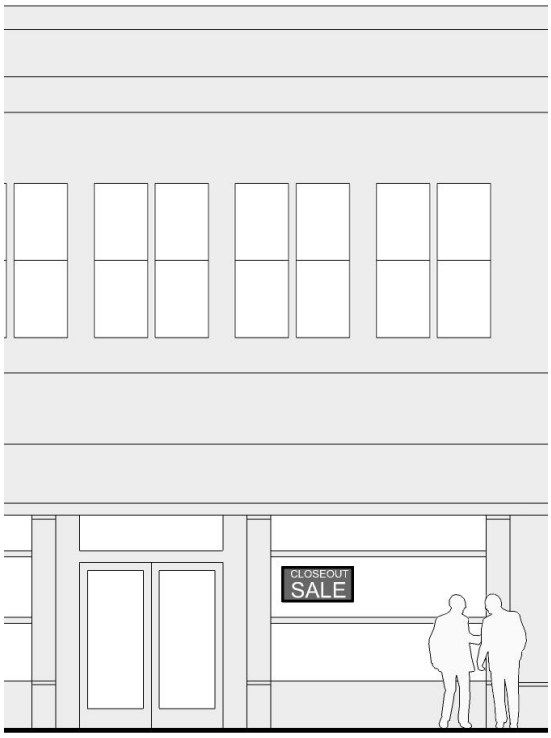
Sign Area. -See Section 17.335.060 (Standards for All Types of Signs).

Sign Height. See Section 17.335.060 (Standards for All Types of Signs).

Sign Program. See Section 17.335.130 (Comprehensive Sign Program).

Sign Structure. The sign, and the supports, uprights, braces, and framework of the sign.

Temporary Sign. A sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, fabric, cardboard, wall board, or other light nondurable materials, with or without frames, designed to be displayed for a limited period of time. Typically displayed by an establishment to promote a sale, new product line, management change, service, liquidation sales, going-out-of-business sales, person running for public office, and similar special activities or events. See Figure 3-30 (Temporary Signs).



Temporary Window Sign

Temporary Wall Sign

Figure 3-30
Temporary Signs

Time/Temperature Sign. An electronic or mechanical device that shows time or temperature but contains no business identification or advertising.

Trademark. A word, name or symbol which, with a distinctive type or letter style is associated with a business or business entity in the conduct of business.

Vehicle Sign. A sign painted, affixed, or placed upon a vehicle, or trailer that is designed to be towed behind a vehicle. On street legal vehicles, the following insignia are not considered to be "Vehicle Signs," and are not regulated as Vehicle Signs:

a. License plates.

b. License plate frames.

c. Registration insignia.

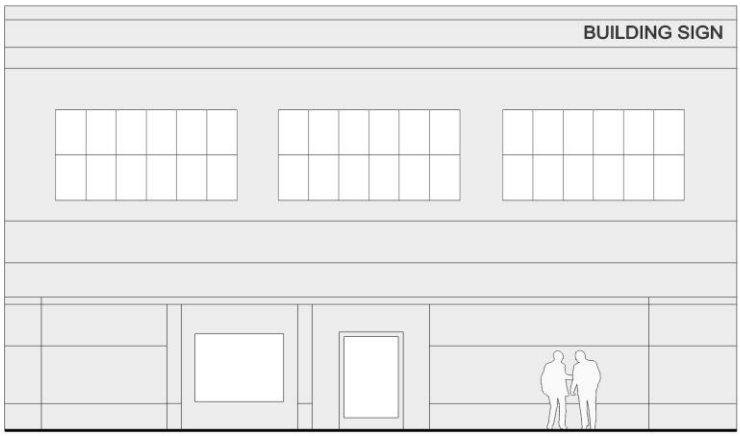
d. Noncommercial messages painted on or otherwise attached in a manner so that the vehicle can be legally operated on public rights-of-way, or any noncommercial message that does not exceed a total of three square feet in size.

e. Messages on a vehicle the primary purpose of which is to be used in the regular course of business to transport the personnel or products, or to provide the services (not including general advertising) that are advertised by the messages on the vehicle, provided that the messages are painted or otherwise attached in a manner so that the vehicle can be operated on public rights-of-way.

f. Commercial messages that do not exceed a total of three square feet in size.

g. Commercial messages on duly licensed mass transit vehicles that pass through the City.

Wall Sign. A sign attached to, erected against, painted on, or fastened to a wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall and that does not project more than 12 inches from the building or structure. A wall sign shall be limited to channel or painted lettering, with a hidden raceway, or a cabinet ("Cabinet Sign").
See Figure 3-31 (Wall Sign.)



Building Identification Wall Sign

Business Identification Wall Sign

Figure 3-31
Wall Sign

Window Sign. Any sign, whether or not temporary in nature, which is applied or attached to a window, or located within five feet of the inside of a window in a manner that it is visible from the exterior of the structure.

17.335.050 — Prohibited Signs

The following signs and sign types shall be prohibited throughout all zones in the City.

A. **Abandoned signs.** Abandoned signs, subject to Section 17.335.170 (Abandoned Signs).

B. **Painted fence or roof signs.** Signs painted on or attached to a fence or roof, excluding addresses required by police or fire regulations.

C. **Hazardous location.** Signs located so that the signs, or a portion of the sign or sign supports, interfere with the free use of a fire escape, exit or standpipe; or obstruct a required door, stairway, ventilator, or window; encroach into a public right-of-way; block the view of traffic control devices; or interfere with the traffic visibility area described in Section 17.305.150 or are otherwise hazardous.

D. **Off-site commercial messages.** Off-site commercial signs (i.e., billboards). Existing off-site commercial signs are considered nonconforming signs and are regulated by Section 17.335.160 (Nonconforming Signs).

E. **Beams of light.** No person shall erect or maintain any device that directs a beam of light, including klieg lights and searchlights, in a flashing sequence toward any street or highway, nor shall any person erect or maintain any illuminated sign or similar device that interferes with the visibility of any official traffic control device or warning signal.

F. **Luminous tube lighting (e.g., neon, rope lighting).** Luminous tube lighting shall not be used to outline or frame doors and windows.

G. **Confusing design.** Signs similar in color or design to traffic control signs, or signs that may mislead or confuse pedestrians or vehicle traffic.

H. **Prohibited sign types.**

1. A-frame signs or portable signs, except as provided by Subsection 17.335.120.B.2.m. (Exemptions to Sign Permit requirements – Portable parking lot and valet parking signs).

2. Animated, moving, flashing, blinking, reflective, revolving or any other similar sign (excluding electronic message boards).

3. Backlit awnings.

4. Banners, flags and pennants, except as allowed by Section 17.335.100 (Standards for Temporary Signs) or unless exempt as provided by Subsection 17.335.120.B. (Exemptions to Sign Permit requirement).

5. Chalkboards/blackboards.

6. Changeable copy signs, except as a component of another type sign allowed through the Comprehensive Sign Program (Section 17.335.130). Does not include fuel price signs at service stations.

7. Off-site signs and billboards, except as provided by Subsection 17.335.090.H (Standards for Signs for Specific Uses – Kiosk/off-site subdivision directional signs) and Subsection 17.335.090.I (Standards for Signs for Specific Uses – Off-Site Directional Signs).

8. Human sign-holders - commercial, as defined in Section 17.335.040 (Definitions).

9. Inflated display signs, except as otherwise allowed by Section 17.335.100 (Standards for Temporary Signs).

10. Roof signs.

11. Signs in or over public right-of-way, unless with an approved Encroachment Permit or approved as part of the City banner installation program in Section 17.335.100.C (Standards for Temporary Signs – Banner Installation Program for Banners Over City Rights-Of-Way).

12. Vehicle signs, as defined in Section 17.335.040 (Definitions).

13. Window signs exceeding 25 percent of the window area, except as provided in Section 17.335.120.B.2.j. (Exemptions to Sign Permit Requirement – Holiday window signs).

I. Repetitive sign copy. Multiple or repetitive signs or sign copies on the same frontage of a building.

17.335.060 — Standards for All Types of Signs

A. Compliance required. No person shall erect, re-erect, construct, maintain, enlarge, alter, change copy, repair, move, improve, remove, convert, or equip any sign or sign structure, or paint a new wall sign, in the City, or cause or permit the same to be done, contrary to, or in violation of, any provision of this Chapter.

B. Uncertainty of Chapter provisions. The Director shall have the authority to interpret the provisions of this Chapter. The Director may instead refer the request for interpretation to the Commission in compliance with Chapter 17.105 (Interpretation of Regulations).

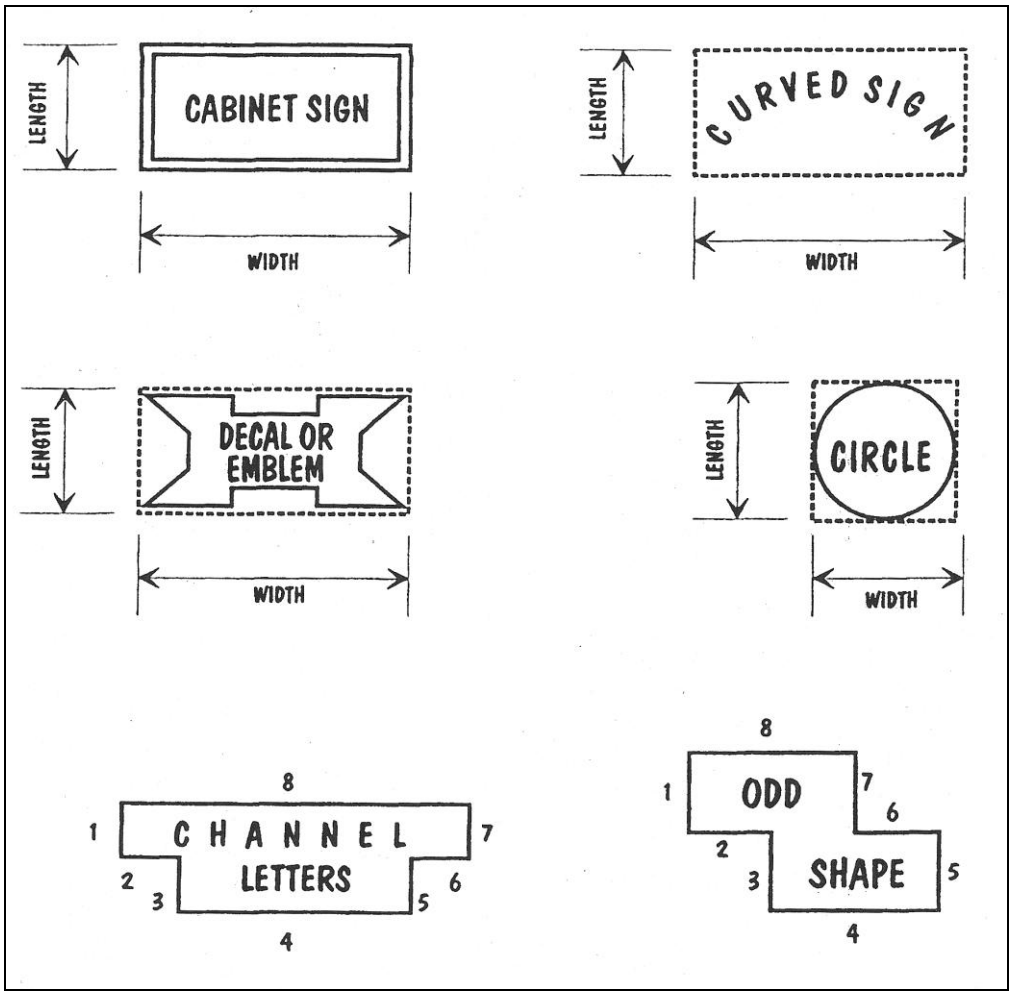
C. Sign construction. All signs that are not temporary signs shall be constructed of permanent materials, including but not limited to metal, wood, acrylic, or other comparable durable weatherproof materials. No material more combustible than treated wood shall be used in the construction of any permanent sign.

D. Sign area computation.

1. The maximum allowed sign area for a building sign is calculated by first determining if the sign is to be placed on a "primary" or "secondary" building/tenant frontage (as defined in this Chapter) and then referring to Tables 3-8 and 3-9 in Section 17.335.070 (Standards for Permanent Signs).

2. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage (e.g., an entrance facing a courtyard) (see Figure 3-27 (Frontages). For multi-tenant buildings, ground floor tenants may have their primary frontage determined independently of the rest of the building based upon these rules.

3. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, letters applied to the building without a distinctive background (e.g., channel letters), or other display within a single continuous perimeter composed of the smallest square, circle, rectangle, triangle or combination thereof with no more than eight lines. See Figure 3-32 (Sign Area Measurement).



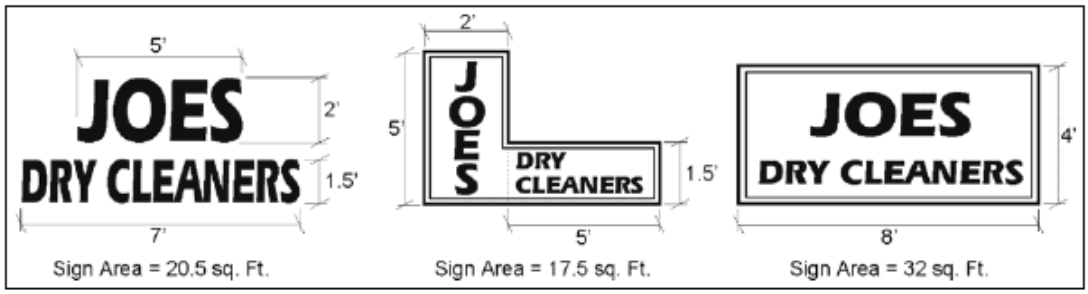


Figure 3-32
Sign Area Measurement

3. For an awning or canopy sign, sign copy that is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy.

4. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:

   a. A pole or other structural support unless the pole or structural support is illuminated or otherwise designed to constitute a display device, or a part of a display device. See Figure 3-33 (Calculation of Freestanding Sign Area).

   b. Features that are not an integral part of the sign (i.e., landscaping). See Figure 3-33 (Calculation of Freestanding Sign Area).

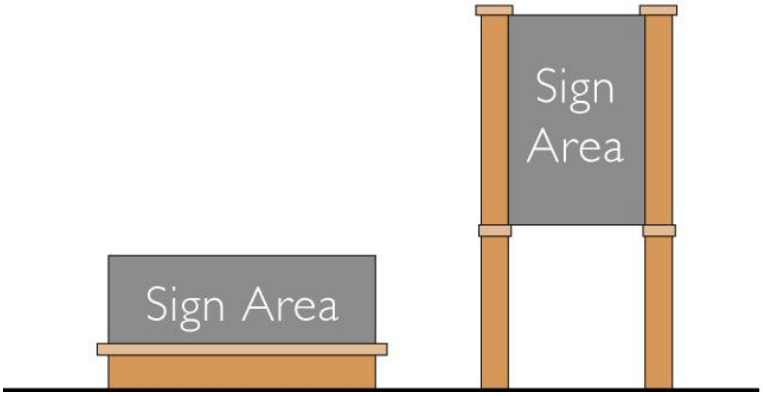


Figure 3-33
Calculation of Freestanding Sign Area

5. Only one face of a double-faced sign shall be counted in computing the allowed area of the sign. Double-faced (back-to-back) signs shall be regarded as a single sign when the sign is mounted on a single structure, and the distance between each sign face does not exceed two feet at any point. If the sign is multi-faced (e.g., more than two sides), then each face shall be counted in computing the allowed area of the sign.

6. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See Figure 3-34 (Sign Area Measurement for Three-Dimensional Objects). Signs may not contain three-dimensional objects that exceed a projection of six inches from the sign face.

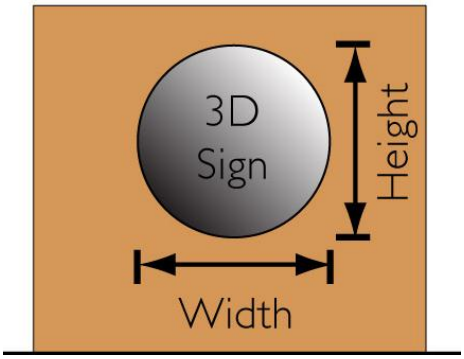


Figure 3-34
Sign Area Measurement for Three-Dimensional Objects

E. **Sign height measurement.** The height of a sign shall be measured from the highest part of the sign, including any decorative features, to the average grade of the adjacent street or the finished surface grade directly beneath the sign, whichever the Director determines is appropriate given the physical characteristics of the site.

F. **Maximum letter/logo height.** The maximum height of any letter, text, logo, or symbol shall be 36 inches.

G. **Sign removal or replacement.** When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the building.

H. **Illuminated signs and lights.** The following standards shall apply to all illuminated signs:

1. Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.

2. Signs may be internally or externally illuminated. Internal illumination is allowed only if the sign background is opaque and the only portion of the sign that appears as illuminated is the actual lettering and registered trademark or logo.

3. The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will create a negative impact on residential properties in direct line of sight to the sign.

4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

5. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.

6. Light sources shall utilize energy-efficient fixtures to the greatest extent possible.

7. Each illuminated sign shall be subject to a 30-day review period, during which time the Director may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming of any illumination found to be excessively bright or found to cause a nuisance. The Director's determination will be made without regard to the message content of the sign.

I. **Consistent design.** Where multiple signs are proposed, all signs shall be consistent in the type of construction material, letter size and style, and support method.

J. **Fire Department or Police Department requirements.** Building-mounted addresses required by the Fire Chief or Police Department shall not be counted as signs in compliance with Subsection 17.335.120.B. (Exemptions from Sign Permit Requirements).

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17.335.070 — Standards for Permanent Signs

A. Residential zones. Table 3-10 (Signs Allowed in Residential Zones) provides regulations for permanent signs in residential zones. References in the last column provide additional regulations for specific sign types located elsewhere in this Chapter. In the case of an inconsistency between regulations provided in the tables and regulations provided for specific sign types, the regulations for specific sign types shall take precedence.

Table 3-10
Signs Allowed in Residential Zones

Sign Class	Allowed Sign Types	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed
Name plate Single-family uses	Wall	1 per single-family use	2 sq ft	Below eave of roof or parapet	Near main entrance	Yes
Identification sign Agricultural uses	Freestanding	1 per agricultural use	12 sq ft	6 ft	Near main entrance	Yes Indirect only
Identification sign Multi-family uses	Wall(1) or freestanding sign	1 per multi-family use	12 sq ft	Wall sign: Below eave of roof or parapet. Freestanding sign: 6 ft.	Near main entrance	Yes
Residential community identification signs	Wall(1) or freestanding	2 per primary entrance	40 sq ft total	6 ft	At primary entrances to residential community	Indirect only

Notes:
(1) Cabinet signs are prohibited

B. Commercial, office, industrial, and institutional zones. Table 3-11 (Signs Allowed in Commercial, Office, Industrial, and Institutional Zones) provides regulations for permanent signs in commercial, office, industrial, and institutional zones. References in the last column provide additional regulations for specific sign types located elsewhere in this Chapter. In the case of an inconsistency between regulations provided in the tables and regulations provided for specific sign types, the regulations for specific sign types shall take precedence. Figure 3-35 (Examples of Sign Types) illustrates the typical mix of signs on a building in a commercial zone.

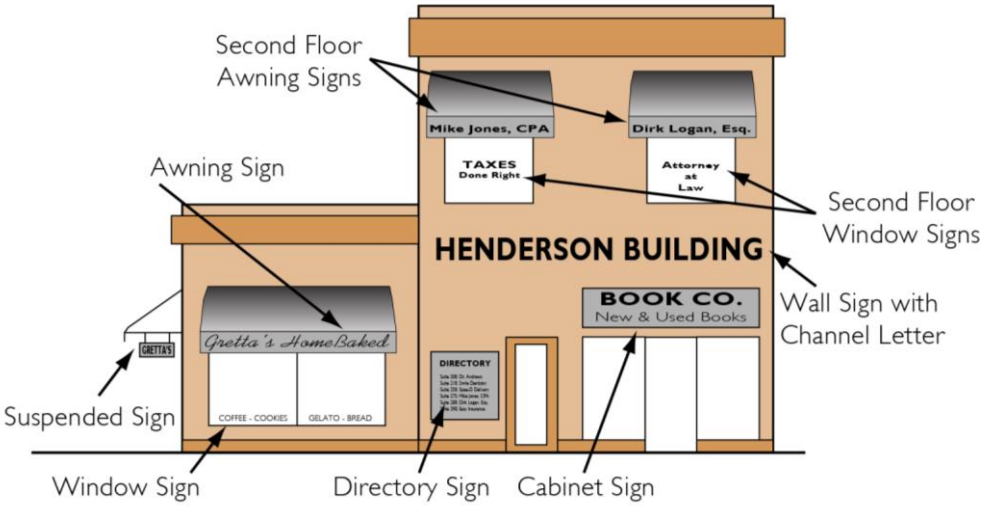

Figure 3-35
Example of Sign Types

Table 3-11
Signs Allowed in Commercial, Office, Institutional, and Industrial Zones

Allowed Sign Types	Maximum Number (1)	Maximum Sign Area	Maximum Sign Height	Notes
Freestanding Signs				
Sites with up to 300 lineal ft of street frontage	1 per primary street frontage 1 per secondary street frontage	Primary sign = 1 sq ft for each linear foot of primary building frontage Secondary sign = Max 50% of area of primary sign	Monument signs – 7 ft Pylon signs – 25 ft	May be used in combination with allowed building signs Lighting allowed.
Sites with over 300 lineal ft of street frontage	Approval of Comprehensive Sign Program required. See Section 17.335.130.			
Building Signs				
Canopy	Two per canopy if both are not visible at the same time.		At least one foot below the top of a parapet; the sill of a second floor window; or the lowest point of any cornice or roof overhang, whichever is applicable	May be used in combination with allowed freestanding signs
Primary Frontage Awning/Canopy, Blade/Bracket, Projecting,, and Wall Signs	One primary wall sign per primary building or tenant frontage One accessory wall sign per establishment for building with gross leaseable area of 10,000 sq ft or more One per awning. Two per canopy if both are not visible at the same time.	Primary wall sign = 32 sq. ft; or one sq ft per lineal foot of building frontage, whichever is greater, up to a maximum sign area of 150 sq ft Accessory wall sign = Area of all accessory wall signs not to exceed area of primary wall sign. Total area of all primary and accessory wall signs not to exceed 150 sq ft	At least one foot below the top of a parapet; the sill of a second floor window; or the lowest point of any cornice or roof overhang, whichever is applicable	Accessory wall signs allowed on building frontage containing primary wall sign. Wall signs allowed on second floor for tenants located on the second floor of multi-tenant buildings with exterior entrances. May be used in combination with allowed freestanding signs Lighting allowed.
Secondary Frontage Awning, Canopy, Projecting, and Wall Signs	For building with gross leaseable area of 10,000 sq feet or greater with a side street classified secondary or higher = One additional wall sign per establishment All other buildings:= One sign per secondary building frontage	Primary wall sign = 32 sq. ft; or one sq ft per lineal foot of building frontage, whichever is greater, up to a maximum sign area of 150 sq ft 50% of sign area allowed for primary building frontage total for any combination of building signs.	At least one foot below the top of a parapet; the sill of a second floor window; or the lowest point of any cornice or roof overhang, whichever is applicable	

Table 3-11
Signs Allowed in Commercial, Office, Institutional, and Industrial Zones

Allowed Sign Types	Maximum Number (1)	Maximum Sign Area	Maximum Sign Height	Notes
Temporary	See Section 17.335.100 (Standards for Temporary Signs).			
Window	See Subsection 17.335.080.J (Standards for Permanent Signs – Window Signs).			
Freestanding Signs				
Sites with up to 300 lineal ft of street frontage	1 per primary street frontage 1 per secondary street frontage	Primary sign = 1 sq ft for each linear foot of primary building frontage Secondary sign = Max 50% of area of primary sign	Monument signs – 7 ft Pylon signs – 25 ft	May be used in combination with allowed building signs Lighting allowed.
Sites with over 300 lineal ft of street frontage	Approval of Comprehensive Sign Program required. See Section 17.335.130.			

(1) Building signs include wall, projecting, window, and awning signs. All other signs (i.e., pedestrian oriented signs (blade/bracket), entry canopy signs, multi-tenant directory signs, and temporary signs are not included in the restriction on number of signs.

C. Open space zones. Signs in open spaces zones shall be subject to approval through a comprehensive sign program in compliance with Section 17.335.130 (Comprehensive Sign Program).

17.335.080 — Standards for Specific Types of Permanent Signs

A. Awning signs.

1. Lettering, logos, symbols, and graphics are allowed on up to 50 percent of the area of a shed (slope) portion of the awning and valance portion of the awning. Signs shall be applied on the outer face of and flat against the awning surface. In the case of a barrel shaped (curved) awning, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.

2. Only permanent signs that are an integral part of the awning shall be allowed. Temporary signs shall not be placed on awnings.

3. Awning signs shall be allowed for first and second story nonresidential occupancies only. Awning signs shall not be allowed above the second story.

4. The design and construction of awning signs shall be compatible with the predominant architectural and visual elements of the structure. Awnings shall conform to the size and shape of the window or door they are above. Overly large awnings and awnings with unusual shapes designed for the purpose of providing additional sign area are not allowed. The uppermost part of an awning shall not be located more than two feet above a window or door.

5. Awnings shall not be lighted from under the awning (back-lit awning) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

6. A minimum of eight feet of clearance shall be provided between the lowest part of an awning and the grade below. See Figure 3-36 (Height of Awning).

7. The maximum area for awning signs shall be calculated in conjunction with, and shall be subject to, the area requirements for wall signs in Table 3-11 (Signs Allowed in Commercial, Office, Industrial, and Institutional Zones) and in Subsection I, (Wall Signs), below.

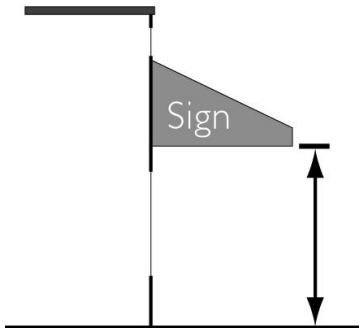

Figure 3-36
Height of Awning

B. Blade/bracket signs.

1. Signs may be placed perpendicular to the building façade (projecting) or mounted flat against the wall near the building entrance. Lower edge of the sign shall be at least eight feet above finished ground level.

2. Supporting arms or frames for projecting signs shall be of a decorative design compatible with the design of the sign.

3. Double-faced projecting signs shall be considered a single-face sign for the purpose of calculating sign area.

C. Canopy signs.

1. Signs shall be mounted only on the front or sides of a canopy, or suspended below.

2. Signs shall not project more than six inches from the face of a canopy.

3. Signs shall not extend above the top of a canopy.

4. A clear distance of eight feet shall be maintained from the lowest part of a suspended sign to the ground below.

5. The maximum area for canopy signs shall be calculated in conjunction with, and shall be subject to, the area requirements for wall signs in Table 3-11 (Signs Allowed in Commercial, Office, Industrial, and Institutional Zones) and in Subsection I, (Wall Signs), below.

D. Changeable copy signs. A sign that contains a changeable copy element may be allowed through the approval of a Comprehensive Sign Program in compliance with Section 17.335.130 (Comprehensive Sign Program). Approval shall not be based on message content.

E. Freestanding signs.

1. Freestanding signs include ground-mounted signs (monument) and pylon signs, which may either have a solid base or a base comprised of two legs. If legs are provided, the proportional dimensions of the sign shall comply with the requirements of subsection 3.c., below.

2. Freestanding signs shall be allowed only for parcels with at least 50 feet of frontage adjoining a public right-of-way. In addition, pylon signs are only allowed when a building is set back from the front property line a minimum of 40 feet.

3. Freestanding signs shall not exceed the following maximum height dimensions and shall not exceed the proportional dimensions provided below. See Figure 3-37 (Pylon Sign Proportions) and Figure 3-38 (Monument Sign Proportions).

   a. Pylon sign: Maximum height = 25 feet

   b. Monument sign: Maximum height = 7 feet

   c. Proportional dimensions shall be as follows:

1) Pylon Sign

Maximum W = 30% x H
Maximum LH = 33% x H
Maximum O = 50% x W
Minimum LW = 25% x W

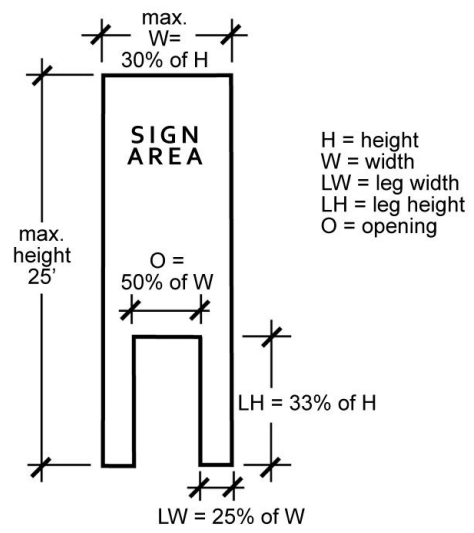

Figure 3-37
Pylon Sign Proportions

2) Monument Sign

H= height inclusive of the base
W= width exclusive of the base
Maximum W= 1.5 x H

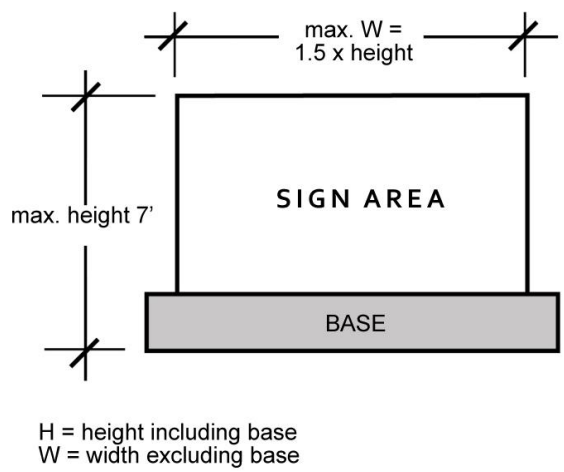

Figure 3-38
Monument Sign Proportions

4. Freestanding signs shall be set back a minimum of five feet from a lot line and a minimum of 10 feet from the edge of a driveway and shall comply with the location and height requirements in Section 17.305.150 (Traffic Visibility Area).

5. To ensure the readability of freestanding signs, the minimum letter size shall be 12 inches. Sign copy shall not be located closer than one half-letter height to the sign edge or other line of copy.

6. There shall be a minimum of 50 feet between freestanding signs on adjoining sites to ensure adequate visibility for all signs.

7. Freestanding signs shall be a minimum of 50 feet from a lot line of any residentially zoned property.

8. Freestanding signs shall not block visibility for motorists at intersections or driveways.

9. Freestanding signs shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.

10. The supporting structure of a pylon sign shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.

11. Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the sign or 75 square feet, whichever is greater. For example, 40 sq. ft. of sign area = 80 sq. ft. of landscaped area. The Director may modify this requirement on a case-by-case basis to take into account existing conditions.

12. Where there is a center name or identification that is separate from the primary tenant, the center name or identification shall be provided on the primary freestanding sign and shall be included in the allowable sign area.

13. Freestanding signs shall contain an address plate identifying the site address or range of addresses of the subject property. Numbers shall be a minimum of eight inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated against the allowed sign area.

F. Off-site directional signs. See Subsection 17.335.090.G (Standards for Signs for Specific Uses – Kiosk/off-site subdivision directional signs) and Subsection 17.335.090.H (Standards for Signs for Specific Uses – Off-Site Directional Signs).

G. Luminous tube signs. The use of luminous tubes for signs shall be allowed in commercial zones only subject to the following requirements.

1. Luminous tube lighting shall be listed with UL (Underwriters Laboratories) with a maximum 30 milliamps per circuit and shall have a dimmer to reduce the brightness.

2. The manufacturer shall be registered with Underwriters Laboratories.

3. Tubing shall not exceed one half inch in diameter.

4. Luminous tube lighting adjacent to residential uses shall not exceed one-half footcandle measured at the residential lot line.

5. Luminous tubes shall not be combined with any reflective materials (e.g., mirrors, polished metal, highly glazed tiles, or other similar materials).

6. Luminous tubes shall be considered part of a sign for purposes of calculating the borders of the sign area.

7. Luminous tube lighting that surrounds a window, door, or similar element or that is installed along roofs or that outlines buildings shall be prohibited.

H. Projecting signs.

1. Signs shall be located only on the wall frontage with the primary entrance to the structure.

2. A clear distance of eight feet shall be maintained from the lowest point of the projecting sign to the ground below. Projecting signs shall not project over any public rights-of-way.

3. The sign shall be attached to the wall so that there is no more than two feet from the nearest point of the sign to the wall.

4. All mounting hardware shall be concealed.

5. The maximum area of each sign face shall be 24 square feet.

I. Wall signs.

1. Signs shall be located only on a designated building frontage and shall not extend above an eave or parapet, or above or below a fascia on which they are located. See Figure 3-39 (Appropriate Wall Sign Location).

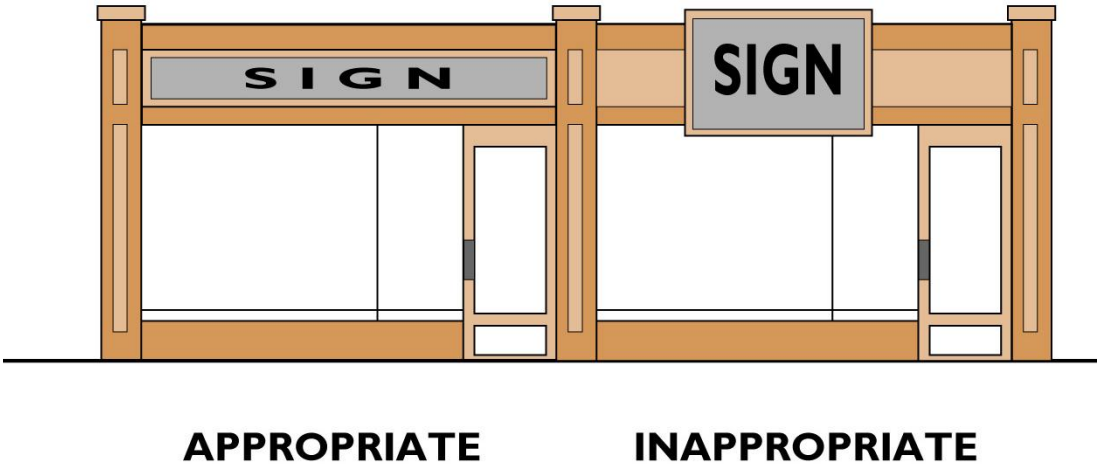

Figure 3-39
Appropriate Wall Sign Location

2. Signs located on adjacent walls on the same building shall be separated by a minimum of 30 feet measured along the exterior walls of the building. See Figure 3-40 (Required Separation of Wall Signs).

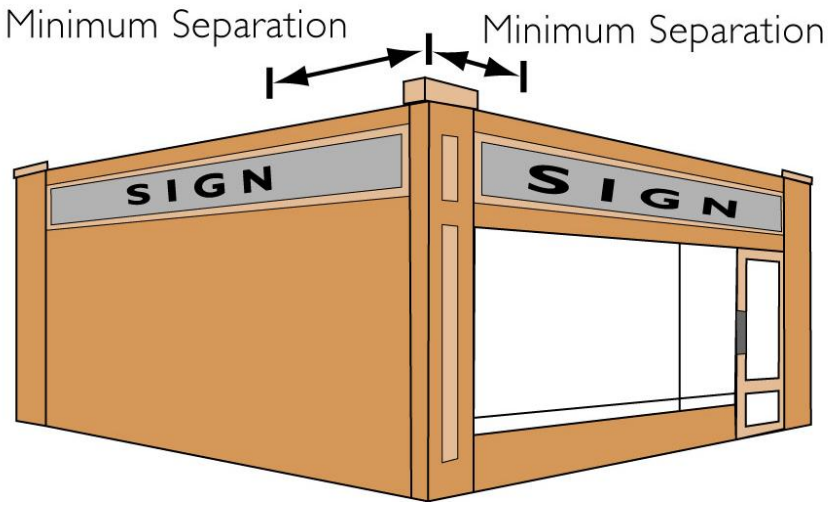

Figure 3-40
Required Separation of Wall Signs

3. Wall signs may be painted on a wall.

4. The letter height of accessory wall signs shall not to exceed 50 percent of the letter height of a primary wall sign (e.g., if letters on primary sign are 18 inches high, then letters on accessory wall sign cannot exceed nine inches in height).

5. Signs may be either internally or externally illuminated. Internally illuminated cabinet signs shall comply with the provisions of Subsection 17.335.060.H. (Standards for All Types of Signs – Illuminated Signs).

6. Electrical raceways shall be integrated with the overall design of the sign. Exposed raceways shall be prohibited.

7. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches.

8. Signs shall be located within the middle 50 percent of the building or tenant frontage measured from lease line to lease line. The Director may modify this requirement where it can be clearly demonstrated that it severely limits proper sign placement. See Figure 3-41 (Wall Sign Location on Building Frontage).

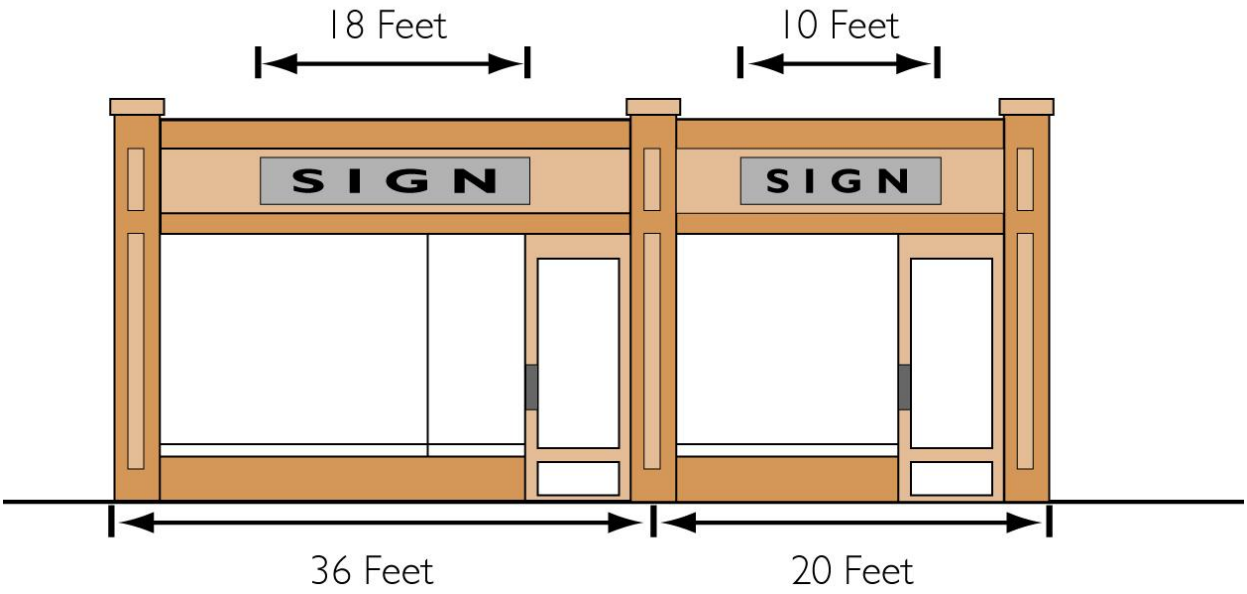

Figure 3-41
Wall Sign Location on Building Frontage

J. Window signs.

1. Window signs shall not occupy more than 25 percent of the total window area on either a designated primary or secondary building frontage. For the purpose of this requirement, a window is any glazed area, including glass curtain walls.

2. The placement of window signs shall allow for unobstructed observation by safety personnel (e.g., City police, private security, etc.)

3. Signs shall be allowed only on windows located on the ground floor and second story of either a designated primary or secondary building frontage. Window signs shall not be allowed above the second story.
4. Signs shall be permanently painted or mounted on the inside of windows and doors.

5. Interior signs within five feet of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.

6. Temporary window signs shall be allowed subject to the requirements of Section 17.335.100 (Standards for Temporary Signs), below.

17.335.090 — Standards for Signs for Specific Uses

A. Drive-through food service establishments. . In addition to the signs allowed in Table 3-11 (Signs Allowed in Commercial, Office, Industrial, and Institutional Zones), drive-through food service establishments shall be allowed the following signs:

1. One freestanding menu board with copy on a single face not to exceed 50 square feet in sign area and seven feet in height, located immediately adjacent to the drive-through lane, and readable only on-site.

2. One wall-mounted menu board not to exceed 15 square feet, located in the immediate area of the drive-through lane only, and readable only on-site; and

3. Directional signs shall be the least number to provide adequate directional information and to ensure safe circulation. Signs shall not exceed five square feet and shall be limited in copy to the terms “enter”, “exit” and directional arrows.

B. Home occupations. See Chapter 17.615 (Home Occupation Permits).

C. **Multi-tenant buildings.** Multi-tenant buildings are allowed tenant directory signs, each with a maximum area of eight square feet. No illumination is allowed. These business directory signs shall not count towards the maximum allowable sign area for a site.

D. **Service stations**. In addition to the signs allowed in Table 3-11 (Signs Allowed in Commercial, Office, Industrial, and Institutional Zones), service stations shall be allowed the following signs:

1. Stations shall be allowed one sign for each street frontage, not to exceed 74 square feet per sign.

2. Monument signs shall be located in a landscaped planter with a minimum area equal to the area of the sign.

3. Additional signs are allowed up to a maximum of six for each site, provided that the signs are located at the site of the service provided (e.g., air/water, lube, brakes, etc.) and that each sign does not exceed two square feet.

4. Instructional and warning signs and signs required or authorized by State or Federal law shall be exempt from the provisions of this Subsection.

E. **Places of assembly.** In addition to signs allowed in Tables 3-9 (Signs Allowed in Commercial, Office, Industrial, and Institutional Zones), facilities whose activities and events change on a regular basis (e.g., places of worship, skate rinks, theatres, stadiums, etc.) shall be allowed the following additional signs:

1. Canopy sign, one for each street frontage, either wall-mounted or freestanding, in which the area shall not exceed 50 percent of the allowable sign area for each sign type.

2. Theaters with three or more screens shall be allowed an additional 10 square feet of sign area for each screen.

3. Glass encasements for special advertisements shall be allowed to be affixed to the primary building. Encasements shall not exceed a width of three feet or a height of four feet, the number of which shall be approved by the Director.

4. Changeable copy signs.

F. **Subdivision model home.** Each model home featuring a water-saving landscape may display one additional four square foot sign in the front yard so that it is clearly visible to potential buyers. The sign shall indicate that the model features a watersaving landscape and irrigation design.

G. Kiosk/Off-Site Subdivision and Business Directional Signs. Kiosk signs may be installed in any zone, if they are a part of the City-approved program for designating and locating kiosk structures, and shall comply with the following:

1. Panel and sign structure (kiosk) shall be of uniform design and approved by the Director.

2. A sign structure shall be located not less than 600 feet from an existing or previously approved sign site. Further, each sign shall only contain the name of the subdivision or business and one directional arrow for each name.

3. The placement of each sign structure shall be reviewed and approved by the Director.
4. Signs shall be installed on a public right-of-way with an approved Encroachment Permit obtained from the Public Works Department and filed with the Department before the issuance of a Sign Permit.

5. A sign location plan shall be prepared showing the site of each directional sign and shall be submitted to the Department before the issuance of a Sign Permit.

6. No additions, tag signs, streamers, devices, display boards, or appurtenances shall be added to the signs after installation in compliance with the Sign Permit. No other directional signs (e.g., human sign holder, posters, or trailer signs) shall be allowed.

7. Temporary off-site directional signs ("bootleg") shall only be allowed in compliance with a resolution adopted by the Council, which outlines a program for their placement, removal, and administration.

H. Off-Site Directional Signs

1. Off-site directional signs shall be permitted for uses or establishments located within the City.

2. An “off-site directional sign” shall mean a sign that directs attention to a lawfully permitted use or establishment within the City, which sign is erected at a location other than the property on which the use or establishment is located, but which, when considering factors such as the proximity to the use or establishment, the size and configuration of the parcel(s) on which the use or establishment is located, and the size and configuration properties surrounding such property, should be considered “on-site”. For purposes of the foregoing definition, a sign that is proposed to be located 500 yards or more from the property at which the use or establishment is located shall be presumed to not

qualify as an "off-site directional sign", as permitted by this Section. It is the intent of the Council, in allowing such signs, to provide for public safety by directing traffic off the streets of San Jacinto at appropriate locations to minimize traffic congestion, to maximize the orderly flow of traffic, to protect vehicular and pedestrian traffic, and to enhance the aesthetics of the City by reducing excessive numbers or heights of signs.

a. Number permitted. One (1) such sign may be permitted for each use or establishment. Additional signs shall be permitted if additional entrances exist to the use or establishment, and such additional signage would aid in the identification of the use or establishment. The City may require multiple uses/establishments to erect and share space on one or more sign structures, to establish a sign program, or both.

b. Sign design, location and size:

(1) Off-site directional signs shall be attached to an existing free-standing sign whenever possible. When an existing free-standing sign is not available, sign location and type shall be determined by the zone in which the sign is proposed to be located.

(2) Total cumulative sign area on the site displaying the off-site directional sign shall not exceed that which would otherwise permitted by this Chapter for the type of sign, were the sign located on the property to which it provides direction.

(3) Each sign may only contain the identification of the use or establishment on the property for which it was approved, or any subsequent or additional use or establishment occupying that property.

(4) The design of each off-site directional sign shall be uniform and subject to the approval of the Director.

c. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the off-site directional sign as originally approved.

d. Permission from the owner, and any lessee(s), of the property where the off-site directional sign(s) is located shall be submitted to the Director, along with a sign permit application.

e. Notwithstanding the provisions of this Section, the Council may, by adoption of a resolution, authorize establishment of a thematic, uniform

off-site directional sign program in conjunction with efforts to beautify City streets and public rights-of-way. Size, location, and design of off-site directional signs permitted under a City beautification program shall be established in the resolution authorizing the program."

17.335.100 — Standards for Temporary Signs

A. **Garage sales.** See Municipal Code Chapter 5.24 (Garage Sales) for regulations about garage sale signs.

B. **Special event signs.** Temporary signs for special events (e.g., carnivals, charitable events, grand openings, holiday sales, parades, promotional sales, etc.) sponsored by a governmental, 501(c), or for-profit organization may be allowed subject to approval of a Temporary Sign Permit and the following:

1. Special event signs shall be limited to the duration of the sale or event, but in no case shall a promotional sign be in place in excess of 45 consecutive days.

2. There shall be a break of at least 45 days between the end of one 45 day posting or placement period and the beginning of another 45 day posting or placement period.

3. Special event signs shall be limited to 180 total days per calendar year.

4. Special event signs may only include balloons, inflated display signs, banners, flags, pennants, and streamers. Promotional signs shall at all times be maintained in good and attractive condition, and shall be secured so as not to cause any safety hazards or constitute a nuisance.

5. Banners shall not exceed 15 feet in length or three feet in height, and may be displayed on wall or fence areas only. The number of banners per occupant shall not exceed one per street frontage.

6. Use of search lights and beacons may be included in an application for a temporary sign permit for promotional purposes, but the use shall be limited to no more than three consecutive days, with a break of at least 90 days, no more than four times per calendar year.

C. **Banner Installation Program for Banners Over City Rights-Of-Way.**

1. Notwithstanding other provisions of this Zoning Code, the City of San Jacinto may install banners over City rights-of-way regarding community and special

events sponsored or co-sponsored by the City, or for displaying City messages or greetings.

2. The Director shall establish a written banner installation program, including banner application and approval guidelines, to regulate the installation of banners requested by a co-sponsoring organization over a City right-of-way.

3. Banners shall be installed in compliance with the banner program established by the Director.

4. The intent of this Section is to retain the character of the areas over City rights-of-way as a nonpublic forum, but non-profit or other organizations co-sponsoring an event with the City may apply for installation of banners advertising or promoting the co-sponsored event.

5. The City may open or close any or all of the City rights-of-way to the banner installation program at any time.

D. Window signs.

1. Temporary window signs shall not occupy more than 25 percent of the total window area on either a designated primary or secondary building frontage. For the purpose of this requirement, a window is any glazed area, including glass curtain walls.

2. The placement of window signs shall allow for unobstructed observation by safety personnel (e.g., City police, private security, etc.)

3. Signs shall be allowed only on windows located on the ground floor and second story of either a designated primary or secondary building frontage. Window signs shall not be allowed above the second story.

4. Signs shall be painted or mounted on the inside of windows and doors.

5. Interior signs within five feet of a storefront window shall be counted as window signs for the purpose of calculating area of window coverage.

6. Permanent window signs shall be allowed subject to the requirements of Section 17.335.080 (Standards for Specific Types of Permanent Signs).

17.335.110 — Guidelines for Signs in Downtown Area

This Section reserved for future use.

17.335.120 — Procedures for Sign Permits, Exemptions, and Revocations

A. Sign Permits.

1. Sign Permit required (including Temporary Signs).

a. To ensure compliance with the regulations contained in this Chapter, a Sign Permit shall be required in order to erect, move, alter, change copy on, or reconstruct any permanent or temporary sign or sign structure except for signs exempt from permits in compliance with Subsection B, below. Sign Permits are also required for signs approved through a Comprehensive Sign Program as provided in Section 17.335.130.

b. An application for a Sign Permit shall be made in writing on forms provided by the Department.

2. Approving authority. The Director shall review all Sign Permit applications for conformance with the provisions of this Chapter. For signs that comply with the provisions of this Chapter and do not require discretionary review:

a. The Director shall approve or disapprove the permit application within 90 days from the receipt of a complete application and the applicable fees.

b. Failure of the Director to approve or disapprove the permit application within the 90 days shall result in the permit being disapproved.

c. If the application is disapproved, the Director shall notify the applicant with the reason(s) stated for disapproval. Notification shall be sent first class United States mail to the address provided on the application that shall be considered the correct address. Each applicant has the burden to furnish any change of address to the Director, by United States certified mail, return receipt requested.

d. In the event an application is disapproved, the applicant may appeal the Director's decision in compliance with Section 17.600.020 (Authority for Land Use and Zoning Decisions).

B. Exemptions to Sign Permit requirement. Sign Permits shall not be required for the signs listed as exempt in this Subsection. Exempt signs shall not be included in the

determination of the total allowable number of signs or total allowable sign area for a site or project. However, exempt signs shall be required to adhere to the regulations established for each sign type. Signs erected without complying with the applicable regulations are considered illegal and shall be removed in compliance with Section 17.335.190 (Illegal Signs). An exempt sign may still require a Building Permit, subject to the provisions of Municipal Code Title 15 (Buildings and Construction).

1. **Routine Maintenance.** Painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign and therefore shall not require a Sign Permit, unless structural changes are made.

2. **On-Site, Non-Illuminated Signs.** The following on-site, non-illuminated signs shall not require issuance of a Sign Permit:

   a. **Incidental Signs.** Signs or notices that are incidental to an establishment (e.g., hours of operation, menu, credit card information, emergency contact information, etc.) provided that the signs do not exceed four square feet in area for all of the signs combined. Incidental window signs shall not be included in permanent window sign area calculations, except if illuminated.

   b. **Building and Civic Markers.** Memorial signs, plaques, and associated displays installed by civic organizations recognized by the City.

   c. **Bulletin Boards.** Bulletin boards for any legal, noncommercial establishment, when located on the premises of the establishment and not over 12 square feet in area.

   d. **Change of Copy.** Changing the copy in approved changeable copy signs in existence as of the date of adoption of this Chapter, or approved through the Comprehensive Sign Program (Section 17.335.130).

   e. **Construction Project Signs.** Real estate and construction signs not in excess of one for each street frontage, 32 square feet or less in area and less than seven feet in height. The time period for the temporary sign begins with the issuance of a Building Permit, or its functional equivalent, and ends with the issuance of the earliest of the following: a Certificate of Completion, a Certificate of Occupancy, a final inspection sign-off, or the functional equivalent of any of them.

   f. **Directional Signs.** Signs solely for the purpose of guiding pedestrian and motor vehicle traffic, parking, and loading on private property subject to approval by the Director. One safety or directional sign for each

vehicle entry to a site with a maximum area of three square feet for each sign. Maximum sign height shall be four feet. Additional signs may be allowed with approval of a Comprehensive Sign Program (Section 17.335.130).

g. Flags.

(1) Flags that are 15 square feet or less when placed on a flagpole less than 25 feet in height and bearing noncommercial messages or graphic symbols (e.g., national state, or local government flags; national or international organizations; etc.). Flags bearing commercial messages shall not be displayed in residential zones.

(2) A maximum of three flags with an aggregate area of 45 square feet may be displayed on any single parcel. However, one flag up to 45 square feet in area and bearing an on-site commercial message may be displayed on each parcel in nonresidential zones.

h. Garage sale signs. See Municipal Code Section 5.24 (Garage Sales).

i. Government Signs. A sign erected by a Federal, State, County, agency, or the City.

j. Holiday Window Painting. Signs and decorations painted on or applied to windows pertaining to holidays and seasonal events. All signs and decorations shall be removed within 10 days following the applicable holiday.

k. Interior signs. Interior signs, as defined in Section 17.335.040 (Definitions).

l. Official signs. Official and legal notices or signs issued or placed by a court or government agency.

m. Political Signs. Up to three political signs, with a maximum total sign area of six square feet and a maximum height of four feet, per parcel in any zone for a period not to exceed 14 days following the conclusion of the campaign.

n. Portable Parking Lot and Valet Parking Signs. One freestanding portable sign at each parking lot entrance limited to 10 square (2'x5') feet in area. A valet parking plan approved by the Director shall indicate the

location of the sign to ensure that the sign does not interfere with driver visibility or pedestrian movement.

o. **Public Service Signs.** Public service signs authorized by Federal, State, or municipal agencies.

p. **Real Estate Signs.**

(1) **Residential zones.** In compliance with *Civil Code Section 713*, real estate signs are allowed, on a temporary basis, in residential zones, subject to the following:

(a) One sign per parcel, except as provided in Subparagraph (e), below;

(i) The sign shall not exceed four square feet;

(ii) The sign may have one rider not to exceed one square foot (See Figure 3-42 (Real Estate Sign);

(iii) The sign may include one brochure box not to exceed 154 square inches. For purposes of this section, a brochure box means a plastic or metal container designed to hold brochures or flyers describing or advertising the real property for sale, lease, rent, or exchange;

(iv) The overall height of the installed sign, rider, and brochure box shall not exceed four feet above ground unless the sign is mounted flush to a wall.

(b) The sign shall be placed on the parcel for sale, lease, rent, or exchange and shall not be installed in a manner that creates a hazard for traffic or pedestrians;

(c) No flags, pennants, balloons, or other attention-attracting devices shall be displayed;

(d) The sign shall be removed immediately after the sale, lease, or rental of the property has been consummated;

(e) Residential subdivisions shall be allowed one real estate sign not exceeding 20 square feet in area that advertises the first sale of structures and lots for a period of time not

to exceed one year following the recordation of the final subdivision map.

(2) **Nonresidential zones.** Properties in nonresidential zones shall be allowed one temporary real estate sign not exceeding 20 square feet in area that advertises the sale, rental, or lease of the premises upon which the sign is located; the directions to the property; and the owner's or agent's name and contact information. Permanent installations of real estate signs shall be subject to the standards for permanent signs in this Chapter.

Figure 3-42
Real Estate Sign

q. **Site Address.** Limited to one freestanding or wall sign, which only indicates the street address of the property on which the sign is located, for each street frontage, provided that the total aggregate sign area does not exceed four square feet. If a freestanding sign, the sign shall be setback at least five feet with a height no greater than 30 inches.

r. **Time or temperature signs.** A time or temperature sign does not count towards the otherwise applicable limits as to number and size of signs for the property on which it is located, provided that the sign:

(1) Shall have a maximum area of 36 square feet and shall comply with the height requirements established in Table 3-11 (Signs Allowed in Commercial, Office, Institutional, and Industrial Zones) for the type of sign (building/freestanding) to which it is attached.

(2) Shall be designed in a manner that is architecturally compatible with other signs and with the structure on which it is placed.

s. **Vehicle signs.** Signs attached to vehicles that do not meet the criteria of "vehicle sign," as defined in Section 17.335.040 (Definitions). Signs that do meet the criteria of vehicle sign are prohibited as provided in Section 17.335.050.

t. **Window signs.** Window signs limited to painted signs on glazing, poster paper signs, and place cards attached to the inside of glazing of store fronts, provided that no more than 25 percent of the window area is covered. In the case of convenience stores and other similar retail establishments, views from the public right-of-way to the cash register area shall not be impeded. The intent is to provide visibility of the sales counter for increased public safety.

u. **Other features.** Other features that do not fall within the meaning of sign, as defined in Section 17.335.040 (Definitions).

C. Findings for approval. The approval of a Sign Permit for an individual sign or for a Comprehensive Sign Program shall require that the review authority first make all the following findings, as applicable:

1. The proposed signs comply with the standards of this Chapter.

2. The height, size, location, and orientation of the proposed signs are appropriate for the site.

3. The placement and size of the signs will not impair the visibility of existing signs on adjacent properties.

4. The placement and size of the signs will not impair pedestrian or vehicular safety.

5. The proposed signs are of a color, letter type, material, shape, and style that are compatible with the scale and architectural style of the primary structures on the site and complementary to the structures on adjacent properties on the same street. To the extent feasible, the design should emphasize simplicity of style.

6. Sources of illumination shall be screened from public view and shall be designed to avoid glare onto a public right-of-way or adjacent property.

D. Expiration and extension of Sign Permit.

1. An approved Sign Permit shall expire 12 months from the date of approval unless the sign has been installed, or a different expiration date is stipulated at

the time of approval. Before the expiration of a Sign Permit, the applicant may apply to the Director for an extension of an additional 12 months from the original date of expiration. In response to an extension request, the review authority may make minor modifications, or deny further extensions.

2. The expiration date of the Sign Permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits.

E. Revisions to Sign Permit. The Director may approve minor changes to an approved Sign Permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new/revised Sign Permit by the Director in compliance with Section 17.660.100 (Changes to An Approved Project).

F. Revocation of Sign Permit.

1. The Director may, in writing, suspend or revoke a Sign Permit if the permit was issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Chapter, or if the permitted sign violates any applicable law.

2. Within 15 days after issuance of the written notice, any sign authorized by the revoked Sign Permit shall be removed.

3. Failure to remove the sign display within the 15-day period shall be a violation of this Development Code, and the sign shall be deemed a public nuisance.

G. Appeal. The applicant may appeal the denial of a Sign Permit application in compliance with Chapter 17.715 (Appeals).

17.335.130 — Comprehensive Sign Program

A. Purpose. The purpose of a Comprehensive Sign Program is to integrate all of a project's signs with the overall site design and the structures' design into a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide latitude in the design and display of multiple signs and to achieve, not circumvent, the purpose of this Chapter.

B. Applicability. The approval of a Sign Permit for a Comprehensive Sign Program shall be required whenever any of the following circumstances exist.

1. Whenever four or more separate tenant spaces are present on the same parcel or on multiple parcels that are part of a unified shopping center or similar business center;

2. Whenever four or more non-exempt signs are proposed for a single-tenant development;

3. Whenever signs are proposed to be located on or above the second story on a multi-story structure;

4. Whenever a project or parcel has more than 300 linear feet of frontage on a public street;

5. Whenever an existing multi-tenant development of three or more tenants is being remodeled or rehabilitated to the extent that the value of the work will be greater than 20 percent of the replacement cost of the structure(s), as determined by the Director;

6. A Comprehensive Sign Program for a theater or cinema use may authorize signs that deviate from the standards of this Chapter. The Comprehensive Sign Program may allow marquee signs, brighter lights, and design features not otherwise authorized by this Chapter if the sign(s) is/are generally consistent with the purposes of this Chapter. Approval shall not be based on message content;

7. Whenever the Director determines that a Comprehensive Sign Program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, etc.); and

8. A Comprehensive Sign Program shall not be used to override the prohibition on new billboards in Subsection 17.335.030.F. (General Provisions - Billboard policy).

C. Review authority. The Director is the review authority for a Comprehensive Sign Program.

D. Application requirements. A Sign Permit application for a Comprehensive Sign Program shall include all of the information and materials required by the Director, and the filing fee set by the City's Planning Fee Schedule.

E. Standards. A Comprehensive Sign Program shall comply with the following standards:

1. The proposed sign program shall comply with the purpose and intent of this Chapter, any adopted sign design guidelines, and the overall purpose and intent of this Section.

2. The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and developments they identify, and to surrounding development when applicable.

3. The sign program shall include all signs, including permanent, temporary, and exempt signs.

4. The sign program shall accommodate future revisions that may be required because of changes in use or tenants.

5. The sign program shall comply with the standards of this Chapter, except that deviations are allowed with regard to sign area, total number, location, and height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter.

6. Approval of a Comprehensive Sign Program shall not authorize the use of signs listed as prohibited by this Chapter.

7. Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.

8. The Director may approve an increase in sign standards in compliance with Chapter 17.650 (Variances and Minor Variances).

17.335.140 — Maintenance

A. Maintenance of signs required. Signs shall be maintained in a safe, presentable, and structurally sound condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other maintenance activities. Failure to comply with these requirements may cause the sign to be declared a public nuisance, which shall be removed in compliance with this Section.

B. Proper maintenance identified. Display surfaces shall be kept clean and neatly painted and repaired at all times, and there shall be no missing or damaged messages, graphics,

or structural elements, or portions thereof. Signs shall be refinished to remove rust or other corrosion due to the elements as necessary. Faded, cracked, or broken faces or surfaces, and malfunctioning lamps shall be replaced immediately. Awnings that have signs shall be cleaned periodically and replaced if they become faded, tattered, or ripped.

C. Administrative procedures applied to improperly maintained signs. Improperly maintained signs shall be subject to the following administrative procedures:

1. Notice of violation shall be sent by first class United States mail to last known address of sign owner and property owner, informing the owner(s) of the time in which removal of sign or repair of condition shall be accomplished.

2. If the owner(s) fail(s) to remove the sign or repair the condition, the City shall send final notice by certified United States mail, return receipt requested, and by first class United States mail, notifying the owner(s) that failure to remove or repair the sign within 30 days shall result in the issuance of a citation in compliance with the Municipal Code.

3. If the owner(s) do(es) not remove the sign or repair the condition within the 30-day period, the City may apply the remedies identified in Municipal Code Sections 1.24 *et seq.*, 8.44.050(H), and 1.28 *et seq.*, in addition to any remedies otherwise available at law or in equity.

D. Hazardous signs. If a sign is damaged or not properly maintained to a degree that causes it to pose a physical danger to persons or property, the following provisions shall apply:

1. Hazardous signs identified. A hazardous sign is a sign that poses a danger to the public or that could create a potential hazard. Hazardous signs are declared to be a public nuisance in compliance with Municipal Code Chapter 8.44 (Nuisances). The determination that a sign has become hazardous or unsafe shall consider only the physical condition and characteristics of the sign, and shall not consider the sign's message.

2. Removal of hazardous signs. Upon discovering a hazardous condition, the City may cause the immediate removal of a sign(s) that is a danger to the public due to unsafe conditions. No hearing shall be required before the removal of any hazardous sign. The City is not required to give notice of intent to remove the sign(s) prior to removal, but shall endeavor to do so and shall inform the property, business, and sign owner(s) that the hazardous sign has been removed within three days following removal, by certified United States mail, return receipt requested and by first class United States mail. Thereafter, the

Community Preservation Committee shall conduct a hearing within 10 days following the removal, unless a different time is agreed to by the Director and the property, business, and sign owner(s). See Municipal Code Chapter 8.44 (Nuisances).

E. Storage and costs.

1. **Storage.** The removed sign(s) shall be stored for a minimum of 30 days following written notice to the property, business, and sign owner, during which time the property, business, and sign owner may recover the sign(s) upon payment to the City for costs of removal and storage.

2. **Abandonment.** If the removed sign(s) is not recovered within the 30-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the City. Any sign removed by the City shall become the property of the City, to be disposed of in any manner deemed appropriate.

3. **Recovery of costs.** The costs of removal and storage of a sign(s) shall be considered a debt owed the City by the property, business, and sign owner, recoverable by legal action or a lien against the property. The cost of removal shall include any and all expenses incurred by the City, including legal fees. If not paid, the applicable costs may be imposed as a tax lien against the property. Notice of the imposition of the tax lien shall be sent to the owner of the property by certified United States mail, return receipt requested, as well as by first class United States mail.

17.335.150 — Enforcement

The City may withhold the issuance of Business Licenses, Building Permits, Grading Permits, Certificates of Occupancy, other land use entitlements and may issue stop work orders for a development project failing to comply with the provisions of this Chapter. If any improvements or programs required by this Chapter are either rendered unusable or discontinued, the property owner, employer, and tenant may be subject to enforcement procedures in compliance with Chapter 17.725 (Enforcement Provisions).

17.335.160 — Nonconforming Signs

A. Continuance of nonconforming signs. Except as provided in Subsection D, below, a legal nonconforming sign may be continued and shall be maintained in good condition as required by Section 17.335.140 (Maintenance), but it shall not be:

1. Structurally changed to another nonconforming sign, although its copy and pictorial content may be changed.

2. Structurally altered to prolong the life of the sign, except to meet safety requirements.

3. Expanded or altered in any manner that increases the degree of nonconformity.

B. Repairing and repainting. Nonconforming signs shall only be painted and repaired in place and shall not be removed from their existing location unless removal of the sign for painting or repair is part of the sign's customary maintenance and repair.

C. Change of business ownership. Upon a change of ownership, the new owner of a nonconforming sign may change the name(s) on the sign so long as there is no change in the structure or configuration of the sign.

D. Removal of nonconforming signs. Nonconforming signs shall be removed if:

1. The nonconforming sign is more than 50 percent destroyed, and the destruction is other than facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction and repair exceeds 50 percent of the replacement cost as determined by the Building Official.

2. The nonconforming sign is remodeled, unless the sign is remodeled to comply with the provisions of this Chapter.

3. Nonconforming signs shall be removed when a property is further developed in compliance with this Zoning Code.

4. Nonconforming signs shall be removed before the installation of new signs advertising the same business or any new business on the site.

5. Existing legal billboard signs shall be removed when the property on which the sign is located is further developed.

6. The nonconforming sign is located on a structure that is to be enlarged or expanded, if the nonconforming sign is affected by the construction, enlargement, remodel, or expansion. An enlargement, remodel, or expansion of the portion of the structure upon which the nonconforming sign is located or that is more than 50 percent of the structure area shall be deemed to affect the nonconforming sign.

7. The nonconforming sign is temporary.

E. Deactivation of flashing features. The owner of a sign that contains flashing features shall permanently deactivate the flashing features.

17.335.170 — Abandoned Signs

A. When abandoned. Conforming and nonconforming signs shall be presumed abandoned under any of the following circumstances:

1. The sign identifies or advertises a business that has ceased for more than 90 days;

2. The sign is located upon a structure that has been abandoned by its owner for more than 90 days;

3. The sign pertains to a bona fide business, lessor, service, owner, or product that has been unavailable upon the site for more than 90 days; or

4. The sign has not been removed after the occurrence of a temporary event or activity with an approved Temporary Use Permit in compliance with Chapter 17.640 (Temporary Use Permits).

5. The sign is a hazardous sign that has been removed by the City and has not been recovered by the owner within the time period specified in Subsection 17.335.140.E (Maintenance –Storage and costs).

B. Removal of abandoned signs.

1. An abandoned sign or an abandoned nonconforming sign shall be immediately removed by the owner or lessee of the premises upon which the sign is located or by a person, organization, or other entity that directly or indirectly receives a benefit from the information contained on the sign.

2. A sign frame or structure that has been abandoned shall be immediately removed by the owner or lessee of the premises upon which the sign frame or structure is located.

C. Notice that a sign is presumed abandoned. The Director shall send a person responsible for a sign presumed to be abandoned an Abandoned Sign Notification. Failure of the person to respond within 30 days to the Abandoned Sign Notification shall serve as prima facie evidence of intentional permanent abandonment of the sign.

17.335.180 — Illegal Signs

A. Strict liability. Violations of this Chapter shall be treated as a strict liability offense regardless of intent.

B. Illegal signs identified. The following signs are illegal, declared to be a public nuisance, and shall be subject to the enforcement procedures identified in Chapter 17.725 (Enforcement) of this Development Code as well as the procedures and remedies in Municipal Code Sections 1.24 (General Penalties), 1.28 (Administrative Citations), and 8.44 (Nuisances).

1. A sign erected, placed, posted, constructed, reconstructed, altered, maintained, or moved after the effective date of this Chapter that does not comply with all applicable provisions of this Chapter.

2. A sign erected, placed, posted, constructed, reconstructed, altered, maintained, or moved before the effective date of this Chapter or before annexation to the City that failed to comply with all regulations in effect at the time the sign was erected, placed, posted, constructed, reconstructed, altered, maintained, or moved.

3. A nonconforming sign that is required to be removed or altered by Subsection 17.335.160.D (Removal of nonconforming signs) and that is not removed or altered in compliance with Subsection 17.335.170.B.

4. Signs with flashing elements that are not deactivated in compliance with Subsection 17.335.160.E (Deactivation of flashing features).

5. An abandoned nonconforming sign.

6. An abandoned sign

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Chapter 17.350 — Transportation Demand Management

Sections:

17.350.010 – Purpose
17.350.020 – Applicability
17.350.030 – Trip Reduction Standards and Plans
17.350.040 – Trip Reduction Facilities and Methods
17.350.050 – Enforcement
17.350.060 – Compliance with AQMD Regulation XV
17.350.070 – Voluntary Plans and Programs

17.350.010 — Purpose

The purpose of this Chapter is to provide regulations to reduce air pollution caused by vehicle trips and vehicle miles traveled.

17.350.020 — Applicability

A. **Threshold number of employees.** This Chapter applies to a new development that generates 50 or more employees and an existing development with 50 or more employees.

B. **Determination of number of employees.** Table 3-12 states the amount of gross building square footages in various land use categories that are considered to generate one employee. For mixed-use developments the project employment factor shall be based upon the proportion of the development devoted to each land use.

Table 3-12
Number of Employees Generated by Land Uses

Land Use Category	Gross Square Feet per Employee
Retail commercial	500 square feet = 1 employee
Office/professional	300 square feet = 1 employee
Industrial/manufacturing	500 square feet = 1 employee
Warehouse	1,000 square feet = 1 employee
Hotel/motel	1 guest room = .5 employees
Hospital	300 square feet = 1 employee

C. **Exemptions.** In the event the developer reports fewer employees than anticipated by Table 3-12, the development may be exempt from the provisions of this Chapter, provided that:

1. A signed and notarized affidavit certifying the actual number of employees is submitted;

2. Annually, on the anniversary of the signed affidavit, the developer or employer reports to the Department the actual number of employees including any increase in employees.

17.350.030 — Trip Reduction Standards and Plans

A. **Trip reduction standard – Minimum of 12 percent.** All applicable development shall reduce work-related vehicle trips by a least 12 percent from the expected number of trips related to the project, as indicated in the latest edition of the *Trip Generation Handbook* published by the Institute of Traffic Engineers (ITE). Trip reductions shall be calculated in compliance with standards established by the Southern California Association of Governments (SCAG) and the South Coast Air Quality Management District (SCAQMD).

B. **New development.** Each new development shall include in the development plans a Trip Reduction Plan or shall incorporate facilities as specified in Section 17.350.040 (Trip Reduction Facilities and Methods). The Director shall approve a Trip Reduction Plan before the issuance of any Certificate of Occupancy. Agreements to secure implementation of the Trip Reduction Plan shall become a condition of development and shall be recorded with the deed of trust for the property. The agreement shall include a monetary lien on the property in an amount sufficient to implement the program.

C. **Existing development.** Existing development shall submit a Trip Reduction Plan or incorporate facilities as specified in Section 17.350.040 (Trip Reduction Methods and Facilities). The Trip Reduction Plan shall be submitted before the issuance and renewal of the Business License.

D. **Annual review fee.** A Trip Reduction Plan review fee in an amount established by the City's Fee Schedule shall be payable at the time of annual review.

17.350.040 — Trip Reduction Facilities and Methods

A. **Facilities.** Facilities to reduce work-related vehicle trips may include any of the following:

1. Preferential parking for carpool vehicles;

2. Bicycle parking and shower facilities;

3. Information center for transportation alternatives;

4. Rideshare vehicle loading areas;

5. Vanpool vehicle accessibility;

6. Bus stop improvements;

7. On-site child care facilities;

8. Local transportation systems management methods and road improvements;

9. Facilities or equipment (e.g., laptops, mobile phones, etc.) to encourage telecommuting;

10. Contributions to support regional facilities designed to reduce vehicle trips and miles traveled; and

11. On-site amenities (e.g., automated teller machines (ATM's), cafeterias, restaurants, etc.) or the provision of services (e.g., mobile dry cleaning services, mobile lunch delivery services, etc.) that would eliminate the need for additional trips.

B. **Trip reduction methods.** Any combination of the following methods may be utilized to achieve the required vehicle trip reduction:

1. **Alternate work schedules/Flex-time.**

a. **Office/professional, industrial, manufacturing, warehouse.** Incorporate alternate work schedules and flex-time programs (adoption of 9/80 work schedule for all employees would account for a 10 percent reduction in vehicle trips).

b. **Hospital.** Incorporate alternate work schedules and flex-time programs for employees who normally work between the hours of 8:00 a.m. and 5:00 p.m.

2. Telecommuting.

a. Office/professional.

(1) Office facilities that are 25,000 square feet or larger may reserve five percent of the gross floor area for telecommuting purposes to allow tenants with multiple facilities to establish satellite work centers.

(2) Establish telecommuting or work at home programs to allow employees to work at a home or a satellite work center either one day per week or one day every two weeks.

(3) Through the telecommuting or work at home program provide incentives or offset employee costs in acquiring the needed equipment and supplies for telecommuting.

b. All other uses.

(1) Establish telecommuting or work at home programs for selected employees (i.e., certain clerical or administrative employees).

(2) Through the telecommuting or work at home program provide incentives or offset employee costs in acquiring the needed equipment and supplies for telecommuting.

3. Bicycle facilities. For all uses, provide:

a. Bicycle parking facilities equivalent to 10 percent of the total required motor vehicle parking spaces. Thirty percent of the bicycle parking facilities shall be secure lockers.

b. Shower and locker facilities equivalent to two showers for the each 100 employees or portion thereof.

4. Parking management. For all uses,

a. Designate via permanent signs employee parking area(s) based upon the following ratios:

(1) Office/professional: 85 percent of required parking;

(2) Commercial retail: 30 percent of required parking;

(3) Industrial/manufacturing/warehouse: 90 percent of required parking;

(4) Hospital: 70 percent of required parking; and

(5) Hotel: 30 percent of required parking.

b. Designate via permanent signs 25 percent of employee parking for carpools and vanpools.

c. Offer financial or other incentives to employees who participate in ridesharing or an alternative mode of transportation other than the single-occupant vehicle.

d. Establish a parking surcharge on the single-occupant vehicle.

5. **Mass transit facility usage.** For all uses, provide incentives (e.g., bus pass, additional pay, flex-time, etc.) to employees to use mass transit facilities instead of the single- occupant vehicle.

6. **Commuter Information Center.** For all uses, provide a commuter information area or bulletin board that is centrally located and accessible to all employees and includes:

a. Current maps, routes, schedules for public transit;

b. Rideshare match lists; and

c. Available employee incentives.

7. **Child care facilities.** For all uses, including multi-tenant developments, that cumulatively employ 150 or more persons, set aside at least 10 percent of the gross floor area for the operation of a child care facility. The floor area shall be exempt when calculating parking requirements for the entire development.

8. **Other measures.** Any other method or measure that will result in a reduction in vehicle trips shall be credited toward attaining the requirements of this Chapter.

17.350.050 — Enforcement

Upon approval of a Trip Reduction Plan, if there is future noncompliance with this Chapter or exhibited failure to implement the Trip Reduction Plan, the City may:

A. **New development.** For new development, exercise the lien, based upon the terms of the agreement as required in compliance with Section 17.350.030.B., on the subject property; or

B. **Existing development.** For existing development, assess a monetary penalty, compounded on a monthly basis upon the length of time of noncompliance equal to the Business License renewal fee.

17.350.060 — Compliance with AQMD Regulation XV

Initial trip reduction plans approved by the City for new employers shall constitute compliance with Regulation XV, provided that the programs have been determined sufficient to meet average vehicle ridership (AVR) targets of 1.5. Monitoring and annual reporting requirements shall continue to be the responsibility of the South Coast Air Quality Management District (SCAQMD) and individual employers in compliance with rules and procedures established by SCAQMD.

17.350.070 — Voluntary Plans and Programs

A. Employers that employ fewer than 50 people are encouraged to submit Trip Reduction Plans on a voluntary basis to achieve an overall trip reduction of 12 percent.

B. The Director shall be responsible for developing effective incentive programs that promote voluntary programs to reduce vehicle trips and miles traveled.

Article 4

Standards for Specific Land Uses

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Chapter 17.400 — Adult-Oriented Businesses

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17.400.010 — Purpose and Intent

The purpose of this Chapter is to regulate adult businesses to promote the health, safety and general welfare of the citizens of the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is recognized that adult businesses have a serious deleterious effect upon adjacent areas, as well as the areas in which they are located, as further detailed in the ordinance adopting this Development Code. It is therefore the purpose of this Chapter to establish standards for the conduct of adult businesses which will protect the public health, safety and welfare, preserve locally recognized values of community appearance, minimize the potential for nuisances related to the operation of adult businesses, and maintain local property values.

17.400.020 — Definitions

For the purposes of this Chapter, the following words, items and phrases shall have the meanings given in this Section:

Adult or Adult-Oriented Material. Sexual or sexual-oriented material or material depicting, describing or relating to specified anatomical areas and/or specified sexual activities.

Adult Arcade. A business establishment to which the public is allowed or invited, and image-producing devices, including, but not limited to, still or motion picture machines, projectors, videos, holograms, virtual reality devices, whether operated by mechanical, electronic or electrical means, are maintained to display images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

Adult-Oriented Businesses. Any business which is conducted for the patronage of adults and as to which minors are specifically excluded from patronage, either by law and/or by the operators of the business, and which is characterized by an emphasis on specified sexual activities and/or specified anatomical areas, or any other business or establishment that on a regular and substantial basis, offers its patrons entertainment or services which involve, depict, describe or relate to specified sexual activities and/or specified anatomical areas. "Adult-oriented business" also means and includes, but is not limited to, the following specific types of adult-oriented businesses: any adult arcade, adult bookstore/adult video store/adult novelty store, adult cabaret, adult dance studio, adult hotel/motel, adult motion picture theatre, adult theater, nude modeling studio, adult tanning salon and escort agency.

Adult Bookstore/Adult Video Store/Adult Novelty Store. Any establishment which on a regular and substantial basis, sells or rents, offers for sale or rental, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, videocassettes, slides or other visual representations, which are characterized by an emphasis on material depicting, describing or relating to specified sexual activities and/or specified anatomical areas.

2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, including goods which are replicas of, or which simulate specified anatomical areas or specified sexual activities, and goods which are designed to be placed on or in specified anatomical areas.

Adult Cabaret. A nightclub, restaurant, or similar business establishment which on a regular and substantial basis:

1. Features live performances which are distinguished or characterized by an emphasis upon the display or description of specified anatomical areas or specified sexual activities; and/or

2. Features persons who appear semi-nude; and/or

3. Shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Dance Studio. Any business or commercial establishment that provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by an emphasis on matter involving, depicting, describing or relating to specified sexual activities and/or specified anatomical areas.

Adult Entertainer. Any person who, with or without any compensation or other form of consideration, provides performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities and/or who appear semi-nude.

Adult Hotel/Motel. A hotel or motel or similar business establishment offering public accommodations for any form of consideration which on a regular and substantial basis that

1. Provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction, description, or relating to specified sexual activities or specified anatomical areas; and/or

2. Rents, leases, or lets any room for less than a 10-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

Adult Motion Picture Theater. A business establishment where, for any form of consideration, and on a regular and substantial basis shows films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Nude Modeling Studio. A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted. "Adult nude modeling studio" does not include schools maintained in compliance with standards set by the State Board of Education, or any classroom of any school licensed under State law to provide art education while classroom is being used in a manner consistent with the State license. "Adult nude modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available specified sexual activities.

Adult-Oriented Business Operator (referred to in this Chapter as "Operator"). A person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult-oriented business or the conduct or activities occurring on the premises of the business.

Adult Tanning Salon. A business where patrons receive tanning services in groups of two or more and where patrons or employees of the establishment where a patron and an employee of the establishment are nude or expose specified anatomical areas. An adult tanning salon shall also include a business establishment where the employees are nude or expose specified anatomical areas for any form of consideration.

Adult Theater. A theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

Advertise. Public notice or announcement of items or services through the use of newspaper, handbills, radio, television, or other means of public communication.

Applicant. A person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an adult-oriented business, or an adult entertainer.

City Manager. The City of San Jacinto's City Manager or his or her authorized representatives.

Police Chief. The City of San Jacinto's Police Chief or his or her authorized representatives.

Distinguished or Characterized by an Emphasis Upon. Refers to the dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to performances "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the performances so described are those whose dominant or predominant character and theme are the depiction of the specified sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).

Employee of an Adult-Oriented Business. A person who works or performs, as an employee or as an independent contractor, in and/or for an adult-oriented business, regardless of whether the person is paid a salary, wage, or other compensation by the business. Employee does not include a person exclusively on the premises undertaking repair or maintenance of the premises or equipment including the delivery of goods to the premises.

Escort. Any person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. A business which furnishes, offers to furnish, or advertises to furnish escorts, who are located on-premises, as one of its primary business purposes, for any form of consideration.

Establishment of an Adult-Oriented Business. Shall mean and include any of the following:

1. The opening or commencement of any adult-oriented business as a new business;

2. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business;

3. The addition of any of the adult-oriented business to any other existing adult-oriented business, or to another existing non adult-oriented business, with or without expansion of the floor area;

4. The relocation of any adult-oriented business; and/ or

5. The substantial enlargement of an existing adult-oriented business. For purposes of this Chapter, "substantial enlargement" means an increase or expansion, over the lifetime of an adult-oriented business, of more than 10 percent or 100 square

feet, whichever is less, in the portion of the floor area of the business which is devoted to products, services or entertainment with an emphasis on material depicting, describing or relating to specified anatomical areas and/or specified sexual activities.

Figure Model. Any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

Live Entertainment. The performance, enactment, or execution of an action participated in by one or more persons, including, but not limited to a play, dramatization, pantomime, revue, modeling, burlesque, dance, recital, concert, vocal production, show, or disrobing, with or without music, band, or orchestra accompany.

Notice. Written notice given by personal service upon the addressee, or given by the United States mail, postage paid, addressed to the person to be notified at his or her last known address. Service of notice shall be effective upon the completion of personal service, or upon placing the notice in the custody of the United States Postal Service.

Nudity or a State of Nudity. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola, or the showing of the covered genitals in a discernable turgid state.

On-Premises/Off-Premises. On-premises means any business where the primary services or entertainment are provided at the location or locations that are the subject of the adult-oriented business permit. Off-premises means any business where the primary services or entertainment are provided at a location or locations other than the site where the subject business is located.

Operate an Adult-Oriented Business. The supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult-oriented business or activities within an adult-oriented business.

Operator of an Adult-Oriented Business. The owner, permittee, custodian, manager, operator, or person in charge of any adult-oriented business.

Park. A playground, swimming pool, athletic field, picnic area, or other open space area designated and/or designed for active and/or passive recreational use which is under the control, operation or management of the City or other public or nonprofit agency/entity.

Permittee. The person to whom a permit is issued in compliance with this Chapter.

Person. Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

Private Viewing Area. An area or areas in an adult-oriented business of less than 150 square feet that is designed or used for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie, or other presentation.

Public Nudity. Nudity that occurs in a business open to the public, whether or not a fee is charged for admission to the business.

Religious Institution. A structure that is used primarily for religious worship and related religious activities, including, but not limited to a church, chapel or similar place of worship.

Residential Use or Zone. Single-family dwelling, duplex, townhouse, multi-family dwelling, or mixed residential/commercial development, and/or property which are zoned primarily for residential use.

School. Any child or day care facility (licensed or unlicensed) or any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with standards set by the State Board of Education, or any undergraduate or junior level college. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, undergraduate or junior college, or any special institution of education, including a probation resource center for minors, but it does not include a commercial, vocational or trade institution of higher education, or any graduate level university, or nonprofit research institution.

Semi-Nude. The showing of the male or female genitals or pubic region or the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual Encounter Establishment. A business or commercial enterprise that offers, for any form of consideration, a place where two or more persons may congregate, associate or consort in connection with specified sexual activities and/or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist or similar professional person licensed by the State engages in sexual therapy.

Sexual Material. Material depicting, describing or relating to specified anatomical areas and/or specified sexual activities.

Sex Supermarket/Sex Mini-Mall. The establishment of more than one-type of adult-oriented business or use within the same single building, or within the same commercial complex or center where each adult-oriented business is not located more than 150 feet from another adult-oriented business.

Specified Anatomical Areas. Shall mean less than completely and opaquely covered human genitals, pubic region, buttocks, anus, and female breast below a point immediately above the top of the areola, and/or human male genitals in a discernible turgid state even if completely and opaquely covered.

Specified Sexual Activities. Means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

1. The fondling or other intentional or erotic touching of specified anatomical areas;

2. Sex acts, actual or simulated, including coitus, masturbation, oral/anal copulation, bestiality, flagellation or torture in the context of a sexual relationship;

3. Sexual stimulation, arousal or tumescence of human genitals;

4. Ejaculation of human or animal semen, actual or simulated; or

5. Excretory functions, urination, vaginal or anal irrigation as part of or in connection with any of the other activities described in Subparagraphs 1 through 4 of this definition.

Transfer of Ownership or Control of an Adult-oriented Business. The sale, lease, or sublease of an adult-oriented business; the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; and/or the establishment of a trust, gift, or other similar legal devise which transfers ownership or control of the business, except for transfer or other operation of law upon the death of a person possessing the ownership of control.

17.400.030 — Minimum Proximity Requirements

No adult-oriented business shall be established or located in any zone or planning area in the City other than those zones and planning areas specifically listing adult-oriented businesses as allowed uses. Adult-oriented businesses shall also comply with the distance and other criteria set forth below:

A. No adult-oriented business shall be established or located within 750 feet from any existing residential zone, park, religious institution, or school.

B. No adult-oriented business shall be established or located within 400 feet from any existing adult-oriented business, whether in the City, in an adjoining city or within an unincorporated area. Where two or more adult-oriented business applications are submitted for businesses which could be located in closer proximity to each other, the application which was accepted first in time shall be processed by the City, with any later submitted applications deemed not in compliance with the requirements of this Section until a determination is made by the City on the initial application.

C. No adult-oriented business shall be established or located within 500 feet of any business or establishment licensed by the Alcoholic Beverage Control Board to serve or sell alcoholic beverages.

D. The distances set forth above shall be measured as follows:

1. The distance between any adult-oriented business and any residential use, park, religious institution, or school shall be measured in a straight line, without regard to the boundaries of the City and intervening structures, from the primary entrance of the adult-oriented business to the nearest property line of the residential use, park, religious institution, or school.

2. The distance between any two adult-oriented businesses or between an adult-oriented business and a business or establishment licensed by the Alcoholic Beverage Control Board to serve or sell alcoholic beverages shall be measured in a straight line, without regard to the boundaries of the City and intervening structures, from the closest point of each business.

E. No more than one adult-oriented business is allowed within the same building, or portion of the same building, or within the same commercial/industrial center or complex unless each business is separated from another adult-oriented business by more than 400 feet in compliance with Subsection 17.400.030.B., above.

17.400.040 — Compliance with Locational Requirements

No adult-oriented business shall be established or continued, no substantial enlargement of an adult-oriented business shall be undertaken, and no adult entertainers shall perform upon the premises of an adult-oriented business, without first complying with all requirements of this Chapter.

17.400.050 — Compliance with Applicable Standards and Regulations

Adult-oriented businesses locating in new structures shall comply with all applicable standards and regulations of this Chapter, and with all standards and regulations pertaining to building location, height and size, architectural review, parking, landscaping, and signs.

17.400.060 — Adult-Oriented Business Development and Performance Standards

All adult-oriented businesses shall comply with the following requirements, and the following applicable requirements of this Section shall be deemed conditions of all adult-oriented business permit approvals. Failure to comply with every applicable requirement contained in this Section shall be grounds for revocation of any permit issued in compliance with this Chapter.

A. The establishment of an adult-oriented business shall comply with all applicable City zoning site development standards of the zone, or area in which the adult-oriented business is located, the building and construction codes, maximum occupancy loads, fire codes, and health and safety regulations in effect in the City. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in compliance with the fire and building regulations and standards adopted by the City.

B. An adult-oriented business shall comply with the applicable City permit and inspection procedures.

C. Each adult-oriented business shall have a business entrance separate from any other non adult-oriented business located in the same building.

D. No adult-oriented business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia designed for use in connection with specified sexual activities from any public way or from any location outside the building or area of the establishment. This provision shall apply to any display, decoration, sign, show window or other opening.

E. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and all building openings, entries, and windows shall be located, covered, or screened to prevent viewing of the interior from any exterior area.

F. All exterior areas of any adult-oriented business, including building, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds and debris.

G. All building entrances to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice shall consist of letters no less than one inch in height and shall be constructed and posted to the satisfaction of the Director. No person under the age of 18 years shall be allowed within the premises at any time. It shall be unlawful for any employee, owner, operator, employee, manager or permittee of an adult-oriented business to allow any person below the age of 18 years upon the premises or within the confines of any adult-oriented business if no alcoholic beverages are served, or under the age of 21 if alcoholic beverages areas are served.

H. Parking shall, at all times, be provided and maintained in compliance with the parking plan approved by the Director.

I. All off-street parking areas and building entries of the adult-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of not less than one foot candle of light and a minimum horizontal illumination of not less than one foot candle of light on all parking surfaces and walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. Lighting shall, at all times, be maintained in compliance with the lighting plan approved by the Director.

J. The parking areas and entrances/exits for patrons shall be visible from the public right-of-way. This view shall be not be obstructed by landscaping or any fence, wall or other barrier.

K. No exterior sign shall be placed, constructed, erected, altered, repaired, improved, converted or painted, except in compliance with the City's sign ordinance (Chapter 17.335). It shall be the responsibility of the permittee to take down, remove, or alter signs on the premises so as to comply with this Section.

L. The premises within which the adult-oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premise shall not be audible anywhere on any adjacent property or right-of-way, or within any other building or other separate unit within the same building. No loudspeaker or sound equipment audible to persons in any public exterior area shall be used in connection with an adult-oriented business, and the business shall be so conducted that sounds associated with the business are not emitted to any public exterior area.

M. An adult-oriented business shall be open or operating for business only between the hours of 8:00 a.m. and 12:00 a.m. on any particular day. It shall be unlawful and a violation of this Chapter to cause or allow an adult-oriented business to be operated or

to remain open for business, or to permit any employee and/or independent contractor to engage in a performance, solicit a performance, make a sale or solicit a sale, provide a service, or solicit a service, between the hours of 12:01 a.m. and 8:00 a.m. of any particular day.

N. An adult-oriented business shall display at all times during business hours the permit issued in compliance with the provisions of this Chapter for an adult-oriented business in a conspicuous place so that the permit may be readily seen by all persons entering the adult-oriented business.

O. No employee, contractor, or other person who works at the adult-oriented business, shall have physical contact with any patron and no patron shall have physical contact with any employee, contractor, or person who works at the adult-oriented business. This Subsection shall only apply to physical contact on the premises of the adult-oriented business.

P. No owner or other person with managerial control over an adult-oriented business shall permit any employee, independent contractor, or any other person on the premises of the adult-oriented business to engage in the exposure of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, the female breast with less than a fully opaque coverage over any part of the nipple or areola, and/or the covering of male genitals in a discernibly turgid state. This provision may not be complied with by applying an opaque covering, simulating the appearance of the specified anatomical part required to be covered.

Q. No adult-oriented business may conduct any massage, acupuncture, body wrapping, tattooing, acupressure or escort services on the premises.

R. Every adult-oriented business shall have a manager on duty on the premises during all times the business is open to the public. At least one manager's station shall be provided within the adult-oriented business for the purpose of monitoring and supervising activities within the business. All indoor areas of the adult-oriented business within which patrons are allowed, or within which viewing is allowed by patrons or the public, except restrooms, shall be open to view by the manager at all times. The view area shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron shall be allowed access to any area of the premises that has been designated as an area in which patrons will not be allowed. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured to allow an unobstructed view of each area of the premises from at least one of the manager's stations.

S. A diagram of the premises shall be provided to the Director specifying the location of one or more manager stations and designating portion of the premises in which patrons will not be allowed. No alteration in the configuration or locating of a manager's stations shall be made without the prior written approval of the Director.

T. The adult-oriented business shall provide and maintain separate rest room facilities for male patrons and male employees, female patrons and female employees. Male patrons and employees shall be prohibited from using the rest room(s) for females, and female patrons and employees shall be prohibited from using the rest room(s) for males, except to carry out duties of repair, maintenance and cleaning of the rest room facilities. Patrons shall be prohibited from using rest rooms designated for employees. The rest rooms shall be free of any adult material. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this Subsection shall not apply to an adult-oriented business which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, for example, an adult bookstore or adult video store, and which does not provide rest room facilities to its patrons or the general public.

U. An on-site security program shall be prepared, implemented and maintained including the following items:

1. An interior lighting plan to provide illumination of all areas of the adult-oriented business as provided below. The lighting shall be designed and operated to provide the minimum maintained foot-candle levels listed below for specific uses/areas, evenly distributed at ground level:

Use	Minimum Area Foot Candles
Arcades	10
Bookstores and other retail establishments	20
Modeling studios	20
Motels/hotels	20 (in public areas)
Theaters and cabarets	5 (except during performances, at which times lighting shall be at least 1.25 foot candles)

2. A video camera surveillance system shall be installed, utilized and maintained in good working order in the adult-oriented business to record both the interior building and parking lot area. The system shall provide continuous video coverage and recordation during all business hours. The Police Chief shall approve the location of the surveillance camera. Restrooms may not contain video reproduction equipment.

3. Security guards shall be employed to maintain the public peace and safety, based upon the following standards:

   a. Adult-oriented businesses, including, but not limited to, adult motion picture theatres, adult video stores, nude modeling studios, adult theaters and adult cabarets, or any adult-oriented business which features entertainment (live or motion picture viewed from booths) whose dominant or predominant character and theme is the depiction of specified sexual activities or specified anatomical areas for observation by patrons, shall provide at least one guard for every 50 occupants allowed by the City's building code, at all times while the business is open, and in no case shall there be less than two guards. One guard shall be stationed outside during all business hours. For businesses where the maximum building fire capacity is 50 or less, video monitoring of the parking lot may be approved by the Police Chief, subject to the submission and approval of a video security monitoring plan.

   b. Security guards for other adult-oriented businesses may be required if the Police Chief determines that their presence is necessary in order to prevent any of the conduct listed in Section 17.400.170 (Suspension, Revocation and Expiration of Permits).

   c. Security guards shall be charged with preventing violations of laws and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be in uniform and readily identifiable as a security guard by the public and shall be duly licensed by the State as security guards. No security guard required in compliance with this Subsection shall act as a door person, ticket seller, ticket taker, admittance person or sole occupant of the manager's station while acting as a security guard.

4. An annual review for adequacy of security will be conducted by the Police Chief to ascertain if there has been an increase in calls for emergency services.

V. No owner of other person with managerial control over an adult-oriented business shall permit any employee, independent contractor, or any other person on the premises of the adult-oriented business to engage in a live showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the areola.

W. In addition to the above development and performance standards, the following development and performance standards shall apply to any adult-oriented business, (other than adult motel or hotel), with a private viewing area and/or room or booth of less than 150 square feet of floor area, which exhibits on the premises or features for observation by patrons, motion pictures, film, video, slides or other visual reproduction that depicts specified sexual activities or specified anatomical areas. This Subsection does not apply to an auditorium or seating area of an adult theater.

1. No private viewing area, room or booth may be occupied by more than one person at any one time.

2. All viewing areas, rooms and booths shall remain unobstructed by any doors, walls, furniture or fixtures, merchandise, display racks, or other material at all times.

3. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two viewing rooms or booths. Viewing from one booth into another or physical contact of any kind between the occupants of any two booths or rooms shall not be allowed.

4. Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any video booths, or from remaining in the common area of an adult orietned business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places, in and near the video booths.

5. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any booths shall be evidence of improper maintenance and inadequate sanitary controls, and repeated instances of these conditions may justify suspension or revocation of the owner and operator's permit to conduct the adult-oriented business.

X. If an adult-oriented business contains an auditorium or theater hall, the auditorium or hall shall comply with each of the following additional provisions:

1. The auditorium or hall shall have individual, separate seats (not couches, benches or the like) to accommodate the maximum number of persons who are allowed to occupy (maximum occupancy) the auditorium or hall;

2. The area shall have a continuous main aisle along the seating area(s) in order that each person seated in the auditorium or hall shall be visible from the aisle at all times; and

3. A sign shall be posted in a conspicuous place at or near each entrance to the auditorium or hall area which lists the maximum occupancy of the auditorium or hall, the occupancy of which shall not exceed the number of seats within the auditorium or hall.

Y. Adult-oriented businesses providing live entertainment involving, depicting, describing or relating to specified anatomical areas and/or involving specified sexual activities shall also comply with the following additional standards and provisions:

1. No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least 10 feet from the nearest area occupied by patrons and surrounded with a stationary rail, or at least six feet from the nearest area occupied by patrons and surrounded by a solid barrier, which rail or barrier shall be at least 30 inches in height, establishing the separations between entertainers and patrons. No patron shall be allowed within the area of the stage established by the barrier (10 feet with a rail or six feet with a solid barrier,) while the stage is occupied by an entertainer.

2. The adult-oriented business shall provide separate dressing room facilities for entertainers that are exclusively dedicated to the adult entertainers' use. No patron is allowed access to the dressing room facilities. The dressing room facilities shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment.

3. The adult-oriented business shall provide access for adult entertainers between the stage and the dressing rooms which is completely separated from the patrons. If separate access is not physically feasible, the adult-oriented business shall provide a minimum three-foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

4. The adult-oriented business shall provide an entrance/exit for adult entertainers, which is separate from the entrance/exit used by patrons.

5. While on the premises, no adult entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after

performances by the entertainer. Patrons shall not, and shall not be allowed to, directly touch, fondle or caress (as those terms are defined in Kev, Inc. v. Kitsap County (9th Cir., 1986) 793 F.2d 1053) the entertainers while they are performing. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier between entertainers and patrons, and if necessary by employees of the establishment. This prohibition does not extend to accidental or incidental touching.

6. No patron shall directly pay or give any gratuity to any adult entertainer and no adult entertainer shall solicit or accept any pay or gratuity from any patron. Patrons shall not throw payment or tips to entertainers, hand tips directly to entertainers, or place tips in the entertainers' costumes. If patrons wish to pay or tip entertainers, payment or tips shall be placed in receptacles which shall be located at least 10 feet (or six feet, where a solid barrier has been installed) from the stage.

7. No owner or other person with managerial control over an adult-oriented business shall permit any person on the premises of the adult-oriented business to engage in the exposure of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the areola.

17.400.070 — Permits Required

A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of an adult-oriented business unless the person first obtains and continues to maintain in full force and effect an adult-oriented business permit and an adult use planning permit as required by this Chapter. A separate adult-oriented business permit and adult use planning permit is required for each location in the City at which an adult-oriented business is to be established. The requirements of this Chapter for an adult-oriented business permit are separate and in addition to a Business License required under the Municipal Code.

It shall be unlawful for a person to perform as an adult entertainer at an adult-oriented business in the City unless the person first obtains and continues to maintain in full force and effect an adult entertainer permit from the City.

The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from having to obtain the permit(s) required under this Chapter.

B. All permit applications submitted in compliance with this Chapter, in addition to any other requirements, shall include the following:

1. A signed and notarized authorization and waiver authorizing the Police Chief, the City Police Department, or any law enforcement body or authorized law enforcement contractor to verify all of the information on the application.

2. A statement in writing, signed and dated by the applicant, that he or she certifies under penalty of perjury that all information contained in the application is true and correct.

3. If the applicant is an individual, he or she shall sign the documents required above in Subparagraphs 1 and 2. If the applicant is other than an individual, an officer of the business entity or an individual with a 10 percent or greater interest in the business entity shall sign on behalf of the applicant.

C. It shall be unlawful and a misdemeanor, subject to punishment in compliance with Section 17.400.260 (Violations and Penalties), for an owner, operator, manager or employee to operate an adult business without processing the permits required by this Chapter.

17.400.080 — Adult Use Planning Permit- Adult Business Application

A. Every person who proposes to establish, maintain, operate or conduct an adult-oriented business in the City shall file an adult use planning permit- adult business application with the City Manager upon a form provided by the Department. The applicant shall attach a copy of the receipt indicating that the requisite fees were paid to the Department. The fees paid shall not be refunded if substantial processing of the application has occurred.

B. Adult use planning permits are nontransferable, except as provided in Section 17.400.150 (Transfer of Adult-Oriented Business Permits).

C. All applications shall include the following information:

1. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, and the permanent address and business address of the applicant.

2. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.

3. If the applicant is a corporation, the corporation shall provide its complete corporate name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of the State, the names and capacity of all officers and directors, and principal stockholders (with 10 percent or more of all outstanding shares of stock), the name of the registered corporate agent and the address of the registered office for service of process.

4. Location and address of the proposed adult business.

5. Legal description of the subject property.

6. A detailed description of the manner of providing proposed entertainment, including type of entertainment and the number of persons engaged in the entertainment.

7. Proposed hours of operation.

8. A site plan.

9. A parking plan providing for adequate contiguous on-site parking for the intended use, and in compliance with the requirements for parking set forth in Section 17.400.060 (Development and Performance Standards) of this Chapter. The amount of parking shall comply with Section 17.330 (Off-Street Parking and Loading Standards) of this Code.

10. A lighting plan prepared by a licensed lighting engineer and in compliance with the requirements of Section 17.400.060, Subparagraph I, of this Chapter.

11. The name or names of the person or persons having responsibility for the management or supervision of the applicant's business and of any entertainment.

12. Statement of the nature and character of the applicant's business if any, to be carried on in conjunction with the entertainment.

13. A current certificate and straight-line drawing prepared within 30 days prior to application depicting the building and the portion of the building to be occupied by the adult-oriented business, and the surrounding area within a 500 foot radius of the building in a manner that clearly establishes compliance with the minimum proximity standards for adult-oriented businesses set forth in this Chapter.

14. A sketch or diagram showing the floor plan and interior configuration of the premises, including a statement of the total floor area occupied by the adult-

oriented business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The floor plan shall identifiy where the specific entertainment uses are proposed to be conducted within the building.

15. A blueline print showing all four elevations of any proposed structures and signs, and listing proposed exterior building materials. Elevations shall be colored or a materials board shall be submitted. In the case of existing structures where a change of use is proposed and no structural changes or exterior modification are proposed, photographs may be accepted in lieu of elevation drawings if they show a front and rear elevation of the structure. In addition building information shall be submitted to the Building Official to determine appropriate occupancy for the use in compliance with the Building Code.

D. The application shall also include the signed documentation required by Section 17.400.070 (Permits Required), above.

17.400.090 — Adult-oriented Business Permit Required

A. Every person who proposes to establish, maintain, operate or conduct an adult-oriented business in the City shall file an adult-oriented business permit application with the City Manager upon a form provided by the Department. The applicant shall attach a copy of the receipt indicating that the requisite fees were paid to the Department. The fees paid shall not be refunded if substantial processing of the application has occurred.

B. Adult-oriented business permits are nontransferable, except as provided in Section 17.400.150 (Transfer of Adult-Oriented Business Permits).

C. All applications shall include the following information:

1. A detailed description of the type of adult-oriented business for which the permit is requested, including reference to definitions in this Chapter, and the proposed address where the adult-oriented business will operate, plus the names and addresses of the owners and lessors of the adult-oriented business site. In the event the applicant is not the legal owner of the property, the application shall be accompanied by a notarized acknowledgement from the owner of the property that an adult-oriented business will be operated on his or her property and that the property owner has a "rental" Business License.

2. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least 18 years of age.

3. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.

4. If the applicant is a corporation, the corporation shall provide its complete corporate name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of the State, the names and capacity of all officers and directors, and principal stockholders (with 10 percent or more of all outstanding shares of stock), the name of the registered corporate agent and the address of the registered office for service of process.

D. If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a 10 percent or greater interest in the business entity shall sign the application.

E. If the applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult-oriented business and show proof of registration of the fictitious name.

F. The application shall include the following information about each and every officer, director, partner, employee of the adult-oriented business, any independent contractor and any other person who will work at the adult-oriented business:

1. Name, current residential address, telephone number.

2. Date of birth.

3. Social security number and any State or Federally issued tax identification number.

4. Height, weight, color of hair and eyes.

5. Driver's license number.

6. Stage name (if applicable) and other aliases used within the previous two years.

7. Two recent photographs, passport-quality.

8. Fingerprints for purposes of identification at the discretion of the Police Chief.

9. Complete employment history for the past 10 years.

10. Disclosure of whether, within three years immediately preceding the date of the filing of the application for permit, the person has been convicted, pleaded guilty or pleaded nolo contendere of a misdemeanor or felony which is classified by the State as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to, the violation of any crime requiring the registration under California Penal Code Section 290, or any violation of Penal Code Sections 243.4,261,261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 3111.10, inclusive, 314, 316, or 647, or equivalent offenses outside the State, and the date and places of the convictions.

G. The application shall also list whether, preceding the date of application, the applicant or any officer, director, partner, employee, independent contractor, and other persons who will work at the adult-oriented business has:

1. Had a previous permit under this Chapter disapproved, revoked, or suspended, and the date of disapproval, revocation, or suspension;

2. Been a partner in partnership or an officer, director or principal stockholder of a corporation whose permit under this Chapter has been disapproved, revoked, or suspended as and the date of disapproval, revocation, or suspension;

3. Had an adult-oriented business permit, in compliance with the regulations of another city or county which was disapproved, suspended, or revoked, and if so, the name and location of the adult-oriented business and the date of disapproval, suspension or revocation; or

4. Currently holds, or is a partner in a partnership or an officer, director or principal stockholder of a corporation that currently holds, other permits issued in compliance with this Chapter, or other adult-oriented business permits/licenses issued from another city or county, and if so, the names and addresses of the adult-oriented businesses, and the permitting jurisdiction.

H. The application shall also include the signed documentation required by Section 17.400.070 (Permits Required), above.

17.400.100 — Adult Entertainer Permit Required

A. Every person who intends to perform as an adult entertainer shall file an application with the City Manager upon a form provided by the Department. The applicant shall

attach a copy of the receipt indicating the requisite fees were paid to the Department. The fees shall not be refunded.

B. The applicant shall provide the following information with the application:

1. Name, current resident address, telephone number.

2. Date of birth.

3. Social security number.

4. Height, weight, color of hair and eyes.

5. Driver's license number.

6. Stage name (if applicable) and other aliases used within the previous two years.

7. Two recent photographs, passport-quality.

8. Fingerprints for purposes of identification at the discretion of the Police Chief.

9. Complete employment history for the past 10 years.

10. Disclosure of whether, within three years immediately preceding the date of the filing of the application, the applicant has been convicted, pleaded guilty or pleaded nolo contendere of a misdemeanor or felony which is classified by the State as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to, the violation of any crime requiring the registration under California Penal Code Section 290, or any violation of Penal Code Sections 243.4,261,261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 3111.10, inclusive, 314, 316, or 647, or equivalent offenses outside the State, and the date and places of the convictions.

11. Name and location of business at which the applicant will perform or appear.

12. The application shall also include the signed documentation required by Section 17.400.070 (Permits Required), above.

17.400.110 — Applications

A. The City Manager shall be responsible for the granting, disapproving, revoking, renewing, suspending, and canceling adult use planning permits and adult-oriented business permits for proposed or existing businesses, and adult entertainer permits. The City Manager shall also be responsible for ascertaining whether a proposed adult-oriented business for which a permit is being considered complies with all applicable zoning laws and/or regulations. In connection with these reviews, if the City Manager determines that the applicant has completed the application improperly, or otherwise deems the application to be incomplete, the City Manager shall, within 10 business days of receipt of the original application, notify the applicant and on the request of the applicant, grant the applicant an extension of time of 10 business days or less to complete the application properly. The applicant may also request that the application be placed on hold so the applicat can resubmit it at a later date without being disapproved. The time period for granting or disapproving a permit shall be stayed during the period in which the applicant is granted an extension of time or the application is placed on hold.

B. By applying for a permit under this Chapter, the applicant shall be deemed to have consented to the provisions of this Chapter, and to the exercise of authority by the City Manager, the Director, the Police Chief and all other City employees and agencies charged with enforcing the laws, ordinances, and codes applicable in the City of their respective responsibilities.

C. The applicant shall provide a notice address, which shall be the address to which notice of action on the application is to be mailed. The applicant shall also provide the name, address and phone number of the person who is responsible for providing access to the proposed site for inspection purposes.

D. The applicant for a permit under this Chapter or a permittee shall have a continuing duty to promptly supplement any information required by this Chapter in the event information changes in any way from what was stated in previous submittals. The failure to comply within 20 business days from the date the changes occur, by supplementing the application on file with the City Manager shall be grounds for suspension or revocation of a permit.

E. Submission of the materials required for an adult use planning permit or an adult-oriented business permit shall not preclude the need for the applicant to obtain other standard approvals from the City in compliance with the standards of this Development Code. Appropriate land use entitlements include, but are not limited to, administrative site plans and design review entitlements, and building and other permits as required. The provision of the 20 business day application process shall not apply to any other required application process.

F. Despite the fact that an application filed under this Chapter may be a "public record" under Government Code Section 6250 et seq., certain portions of the application contain information vital to the effective administration and enforcement of the licensing and/or permit scheme established in this Chapter which is personal, private, confidential or the disclosure of which could expose the applicant to a risk of harm. Confidential information includes, but is not limited to, the applicant's residence address and telephone number, the applicant's date of birth and/or age, the applicant's driver's license and/or Social Security Number, and/or other personal information including financial data. The Council in adopting the application and permit system set forth in this Chapter has determined in compliance with Government Code Section 6255 that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this Chapter by ensuring that the applicant's privacy, confidentiality or security interests are protected. The City Clerk shall cause to be redacted from any copy of a completed permit application made available to any member of the public, the information set forth above.

17.400.120 — Investigation and Action on Application

A. Upon receipt of a completed application required by this Chapter and payment of the requisite application and permit fees, the City Manager shall immediately stamp the date on which the application was received and promptly investigate the information contained in the application to determine whether the applicant shall be issued a permit.

B. Upon receipt of an application, the City Manager shall immediately send photocopies of the application to the Director, Police Chief, Fire Department, and any other City or County agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the application and proposed adult-oriented business in compliance with its responsibilities under law and identified in this Chapter. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application whether the adult-oriented business will be in violation of any provision of any statue, code, ordinance, regulation or other law in effect in the City, state reasons for approval or disapproval of the permit as appropriate, sign it, and immediately return the photocopy to the City Manager.

C. Within 20 business days of receipt of the completed application, the City Manager shall complete the investigation, grant or disapprove the application in compliance with the provisions of this Section, and so notify the applicant as follows:

1. The City Manager shall write or stamp "Granted" or "Disapproved" on the application and date and sign the application.

2. The City Manager shall grant the application and issue the permit, unless the application is denied for one or more of the reasons set forth below in Section 17.400.130 (Permit Disapproval).

3. If the application is granted, the City Manager shall attach the requested permit to the application.

4. If the application is disapproved, the City Manager shall attach to the application a statement of the reasons for disapproval. The City's decision to grant or disapprove the permit shall not include information authorized or required to be kept confidential in compliance with Welfare and Institutions Code Sections 600 to 900.

5. A copy of the application as granted or disapproved and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the notice address that was stated in the application.

6. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, and the expiration date. The permit shall also indicate that the permit is subject to prohibitions against public nudity and indecency in compliance with the United States Supreme Court decision in Barnes v. Glen Theater, Inc. (1991) 501 U.S. 560 and any applicable local, State or Federal law.

7. Upon written request of the applicant, an extension of time of no more than 20 business days may be added to the above time period for the City Manager to act on an application.

D. The City Manager shall provide each adult entertainer that is issued a permit in compliance with this Chapter, an identification card containing the name, address, photograph and permit number of the entertainer. An adult entertainer shall have the identification card available for inspection at all times during which the adult entertainer is on the premises of the adult-oriented business.

E. If the City Manager neither grants nor disapproves the completed application within 20 business days after it is stamped as received, the applicant may begin operating the adult-oriented business or perform as an adult entertainer for which the permit was sought, subject to strict compliance with the requirements of this Chapter.

F. Any decision by the City Manager to issue or disapprove an application under this Chapter may be appealed in compliance with Section 17.400.180 (Appeal of Disapproval, Suspension or Revocation).

17.400.130 — Permit Disapproval

A. The City Manager shall disapprove an application for any of the following applicable reasons:

1. The building, structure, equipment and/or location to be used by the business for which the permit is required, does not, or can not, be corrected to comply with the locational requirements set forth in this Chapter and the applicable zoning, land use, development, health, fire, building and safety laws of the City and State.

2. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit required by this Chapter or in any report or record required to be filed in connection with the application.

3. The applicant is under 18 years of age.

4. The required permit application fee and Business License fee and tax fee have not been paid.

5. The applicant failed to submit a complete application after being notified by the City Manager that the application was incomplete.

6. The applicant or the applicant's adult-oriented business is in violation of, or is not in compliance with, provisions of this Chapter related to establishment and maintenance of an adult-oriented business.

7. That on or after the date that the business for which a permit is required by this Chapter commences, there will be no responsible person on the premises to act as manager at all times during which the adult business is open.

8. Within three years immediately preceding the date of the filing of the application for permit under this Chapter, the applicant, manager, partner, agent, director, officer, stockholder, or employee has been convicted of a misdemeanor or felony which is classified by the State as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to, the violation of any crime requiring the registration under California Penal Code Section 290, or any violation of Penal Code Sections 243.4,261,261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 3111.10, inclusive, 314, 316, or 647, or equivalent offenses outside the

State. The fact that a conviction is being appealed will have no effect on disqualification of the applicant.

9. The applicant, manager, partner, agent, director, officer, stockholder, or employee has been convicted in a court of competent jurisdiction of any crime in conjunction with or as a result of the operation of an adult-oriented business prior to the filing of the application. The fact that a conviction is being appealed will have no effect on disqualification of the application.

10. The applicant, manager, partner, agent, director, officer, or stockholder has had any type of adult-oriented business permit suspended or revoked by any city, county or state within two years immediately preceding the date of application, because of failure to comply with regulations, standards or conditions of the regulatory agency.

11. The granting of the permit would violate a statute, ordinance, or court order.

12. The applicant is overdue in payment to the City of any taxes, fees, fines or penalties assessed against or imposed in relation to an existing or former adult-oriented business.

B. An adult use planning permit shall be disapproved if a concurrent application for an adult-oriented business permit is disapproved. An application for an adult-oriented business permit shall be disapproved if a concurrent application for an adult use planning permit is disapproved.

C. If the application is disapproved and all appeal rights have been exhausted, the applicant shall be ineligible to apply for any adult-oriented business permit in the City for a minimum of two years from the date the application was disapproved. If, subsequent to disapproval, the City Manager finds the basis for disapproval of the permit has been corrected, the applicant shall be granted a permit if at least 90 days have elapsed since the date the disapproval became final.

D. After any final disapproval of a permit under this Chapter, the applicant may seek prompt judicial review of the decision in a court of competent jurisdiction as provided by law, in compliance with California Code of Civil Procedure Section 1094.5 et seq., and in compliance with the expedited judicial review set forth in California Code of Civil Procedure Section 1094.8.

17.400.140 — Permit Renewals; Expiration

A. Adult-oriented business and adult entertainer permits issued in compliance with this Chapter shall be valid for 12 months from the date of issuance, unless earlier revoked or suspended. The permits shall be renewed on an annual basis by submitting an application for renewal of the permit together with the requisite fee established in compliance with Section 17.400.250 (Fees), below, at least 20 business days prior to the expiration of the existing permit. The renewal application shall include all the same information as would be required for a new application by this Chapter. Renewals shall be acted on as provided for new applications and shall be contingent upon satisfactory compliance with all applicable provisions of this Chapter, including maintenance of a Business License. When a renewal application is made less than 20 business days before the expiration date of a permit, the expiration of the permit shall not be stayed.

B. Any adult use planning permit approved in compliance with this Chapter shall become null and void if not exercised within 12 months from the date of the approval. If an adult-oriented business ceases to operate for a period of six months, the adult use planning permit shall become null and void. A permit extension may be granted if prior to the expiration date the permittee demonstrates to the satisfaction of the City Manager that it has a good faith intent to presently commence the proposed use. Extensions of an adult use planning permit shall not exceed a total of two six-month extensions.

17.400.150 — Transfer of Adult-Oriented Business Permits

A. A permittee shall not operate an adult-oriented business under the authority of an adult-oriented business permit and/or an adult use planning permit at any place other than the address of the adult-oriented business stated in the application for which the permit was granted.

B. A permittee shall not transfer ownership or control of an adult-oriented business or transfer an adult-oriented business permit or an adult use planning permit to another person unless and until the transferee obtains an amendment to the permits from the City Manager stating that the transferee is now the permittee. The amendment may be obtained only if the transferee files an application with the City Manager in compliance with Sections 17.400.080 (Adult Use Planning Permit- Adult Business Application), 17.400.090 (Adult-Oriented Business Permit Required) and 17.400.110 (Applications), accompanies the application with a copy of a receipt indicating the requisite fees were paid to the Department, and the City Manager determines, in compliance with Section 17.200.120 (Investigation and Action on Application) that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the City Manager has notified the permittee that the permit has been or may be suspended or revoked.

D. Adult entertainer permits shall be non transferable.

E. Any attempt to transfer a permit, either directly or indirectly, would be in violation of this Section and would be hereby declared void, and the permit shall be deemed immediately revoked.

17.400.160 — Registration of New Employees

A. As a further condition of approval of every adult-oriented business permit issued in compliance with this Chapter, every owner or operator shall register every new employee, officer, director, partner, independent contractor and any other person who works or will work at the adult-oriented business with the City Manager within five business days of the commencement of the person's period of employment at the adult-oriented business. For each person registered, the permittee shall submit to the City Manager a copy of a receipt indicating the requisite fees for the adult business permit were paid to the Department.

B. As part of the registration process, the following information about each new employee, officer, director, partner, independent contractor and any other person who works or will work at the adult-oriented business shall be provided to the City Manager on a form provided by the Department:

1. Name, current resident address, telephone number.

2. Date of birth.

3. Social Security number or any State or Federally issued tax identification number.

4. Height, weight, color of eyes and hair.

5. Driver's license number.

6. Stage name (if applicable) and other aliases used within the previous two years.

7. Two recent photographs, passport-quality.

8. Fingerprints for purposes of identification at the discretion of the Police Chief.

9. Complete employment history for the past 10 years.

10. Disclosure of whether, within three years immediately preceding the date of the filing of the application for the permit, the person has been convicted, pleaded guilty or pleaded nolo contendere of a misdemeanor or felony which is classified by the State as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to, the violation of any crime requiring the registration under California Penal Code Section 290, or any violation of Penal Code Sections 243.4,261,261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 3111.10, inclusive, 314, 316, or 647, or equivalent offenses outside the State, and the date and places of the convictions.

C. Each owner or operator of an adult-oriented business shall maintain a current register of the names of all employees currently employed by the adult-oriented business, and shall disclose the register for inspection by any Police Officer for purposes of determining compliance with the requirements of this Section.

D. Failure to register each new employee within five business days of the commencement of employment, or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the adult-oriented business permit and may be considered grounds for suspension or revocation of the permit.

17.400.170 — Suspension or Revocation of Permits

A. A permittee may be subject to suspension or revocation of a permit granted under this Chapter, or be subject to other appropriate remedial action, including the imposition of additional conditions, for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, operator, or manager of an adult-oriented business:

1. The permittee, employee, agent, partner, director, stockholder, operator, or manager has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.

2. The permittee, employee, agent, partner, director, stockholder, operator, or manager failed to disclose the conviction of an act for which disapproval of a permit would have been required in compliance with this Chapter.

3. The permittee, employee, agent, partner, director, stockholder, operator, or manager refused to allow an inspection of the premises of the adult-oriented business as authorized by this Chapter.

4. The permittee, employee, agent, partner, director, stockholder, operator, or manager operated the adult-oriented business in violation of the hours of operation contained in this Chapter.

5. The permittee, employee, agent, partner, director, stockholder, operator, or manager operated the adult-oriented business in violation of a Federal, State, or local building, fire, health, or zoning statute, code, ordinance or regulation, applicable in the City, based on the investigation by the City or other agency responsible for the enforcement of the applicable rules or laws.

6. The permittee, employee, agent, partner, director, stockholder, operator, or manager of an adult-oriented business has knowingly participated or allowed and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult-oriented business:

    a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

    b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

    c. Any conduct constituting a criminal offense, which requires registration under Section 290 of the California Penal Code.

    d. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.

    e. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.

    f. Any other conduct prohibited by this Chapter or any code or law effective in the City.

    g. Gambling by any persons on the premises.

    h. The possession, use or sale of controlled substances on the premises.

7. The permittee, employee, agent, partner, director, stockholder, operator, or manager failed to abide by any action previously imposed by an appropriate

officer of the City or other agency responsible for the enforcement of this Chapter and other County and State codes and laws.

B. On determining that grounds for permit revocation exist, the City Manager shall furnish written notice of the proposed suspension or revocation to the permittee. The notice shall set forth the time and place of a hearing by the City Manager, and the ground or grounds upon which the hearing is based, the pertinent code sections, and a brief statement of the factual matters in support of permit suspension or revocation. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least 10 business days prior to the hearing date. Hearings shall be conducted in compliance with procedures established by the City, but at a minimum shall include the following:

1. All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; and may be represented by counsel.

2. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

3. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness.

C. After holding the hearing in compliance with the provisions of this Section, if the City Manager, finds and determines that there are grounds for action, the City Manager shall impose one of the following:

1. A warning.

2. Suspension of the permit for a specified period not to exceed six months.

3. Revocation of the permit.

D. The City Manager's decision may be appealed in compliance with Section 17.400.180 (Appeal of Disapproval, Suspension or Revocation).

E. If any decision of the City Manager to revoke a permit is upheld after the permittee has exhausted the permitee's appeal rights, the permittee shall cease conducting business in the City. A revoked permit shall not be renewed and no other permit shall be issued to the same permittee or his or her successors-in-interest within 12 months of the date revocation became effective.

17.400.180 — Appeal of Disapproval, Suspension or Revocation

A. After disapproval of an application for a permit submitted in compliance with this Chapter, or after disapproval of renewal of a permit, or suspension or revocation of a permit, the applicant or permittee may appeal the administrative action in compliance with the provisions of this Section.

B. An appeal of a disapproval, suspension or revocation shall be submitted to and received by the City Clerk within 10 business days of the date of the decision. The appeal shall be in writing on forms provided by the City together with an appeal fee established in compliance with Section 17.400.250 (Fees), below. All appeals shall set forth the appellant's reason for asserting the action was in error, or in violation of this Development Code, or other applicable law. Any action appealed shall be suspended until action has been taken on the appeal.

C. When a timely appeal is filed, the City Manager shall appoint a hearing officer or body to conduct a hearing on the matter. The hearing officer may be a person or body designated by the City Manager to perform all or a portion of his or her duties, or may be another official or body from another city or agency, or other person qualified to conduct a review of the matter. Appointment may be done in consultation with the appellant. The hearing for an appeal of a permit disapproval or disapproval of a renewal of a permit shall take place within 10 business days of the receipt of the appeal; the hearing for an appeal for suspension or revocation of a permit shall take place within 20 business days of the date of the receipt of the appeal. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; and may be represented by counsel. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness.

D. The hearing officer or body from another jurisdiction shall render a written decision on the matter within five business days of the close of the hearing on the appeal.

E. All decisions made by the appointed hearing officer regarding the permit disapproval, disapproval of renewal, suspension or revocation of a permit, shall be final. If the permit disapproval, disapproval of renewal, suspension or revocation of a permit is affirmed on review by the appointed hearing officer, the applicant or permittee may seek prompt judicial review of the administrative action in a court of competent jurisdiction as provided by law, in compliance with California Code of Civil Procedure Section 1094.5 et seq. The City shall make all reasonable efforts to expedite judicial review in compliance with Code of Civil Procedure Section 1094.8. Any action under judicial review shall be suspended pending final administrative determination.

17.400.190 — Register of Adult Entertainers

Every permittee of an adult-oriented business which has adult entertainers or provides live entertainment depicting specified anatomical areas or involving specified sexual activities shall maintain a register of all persons so performing on the premises and copies of the adult entertainment permits required by this Chapter. The register shall be available for inspection during regular business hours by any representative of the City Manager, Police Chief, Department or other City Department.

17.400.200 — Display of Permit

Every adult-oriented business shall display at all times during business hours the permits issued in compliance with the provisions of this Chapter for the adult-oriented business in a conspicuous place so that the permits may be readily seen by all persons entering the adult-oriented business.

17.400.210 — Employment of and Services Rendered to Persons under the age of 18 Years Prohibited

A. It shall be unlawful for any permittee, operator, or other person in charge of any adult-oriented business to employ, or provide any service for which a permit is required to any person who is not at least 18 years of age.

B. It shall be unlawful for any permittee, operator or other person in charge of any adult-oriented business to permit to enter, or remain within the adult-oriented business, any person who is not at least 18 years of age, or allow the purchase of goods at an adult-oriented business by a person who is not at least 18 years of age.

C. Signs shall be conspicuously posted on all entrances restricting entrance of minors.

D. The interior of the premises shall not be visible to a minor.

17.400.220 — Reservation of Right to Review Adult Use Planning Permit - Changed Conditions

Any adult use planning permit granted or approved in compliance with this Chapter shall be granted or approved with the City reserving the right and jurisdiction to review and modify the adult use planning permit - including the conditions of approval - based on changed circumstances. Changed circumstances include, but are not limited to, modification of the business, change in scope, emphasis, size or nature of the business, and expansion, alteration, of

change of use. The reservation of the right to review an adult use planning permit granted or approved under this Chapter is in addition to, and not in lieu of, the right of the City to review and revoke or modify any permit granted or approved in compliance with this Chapter for any violations of the conditions imposed on the permit.

17.400.230 — Inspection

An applicant or permittee shall permit the City Manager, Police Chief and representatives of the Department, the Fire Agency, or other City departments or County agencies to inspect the premises of an adult-oriented business for the purpose of insuring compliance with the law and the development and performance standards applicable to adult-oriented businesses, at any time it is occupied or opened for business. A person who operates an adult-oriented business or his or her agent or employee is in violation of the provisions of this Section if he or she refuses to permit a lawful inspection of the premises at any time it is occupied or open for business. Inspections shall be conducted in a reasonable manner.

17.400.240 — Regulations Nonexclusive

The provisions of this Chapter are not intended to be exclusive and compliance with this Chapter shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the Council.

17.400.250 — Fees

The Council shall establish by resolution, and from time to time may amend, the fees for administration of this Chapter. If additional fees are required for further investigation of an applicant, the permit shall not be issued until the additional fees are paid to the Department. Fees required by this Chapter shall be in addition to any fees required by other City code or ordinance.

17.400.260 — Violations and Penalties

A. It shall be unlawful for any person to operate an adult-oriented business or perform as an adult entertainer at an adult-oriented business in the City without a valid permit(s) issued by the City Manager in compliance with this Chapter.

B. Violation of any of the provisions of Subsection (A) above shall constitute a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this Chapter is committed, continued, or allowed by that person. Despite the foregoing, the City

Attorney may elect to prosecute violations of any provision of this Chapter as an infraction.

C. Violation of any requirement of this Chapter applicable to an adult-oriented business permit or adult entertainer permit issued in compliance with this Chapter shall constitute grounds for revocation of the permit. A permittee shall be responsible for the conduct of all employees, independent contractors, or other persons who work at the permittee's adult-oriented business, and a permit may be subject to revocation for any violations of this Chapter arising from the acts or omissions by employees, independent contractors, or other persons who work at the adult-oriented business.

17.400.270 — Enforcement

Even though other provisions of this Development Code assign enforcement responsibility to the Director, the Police Chief is responsible for enforcing the provisions of this Chapter.

17.400.280 — Prohibited Uses

Despite any provision in this Chapter to the contrary, sex supermarkets, sex mini-malls, and sexual encounter establishments, as defined in Section 17.400.020 (Definitions), are prohibited in the City.

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Chapter 17.405 — Accessory Structures and Uses

Sections:

17.405.010 – Accessory Amusement Devices
17.405.020 – Accessory Retail and Service Uses
17.405.030 – Accessory Structures - Noncommercial Agricultural
17.405.040 – Accessory Structures - Nonresidential
17.405.050 – Accessory Structures - Residential

17.405.010 — Accessory Amusement Devices

This Section provides standards for amusement devices that are accessory to primary commercial uses, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). These requirements do not apply to adult-oriented businesses (see Chapter 17.400 – Adult-Oriented Businesses).

A. **Number of devices.** Up to five amusement devices may be allowed as an accessory use to a primary commercial use. For regulations of arcades (six or more amusement devices), see Section 17.425.070 (Arcades).

B. **Pool/billiard tables.** One pool/billiard table may be allowed as an accessory use to a primary commercial use. For poolrooms and billiard halls as primary uses, see Municipal Code Chapter 5.36 (Poolrooms and Billiard Halls).

C. **Combination of pool/billiard table and other amusement devices.** A maximum of one pool/billiard table and one amusement device shall be allowed as an accessory use to a primary commercial use.

D. **Uses requiring a permit.** All other numbers of, or combinations of, accessory amusement devices shall be considered to be indoor commercial recreation facilities or arcades and shall require the approval of a Conditional Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

17.405.020 — Accessory Retail and Service Uses

This Section provides standards for retail and service uses that are accessory to a primary commercial, industrial, or institutional use (e.g., hotel gift shops, hospital pharmacies, company restaurants, etc.)

A. **External evidence of use prohibited.** There shall be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, windows with merchandise visible from adjoining streets, etc.). Access to any space used for the accessory retail or service use shall be from within the primary structure.

17.405.030 — Accessory Structures - Noncommercial Agricultural

This Section provides standards for accessory structures for noncommercial agricultural uses, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Timing of installation.** A noncommercial agricultural accessory structure may only be constructed concurrent with or after the construction of an approved primary structure on the same site, unless:

1. The site is two acres or larger, and the proposed structure is a barn, or other structure used for confining animals and/or housing farm equipment or supplies, or is a greenhouse; or

2. Construction in advance of a primary structure is authorized through Minor Use Permit approval in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

B. **Zone development standards.** A noncommercial agricultural accessory structure shall comply with the standards in Table 2-3 (Development Standards for RE, RR, and RL Zones) that apply to the primary structure (e.g., height, setbacks, site coverage, etc.), except where Section 17.425.050 (Animal Keeping) establishes a greater setback requirement for an animal-keeping structure.

17.405.040 — Accessory Structures - Nonresidential

This Section provides standards for structures and uses that are accessory to primary nonresidential uses, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). Nonresidential accessory structures and uses shall:

A. **Relationship to primary use.** Be incidental to the primary structure or use; shall be intended to serve occupants and patrons of the primary structure or use; and shall not alter the character of the site or use.

B. **Construction and design criteria.** Comply with the California Building Code and shall be architecturally compatible with the primary structure in terms of design, color and materials, as determined by the Director.

17.405.050 — Accessory Structures - Residential

This Section provides standards for accessory structures that are customarily related to a residence in residential zones. These requirements do not apply to accessory structures and uses identified as exempt in compliance with Section 17.205.040 (Exemptions from Permit Requirements); used for animal keeping purposes (see Section 17.425.050 – Animal Keeping); or used for living purposes (see Section 17.425.300 – Second Dwelling Units).

A. **Limitation on number.** Up to two accessory structures shall be allowed on a parcel in addition to a detached garage, except in the RR (Residential Rural) and RE (Residential Estate) zones which have no limit.

B. **Relationship to primary use.** An accessory structure shall be incidental to the primary residential use of the site and shall not alter the character of the primary site or use.

C. **Timing of installation.** An accessory structure may only be constructed concurrent with or after the construction of the primary structure on the same site.

D. **Attached accessory structures.**

1. **Determination of attachment.** An accessory structure that is attached to a primary structure shall be compatible with, and made structurally a part of, the primary structure (i.e., share a common wall with the primary structure, rely partially on the primary structure for structural support, be attached to the primary structure at a minimum of two points; or attached by means of a breezeway (e.g., covered walkway).

2. **Zone development standards.** An attached accessory structure shall comply with the standards in Table 2-3 (Development Standards for RE, RR, and RL Zones) and Table 2-4 (Development Standards for RM, RH, RMH, and RVH Zones) that apply to the primary structure (e.g., height, setbacks, structure coverage, etc.).

3. **Construction and design criteria.** An attached accessory structure shall comply with the California Building Code and shall be architecturally compatible with the primary structure in terms of design, color and materials, as determined by the Director.

E. Detached accessory structures.

1. **Site coverage limit.** The sum of the floor area(s) of the total number of detached accessory structures shall not exceed 50 percent of the required rear setback of the parcel in compliance with Table 2-3 (Development Standards for RE, RR, and RL Zones) and Table 2-4 (Development Standards for RM, RH, RMH, and RVH Zones). Accessory structures shall be included in the calculation for the maximum parcel coverage of the entire site in compliance with Table 2-3 (Development Standards for RE, RR, and RL Zones) and Table 2-4 (Development Standards for RM, RH, RMH, and RVH Zones).

2. **Construction and design criteria.** Detached accessory structures shall comply with the California Building Code and shall be architecturally compatible with the primary structure in terms of design, color and materials, as determined by the Director.

3. **Height limit.** Detached accessory structures shall not exceed a height of 15 feet, except detached tool sheds, playhouses, recreation equipment, and similar facilities located within a required side setback or within five feet of a rear property line, which shall not exceed a height of seven feet from finished grade. The finished grade shall not be artificially altered to allow for a higher detached accessory structure.

4. **Location.** Detached accessory structures on a corner lot shall not project beyond the front setback line required on the key lot in the rear and shall not be located closer than four feet to the side lot line of the key lot: provided, however, that the accessory structure shall not be located less than 25 feet from the side street line of a corner or reversed corner lot.

5. **Separation distance.** Detached accessory structures on a single parcel shall be separated from the primary structure and other accessory structures by at least six feet, or more if required by the Building Code.

6. **Setbacks**. Setbacks shall be as required by Table 4-1 (Required Setbacks – Accessory Residential Structures and Uses). Projections into required setback areas shall comply with Section 17.305.120 (Setback Regulations and Exceptions).

Table 4-1
Required Setbacks – Accessory Residential Structures and Uses

Type of Detached Accessory Structure/Use	Type of Setback (1)	Required Setback	
		Single-Family and Duplex Dwellings	Multi-Family Dwellings
Air conditioning equipment, pool and spa equipment	Front	Same as primary structure	Same as primary structure
	Side, Rear	5 feet (4)	5 feet
	Street side	Same as primary structure	Same as primary structure
Garage, carport, portable covers, canopies, or shelters (permanent/temporary) of any type	Front	20 feet (5)	20 feet (2) (5)
	Side	5 feet (3) (4)	Same as primary structure
	Street side	10 feet; or 20 feet if entrance faces public right-of-way	10 feet; or 20 feet if entrance faces public right-of-way
	Rear	5 feet; or 20 feet if entrance faces right-of-way	Same as primary structure
Flagpole	Front	5 feet (4)	5 feet (4)
	Side	None	None
	Street side	5 feet (4)	5 feet (4)
	Rear	None	None
Guest house, second dwelling unit	Front	Same as primary structure	N/A
	Side	5 feet	N/A
	Street side	Same as primary structure	N/A
	Rear	5 feet	N/A
All other accessory structures, including decks, platforms, stationary compost bin, fire pit, gazebo, greenhouse, landscape ponds, outdoor play equipment, patio cover, recreational court, spa, stationary barbeque, storage shed, swimming pool, treehouse, workshop.	Front	Same as primary structure	Same as primary structure
	Side	5 feet	Same as primary structure
	Street side	Same as primary structure	Same as primary structure (3)
	Rear	10 feet-RE and RR zones 5 feet-All other residential zones	Same as primary structure
Retaining walls	See Chapter 17.315 (Fences, Walls, and Hedges).		

Notes:

(1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, the Director shall establish required setbacks in compliance with Section 17.305.120 (Setback Regulations and Exceptions).

(2) The front setback for side-entry garages shall be 15 feet.

(3) Garages and carports in multi-family projects shall not directly face an abutting public street.

(4) Accessory structures may be allowed within one required side setback only, provided that there is a three-foot wide walkway continuously maintained between the front and rear yards that is open and unobstructed from the ground upward.

(5) Attached garages for residences located in the Alessandro, Heritage, and Ramona neighborhoods shall be set back a minimum of five feet from the front plane of each residential structure.

F. Standards for specific residential accessory structures and uses. The following requirements apply to the specific types of accessory structures listed, in addition to the requirements of Subsections A through E, above.

1. Antennas. Antennas shall comply with the requirements of Section 17.425.290 (Satellite/Dish Antenna and Amateur Radio Antennas).

2. Greenhouses. Greenhouses shall comply with the following limitations:

a. A maximum of 400 square feet in size in the RL (Residential, Low Density) and RM (Residential, Medium Density) zones.

b. A maximum of 1,000 square feet in size or five percent of the parcel area, whichever is smaller, in the RR (Residential Rural) or RE (Residential Estate) zones.

c. Not allowed in the RMH (Residential, Medium High Density), RH (Residential, High Density) or RVH (Residential, Very High Density) zones.

3. Guest houses. Guest houses shall comply with the following limitations:

a. Guest houses shall only be allowed in the RR (Rural Residential) or RE (Residential Estate) zones.

b. A guest house shall have a maximum of 640 square feet of habitable floor area, containing not more than one bedroom and one bathroom.

c. No cooking or food preparation or food storage facilities shall be provided.

c. Only one guest house shall be allowed on a single-family parcel. A guest house shall not be allowed if a second dwelling unit exists on the parcel.

d. A guest house shall not be rented or otherwise used as a separate dwelling.

4. Swimming pools. Residential swimming pools shall comply with the following:

a. Pool fencing shall comply with Chapter 17.315 (Fences, Walls, and Screening); and

b. Pool lighting shall be directed downward and shall only illuminate the pool and immediate seating area(s) in compliance with Section 17.300.080 (Outdoor Light and Glare).

5. **Tennis and other recreational courts.** Residential outdoor tennis courts and other recreational courts (e.g., basketball, racquetball, etc.) shall comply with the following:

a. Court fencing shall comply with Chapter 17.315 (Fences, Walls, and Screening); and

b. Court lighting shall not exceed a maximum height of 20 feet, measured from the court surface. The lighting shall be directed downward and shall only illuminate the court and not adjacent property in compliance with Section 17.300.080 (Outdoor Light and Glare).

6. **Workshops or studios.**

a. Use of an accessory structure as a workshop or studio shall be limited to noncommercial hobbies or amusements; maintenance of the primary structure or the site; artistic endeavors (e.g., music, painting, photography, sculpture, writing, etc.); or other similar purposes.

b. Use of an accessory workshop for commercial activity may be allowed in the RE (Residential Estate) zone in compliance with Section 17.425.150 (Cottage Businesses).

c. Workshops or studios shall not be used in connection with home occupations in compliance with Chapter 17.615 (Home Occupations).

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Chapter 17.410 — Condominiums and Condominium Conversions

Sections:

17.410.010 – Purpose
17.410.020 – Applicability
17.410.030 – Subdivision Processes for New Condominiums
17.410.040 – Subdivision Processes for Condominium Conversions
17.410.050 – Development Standards for All Condominiums
17.410.060 – Development Standards for New Condominiums
17.410.070 – Development Standards for Condominium Conversions

17.410.010 — Purpose

The purpose of this Chapter is to address the special attributes of residential condominium subdivisions; to provide development standards that will ensure that units meet reasonable physical standards; to protect the rights of tenants; and to promote home ownership by providing a process for converting rental units to owner-occupied units.

17.410.020 — Applicability

A. **Residential condominium/common interest development.** This Chapter applies to the following types of residential condominium or other common interest residential developments (i.e., community apartment project, planned development, or stock cooperative, as provided by California Civil Code Section 1351):

1. Creation of a residential condominium or other common interest residential development simultaneously with the construction of a new structure; and

2. Conversion of an existing structure to a residential condominium or other common interest residential development.

B. Commercial condominium/common interest development. Commercial condominiums or condominium conversions are not regulated by this Development Code, but are instead subject to the requirements of the California Department of Real Estate.

17.410.030 — Subdivision Processes for New Condominiums

Proposed new condominium or other common interest development projects shall comply with the following requirements:

A. Application processing and approval.

1. A tentative map or tentative parcel map for the project, whichever is applicable based upon the number of dwelling units, shall be filed in the same form; shall have the same contents and accompanying data and reports; and shall be processed, approved, or disapproved in the same manner in compliance with Municipal Code Chapter 16.12 (Tentative Maps) or Chapter 16.14 (Vesting Tentative Maps). Municipal Code Chapter 16.16 (Final Maps and Parcel Maps) determines whether a final map or parcel map shall also be filed.

2. In addition, the following items shall be submitted with the tentative map or tentative parcel map:

    a. Development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations;

    b. A preliminary landscaping plan of the project indicating types and sizes of landscaping materials.

    c. A preliminary lighting plan of the project indicating location and nature of exterior lighting and lighting fixtures in common areas;

    d. The proposed condominium documents, including the portions of the Covenants, Conditions, and Restrictions (CC&R's) that apply to the conveyance of units, the assignment of parking, and the management of common areas within the project; and

    e. Any other information that the Director determines is necessary to evaluate the proposed project.

3. The review authority may approve requests by the subdivider for reasonable waivers of the development standards upon making all of the following findings:

   a. The condominium project is in substantial compliance with both the development standards in Section 17.410.050 (Development Standards for All Condominiums) and in Section 17.410.060 (Development Standards for New Condominiums); and

   b. The project incorporates mitigating features that tend to further the purpose of this Chapter.

B. Development standards. New condominiums shall comply with the development standards identified in Section 17.410.050 (Development Standards for All Condominiums) and in Section 17.410.060 (Development Standards for New Condominiums), unless waived in compliance with Paragraph A.3, above.

17.410.040 — Subdivision Processes for Condominium Conversions

Condominium conversions (i.e., the conversion of real property to a common interest development as defined by Civil Code Section 1351) shall comply with the following requirements:

A. Application processing and approval.

1. A tentative map or tentative parcel map for the project, whichever is applicable based upon the number of dwelling units, shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner in compliance with Municipal Code Chapter 16.12 (Tentative Maps) or Chapter 16.14 (Vesting Tentative Maps). Municipal Code Chapter 16.16 (Final Maps and Parcel Maps) determines whether a final map or parcel map shall also be filed.

2. In addition, the following items shall be submitted with the tentative map or tentative parcel map:

   a. A Condominium Conversion Application available from the Department.

   b. Tenant and rental information, which shall consist of the name and address of each present tenant of the project, and the identification of the vacant units.

   c. Schedule of proposed improvements that shall be made to the project before the sales; the list shall not prohibit the applicant from making additional improvements.

d. A plot plan of the project including the location and sizes of structures, parking layout, and access areas.

e. A landscaping plan showing types and sizes of landscaping materials and plan for permanent and automatic irrigation facilities;

f. The proposed condominium documents, including the portions of the Covenants, Conditions, and Restrictions (CC&R's) that apply to the conveyance of units, the assignment of parking, and the management of common areas within the project; and

g. Any other information that the Director determines is necessary to evaluate the proposed project.

B. Inspections.

1. Upon receipt of the application to convert, the application for subdivision, and the documents required in Subsection A, above, the Director shall submit copies to the Fire Chief, Building Official, and other departments as necessary. The subdivider shall pay all inspection costs.

a. The Building Official shall inspect the project and prepare an inspection report that identifies any repairs necessary to bring the project into compliance with the Building Code in effect at the time of conversion.

b. The Fire Chief shall inspect the project and prepare an inspection report that identifies any deficiencies in the fire protection systems that require correction to bring the project into compliance with the Fire Code in effect at the time of conversion.

c. The Director shall inspect the project and prepare an inspection report that identifies any violations of this Development Code in effect at the time of conversion.

d. A licensed structural pest control operator shall inspect the project and prepare a Structural Pest Control Report that identifies any infested areas in need of repair or replacement. The report shall be dated and filed at least 30 days before submittal of the final map.

e. At the Director's discretion, the Director may request inspections from other City officials and departments.

2. The subdivider shall make the corrections required in all of the inspection reports.

3. A Final Inspection Report, indicating full compliance with all of the requirements specified above, shall be made by the Building Official before approval of the parcel map or final map.

4. The Department shall keep copies of the required reports, as public records, for no less than five years and shall send copies to the California Real Estate Commissioner as required by State law.

C. Street improvements.

1. The subdivider shall improve or deposit surety in compliance with Section 17.660.070 (Performance Guarantees) guaranteeing the upgrading to City standards of substandard or deficient street improvements within the public right(s)-of-way fronting the subject property. The improvements may include curbs, drainage devices, driveways, gutters, ramps, sidewalks, street paving, street lights, trees and tree wells and shall be completed to the satisfaction of the City Engineer.

2. The width of the public rights-of-way and roadway of the street(s) abutting the subject property shall conform to the minimum standard of the Circulation Element of the General Plan.

D. Fees. If the apartment proposed for condominium conversion has not paid development fees as required by the City, School District, or the Eastern Municipal Water District, the applicant shall pay a charge equal to the amount of a single-family residence times the number of units in the proposed condominium before submittal of the parcel map or final map.

F. Tenant notifications. For the conversion of residential property into a condominium project, a community apartment project, or a stock cooperative project, the following notifications shall be provided to tenants in compliance with Government Code Section 66427.1:

1. Each existing and prospective tenant shall receive each of the following notices:

   a. Written notification, in the form required by Government Code Section 66452.18, of intention to convert shall be provided at least 60 days before the filing of a Tentative Map.

   b. Ten days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, that the

period for each tenant's right to purchase begins with the issuance of the final public report (i.e., information for prospective buyers including covenant, conditions, and restrictions that govern the use of property; costs and assessments for maintaining homeowners' associations and common areas; and other material disclosures) by the California Department of Real Estate, and that the report will be available on request.

c. Written notification that the subdivider has received the public report from the Department of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Department of Real Estate.

d. Written notification within 10 days after approval of a final map for the proposed conversion.

e. Written notification, in the form required by Government Code Section 66452.19, of the intent to convert 180 days before the termination of tenancy, but not before the review authority has approved a Tentative Map for the conversion. The notice given in compliance with this paragraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code Sections 1941, 1941.1, and 1941.2.

f. Written notification, in the form required by Government Code Section 66452.20, of the tenant’s exclusive right to contract for the purchase of the tenant’s respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in the Business and Professions Code Section 11018.2, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of the tenant’s intention not to exercise the right.

2. The written notices to tenants required by subparagraphs 1.a. and 1.b., above, shall be deemed satisfied if those notices comply with the legal requirements for service by mail.

3. This Section shall not diminish, limit, or expand, other than as provided in this Section, the City’s authority to approve or disapprove condominium projects.

4. If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, all required written notices regarding the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be issued in that language.

G. Development standards. Condominium conversions shall comply with the development standards in Section 17.410.050 (Development Standards for All Condominiums) and in Section 17.410.070 (Development Standards for Condominium Conversions). The review authority may approve requests by the subdivider for reasonable waivers of the development standards upon making all of the following findings:

1. The condominium project is in substantial compliance with the development standards in Section 17.410.050 (Development Standards for All Condominiums) and in Section 17.410.070 (Development Standards for Condominium Conversions); and

2. The project incorporates mitigating features that tend to further the purpose of this Chapter.

17.410.050 — Development Standards for All Condominiums

This Section provides standards for both new condominiums and condominium conversions.

A. Declaration of Covenants, Conditions, and Restrictions (CC&R's).

1. Both new construction and conversions. The portions of the Covenants, Conditions, and Restrictions (CC&R's) to be recorded in the Public Records of Riverside County shall include a statement that none of the provisions may be amended or changed without first obtaining the Director's written consent.

2. Conversions only. For condominium conversions only, the CC&R's shall describe the Impact Insulation Class (IIC) rating of all separating floor/ceiling assemblies, as required by Subsection 17.410.060.H. (Sound attenuation). Where the minimum IIC rating is obtained through the use of floor covering(s), the CC&R's shall provide that:

a. The covering shall not be removed for any purpose except cleaning or replacement; and

b. Any replacement covering(s) shall furnish the same or a greater degree of impact insulation as that originally installed.

B. Easements.

1. **Private storage areas.** An exclusive easement to airspace of private storage areas, including the private storage space required by Subsection 17.410.060.J. (Storage space – Private), below shall be conveyed with each unit.

2. **Parking.** An exclusive easement for two required off-street parking spaces shall be conveyed with each unit. All parking spaces shall be used solely by unit owners, members of their families, their guests, or lessees of the owners' units.

C. Fire detection systems. Early warning smoke detection systems in the living quarters and fire protection systems shall be installed in compliance with State law and the City's Fire Code.

D. Keying requirements. Each single dwelling unit shall have locks using combinations that are interchange-free from locks used in all other separate dwellings (i.e., master keying is prohibited). Master keying may be allowed when requested by the condominium association authorized to represent the owners of the condominium units within the project.

E. Security measures.

1. **Design criteria.** The general design of the project shall incorporate crime reduction features identified in Chapter 17.420 (Multi-Family Development). Individual unit security shall be a significant consideration in the construction of the project.

2. **Doors.**

   a. Exterior doors and doors leading from garage areas into private units shall be of solid core construction with a minimum thickness of 1 3/8 inches with panels not less than 9/16 inches thick, except those portions constructed of metal or glass.

   b. Exterior doors and doors leading from garage areas into private units shall be equipped with a single-cylinder, dead-bolt lock with a minimum one inch throw, working in concert with a key in knob dead-latch mechanism, except for sliding glass doors and the stationary door of a double door entry which shall be provided with a slide dead bolt at both top and bottom.

   c. Installation and construction of frames, jambs, strikes, and hinges on exterior doors and doors leading from garage areas into private units shall be as follows:

(1) Door jambs shall be installed with solid backing so that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of at least six inches each side of the strike.

(2) In wood framing, horizontal blocking shall be placed between studs at door lock height for three stud spaces each side of the door openings. The jamb shall have solid backing against sole plates, and the space between the trimmer and finished frame shall be filled with solid wood.

(3) Door stops and wooden jambs for exterior in-swinging doors shall be of a single piece of material.

(4) The strike plate for dead bolts on all wood frame doors shall be constructed of minimum 16 U. S. gauge steel, bronze, or brass anchored two inches into solid backing beyond the surface to which the strike plate is attached.

(5) Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by the removal of its pins.

(6) Glazing in exterior doors or within 40 inches of any locking mechanism shall be of fully tempered glass or rated burglary-resistant glazing, except when double-cylinder dead-bolt locks are installed.

(7) All front exterior doors shall be equipped with a wide-angle (180 degrees) door viewer, except where clear vision panels are installed.

3. **Windows.** Sliding glass windows and doors shall incorporate design features which prevent them from being lifted from their tracks while closed or partially open. Locks on this type of opening shall prevent its compromise by 500 pounds of pry force.

4. **Mailboxes.** Mailboxes shall be placed in a secure and easily surveyable space, and shall be lighted on a 24-hour basis when located inside a structure.

5. **Street numbers and identifying data.**

a. Each individual unit with direct access to the street shall display a street number in a prominent location on the street side of the residence so that the number is easily visible to approaching emergency vehicles.

b. Street number numerals shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached.

c. An illuminated diagrammatic representation shall be positioned at the main pedestrian entrance of the complex which shows the viewer's location and the location and numbered designation of each unit within the complex.

6. Lighting. Lighting shall comply with Section 17.300.080 (Outdoor Light and Glare). In addition, the following standards shall apply:

a. Aisles, passageways, and recesses related to and within the complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during normal hours of darkness.

b. Open parking lots and carports shall be provided with a maintained minimum of one foot-candle of light on the parking surface during hours of darkness.

c. Outdoor lighting devices shall be an approved exterior fixture or protected by weather-resistant covers.

d. Common garage areas shall be lit with a minimum of 0.5 foot-candles when located within a structure.

F. Street improvements. Substandard or deficient street improvements fronting the site within the public right(s)-of-way (e.g., curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, street lights, water mains, etc.) shall be upgraded to City standards. The subdivider may be required to deposit surety in compliance with Section 17.660.070 (Performance Guarantees) to guarantee completion of the improvements. The improvements shall be subject to approval of the City Engineer in compliance with City guidelines.

17.410.060 — Development Standards for New Condominiums

This Section provides development standards for new condominiums. These standards are in addition to the standards in Section 17.410.050 (Development Standards for All Condominiums).

A. **Site planning and design criteria.** Site planning and design shall comply with Chapter 17.420 (Multi-Family Development).

B. **Landscaping.** Landscaping shall comply with Chapter 17.325 (Landscaping).

C. **Open space - Common.** Common open space area shall be provided in compliance with the following:

1. The minimum common open space area shall be provided in compliance with Subsection 17.420.050.D. (Additional Development Standards – Open space).

2. Common open space areas (e.g., game courts/rooms, garden roofs, play lots, putting greens, sauna baths, swimming pools, etc.) shall be designed and located to allow use by all residents.

3. Enclosed structures used for recreation or leisure facilities shall not be used to satisfy more than 37.5 percent of the required common open space area.

4. Active recreation areas, except those located completely within a structure, used to meet the common open space area requirement shall not be located within 15 feet of any door or window of a dwelling unit.

5. Private waterways (e.g., fountains, pools, streams, etc.) may be used to satisfy not more than 40 percent of the required common open space area.

6. Lighting and landscaping shall be planned to prevent areas of darkness, obscurity, or other conditions that would encourage criminal activity or jeopardize the safety of the residents and their guests.

D. **Open space - Private.** Each unit shall have a directly accessible private open space area (e.g., atrium, balcony, deck, patio, solarium, etc.) with a minimum size of 100 square feet with no dimension less than eight feet. Any excess private open space may count toward satisfying the minimum required common open space.

E. **Parking.** Parking shall comply with Chapter 17.330 (Off-Street Parking and Loading Standards). The spaces shall be enclosed and shall be attached to the units they serve.

F. **Trash collection.** Trash collection shall comply with Section 17.305.130 (Solid Waste/Recyclable Materials Storage).

G. **Laundry areas.** Common laundry areas, if any, shall be located to minimize visual and noise intrusion both within and outside the project.

H. **Sound attenuation.** Projects shall be designed to comply with State noise insulation standards in the California Building Code of Regulations.

I. F**ire resistive construction.** Each unit shall be separated on the floor, ceiling, and walls, extending throughout the roof, by a minimum of one hour fire separation from any adjoining unit.

J. **Storage space - Private.**

1. Where detached garages are provided for the dwelling units, a minimum of 125 cubic feet of exterior storage space shall be provided outside each dwelling unit for the exclusive use of that unit.

2. The storage space shall have a minimum horizontal surface area of 24 square feet of enclosed, lockable storage space.

K. **Unit sizes.** Minimum unit sizes shall conform to the requirements for the zone in which the condominium is proposed.

L. **Utilities.**

1. **Plumbing shut-off.** Plumbing within a unit shall be installed so that any individual plumbing fixtures, and all plumbing fixtures, within a single unit can be shut off from the water supply without shutting off the water supply to plumbing fixtures in other units.

2. **Drip pans.** Appliances that the Building Official determines to be a potential source of water leakage or flooding (e.g., clothes washers, dishwashers, hot water heaters, etc.) shall be installed with built-in drip pans and appropriate drains (except in the case of concrete slab floors placed directly on grade).

3. **Utility meters.** With the exception of water supply and gas supplied primarily to common area fixtures and accessory features (e.g., barbecues, fireplaces, etc.), each utility shall be separately metered for each unit so that the unit owners can be separately billed. Utility meters shall be screened architecturally or with landscaping if located on the outside of structures. Water meters shall be placed at locations designated by the City Engineer.

4. **Circuit breakers.** Each unit shall have its own circuit breaker panel for all electrical circuits and outlets that serve the unit. The panel shall be accessible without leaving the unit.

M. **Vibration.** Permanent mechanical equipment (e.g., air conditioners, fixed and built-in domestic appliances, etc.), which the Building Official determines to be a source of vibration or noise, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Building Official to lessen the transmission of vibrations and noise.

17.410.070 — Development Standards for Condominium Conversions

This Section provides development standards for condominium conversions. These standards are in addition to the standards in Section 17.410.050 (Development Standards for All Condominiums).

A. **Maximum allowable density.** Each apartment structure proposed for conversion shall comply with the maximum density indicated in the Land Use Element of the General Plan.

B. **Sound attenuation.** Unless existing floor-to-ceiling assemblies between separate units meet a Sound Transmission Class of 50, as certified in the inspection report, wall-to-wall carpeting shall be required in all rooms of dwelling units with the exception of bathroom, kitchen, and private open space areas.

C. **Storage space - Private.** Each dwelling unit shall be provided with a minimum of 90 cubic feet of exterior enclosed storage space outside the dwelling unit for the exclusive use of that unit.

D. **Laundry.** Each unit shall be plumbed and wired for laundry facilities or shall have access to common laundry facilities located within the project.

E. **Parking.** Parking shall comply with Chapter 17.330 (Off-Street Parking and Loading Standards).

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Chapter 17.415 — Mobile Home Parks and Mobile Home Subdivisions

Sections:

17.415.010 – Purpose
17.415.020 – Applicable Law and Regulations
17.415.030 – Permit Requirements
17.415.040 – Mobile Home Parks
17.415.050 – Mobile Home Subdivisions

17.415.010 — Purpose

This Chapter provides regulations for the establishment, maintenance, and operation of mobile home parks and mobile home subdivisions, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). The intent is to encourage moderately priced housing and provide standards that will adequately protect residents of the parks and the City as a whole. Standards for mobile homes located outside of a mobile home park or mobile home subdivision are located in Section 17.425.220 (Mobile/Manufactured Homes).

17.415.020 — Applicable Law and Regulations

The laws governing the establishment, maintenance, and operation of mobile home parks in the Manufactured Housing Act of 1980 (Health and Safety Code Section 18000 et seq.) and the related implementing regulations in Title 25 of the Code of Regulations are made a part of this Section by reference. State laws and regulations shall supersede the provisions of this Chapter, unless the provisions of this Chapter are more restrictive in which case the provisions of this Chapter shall control.

17.415.030 — Permit Requirements

A. **Conditional Use Permit.** A Conditional Use Permit shall be required for any of the following:

1. Establishment of a mobile home park or mobile home subdivision;

2. Construction of additional conventionally-built structures;

3. Addition of mobile home pads or lots;

3. Reconstruction or moving existing conventionally-built structures; or

4. Relocation of mobile homes pads in an existing mobile home park.

B. Site Plan and Design Review. A mobile home park shall require Site Plan and Design Review in compliance with Chapter 17.630 (Site Plan and Design Review).

17.415.040 — Mobile Home Parks

This Section provides standards applicable to mobile home parks.

A. Authority to enforce. In compliance with State law, the City shall enforce the Manufactured Housing Act of 1980 (Health and Safety Code Section 18000 et seq.) as it applies to mobile home parks (MHP).

1. The Building Official shall enforce the provisions of this Section relating to:

   a. The construction, alteration, and modification of all structures, plumbing, electrical wiring, sewage disposal construction, and gas piping in mobile home parks; and

   b. The maintenance, operation, safety, sanitation, and occupancy of mobile home parks.

2. The Building Official, Director, Fire Marshal, Police Chief , or Code Enforcement Officer, or other similar City agent may at reasonable times enter upon the following premises to ascertain compliance with this Chapter:

   a. Private property to determine whether a mobile home park exists and is in compliance with this Chapter; and

   b. Any mobile home park to inspect the facilities, sites, and structures, including the register of occupants.

B. Allowable accessory features and structures. A mobile home park may include the following accessory features and structures only where explicitly authorized by the Conditional Use Permit:

1. **Private mobile home spaces.** Accessory structures and uses on private mobile home spaces shall be limited to:

   a. Awnings.

   b. Cabanas.

   c. Carports (portable, removable, or permanent).

   d. Fences.

   e. Garages.

   f. Patios.

   g. Porches.

   h. Ramada.

   i. Storage cabinets.

2. **Common facilities.** Accessory structures and uses that are designed for and limited to use by residents of the mobile home park and their guests and are not allowed on the private mobile home spaces shall be limited to:

   a. Accessory retail and service uses in compliance with Section 17.405.020 (Accessory Retail and Service Uses).

   b. Clubhouses, community centers.

   c. Common laundry facilities.

   d. Park areas.

   e. Playground.

   f. Storage area(s) for recreational vehicles.

   g. Swimming pools.

   h. Washroom structures.

3. **Public facilities.** Public utility and public service uses and structures.

C. Mobile home park development standards.

1. **Development standards.** Each mobile home park shall comply with the requirements in Table 4-2.

Table 4-2
Development Standards for Mobile Home Parks and Subdivisions

Development Feature	Development Standard
Park Site Area	10 gross acre minimum
Mobile Home Space Dimensions	
Size	2,800 sq ft minimum
Width	40 ft minimum
Depth	70 ft minimum
Structure Coverage	60% maximum per mobile home space
Density	Same as base residential zone with a maximum of one mobile home unit per mobile home space (1)
Mobile Home Unit Size	950 sq ft minimum
Height (conventionally built structures and mobile homes)	
Mobile home space	15 ft maximum
Common recreation facilities	35 ft maximum
Open Space	
Private	300 sq ft minimum per mobile home space (3)
Common	The greater of 200 sq ft per mobile home space or 30,000 sq ft
Storage	50 sq ft per mobile home space
Distance between Structures	10 ft minimum between mobile home units on separate spaces 6 ft minimum between mobile home units and related accessory structure
Setbacks – Mobile Home Units	
Front	5 ft minimum
Interior Side	5 ft minimum
Street Side (interior street)	5 ft minimum
Rear	5 ft minimum
Setbacks – Perimeter Wall	
Front-Facing	25 ft minimum
Side-Facing	5 ft minimum
Rear-Facing	10 ft minimum
Setbacks – Accessory Structures (2)	3 ft minimum
Streets – Width of Interior Private Street	
No on-street parking	24 ft minimum width
Parking on one side	28 ft minimum width
Parking on both sides	32 ft minimum width
Fences	Chapter 17.315 (Fences, Walls, and Hedges).
Landscaping	Chapter 17.325 (Landscaping).
Parking	Chapter 17.330 (Off-Street Parking and Loading).
Signs	Chapter 17.335 (Sign Standards).
Solid Waste & Recycling	Section 17.305.130 (Solid Waste/Recyclable Materials Storage).

Notes:

(1) The maximum density allowed within a mobile home park shall be indicated by the General Plan land use designation of the property. A density bonus may be granted in compliance with Chapter 17.310 (Affordable Housing Density Bonuses).

(2) See Subsection 17.405.040 for allowable accessory structures. Awnings may be installed to a lot line when a three-foot clearance is maintained between structures on an adjoining lot.

(3) Exclusive of required setback areas.

2. Access.

a. Access to mobile home parking spaces shall be from private streets within the mobile home park only.

b. A street divided into separate traffic lanes by a curbed divider or similar obstacle shall be not less than 15 feet in clear width on each side of the divider.

c. Access from a mobile home space to a street shall be continually maintained so that the movement of a mobile home to and from the driveway is not permanently obstructed.

d. Access from a mobile home space to a street shall be not less than 15 feet in width. Mobile home spaces shall be arranged so that it shall not be necessary to trespass on another lot.

e. A minimum five-foot wide sidewalk shall be installed along the exterior street where the main entrance is located.

3. Mobile home space improvements. The following improvements shall be installed on each mobile home space:

a. A landscaped yard, patio, or deck of at least 300 square feet for recreation purposes. These features may be combined to meet the required 300 square feet.

b. The area between the ground level and the floor of a mobile home shall be screened from view by an opaque skirt entirely around the mobile home.

4. Parking.

a. An occupied travel trailer, camper, motor coach, motor home, trailer coach, or any similar recreational vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 (42 USC Section 4401 et seq.) shall not be allowed to be used as a dwelling within a mobile home park.

b. Mobile homes shall not be parked overnight on any streets, whether attached or separated from a tractor vehicle.

5. Screening and buffering.

a. Decorative masonry block walls six feet high shall be erected along all exterior boundary lines of the park except that along the front boundary of the main entrance the wall shall be limited to four feet in height.

b. Laundry handling and drying areas shall be screened from view from outside of the park.

6. Utilities.

a. Utility distribution facilities (including cable television, communication and electric lines and boxes) within a mobile home park shall be installed underground.

b. Mobile home parks and all mobile homes sites within parks shall be served by an approved sewer system.

c. Facilities for sanitation, garbage, sewage and trash disposal, and water supply shall comply with the requirements of the Building Official.

d. The location and size of water mains shall comply with requirements of the City Engineer.

e. The location and size of gas mains shall comply with the requirements of the Building Official.

D. Subdivisions in existing mobile home parks. Existing mobile home parks may be subdivided in compliance with applicable State laws and regulations.

17.415.050 — Mobile Home Subdivisions

This Section provides standards applicable to mobile home subdivisions.

A. Allowable uses. In addition to the allowable features and structures listed in Subsection 17.415.040.B, above, a mobile home subdivision may include also include a temporary real estate tract office. The office shall be used only for and during the original sale of the subdivision but not to exceed a period of two years.

B. Mobile home subdivision development standards.

1. **Dimensional standards.** Each mobile home subdivision shall comply with the requirements in Table 4-2 (Development Standards for Mobile Home Parks and Subdivisions).

2. **Compliance with standards.** Mobile home subdivisions shall comply with applicable design standards established by this Chapter, Municipal Code Title 16 (Subdivisions), and State subdivision requirements.

3. **Community association.** A community association, composed of the individual space owners, or other legal entity providing for participation by the individual space owners shall be formed for the purposes of maintaining the common areas of the subdivision, including the landscaping and recreational facilities. The association shall have the right to place a lien upon the individual spaces for all necessary costs and expenses of maintaining the area and facilities.

4. **Open space.**

   a. Mobile home subdivisions shall reserve and maintain common areas and facilities for the enjoyment of the residents of the mobile home subdivision.

   b. Each space owner shall be granted an undivided interest in the common open space in the subdivision.

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Chapter 17.420 — Multi-Family Development

Sections:

17.420.010 – Purpose
17.420.020 – Applicability
17.420.030 – Processing
17.420.040 – Minimum Amenities
17.420.050 – Development Standards
17.420.070 – Site Design Standards and Guidelines
17.420.080 – Architectural Design Standards and Guidelines

17.420.010 — Purpose

This Chapter provides standards and guidelines for multi-family development to assist the designer/developer in understanding the City's clearly stated goals and objectives for high-quality multi-family residential development. These standards and guidelines shall be utilized during the design of the project as well as during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

17.420.020 — Applicability

A. These standards and guidelines shall apply to all proposed multi-family residential projects, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). Multi-family residential projects shall include projects in which two or more attached or detached dwelling units are located. Multi-family residential projects may include apartments or condominiums.

B. Any addition, remodeling, relocation, or construction requiring a Building Permit shall adhere to these standards.

C. Low-cost housing projects are entitled to density bonuses or other incentives identified in Chapter 17.310 (Affordable Housing – Density Bonuses).

D. In the event of a conflict between these standards and the development standards in Chapter 17.215 (Residential Zones), the development standards in Chapter 17.215 (Residential Zones) shall prevail.

E. The provisions in this Chapter are activated by "shall" when required; "should" when recommended; and "may" when optional.

17.420.030 — Processing

A. Projects of up to 499 units shall be subject to the Site Plan and Design Review process in compliance with Chapter 17.630.

B. Projects of 100 acres or more, or 500 units or more, shall be required to file either an application for approval of a:

1. Planned Development Permit in compliance with Chapter 17.620; or

2. Specific Plan in compliance with Chapter 17.635.

17.420.040 — Minimum Amenities

This Section provides standards for minimum amenities required for multi-family residential development.

A. Between three and 30 units. Development consisting of three to 30 units shall provide at least three of the following recreational amenities:

1. Large usable open lawn area of 2,500 square feet; one of the dimensions shall be a minimum of 50 feet.

2. Enclosed tot lot with multiple play areas.

3. Spa or pool.

4. Barbecue facility equipped with grill, picnic benches, etc.

B. Between 31 and 99 units. Developments consisting of 31 to 99 units shall provide at least another set of three amenities similar to the above, or equivalent (i.e., a total of six amenities). The two sets shall include at least one pool.

C. **Between 100 and 199 units.** Developments consisting of 100 to 199 units shall provide at least five of the following recreational amenities or equivalent, as approved by the review authority.

1. A large usable open lawn area of 5,000 square feet; one dimension of which shall be a minimum of 100 feet.

2. Multiple enclosed tot lots with multiple play equipment. The tot lots shall be conveniently located throughout the site with adequate consideration given to safety and supervision. The number of tot lots and their location shall be subject to approval of the review authority.

3. A pool(s) and spa(s) of sufficient size and design to serve the number of units in the development as determined by the review authority.

4. A multi-purpose community center equipped with a kitchen, defined areas for games, exercises, meetings, etc. with a minimum of 1,500 square feet.

5. Barbeque facilities equipped with multiple grills, picnic benches, etc., conveniently located throughout the site. The number and location shall be subject to approval of the review authority.

6. Court facilities (e.g., basketball, handball, tennis, volleyball, etc.)

7. Jogging and walking trails with exercise stations.

8. Water features using re-circulated water (e.g., fountains, ponds, streams, waterfalls, etc.).

D. **Between 200 and 500 units.** Developments consisting of 200 to 500 units shall provide at least another set of those specified in Subsection C., above, for each 100 units above the first 200, as determined through the Planned Development Permit process in compliance with Chapter 17.620 (Planned Development Permits).

E. **Over 500 units.** Developments in excess of 500 units shall file a Specific Plan in compliance with Chapter 17.635 (Specific Plans) and proposed amenities shall be approved through the Specific Plan process.

F. **Location and design.** The location of all recreational facilities shall consider the peace, safety and privacy of tenants. Projects designed for a variety of tenants (e.g., families, singles, seniors, etc.), shall provide appropriate facilities for each area of the project. Projects designed for a specific market group shall provide facilities suitable for that market.

G. **Other amenities.** The review authority may consider other facilities to satisfy the above requirements.

H. **Maintenance.** All recreation areas or facilities shall be maintained by a private homeowner's association (HOA), property owners, or a private assessment district.

I. **Waiver.** Proposed affordable housing projects may request a waiver of specific requirements as an incentive in compliance with Chapter 17.310 (Affordable Housing Density Bonus).

17.420.050 — Development Standards

This Section provides standards in addition to the standards in Article 2 (Zones, Allowable Uses, and Zone-Specific Standards) and Article 3 (Site Planning and General Development Standards).

A. **Public infrastructure and services.**

1. The site shall be located within the ideal response time for all public safety services as determined by the Police Chief, the Fire Chief, Director, or the review authority.

2. Public infrastructure (e.g., streets, sewer, water, etc.) in the immediate vicinity shall be substantially in place.

B. **Required unit sizes and types.** Each multi-family development shall provide a variety of unit types as follows:

1. **Unit sizes.** See Table 2-4 (Development Standards for RM, RMH, RH, and RVH Zones) which indicates the minimum required interior floor area for each unit type.

2. **Studio units:** Maximum 10 percent of the total number of units.

3. **One bedroom units:** Maximum 10 percent, or maximum 20 percent of the total number of units if no studio units are to be provided.

4. **Two or more bedroom units:** Minimum 80 percent

C. **Parking.** Parking shall be provided and landscaped in compliance with Chapter 17.330 (Parking and Loading) and the following additional standards:

1. Garages shall be equipped with garage door openers.

2. At least one enclosed parking space for each unit shall be available exclusively for parking.

3. Enclosed parking spaces shall not be used for commercial uses or storage related to a business.

4. Enclosed parking shall be attached to each unit or shall be conveniently located to each unit.

5. Guest parking shall be provided evenly throughout the development and shall be screened from street view by being located within the interior of the project or screened by low walls, berms, and landscaping.

6. Parking for recreational vehicles shall be secured and shall be located away from view of residential units, where feasible.

7. The architecture of separate parking structures shall be consistent with the architecture of the primary structures in materials and design.

D. **Open space.** Useable private and common open space shall be provided in compliance with Chapter 17.215 (Residential Zones) and the following additional standards:

1. Private open space shall mean contiguous space, excluding required structure separation and setback areas. Private open space may be fenced yard areas, patios, decks or balconies oriented for maximum privacy for the units they are designed to serve. Fenced private open space, balconies and decks shall not project into required setbacks or required structure spacing, except in the case of structures oriented front to back.

2. Common open space shall be conveniently located in relation to the units for which they are designed to serve.

3. Common open space should consist of both passive and active areas. Active areas shall be developed with amenities as required in Section 17.420.040 (Minimum Amenities). Passive areas may contain benches, barbeque facilities, picnic benches, and similar amenities in peripheral locations.

E. Setbacks. See Table 2-4 (Development Standards for RM, RH, RMH, and RVH Zones).

F. Minimum separation between structures. The separation distances identified in Table 4-3 (Minimum Separation between Multi-Family Structures) shall apply to parcels containing two or more dwelling units that are located in separate detached structures. The separation shall be between opposite exterior walls. Walls shall be considered opposite if a perpendicular line drawn in a horizontal plane from one structure intersects another structure's wall. The front side of a unit is the side containing the primary entrance to the dwelling unit. See Figure 4-1 (Minimum Separation between Multi-Family Structures).

Table 4-3
Minimum Separation Between Multi-Family Structures

Structure Type		Minimum Separation	Figure Symbol
1 –story and 2-story structures			
Structure Orientation	Side-to-Side	15 ft	A
	Rear-to-Rear	15 ft	B
	Front-to-Rear	25 ft	C
	Front-to-Front or Interior Courtyard Space	25 ft	D
	All Other Orientations	15 ft	E
3-story structures adjacent to 1-story and 2-story structures		Increase the above distances by 10 ft	
Non-habitable structures		10 ft	

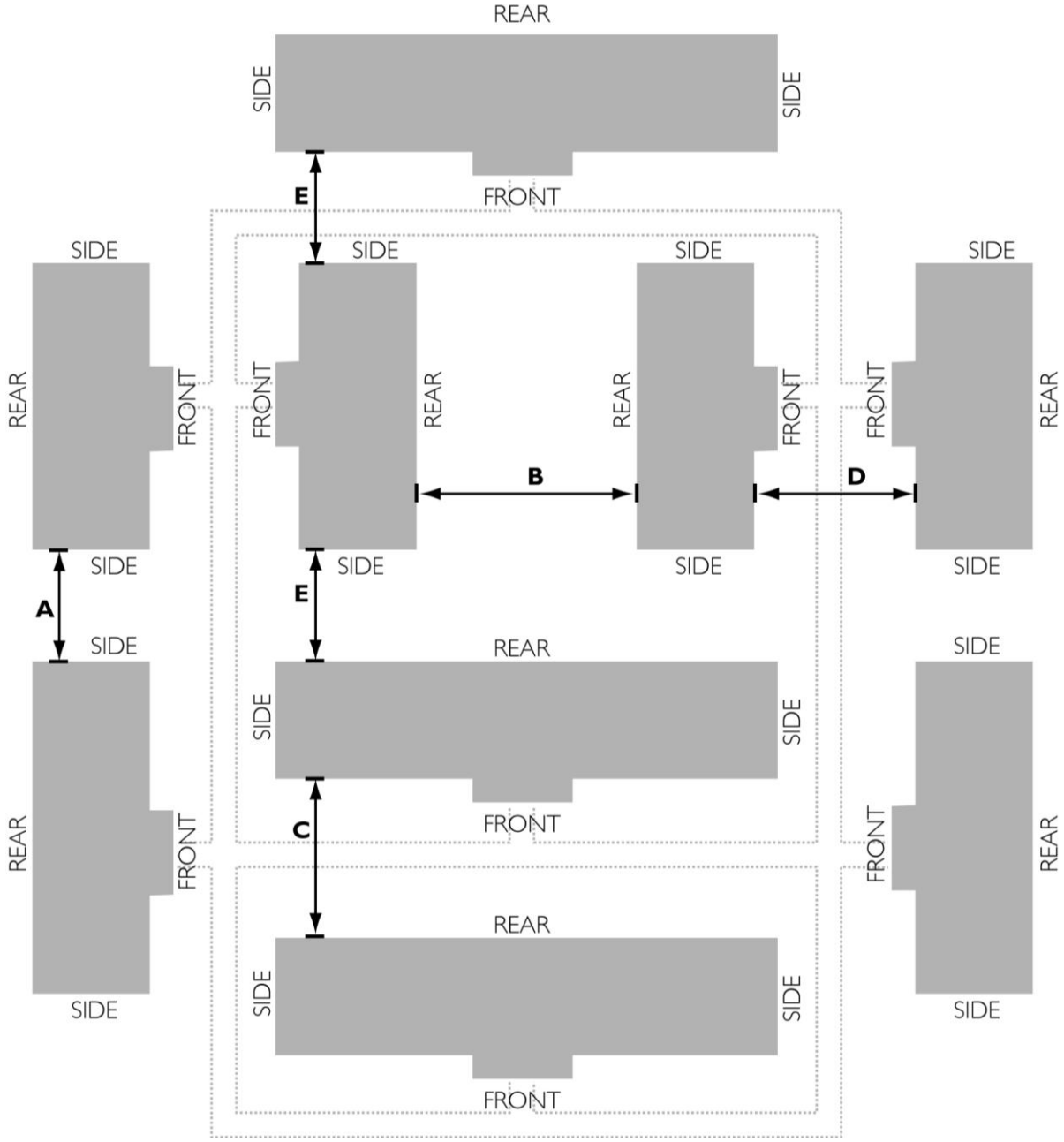

Figure 4-1
Minimum Separation between Multi-Family Structures

G. **Landscaping.** Required setback areas and open space areas shall be landscaped and maintained in compliance with Chapter 17.325 (Landscaping). In addition, landscaping may include paved recreation areas in required open spaces. Landscaping shall include trees and shrubs whose size and spacing are designed to provide passive solar heating and cooling. Landscaping shall also use drought-tolerant materials. Landscaping should be consistent with the architecture of the project. The landscape design should enhance the sense of community in a development.

H. **Storage space.** Each dwelling unit shall be provided a minimum of 125 cubic feet of exterior lockable storage space. The storage space may be within a fully enclosed garage as long as the storage space is in addition to the parking space(s) required. The storage space may also be located on a patio, balcony, or deck as long as it is in addition to the required private open space.

I. **Laundry facilities.** Each dwelling unit shall be provided with hook-up for washing machine and clothes dryer in the interior of the unit, or common laundry facilities shall be provided and be equipped with washers and dryers at a rate of one washer and dryer for every five units. Common laundry facilities may be in a separate structure or part of a recreation facility. The architectural design of the laundry facilities shall be consistent with the design of the project.

17.420.070 — Site Design Standards and Guidelines

This Section provides standards and guidelines that are intended to assist the designer/developer in understanding the City's clearly stated goals and objectives for high quality multi-family development. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. See Section 17.420.020.E. (Meanings of "shall", "should", and "may").

A. **Site Plan.** Appropriate site and building design can reduce the perceived density of multi-family developments, maximize open space areas, provide "eyes on the street", and enhance neighborhoods by creating community gathering spaces. Site design sensitive to "defensible space" concepts can reduce crime.

1. The site plan should take into consideration the structures, uses, and landscape elements of adjacent sites. The setbacks from streets and adjacent properties should relate to the proposed scale of the proposed structures.

2. Developments should generally be oriented parallel to the public street or to the development's internal streets, with some setback variation to provide visual interest.

3. Consider views in the placement of all structures.

4. "Barracks-style" rows of structures are strongly discouraged. Variation in setbacks is required to add interest to the development.

5. The size of structures in relation to the size of the project and the total number of dwelling units should be considered. In smaller projects, groups of four-plexes or six-plexes are more appropriate than one or two large structures with all, or a large number of, units. Structures should be configured around courtyards, gathering areas, and open spaces.

6. Primary building entrances should face either a street or a common open space area. Entrances and common open space areas should have a direct connection to a street via a connecting walkway.

7. Portions of the development that are not oriented to the street should be well-integrated into the project's overall design. As with the street-oriented areas, the same design considerations should be given to siting, appearance, circulation, and safety issues.

8. Structures should be oriented to provide some privacy yet still relate to the street and the existing community. Doors should be visible from the street and windows should allow residents to have "eyes on the street", as well as open spaces and parking areas. At the same time, the privacy of the private open spaces needs to be enhanced and protected.

9. In larger projects, a series of connected open space areas of varying shape, appearance, and usage are encouraged. Children's play areas may be limited in location, but should be visible to as many dwelling units as possible and located away from adjacent streets and parking areas.

10. Common facilities (e.g., community rooms, laundry rooms, recreation centers, etc.) should be located taking into consideration safety, visibility, and "defensible space."

11. Vehicular entry points shall receive special paving accents where the driveway crosses the public sidewalk(s).

12. Off-street parking shall be located interior to the site and designed to minimize visual disruption of the overall project design. Avoid long, dead-end drive aisles. Noise, light and glare should be minimized by careful placement and use of sound walls and landscaping where appropriate. No parking shall be located between a multi-family structure and a public right-of-way or in the required front setback area or street-side setback area.

13. Long, unbroken lines of garages or carports on each side of a drive aisle should be avoided. Lines of garages or carports should be limited to eight to 12 cars.

14. Limit the amount and intensity of lighting to that necessary for safety and security, and to complement architectural character. Unit entrances, parking areas, common open space, and areas around recreation facilities, laundry rooms, and other common facilities shall be well-lighted for user safety and security. However, all lighting shall be directed downward and shielded so as not to spill over onto neighboring properties in compliance with Section 17.300.080 (Outdoor Light and Glare).

15. Trash receptacles shall be screened from view with materials consistent with project design and in compliance with Section 17.305.130 (Solid Waste/Recyclable Materials Storage).

17.420.080 — Architectural Design Standards and Guidelines

These architectural design standards and guidelines do not designate a particular architectural style or a specific design character. The primary focus is to construct a high quality residential environment that is compatible with the surrounding community. The architecture of a project and materials used can be very instrumental in protecting property values and projecting the quality of the project. See Section 17.420.020 for meanings of “shall”, “should”, and “may”.

A. The architecture of a project shall take into consideration the heritage of the community and the architecture of surrounding uses.

B. The predominant colors of a project should be natural, muted earth tones. Compatible accent colors are encouraged to enhance important building elements.

C. Building materials shall be durable, require low maintenance, and be of comparable or better quality and image to that of the surrounding neighborhood.

D. Natural materials (e.g., brick, stone, copper, etc.) should be left in their natural colors. They should not appear thin and artificial. Veneers should turn corners and avoid exposed edges.

E. Use of single-family residential design elements (e.g., pitched roofs, porches, individual entrances) are recommended to reduce perceived density; give identity to the development and its individual units; add visual interest; and create greater compatibility with the neighborhood context.

F. Individual but complementary colors may be used to differentiate units. Garage doors of attached garages should incorporate architectural detailing and colors consistent with its associated unit.

G. Accessory structures within the development shall be compatible in architectural style with the rest of the development.

H. Structures should incorporate small-scale architectural forms (e.g., bays, recessed or projecting balconies, dormers, etc.) to visually reduce the height and scale of the structure and emphasize the definition of individual units.

I. Portions of upper floors should be set back to help scale down facades that face the street, common open spaces, and neighboring properties.

J. Structure heights should be varied to provide visual interest and give the appearance of a collection of smaller structures. Structure heights should be stepped down to provide a transition from the heights of adjacent development where appropriate.

K. Boxy, monotonous facades that lack human scale and have large expanses of flat wall planes shall be avoided. Architectural treatments (e.g., recessed windows, moldings, decorative trim, balconies, wood frames, etc.) should be used to add visual interest.

L. Roof lines should be broken up and varied.

M. Individual entries should have a strong relationship to a fronting street, internal walkway or courtyard, as appropriate to the overall siting concept. A transitional area from the public space to the private dwelling unit entry (e.g., porch, steps, or landscaped walkway), should be provided. Opportunities should be provided for residents to personalize their entry by providing ground level space or a wide ledge for potted plants, etc.

N. The number of upper floor units served by a single stairway and walkway should be limited. Ideally, not more than four units should be served by a single flight of stairs. Stairways should be open to allow views for natural surveillance.

O. Walls and fences shall be consistent in design, materials, and colors with the development. Material selection should consider maintenance issues (e.g., graffiti).

P. Roof-mounted equipment is strongly discouraged. If necessary, it shall be screened with materials compatible with the structure(s) and shall be integrated into the design.

Chapter 17.425 — Single-Family Development

Sections:

17.425.010 — Residential Compatibility Standards
17.425.020 — Residential Development Design Regulations

17.425.010 — Residential Compatibility Standards

A. Purpose and intent. The purpose of the regulations in this Section are to ensure that proposed dwelling units within existing uncompleted residential subdivisions are generally compatible in size, site location, and appearance with existing development.

B. Compatibility Review.

1. **When required.** Within an existing residential subdivision, a Compatibility Review shall be completed by the Director before issuance of a building permit for the construction of any new product single-family residential unit that was not previously approved and is proposed for construction within the subdivision where:

   a. Parcels in the subdivision are up to 20,000 square feet in area;

   b. The proposed development requires approval of a Site Plan and Design Review in compliance with Chapter 17.630 (Site Plan and Design Review);

   c. Building permits have been issued for other residential units;

   d. Construction has commenced or has been completed on other residential units; or

   e. Individual parcels have been sold to third parties.

2. **Submittal requirement.** An applicant shall provide a map identifying the subdivision for the proposed residential subdivision development, including lot sizes and building sizes within the subdivision, and identifying other adjacent subdivisions, if any.

C. **Compatibility standards.** For applicable proposed residential unit development, the following standards shall apply:

1. **Transitions.** If the size(s) of proposed dwelling units vary from the size(s) of existing dwelling units within an existing subdivision, the review authority shall require appropriate transitioning in bulk, scale, and mass for the portions of the dwelling units that are visible from public rights-of-way.

2. **Setbacks.**

a. Blocks with existing structures. The setbacks for the proposed primary structure shall be:

(1) No greater than and no less than the minimum and maximum setbacks of the existing primary structures on the block on which the proposed development is located; and

(2) The same or greater than the front setbacks of the structures on either side of the proposed development.

b. Blocks without existing structures. If there are no existing structures on the block proposed for the infill development, the setbacks shall be determined by the review authority to be compatible with the structures on the opposite side of the street.

3. **Site coverage.** Site coverage shall meet the standards for the applicable residential zoning districts as specified in Table 2-3 (Development Standards for RE, RR, and RL Zones) and Table 2-4 (Development Standards for RM, RMH, RH, and RVH Zones).

4. **Landscaping.** Proposed development shall be landscaped with plant materials that are consistent as to type and maturity with other landscaped lots within the subdivision. For the purposes of this paragraph, larger specimen trees and plants shall not exceed 48-inch box trees and five-gallon shrubs.

5. **Parking.** Parking shall comply with the requirements in Chapter 17.330 (Off-Street Parking and Loading).

17.425.020 — Residential Development Design Regulations

A. Purpose and Intent.

1. The residential design regulations are a mixture of two types – standards and guidelines, as defined below. They are intended as a reference to assist the designer/developer in understanding the City's goals and objectives for high-quality single-family residential development. The standards and guidelines will be utilized during the City's development review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

2. Standards address those aspects of single-family residential development that are essential to achieve high-quality neighborhoods. They include specifications for project and site development (e.g., street layout, building setbacks, garage placement, infill, etc.). Conformance with standards is mandatory. Standards are indicated by the use of the words "shall," "must," or "is / is not permitted."

3. Guidelines provide guidance for single-family residential development in terms of aesthetics and design details. They are intended to direct the general design of buildings and related accessory structures to ensure that they are individually and collectively compatible with the character of the surrounding area. Whereas conformance with standards is mandatory, conformance with guidelines is preferred or recommended. Provisions that fall into this category are indicated by the use of the words "should," "may" or "are encouraged to." In various cases, the guidelines provide a choice of treatments that will achieve the desired effect. Developers may propose alternative design details if they can show that the details implement the objectives. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. Unless there is a compelling reason, these design guidelines should be followed.

B. Applicability. The provisions of this Section shall apply to all single family residential development. Any addition, remodeling, relocation, or construction requiring a building permit, or paving of yard areas, shall adhere to these guidelines where applicable.

C. Evaluation. Projects will be evaluated using a rating system to determine compliance with these standards and guidelines, as indicated in Paragraph G (Residential Development Design Evaluation), below. Single-family residential projects of five lots or more shall be subject to Planning Commission approval; projects of four lots or fewer shall be subject to approval by the Director.

D. Site Planning Standards and Guidelines. An important goal of the single-family site planning standards and guidelines is to create functionality and visual variety along local streets. It is the intent of these standards and guidelines to discourage subdivisions where identical homes march down long, uninterrupted, straight streets, with no variation in building placement or the street scene.

1. **Interruption of Straight Streets.** Long, straight streets shall be discouraged. The use of knuckles, cul-de-sacs and curvilinear streets shall be provided. The use of traffic calming features such as roundabouts, traffic circles, chicanes, chokers, speed humps and center lane planters shall be provided where street lengths exceed 800 feet.

2. **Varied front setbacks.** Each group of three adjacent houses shall contain at least one home whose front setback varies from those of its neighbors by not less than five feet. The use of porches, verandas and side entry garages shall be encouraged to achieve the setback variation. Where provided, such features shall be permitted not less than 15 feet from the front property line. The following features are encouraged:

   a. Fronts of houses and entries that face the street. Each house should have a clearly identified entry, and have active use windows (i.e. living room, kitchen) facing the street.

   b. The main entry feature (which shall not be the garage door) should be prominently displayed on the elevation facing street.

   c. Front porches that are large enough to accommodate chairs and that provide weather protection and shade that provide an opportunity for increased interaction among neighbors.

3. **Varied Side Yard Setbacks.** Side yard setbacks shall be varied between adjoining homes, or between homes and fences.

4. **Varied Lot Widths.** Lot widths shall be varied to allow for variable open space areas, side yards, and to accommodate a range of housing shapes and sizes. A variation of not less than three feet shall be required to make a perceptible difference.

5. **Garage Placement, Orientation, Door Design, Driveway, and Front Yard Appearance.** Garages shall not be the dominant feature of the street scene. Each group of three homes shall have not less than two homes with recessed garages (a minimum of five feet from front house elevation entry) or side entry garages. Detached garages (tied to primary residence with trellis, breezeway, etc.) located in the rear of the lot shall be considered to meet this principle. All garages shall be provided with metal roll-up doors, recessed from adjacent walls, with windows to allow for passive lighting. Garages shall be located away from the street side lot line on corner lots. The following features shall be provided:

   a. Separate pedestrian access to the front door from the driveway.

   b. Single width driveways, whenever possible, especially on lots less than 50 feet wide.

   c. When a large portion of the front elevation is devoted to driveways and walkways, the driveways should be constructed with visually contrasting paving surfaces such as salt finish, bomanite, stamped/colored concrete or paver stones.

   d. Paved driveways shall not occupy more than 35 percent of the front yard setback area; front yard areas may include paved walkways and hardscape features but must maintain a minimum of 40 percent pervious surfaces for landscaping. Deviations to the driveway and pervious surface standards may be considered on lots of 50 feet or less in width. See Section 17.330.100 (Paving Limitations for Driveways in Residential Zones) and Section 17.305.090 (Paving within Residential Front Yard Area).

6. **Cul-de-Sac Treatment.** Where applicable, cul-de-sac openings should be provided at the ends for pedestrians to enter and exit at adjacent perpendicular streets or open space areas.

7. **Mailboxes.** Where common mailbox services are provided, the architectural character shall be similar in form, materials, and colors to the surrounding buildings. Mailbox locations must be approved by the U.S. Postal Service.

8. **Infill in Existing Neighborhoods.** To the extent possible, new single-family development in existing neighborhoods should be integrated with the housing units in the adjacent area.

   a. The existing setback of all residences on both sides of the street shall be considered when placing the new residence on the in-fill lot, or the new

home shall be placed equal to the average of the two immediately adjacent residences. In cases where averaging between two adjacent existing residences is chosen the new residence may be averaged in a stepping pattern between the setbacks of adjacent residences, or the new residence's entire frontage may be built on the average setback line.

b. New development in existing neighborhoods shall incorporate distinctive architectural characteristics of surrounding development, for example: window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows, and the like.

c. New development shall also continue the functional, on-site relationships of the surrounding neighborhood. For example, in many older neighborhoods common patterns that should be continued are entries facing the street, front porches, and parking at the rear.

E. **Water-Wise Landscaping.** To promote water conservation through education, within model complexes for all single-family family residential developments with more than two models planned shall landscape at least one-half of the models entirely with water-saving landscaping and irrigation in compliance with the following requirements:

1. Plant Materials. Each "water saving" model shall contain exclusively low water use plant materials, as identified in the City's Landscape Standards. Other low water plants may be approved by the City Planning Director and/or Planning Commission.

2. Irrigation System. Each "water saving" model shall contain exclusively an irrigation system that provides a high efficiency in water application according to site conditions.

3. Signs. Each water-saving model complex shall provide the following information to potential buyers:

a. Front Yard Sign. A four square-foot sign shall be located in the front yard of each "water saving" model such that is clearly visible to buyers. The signed shall indicate that the model features a "water-saving" landscape and irrigation design.

b. Interior Display. A drawing, or combination of drawings, shall be displayed inside each "water saving" model or the sales office, which provides a schematic of the landscape. These are drawings shall include a key identifying the common names of the plants use in the water saving model yards. A brochure with the same information may be may be

distributed with the sale information to potential buyers to satisfy this requirement.

c. Literature. Additional literature describing water conserving landscaping and irrigation is encouraged to also be made available to the potential buyer or referenced on the interior displays or via brochures.

F. Architectural Design Guidelines and Standards. There is no particular architectural "style" required for residential structures but the focus should be on the development of a high quality residential environment. In general, the architecture should consider compatibility with surrounding character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another.

1. Façade and Roof Articulation.

a. The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls shall be avoided on all structures. All structure walls (including sides of homes) shall have "relief" to create an interesting blend with landscaping, structures, and the casting of shadows. The integration of varied texture, relief, and design accents on building walls can soften the architecture. Recess windows and/or provide accent trim, fenestration, or multi-paned glass to add interest.

b. The use of second story setbacks shall be provided on all street side facades. Said setback shall be not less than 5 feet from the first floor outside wall. Balconies, verandas, patio covers, window boxes and/or similar features shall be required on all rear facades adjacent to streets.

c. For sloped roofs, both vertical and horizontal articulation is encouraged. Roof lines should be representative of the design and scale of the homes under them. Roof articulation may be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers.

2. Privacy Protection. Building height, the placement of windows and entries, setbacks and landscaping all contribute to a level of privacy between adjacent properties. Two-story buildings with windows directly facing an adjacent building may adversely affect the privacy of adjacent units. The following features shall be provided:

a. Two-story buildings directly adjacent to one-story buildings, shall be setback and oriented to respect the privacy of the one-story building.

b. The direct line-of-sight between dwelling units, specifically bedrooms and bathrooms, shall be minimized by orienting windows, balconies, and entryways so they do not directly face into adjacent property windows or private open space.

3. **Varied Structure Design.** Design of structures shall be varied in tract developments to create variety and interest. A significant difference in the massing and composition (not just finish materials) of each adjacent house shall be accomplished. One design should not be repeated more frequently than each fourth house. Entrances to buildings shall be clear and easily recognized, porches and/or covered entrances are desirable. Where used, porches may encroach 5 feet into the required 20 foot front yard. Where single story designs are included in the mix, they should be located on corners to take advantage of their low-mass effect.

4. **Roofing.** Roofing materials shall include, but not be limited to, clay tile and concrete tile. Tile shapes may include S-tile, barrel tile, flat tile, slate, Italian and low profile tile. Color variances in tiles are encouraged. Wood shake and composition shingle are prohibited.

5. **Scale.** Form and scale shall relate to the use of the structure as a single-family residence. Also, the scale of structures should be within a human scale so as not to overwhelm or dominate its surroundings. The size of the home shall be in proportion to the area of the lot, and shall not exceed a floor area ratio (FAR) of 0.5 for lots that are 7,200 square feet and less.

6. **Equipment/Utility Screening.** Any equipment and/or utility structures, whether in the public right of way or on private property, located on the roof, side of the structure, or ground, shall be screened. The method of screening must be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design.

7. **Ancillary Structures.** The design of ancillary structures (guesthouses, cabanas, barns, storage sheds, etc.) should be architecturally compatible with the main structure through the use of walls/roofs/trellises, fence/wall connections, and/or landscaping.

8. **Walls/Fences.** Corner lot street side block walls shall be decorative utilizing materials and colors to compliment to the architectural design of the adjacent structure. Continuous planes of more than 50 feet shall be broken with the use of a two-foot change in plane for at least 10 feet or the use of a pilaster at 50 foot intervals. Pilasters shall be provided at property corners or at changes in wall planes. All walls shall be provided a decorative cap. All walls shall be placed at the top of slope. Side yard returns facing a street shall be an upgraded material, such as block, wrought iron with a mesh privacy screen, and/or woodcrete. Wood is not considered an upgraded material.

G. Residential Development Design Evaluation. The evaluation of a residential development shall be substantially in the following format (see next page):

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Applicant/Case No.:
Description:
Location:
Date:

The following evaluation awards points for design features specified in Section 17.425.020 (Residential Development Design Regulations). The range of points varies from item to item, as items deemed more important are worth more points than other items. 77 points are possible; 62 points (80%) are required for approval.

SETBACKS & FRONTS OF HOUSES (25 points):		Points
1	Varied front setbacks by at least 5 feet (0- 3 points).	
2	Front entries that face the street (0- 5 points).	
3	Active use windows (living room, kitchen) facing street (0- 4 points).	
4	Main entry feature that is not a garage door (0- 5 points).	
5	Covered front porches large enough for chairs (0- 5 points).	
6	Varied side setbacks (0- 3 points).	
	SETBACKS & FRONTS OF HOUSES (25 points possible) TOTAL	
GARAGES & DRIVEWAYS (10 points):		Points
7	Separate pedestrian access to front door from driveway (0- 3 points).	
8	Single/reduced width driveways where possible (0- 3 points).	
9	Driveway paving of salt finish, bomanite, stamped or colored concrete, paver stones (0- 4 points).	
	GARAGES & DRIVEWAYS (10 points possible) TOTAL	
ARCHITECTURE (42 points):		Points
10	Avoidance of long uninterrupted exterior walls (0- 3 points).	
11	Varied texture, relief, design accents on walls (0- 3 points).	
12	Recess windows and/or accent trim, multi-paned glass (0- 4 points).	
13	2nd story setbacks on all street side facades of not less than 5 feet (0- 4 points).	
14	Roof articulation with changes in plane, use of gables, hips, dormers (0- 4 points).	
15	Privacy protection by juxtaposition of 2-story & 1-story houses and upper floor window placement to achieve privacy (0- 3 points).	
16	Variation of houses to create variety & interest (0- 4 points).	
17	Use of porches (0- 4 points).	
18	Covered entrances (0- 4 points).	
19	Single-story houses on corners (0 – 3 points).	
20	Form & scale, with houses in proportion to area of lot (0- 3 points).	
21	Common mailbox architectural treatment (0- 3 points).	
	ARCHITECTURE (42 points possible) TOTAL	

Applicant/Case No.: Description: Location: Date:		
The following evaluation awards points for design features specified in Section 17.425.020 (Residential Development Design Regulations). The range of points varies from item to item, as items deemed more important are worth more points than other items. 77 points are possible; 62 points (80%) are required for approval.		
GARAGE & ARCHITECTURAL FEATURES: No points are awarded for these items. Either a "Y" (Yes) or "N" (No) will be awarded. Plans must include the items below, with a "Yes" determination for <u>all</u> items.		Y or N
22	Two out of three homes with recessed, side entry, or detached garages at side or rear.	
23	Garages that do not dominate street scene.	
24	Garages with roll up metal doors recessed from adjacent walls, with windows.	
25	Rear facades adjacent to streets with balconies, verandas, patio covers, window boxes or similar features.	
26	Roofing materials of tile or slate.	
WALLS & FENCES: No points are awarded for these items. Plans must include the items below, with a "Yes" determination for <u>all</u> items.		Y or N
27	Corner lots with decorative walls including return to house.	
28	Walls with continuous planes greater than 50' with 2' change in plane for at least 10 feet or the use of pilasters at 50-foot intervals.	
29	Pilasters at property corners or at changes in wall planes.	
30	Decorative caps on all walls.	
31	Walls placed at top of slopes.	
32	Side yard wall returns facing street of decorative block, wrought iron with mesh privacy screen, or woodcrete (no wood allowed).	
LANDSCAPING: No points are awarded. A Landscape Planting Plan must be evaluated and receive a "Yes" determination.		Y or N
33	Front yard landscaping, parkway and entry monumentation landscape treatments to meet the Landscape Design Guidelines, as defined in Section 17.800.130.	
EVALUATION SUMMARY: 77 points possible, project must receive a minimum of 62 points (80%) for approval, <u>AND</u> Garage & Architectural Features, Walls & Fences, and Landscape items 22 – 33 must answer "Yes" to all items.		Points Overall Total Y or N
COMMENTS: The project received points (62 points are required for approval). Garage & Architectural Features received ___ Yes and ___ No determinations. Walls & Fences received ___ Yes and ___ No determinations. Landscaping received a Yes/No determination. RECOMMENDATION: Approve / Deny / Continue the project, as it does / does not meet the Residential Development Design Regulations (Section 17.425.020) and the City's Landscape Design Guidelines, as defined in Section 17.800.130 (Definitions, "L").		

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Chapter 17.430 — Standards for Specific Land Uses

Sections:

17.430.010 – Purpose
17.430.020 – Applicability
17.430.030 – Agricultural Employee Dwellings
17.430.040 – Alcohol Sales
17.430.050 – Animal-Keeping
17.430.060 – Animal Sales and Services
17.430.070 – Arcades
17.430.080 – Automated Teller Machines (ATMs)
17.430.090 – Bed and Breakfast Inns
17.430.100 – Cargo Containers
17.430.110 – Child Day Care Facilities
17.430.120 – Community Care Facilities
17.430.130 – Community Gardens
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17.430.150 – Cottage Businesses
17.430.160 – Donation Boxes
17.430.170 – Drive-Through Facilities
17.430.180 – Emergency Shelters
17.430.190 – Live Entertainment
17.430.200 – Live-Work Units
17.430.210 – Mixed-Use Projects
17.430.220 – Mobile/Manufactured Homes
17.430.230 – Outdoor Dining
17.430.240 – Outdoor Displays and Sales
17.430.250 – Outdoor Storage
17.430.260 – Recreational Vehicle Parks
17.430.270 – Recycling Facilities
17.430.280 – Residential Care Facilities
17.430.290 – Satellite/Dish Antenna and Amateur Radio Antenna
17.430.300 – Second Dwelling Units
17.430.310 – Senior Residential Projects
17.430.320 – Service Stations
17.430.330 – Shopping Centers
17.430.340 – Solar Energy Systems
17.430.350 – Wind Energy Systems
17.430.360 – Wireless Telecommunication Facilities

17.430.010 — Purpose

This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts.

17.430.020 — Applicability

The land uses and activities covered by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Development Code.

A. **Where allowed.** Each use shall be located only where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

B. **Planning permit requirements.** Each use shall be authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this Chapter for the specific use.

C. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to all other applicable provisions of this Development Code (e.g., Articles 2 and 3, etc.).

1. The land use tables in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) and the specific characteristics of the use, as defined in Article 8 (Definitions), determine when the standards of this Chapter apply to a specific land use.

2. In the event of any conflict between the requirements of this Chapter and those of Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) or Article 3 (Site Planning and General Development Standards), the requirements of this Chapter shall control.

17.430.030 — Agricultural Employee Dwellings

A. In compliance with Health and Safety Code Section 17021.5, agricultural employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation. In addition, agricultural employee housing shall not be included within the definition of a boarding-house, rooming house, hotel, dormitory, or other similar term that implies that the employee

housing is a business run for-profit or differs in any other way from a single-family dwelling. No conditional use permit, variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.

B. In compliance with Health and Safety Code Section 17021.6, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this Development Code. Employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.

17.430.040 — Alcohol Sales

This Section provides standards for the establishment and operation of establishments that sell alcoholic beverages for on-site or off-site consumption, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Uses exempt from Conditional Use Permit.** The following uses shall be exempt from obtaining a Conditional Use Permit:

1. Food service establishments (i.e., restaurants) that conform to the definition of "bona fide eating place" in Business & Professions Code Section 23038;

2. Chain grocery store, as defined in Article 8 (Definitions) under "Food and Beverage Sales".

3. Florist shop that includes the incidental sale of wine with gift or floral baskets.

4. Bulk merchandise retail sales establishment, as defined in Article 8 (Definitions) under "Retail Sales".

B. **Uses requiring a Minor Use Permit.** Food service establishments (i.e., restaurants) eligible for a Minor Use Permit include those establishments that conform to the definition of "bona fide eating place" in Business & Professions Code Section 23038 and where a minimum of 70 percent of the interior floor area is allocated for food service and up to a maximum of 30 percent of the interior floor area is allocated for the service of alcoholic beverages.

C. Uses requiring a Conditional Use Permit. An establishment that sells alcoholic beverages for on-site or off-site consumption and that is required to operate under an Alcoholic Beverage Control (ABC) license shall obtain a Conditional Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits) including the following:

1. Food service establishments (i.e., restaurants) including any of the following:

    a. Bars, Lounges, and Nightclubs, except for bar identified in Subsection A.1., above.

    b. Dancing, whether or not a public dancing license is required in compliance with Municipal Code Chapter 5.40 (Public Dancing).

    c. Live entertainment, whether or not a live entertainment license is required in compliance with Municipal Code Chapter 5.08 (Business License Fees).

2. An application for an original or new ABC license, including for otherwise allowed or conditionally allowed uses.

3. Any change in the type of existing ABC license (e.g., an upgrade from sale of beer and wine to sale of spirits, etc.).

4. A premise-to-premise transfer of an existing ABC license.

5. Any increase in the floor area in an ABC licensed establishment.

6. Any change in operating conditions from what was originally imposed by the City or ABC, including any change of hours of operation or entertainment.

7. A request to establish live entertainment or dancing in an ABC licensed establishment.

8. Any ABC licensed establishment that has its license revoked, suspended or surrenders its license to ABC or discontinues use of the license for 30 days or has its Conditional Use Permit revoked or vacates the property, shall obtain a new Conditional Use Permit before reestablishing the use.

9. Any ABC licensed establishment not previously possessing a Conditional Use Permit when there is a change in ownership of the property, business, or license.

D. Development standards. The following standards shall apply to establishments that sell alcoholic beverages for on-site or off-site consumption:

1. Minimum separation distances. Establishments shall be located a minimum distance of:

a. 600 feet away from a public or private school (preschool thru 12th grade), place of worship, public park, youth facility, or other similar use.

b. 100 feet away from an existing residential dwelling or property zoned for residential uses, except for mixed-use projects, as measured from any point upon the exterior walls of the structure or the leased space containing the business to the nearest property line of the residential property.

c. 1,000 feet away from an existing business, if alcoholic beverages are sold for off-site or on-site consumption.

d. 100 feet away from a pool hall/billiard parlor, if alcoholic beverages are sold for on-site consumption in compliance with Municipal Code Section 5.36.050 (Serving of alcoholic beverages restricted).

2. Drive-thru sales prohibited. Sales of alcoholic beverages shall be prohibited from a drive-thru lane or drive-thru window.

3. Visibility. A use requiring an ABC license for off-site consumption shall be in a location that is fully visible from a public right-of-way with an unobstructed view from the public right-of-way.

4. Signs. A business that sells alcohol for off-site consumption shall post a sign to indicate that it is unlawful for a person to consume alcoholic beverages in a public place or where posted.

E. Variances. The review authority may approve a Variance from the development standards in Subsection C, above. Requests for a Variance shall increase the notice of public hearing requirements in Section 17.710.020 (Notice of Hearing) from a 300-foot radius to a 1,000-foot radius from the exterior boundaries of the subject property.

F. **Permit conditions.** In approving a Conditional Use Permit to establish a use selling alcoholic beverages, the review authority may impose conditions (e.g., security and safety measures, lighting, noise buffers, parking, etc.) on the use to ensure that it operates in a manner that provides adequate protection of the public health, safety, and general welfare.

G. **Findings.** In determining whether to approve a Conditional Use Permit application for alcoholic beverage sales and the conditions to impose on the use, the review authority shall first make all of the following findings in addition to the findings required in Section 17.605.060 (Findings and Decision):

1. The proposed use will not be detrimental to surrounding properties and neighborhoods including ensuring that the use does not contribute to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures;

2. The proposed use will not adversely impact the suitability of adjacent commercially zoned properties for commercial uses;

3. The proposed use will not adversely affect the welfare of residents in the area or result in an undue concentration in the neighborhood of establishments dispensing alcoholic beverages, including beer and wine. For purposes of this Subparagraph, "undue concentration" shall be as defined in Business and Professions Code Section 23958.4; and

4. Notwithstanding Subparagraph 3 above, the review authority may approve a Conditional Use Permit despite an undue concentration of establishments dispensing alcoholic beverages, as defined in Business and Professions Code 23958.4, if the review authority first finds that the public convenience and necessity would be served by the issuance of the Conditional Use Permit and the use otherwise meets the remaining findings of this Subsection.

17.430.050 — Animal-Keeping

This Section provides standards for animal-keeping. These provisions are intended to ensure that animal-keeping activities do not adversely impact adjacent properties by reason of bright lights, dust, insect infestations, noise, odor, or visual blight.

A. **Pre-existing uses.** A legally established animal-keeping use that becomes nonconforming upon adoption of this Section shall be allowed to continue subject to Chapter 17.705 (Nonconforming Parcels, Structures, and Uses).

B. Allowable animal-keeping uses and permit requirements.

1. Limitations on activities and permit requirements. Animal-keeping uses allowed in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) shall comply with the limitations and standards indicated in Table 4-4 (Animal-Keeping Standards) and with other requirements of this Section, this Development Code, and the Municipal Code. Regulations for temporary events involving animals (e.g., circuses, pony rides, rodeos, etc.) are provided in Chapter 17.640 (Temporary Use Permits).

Table 4-4
Animal-Keeping Standards

Type of Animal or Facility See definition of Animal Keeping in Article 8 (Definitions).	Maximum # of Animals per Site (1)	Minimum Parcel Size (2)	Minimum Setback from Property Lines (3)	Zones Where Allowed	Required Permit (4)
Aquariums	Unlimited	None	None	All	P
Beekeeping (Apiaries)	See Municipal Code Chapter 8.12 (Beekeeping) and Subsection E (Beekeeping), below.			RE RR	MUP
Cats or Dogs	Any combination of four cats and/or dogs over the age of four months	None	None	RE RR RL	P
	Any combination of three cats and/or dogs over the age of four months	None	None	RM RH RVH	P
Small household pets (e.g., birds, domesticated rodents, nonpoisonous reptiles and snakes, etc.)	Any combination totaling 10	None	None	All	P
Pot-bellied pigs	One (5)	20,000 sq ft	None	RE RR RL	P
Chinchilla, hamsters, guinea pigs, and similar small animals – Commercial	100 per acre	20,000 sq ft	50 ft	RE RR	P
				IL	MUP
Kennels - Noncommercial	5 and over, as determined by MUP	20,000 sq ft	50 ft	RE RR	MUP
Kennels, catteries, animal shelters, and dog and cat breeding facilities - Commercial	5 and over, as determined by MUP	20,000 sq ft	50 ft from the nearest residence	IL	MUP
Stables, Riding School - Commercial	1 horse per each 500 sq ft	2 acres	50 ft	RE	MUP
Horses, cows, bison, and similar sized animals - Noncommercial	4 per acre	20,000 sq ft	50 ft	RE RR RL	P

Table 4-4
Animal-Keeping Standards

Type of Animal or Facility See definition of Animal Keeping in Article 8 (Definitions).	Maximum # of Animals per Site (1)	Minimum Parcel Size (2)	Minimum Setback from Property Lines (3)	Zones Where Allowed	Required Permit (4)
Livestock and Dairy Operations	See Section 17.305.040 (Agricultural Preservation (Right-To-Farm)) and Chapter 17.705 (Nonconforming Parcels, Structures and Uses).				
Sheep, goats, and similar sized animals (not including males of any species; or any hogs/swine of either gender, which are prohibited) - Noncommercial	Two per 20,000 sq ft up to 4 total on 1 acre	20,000 sq ft	50 ft	RE RR RL	P
	2 per each additional acre	1 acre	50 ft	RE RR	P
Grazing (sheep only) to clear stubble or unharvested crops	No limit per acre	None	None	RE	P/TUP (6)
Pigeons (of the order *columbae*) (Aviaries) - Commercial	50 birds per acre	20,000 sq ft	50 ft	RE	MUP
Pigeons (of the order *columbae*) (Aviaries) – Noncommercial	None	20,000 sq ft	50 ft from dwelling unit of bird owner; 150 ft from other dwelling units	RE RR	P
Poultry, fowl (not including roosters or cockerels, which are prohibited)	100 per acre	20,000 sq ft	50 ft	RE RR	P
Worm farms, fish farms, and similar uses	Determined by MUP	1 acre	50 ft	RE RR	MUP
Wild animals	See Subsection 17.430.050.H (Wild animals), below.			RE RR	CUP

Notes:

(1) Offspring in addition to maximum number shall be allowed until market-ready, if commercial operation, or until four months of age, if noncommercial operation.

(2) Minimum parcel area required for the keeping of animals.

(3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front setback, except in pasture areas.

(4) P = Allowed without a land use permit
CUP = Conditional Use Permit required (Chapter 17.605)
MUP = Minor Use Permit required (Chapter 17.605)

(5) Registered through appropriate breeding organization *(sus scrofa)*. Maximum size shall be no higher than 16″ at the shoulder and no longer than 30″ from the tip of the head to the end of the buttocks. Maximum weight of 80 pounds. Any pot-bellied pig larger than these standards shall be considered to be hogs/swine subject to restrictions of *Municipal Code Section 6.24.010 (Animal Regulations –Keeping Certain Animals in City Prohibited – Exceptions).*

(6) Not more than 30 days in any 6-month period. A Temporary Use Permit is required for a longer period of time or for more frequent grazing episodes.

2. **Permit conditions.** Where Table 4-3 (Animal-Keeping Standards) requires a Minor Use Permit or a Conditional Use Permit, the review authority shall evaluate how the proposed animals will be housed and/or confined, and whether the location, size, and design of the area for animal keeping on the site will be adequate to allow compliance with the other standards of this Section without unreasonable effort on the part of the animal manager. In approving a Minor Use Permit or Conditional Use Permit, the review authority may limit the maximum number of animals allowed on the site as appropriate to the characteristics of the site, the surrounding land uses, and the species of animals proposed.

C. **Maintenance and operational standards.** Animal keeping shall comply with all of the following maintenance and operational standards.

1. **Odor and vector control.** Animal enclosures (e.g., pens, coops, cages, feed areas, etc.) shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors, and offensive odors. Manure shall not be allowed to accumulate within setback areas. Each site shall be continually maintained in a neat and sanitary manner.

2. **Containment.** Animals shall be effectively contained on the site and shall not be allowed to run at large on public or private property owned by another without the written permission of the property owner.

   a. Dogs shall be kept exclusively upon the premises, confined by means of a lawful fence, however, a dog may be off the premises if it is under the restraint of a competent person and restrained by a leash. “Lawful fence” means any barrier or other structure which is sufficiently strong and durable to securely enclose the animal(s) intended to be kept.

   b. Dog owners shall securely confine their female dogs while in season (estrus) within an enclosure in a manner that will prevent the attraction of male dogs to the immediate vicinity.

3. **Waterway protection.** The keeping of horses or cattle within 50 feet of any waterway shall first require approval by the Director of a plan to protect the waterway from the polluting effects of runoff from the animal keeping area. The plan shall provide for regular manure removal, the maintenance of pasture vegetation to minimize the exposure and potential erosion of bare soil, site grading to direct runoff to detention and settling areas rather than the waterway, and/or other measures approved by the Director.

4. **Erosion and sedimentation control.** An animal keeping operation shall not produce sedimentation on a public right-of-way, adjoining property, or in a drainage channel or other waterway. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.

5. **Noise control.** Animal keeping shall comply with Section 17.300.060 (Noise), Municipal Code 6.24.030 (Disturbing the peace prohibited), and Municipal Code Chapter 8.40 (Noise Control).

6. **Nuisance.** The keeping of an animal in the following circumstances shall be considered a public nuisance subject to abatement in compliance with Municipal Code Chapter 8.44 (Nuisances), including summary abatement (e.g., impoundment of the animal(s), immediate closure of the kennel, etc.):

   a. In a zone other than where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards); or

   b. In conditions that are unsafe, unsanitary, or hazardous to animal or public health, safety, or welfare.

D. **Animal husbandry project exception.** The keeping or raising of a calf, horse, goat, sheep, hog, chicken, rabbit, bird or other animals for the purposes of a 4-H or Future Farmers of America (FFA) project shall be allowed without a land use permit or a permit from the Animal Control Officer, provided that the project complies with all of the following requirements:

1. **Minimum site area.** A minimum of one-half (1/2) acre of site area shall be required for the keeping of horses, cows, or other large animals.

2. **Setback requirements.** The project animals shall be confined in a pen or fenced area that is located no closer than 25 feet to any dwelling other than on the project site; except that a hog or swine shall not be located closer than 100 feet from any dwelling other than on the project site.

3. **Maximum number of animals.** The number of animals shall comply with the limitations in Subsection B, above.

4. **Maintenance.** The animal keeping shall comply with all standards in Subsection C, above.

E. **Beekeeping.** In addition to the requirements in Subsections B and C., above, and in Municipal Code Chapter 8.12 (Beekeeping), a hive or box for the keeping of bees shall be allowed in the following locations, provided that the bees are not allowed to fly at large:

1. Within a school for the purpose of study or observation.

2. In a laboratory for medical research or treatment or for scientific purposes.

F. **Kennels.** In addition to the standards in Subsections B and C, above, each kennel and other small animal boarding facility shall comply with the following standards:

1. **Enclosure within building.** Animal boarding (sleeping and night-time confinement) shall occur within an entirely enclosed building.

2. **Management.** A manager of the facility shall be present on the site at all times.

3. **License.** A kennel operator shall obtain a license from the Animal Control Officer in compliance with Municipal Code Section 6.24.120. As a condition of the issuance of a kennel license, an operator shall agree to allow inspections required by Paragraph 7 below. Acknowledgement of the agreement shall be made part of the license application and file.

4. **Increase in number of animals.** A proposed increase in the number of animals in a licensed kennel shall require an amendment to the Minor Use Permit. Any increased fee shall be prorated for the remainder of the year.

5. **Containment of cats.** Cats shall be kept indoors or within a fully enclosed, covered structure or enclosed run at all times.

6. **Vaccinations.** A kennel operator shall not be required to obtain an individual license for each dog in the kennel for which the kennel license is obtained; however, a kennel operator shall ensure that each dog in the kennel is vaccinated as required by State law.

7. **Inspections.** Reasonable inspections by the Animal Control Officer shall be completed at intervals determined at the Officer's discretion.

8. Other municipal regulations. A kennel owner and operator shall comply with the requirements in Municipal Code Chapter 6.20 (Kennels).

G. **Homing/Racing Pigeons.** In addition to the requirements in Municipal Code Section 6.24.130 (Bees and pigeons), the following shall apply:

1. **Numbers of birds and flights.** The review authority may limit features and activities associated with the keeping of homing/racing pigeons as follows:

   a. The maximum number of allowed pigeons indicated in Table 4-4 (Animal-Keeping Standards) may be reduced, depending on the parcel size, the number of dwelling units on a parcel, or the nature of surrounding uses.

   b. The maximum number of pigeons allowed to be released per flight, number of flights per 24-hour period, and allowed times of flights shall be specified as conditions to any permit.

2. **Enclosure requirements.**

   a. Pigeons shall be kept and fed in an enclosed structure not to exceed eight feet in height. If the structure is greater than 120 square feet in size, a Building Permit shall be required.

   b. Pigeon enclosures shall be located on the rear one-third of the property, at a distance no less than 50 feet from the dwelling of the owner of the pigeon enclosure and 150 feet from other habitable dwellings on adjacent properties. A fully-dimensioned site plan shall be submitted with the permit application materials. The site plan shall illustrate the location of the loft, other uses associated with the keeping of pigeons, and the loft's relation to side and rear lot lines and adjacent dwellings.

3. **Maintenance and cleaning requirements.**

   a. Structures where pigeons are housed shall be kept and maintained in a sanitary condition. Refuse and droppings shall be removed from the premises at least once each calendar week.

   b. The keeper of the pigeons shall maintain the property and all features of the property, including roofs, driveways, and walkways, in a clean manner with no visible pigeon droppings.

4. **Landing on adjacent structures or property prohibited.** Pigeons shall not be allowed to land or perch on the structures or property of others.

5. **Commercial breeding prohibited.** Pigeon business or breeding activities for commercial purposes shall not be conducted on or from the premises or property.

6. **Membership in pigeon racing organization.** The pigeon owner shall be a member of the California State Racing Pigeon Association, the American Racing Pigeon Union, Inc., or other equivalent recognized pigeon racing organization with annual registration by licensee of the individual birds. Written proof of annual registration shall be provided annually to the Department.

H. Wild animals. In addition to the standards in Subsections B and C, above, the keeping of wild animals shall comply with the following standards and those standards in Municipal Code Section 6.24.140 (Wild Animals):

1. **Applicable Federal, State, and local regulations.** The keeping of wild animals may require approval by the U.S. Department of Agriculture Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or the California Department of Food and Agriculture, and the Riverside County Agricultural Commissioner, in addition to any City approval required by this Section.

2. **Confinement.** The animal(s) shall be kept in cage(s) or enclosure(s) of a recommended size and type of construction that allows reasonable freedom of movement for the animal(s) but that confines the animal(s) to preclude the possibility of escape. The animal(s) shall be kept in a manner that does not threaten or annoy any person of normal sensitivity.

3. **Maintenance.** The cage(s) or enclosure(s) shall be kept in a clean and sanitary condition at all times. The animal(s) shall be provided with adequate food, water, shelter, and veterinary care.

4. **Public safety.** Adequate safeguards to prevent unauthorized access to the animal(s) and to preserve animal and public health, safety, and welfare shall be provided. In the event of animal escape, the owner shall immediately notify the Animal Control Officer or Police Department and make every reasonable effort to recapture the animal(s).

6. **Inspections.** Reasonable inspections by the Animal Control Officer may be completed at intervals determined at the Officer's discretion.

7. **Liability and costs.** The owner of any wild animal shall be liable for any injury or any damage to private or public property caused by the animal(s) and shall reimburse the City for all costs incurred in enforcing this Section when a violation is found.

8. **Location and transportation.** A wild animal shall be transported in an escape-proof enclosure to/from the animal owner's property, unless otherwise authorized by the Animal Control Officer.

17.430.060 — Animal Sales and Services

This Section provides standards for various animal sales and services establishments for the purpose of protecting residents from any potentially adverse effects caused by the animals. The keeping of animals may also be subject to the requirements of Section 17.430.050 (Animal-Keeping).

A. **Accessory animal boarding/training.** See definition in Article 8 (Definitions) and Paragraph C, below. For kennels, see Section 17.430.050 (Animal-Keeping).

B. **Animal grooming.** Animal grooming facilities shall be entirely enclosed, soundproofed, and air-conditioned. Boarding of animals, outside runs or cages, outside trash containers, and offensive odors shall be prohibited.

C. **Animal hospitals/clinics.** Animal hospitals/clinics shall be entirely enclosed, soundproofed, and air-conditioned. Outside runs or cages, outside trash containers, and offensive odors shall be prohibited. Animal cremation shall be prohibited. Grooming activities shall be incidental to the hospital/clinic use. Temporary boarding of animals during their convalescence shall be allowed; all other boarding shall be prohibited.

D. **Animal retail sales.** Animal retail sales establishments shall be entirely enclosed soundproofed, and air-conditioned. Boarding of animals not offered for sale, outside runs or cages, outside trash containers, and offensive odors shall be prohibited. Grooming activities shall be incidental to the retail use.

17.430.070 — Arcades

This Section establishes standards for the establishment and operation of arcades, where they are allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Separation.** Arcades shall be located a minimum of 250 feet away from any school, park, playground, liquor store, bar, places of public assembly, or residential zone boundary.

17.430.080 — Automated Teller Machines (ATMs)

A. Where allowed. ATM facilities may be located:

1. On public streets; and

2. At alley entries so long as within 50 feet of the nearest public street.

B. Development standards for ATM facilities. ATM facilities shall be installed and maintained in compliance with the following standards:

1. Privacy area required.

   a. In order to provide an appropriate level of privacy and to reduce the potential for blocking the sidewalk, a five-foot deep privacy area shall be provided in front of the ATM. This would require an ATM to be set back in an alcove when located adjacent to the public sidewalk;

   b. The Director may reduce the privacy area down to three feet, while still meeting the intent identified in Subparagraph a., above.

2. Review for impact on pedestrian and traffic circulation required. The Director shall review and approve each proposed location to determine if parking can be accommodated at the proposed site and if the ATM would likely have a major impact on pedestrian and traffic circulation in the immediate area;

3. Lighting plan required. A lighting plan will be required with the intent to ensure that adequate lighting is provided;

4. ATM to be handicap accessible. The ATM shall be handicap accessible;

5. Trash receptacle required. A trash receptacle shall be immediately accessible to the ATM;

6. Appearance following removal. At the time that the ATM is removed, the structure's facade shall have a finished appearance consistent with the existing structure; and

7. Drive-through ATM facilities. For drive-throughs providing ATM services, a minimum of three tandem queuing spaces shall be provided, inclusive of the vehicle being served.

17.430.090 — Bed and Breakfast Inns

This Section establishes standards for the establishment and operation of bed and breakfast inns, where they are allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. Operational standards.

1. **Length of stay.** No guest may occupy accommodations in the bed and breakfast inn for more than 14 days in any three-month period.

2. **Meals.** Serving of meals shall be limited to registered guests only.

3. **Resident/operator occupancy.** Bed and breakfast inns shall be operated by a property owner or manager living on the premises.

4. **Incidental sales.** Incidental sales of goods and services to registered guests only shall be allowed.

B. Design and development standards.

1. **Zone requirements.** Bed and breakfast inns shall be subject to the requirements of the zone in which they are located.

2. **Number of guest rooms.** In residential zones, a maximum of three guest rooms for each inn shall be allowed. The review authority may further limit the number of guest rooms to ensure preservation of the neighborhood's residential character. In nonresidential zones, a maximum of eight guest rooms for each inn shall be allowed.

3. **Fencing.** Fencing shall comply with Chapter 17.315 (Fences, Walls, and Hedges).

4. **Kitchen facilities.** Kitchen facilities shall be prohibited within the individual guest bedrooms/suites.

5. **Refuse disposal.** Refuse collection areas shall be clearly designated. Areas shall be clearly accessible for pickup and shall be screened from public view with solid walls and landscape materials, subject to the approval of the Director.

6. **Signs.**

   a. **Residential zones.** Signs in residential zones shall be limited to one sign no larger than four square feet identifying the name of the establishment.

The Director may approve an increase in the sign area up to a maximum of six square feet, if it is found that the sign will not adversely impact the residential character of the neighborhood. No internally illuminated or luminous tube signs shall be allowed. The maximum height of the sign shall not exceed six feet.

b. **Nonresidential zones.** Signs shall comply with Chapter 17.335 (Signs).

C. **Other licenses and permits.** Bed and breakfast inn operators shall obtain the following licenses and permits from the City:

1. **Transient Occupancy Registration Certificate.** Transient Occupancy Registration Certificate in compliance with Municipal Code Chapter 3.20 (Uniform Transient Occupancy Tax).

2. **Business License.** Business License in compliance with Municipal Code Chapter 5.04 (Business Licenses Generally).

17.430.100 — Cargo Containers

This Section establishes standards for the establishment and operation of cargo containers, where they are allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Residential zones.** Cargo containers shall be subject to approval of a Site Plan and Design Review in compliance with Table 6-2 (Review Authority for Site Plan and Design Review) and Chapter 17.630 (Site Plan and Design Review) and the following:

1. Roof overhangs and pitches shall be in character with the overhangs and pitches that a commonly used in accessory structures in the immediate neighborhood.

2. The exterior shall be painted a solid, flat non-reflective neutral color that matches as closely as possible with the surrounding buildings or environment.

3. All signage shall be removed.

4. The cargo container shall be screened from adjacent properties, parks, trails, and rights-of-way. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind buildings

B. **Commercial and office zones.** Temporary cargo containers in commercial and office zones shall comply with the standards in Table 2-7 (Development Standards for

Commercial and Office Zones) that apply to primary structures (e.g., height, setbacks, site coverage, etc.). Permanent cargo containers are prohibited.

C. **Industrial zones.** Temporary and permanent cargo containers in industrial zones shall comply with the standards in Table 2-9 (Development Standards for Industrial Zones) that apply to primary structures (e.g., height, setbacks, site coverage, etc.), subject to the following:

1. **Screening**. Cargo containers shall be screened from view from public rights-of-way in compliance with Section 17.305.110 (Screening and Buffering);

2. **Parking.** The area of the cargo container shall be included in determining the parking requirements for the primary use in compliance with Chapter 17.330 (Off-Street Parking and Loading Standards); and

3. **Modifications.** A modification to an approved temporary or permanent cargo container or the permanent attachment of a cargo container to the ground shall be subject to the requirements of this Development Code, the Municipal Code, and the California Building Code.

17.430.110 — Child Day Care Facilities

This Section provides standards for the location and operation of day care facilities for children in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services.

A. **Small family child day care homes (8 or fewer children).** As required by State law (See Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes), small family child day care homes (8 or fewer children) shall be considered a residential use of property; shall be allowed on lots zoned for single-family dwellings; and shall not require any land use permits.

B. **Large Family Child Day Care Homes (9-14 children).** Large family child day care homes (9 to 14 children) shall comply with the following standards:

1. **Licensing.** The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

2. **Care provider's residence.** The large family child day care home shall be the primary residence of the care provider and the use shall be clearly residential in character and shall be incidental and secondary to the use of the property as a residence.

3. **Fencing.** A six-foot high solid decorative fence or wall shall be constructed on all property lines, except in the front setback area or within a corner cutoff intersection area. Fences or walls shall provide for safety with controlled points of entry.

4. **Fire protection systems.** Mandatory fire extinguishers and smoke detector devices shall meet all standards established by the Fire Chief.

5. **Landscaping.** A minimum three-foot deep landscaped area shall be provided adjacent to and inside of the fence/wall and shall include a dense hedge of shrubs a minimum of four feet in height at the time of planting. On-site landscaping shall be consistent with that prevailing in the neighborhood and shall be continuously maintained in a safe and viable condition.

6. **Lighting.** On-site outdoor lighting shall be stationary; directed away from adjacent properties and public rights-of-way; and of an intensity appropriate to the use it is serving in compliance with Section 17.300.080 (Outdoor Light and Glare).

7. **Applicable codes and standards.** The large family child day care home shall conform to all applicable:

    a. Property development standards for single-family dwellings in the respective zone in which it is located;

    b. Building Code and Fire Code standards; and

    c. State standards for the operation of large family child day care homes.

8. **Play area and equipment.** Outdoor play area(s) shall be located in the rear area of the parcel. Stationary play equipment shall not be located in required side and front yards.

9. **Separation.** A large family child day care home within a residential zone shall be located at least 300 feet away from an existing large family child day care home or child day care facility licensed to care for 15 or more children.

10. Parking and drop-off/pick-up area.

a. A facility shall provide an off-street parking space for each employee. A minimum of two off-street parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Chapter 17.330 (Off-Street Parking and Loading). A driveway may be used to provide the spaces, provided that the Director approves the arrangement based on traffic and pedestrian safety considerations. Additional parking may be required as to minimize impacts on adjacent parcels.

b. A facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.

11. Noise. In order to protect adjacent residential dwellings from noise impacts, a facility located within a residential zone may only operate a maximum of 17 hours each day between the hours of 6:00 a.m. and 11:00 p.m. and may only conduct outdoor activities between the hours of 8:00 a.m. and 8:00 p.m.

12. Signs. Signs shall comply with Chapter 17.335 (Sign Standards).

13. Application and review procedures.

a. A Site Plan and Design Review application shall be filed and approved in compliance with Chapter 17.630 (Site Plan and Design Review).

b. In compliance with Health and Safety Code Section 1597.46 (Large Family Day Care Homes), the Director shall provide notice of the application for a Minor Use Permit, when applicable, not less than 10 days before the date on which the decision will be made on the application. The notice shall go to property owners located within a 100-foot radius of the exterior boundaries of the proposed large family day care home. A hearing shall only be held if requested by the applicant or other affected person.

C. Standards for child day care centers (15 or more children). Child day care centers shall comply with the following standards, in addition to the standards contained in Subsection B (Standards for large family child day care homes), above:

1. Parcel size. The minimum parcel size for a child day care center shall be 10,000 square feet.

2. **Separation.** The minimum separation between the main assembly building of the center and a residential zone shall be 30 feet.

3. **Play areas and pools.** Each facility shall have both indoor and outdoor play areas in compliance with State requirements. An on-site outdoor play area of not less than 75 square feet per child, but in no case less than 450 square feet per facility, shall be required. The outdoor play area shall not be located in the front yard. Outdoor play areas shall be enclosed by a six-foot high fence and a pool, if provided, shall be enclosed by a fence that conforms to the California Building Code.

4. **Parking and drop-off/pick-up standards.** Parking shall comply with Chapter 17.330 (Off-Street Parking and Loading). The design of the drop-off and pick-up area shall not require backing into any street.

17.430.120 — Community Care Facilities

This Section provides standards for the establishment and operation of community care facilities. For standards relating to child day care facilities, see Section 17.430.100 (Child Day Care Facilities) and for residential care facilities, see Section 17.430.270 (Residential Care Facilities).

A. **Not a congregate living facility.** A community care facility, as that term is defined in Article 8 (Definitions), which is properly licensed by the State of California, shall not be deemed a "congregate living facility."

B. **Applicable development standards.** Each community care facility that serves six or fewer persons shall comply with all health and safety regulations, building standards, environmental impact standards, or any other matter within the City's jurisdiction that apply to other residential dwellings of the same type in the same zone.

C. **Residents.** The activities of residents of a community care facility shall not be regulated differently from persons who reside in other dwellings of the same type in the same zone.

D. **Enforcement and remedies.** In no event shall the City be limited in its ability to fully enforce this Development Code or the Municipal Code or to exercise any other remedy available to it by law (e.g., imposition of fines and other penalties; commencement of abatement procedures for a public nuisance; seeking administrative relief through applicable licensing authorities, etc.).

17.430.130 — Community Gardens

This Section provides standards for the use of private property for the purpose of maintaining and operating a community garden.

A. Standards. The following standards apply to all community gardens:

1. **Setbacks.** Any structures or sheds shall comply with the setback requirements for the applicable zone.

2. **Maintenance/cleanup.** Weeds and garden refuse shall be disposed of on at least a biweekly basis.

3. **Watering.** Irrigation and any other use of water shall be conducted in compliance with the City's adopted Landscape Design Guidelines.

4. **Development.** Installation, operation, or use of structures, sheds, irrigation systems, sanitary facilities, etc., as accessory uses, shall be in compliance with this Development Code and all local, State, and Federal codes and regulations.

5. **Separation.** A minimum separation of 10 feet shall be maintained between the garden plots and any adjacent developed property. This separation shall be maintained so as to be free of any weeds, garden refuse, sheds, structures, irrigation systems, or other combustible materials, and shall not be used for storage of any equipment, vehicles, or any other materials.

6. **Lighting.** Installation or use of any electrical or other artificial lighting structures or equipment is prohibited.

7. **Management.** A manager shall be designated for each community garden who shall serve as liaison between the gardeners, property owners, and the City.

8. **Pest control.** Pest control measures shall be in compliance with all local, State, and Federal codes and regulations.

B. Violations. It shall be unlawful for a property owner or any other person to establish or operate a community garden that is not in compliance with the requirements of this Section.

17.430.140 — Conversion of Residential Structures

This Section provides standards for the use of residential structures when they are converted for combined residential and nonresidential use and when they are converted for solely nonresidential use.

A. **Nonresidential uses.** Existing, legal residential structures may be converted to and remodeled for commercial uses when the subject structure conforms to minimum standards required by City ordinances.

B. **Residential and nonresidential uses.** When a residential structure is used for both residential and nonresidential uses within the same structure, no expansion beyond the exterior walls of the structure shall be allowed, and no additional stories shall be added to the structure, nor shall any separate structure be erected on the same parcel.

C. **Use of yard areas.** For structures partially used for residential uses and partially used for nonresidential uses, no portion of a front, side, or rear setback area shall be used for vehicle parking, except for on an approved designated driveway, or for storage of any kind.

17.430.150 — Cottage Businesses

This Section provides standards for maintaining and operating a cottage business, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Where allowed.** Cottage businesses shall not be allowed in approved subdivisions of more than four parcels.

B. **Maximum number of businesses.** Only one cottage business shall be allowed per parcel.

C. **Employees.** The business shall be operated by the property owner living on the site or on an adjacent parcel. One persons, other than those residing on the property, shall be allowed to work on the site of the cottage business.

D. **Residential character.** The cottage business shall not alter the residential character of the parcel/neighborhood.

E. **Conduct of business in accessory structure.** The use may be carried out in the primary dwelling unit or in an attached or a detached accessory structure on the same parcel or on a parcel adjacent to the primary dwelling owned and occupied by the same person.

F. **Location of accessory structure used for conduct of business.**

1. The detached accessory structure shall be located in the side or rear yard if located on the same parcel as the primary dwelling.

2. New structures constructed for a business use established after the effective date of this Development Code shall meet front, rear, and side setbacks based on the zone in which the use is located.

3. A previously established business use located within an existing structure shall meet the setback requirements for an accessory structure in Chapter 17.405 (Accessory Structures and Uses).

G. **Screening.** The area of the site, where the business use is conducted, shall be screened from public view on all sides (including along the road frontage), if deemed necessary by the Director due to the nature of the business. The screening shall consist of fencing and/or vegetation in compliance with Section 17.305.110 (Screening and Buffering). Also, additional screening and buffering may be required at a later date if the business intensifies, in order to protect the health, safety and general welfare of the new residents of the surrounding area, subject to an amendment to the original Minor Use Permit.

H. **Maximum area.** The area devoted for the business use shall not occupy more than 50 percent of the square footage of the primary dwelling structure associated with the business, which is located on the business parcel or on an adjacent parcel.

I. **Storage.** Raw materials, machinery, equipment, or future job units waiting for assembly or repair shall be stored within an enclosed structure. Outside storage shall be prohibited, except that contractor storage yards may be allowed a maximum of 200 square feet of outside storage. Any storage in excess of this must be inside a totally enclosed building. Storage shall not be allowed within required covered or uncovered parking spaces (i.e., garages, carports, outdoor parking spaces, etc.).

J. **Signs.** Signs shall comply with Chapter 17.335 (Sign Standards), except where modified by the following:

1. One non-illuminated sign shall be allowed, with a surface area not to exceed four square feet. The height, including the supporting structure, shall not exceed four feet.

2. No vehicle, with the primary purpose of advertising, shall be parked in the front yard of the business.

K. **Parking.** Parking shall comply with Chapter 17.330 (Off-Street Parking and Loading), except where modified by the following:

1. The parking and drive aisle surface shall be paved.

2. Off-street parking for the business use in an accessory structure shall be located on the side or to the rear of the dwelling unit.

3. A maximum of one business-associated vehicle may be parked in the driveway in view of the public right-of-way. A maximum of two business-associated vehicles may be parked on the parcel, provided that they are parked in the side or rear yard outside of public view.

4. Trucking business shall be allowed a maximum of two trucks.

17.430.160 — Donation Boxes

This Section provides locational, developmental, and operational standards for outdoor charitable donation boxes.

A. **Maximum number.** No more than one donation box shall be allowed on a single site or shopping center.

B. **Affixed.** The donation box shall be secured against theft or unauthorized removal.

C. **Maintenance.** The party responsible for the donation box shall ensure that the box and surrounding site are properly maintained and that donated materials do not fall, spill, or accumulate outside of the box. If the party responsible for the donation box fails to provide the required maintenance, the property owner shall be responsible for all of the required maintenance.

D. **Removal.** The party responsible for the donation box shall ensure that the box is removed and the site is cleared of any evidence of its previous setup when the box is no longer needed or has been inactive for 60 days. If the party responsible for the donation box fails to provide the required removal and clean-up, the property owner shall be responsible for the removal and clean-up.

17.430.170 — Drive-Through Facilities

This Section provides standards for maintaining and operating a drive-through facility, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Parcel requirements.**

1. The minimum parcel size shall be 12,000 square feet.

2. The minimum width shall be 100 feet, and the minimum depth shall be 100 feet.

3. The site shall have a minimum of 100 feet of frontage on a major or secondary street, as identified in the Circulation Element of the General Plan.

B. Parking and circulation. Parking and circulation shall be provided in compliance with Chapter 17.330 (Off-Street Parking and Loading). In addition, the following standards shall apply:

1. Each service window or machine shall provide a minimum of seven tandem queuing spaces, inclusive of the vehicle being served. See Section 17.430.080 (Automated Teller Machines) for drive-throughs providing ATM services. The queuing spaces shall not extend into the public right-of-way nor interfere with internal on-site circulation patterns. Service windows or machines shall be provided with a shade structure.

2. Drive-through aisles shall have a minimum 10-foot interior radius at curves and a minimum 12-foot width.

3. The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.

4. Each drive-through aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjacent residences, streets, and parking lots.

5. Pedestrian walkways should avoid intersecting the drive-through access aisles, to the extent possible, but where they do intersect; they shall have clear visibility and be emphasized by enhanced paving or pavement markings.

6. The layout and design of the site shall minimize:

   a. Vehicular traffic in any adjacent residential zone; or

   b. Hazards to pedestrians from adjacent schools, theaters, or other similar places of assembly that tend to generate pedestrian traffic.

C. Design criteria. The drive-through facility shall have an integrated design of building materials, landscaping, roof lines, and signs.

D. Landscaping. Landscaping shall comply with Chapter 17.325 (Landscaping Standards).

E. **Lighting.** Outdoor lighting shall comply with Section 17.300.080 (Outdoor Light and Glare). In addition, all outdoor lights or signals, except for those necessary for security lighting, shall be turned off when the drive-through facility is not in operation.

F. **Noise.** Amplification equipment (e.g., speakers at menu boards) shall be located so as not to adversely impact adjoining residential uses and shall be operated in compliance with Section 17.300.060 (Noise).

G. **Screening and buffering.** Screening and buffering shall comply with Section 17.305.110 (Screening and Buffering). In addition, the following standards shall apply:

1. Service window(s) shall be covered and adequately screened from public view.

2. An eight-foot high solid decorative wall shall be constructed on each property line that adjoins a residentially zoned or occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director. A minimum five-foot deep landscaping strip shall be provided between the wall and any driveway which shall be continually and properly maintained by the owners, developers, and/or successors-in-interest.

H. **Setbacks.** The minimum setback for all components related to the drive-through facility (e.g., structures, driveways, menu boards, etc.) shall be 20 feet from all adjoining residential uses or zones.

I. **Signs.** Signs shall comply with Chapter 17.335 (Sign Standards). The number, size, and location of menu boards shall be subject to the approval of the Director.

J. **Trash storage.** Outside trash, garbage, refuse and storage areas shall comply with Section 17.305.130 (Solid Waste/Recyclable Materials Storage).]

K. **Utilities.** Utility services to all structures (including signs) shall be installed underground.

17.430.180 — Emergency Shelters

This Section provides standards for the establishment and operation of emergency shelters, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) and in compliance with Government Code Section 65583.

A. **Maximum number of beds.** Each emergency shelter may have a maximum of 20 beds.

B. **Parking.** Off-street parking shall comply with Chapter 17.330 (Off-Street Parking and Loading). Non-operational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the shelter operator.

C. **Design and amenities.**

1. **Waiting area.** Each emergency shelter shall provide an exterior waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the public right-of-way. An exterior waiting area shall be physically separated from the public right-of-way. Interior waiting areas shall be allowed in compliance with the California Building Code.

2. **Facility layout.** Living, dining, and kitchen areas shall be physically separated from sleeping areas.

3. **Sleeping area.** Each emergency shelter shall provide at least 35 square feet of sleeping area per bed.

4. **Bathroom facilities.** Each emergency shelter shall provide facilities for personal care (i.e., bathroom and shower facilities) in compliance with the California Building Code.

5. **Telephone services.** The shelter shall provide landline telephone services separate from the office phone in order to provide privacy. Any payphones provided shall allow call-out service only.

6. **Additional standards.** Each emergency shelter shall comply with applicable Building Code, Fire Code, and State Department of Social Services licensing requirements.

D. **Location restriction.**

1. **Minimum separation distance.** An emergency shelter shall be located at least 300 feet away from another emergency shelter.

2. **Measurement of separation distance.** The distance of separation shall be measured in a straight line between the main entrances of each use without regard to intervening structures or objects.

E. **Operational standards.**

1. **Hours of operation.** Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.

2. **On-site management.** Each emergency shelter shall provide on-site supervision at all times.

3. **Congregation in neighborhood prohibited.** The shelter operator shall be responsible for the following:

   a. Patrol of the surrounding area within 800 feet for one hour after the closing of the shelter each morning to ensure that homeless shelter residents are not congregating in the neighborhood.

   b. Regular patrol of the area surrounding the shelter site to ensure that homeless persons who have been denied access are not congregating in the neighborhood.

4. **Contact information.** The shelter operator shall provide information about how to contact the operator with questions or concerns regarding shelter operations. The contact information shall be posted on site where it is readily viewable by an employee, shelter inhabitant, or representative of a governmental agency.

5. **Litter and graffiti.** The shelter operator shall be responsible for the following:

   a. Maintenance of the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;

   b. Providing for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises; and

   c. Removal of graffiti within 48 hours of written notice from the City.

6. **Controlled access.** The facility and/or the premises shall be accessed by only one entrance.

7. **Supplemental services.** Supplemental services (e.g., food, counseling, access to other social programs, etc.) may be offered on the inside of the premises. No exterior waiting areas are allowed for supplemental services.

17.430.190 — Live Entertainment

This Section provides standards for amplified and unamplified live entertainment, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). Regulations for dance halls are in Municipal Code Chapter 5.40 (Public Dances).

A. Exempt activities. The provisions of this Section shall not apply to:

1. Hotels operating or allowed in compliance with approved Conditional Use Permits;

2. Pre-recorded music played inside an establishment during hours the establishment is lawfully operating, provided that the volume levels conform to the standards in Section 17.300.060 (Noise);

3. Unamplified live entertainment that consists of no more than two performers, including patrons, playing unamplified instruments:

   a. Without any dancing, singing, or spoken words;

   b. At sound levels that allow persons to converse without straining to speak or be heard;

   c. Indoors between the hours of 9:00 a.m. and 11:00 p.m.; and

   d. With a valid license fee paid in compliance with Municipal Code Chapter 5.08 (Business License Fees).

B. Business License. Amplified and unamplified live entertainment that is not exempt under Paragraph A (Exempt activities) shall require payment of a license fee in compliance with Municipal Code Chapter 5.08 (Business License Fees)

C. Development standards.

1. Exits from a structure shall generally be directed away from any residential zone or residential use adjoining the site. Exits for emergency use only are not included within this limitation.

2. Amplified live entertainment shall take place inside a structure and shall not occur outdoors, including in an outdoor dining area.

3. The premises within which amplified live entertainment takes place shall contain sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on adjacent property, public rights-of-way, or within any separate units within the same structure, if the premises are in a mixed-use development.

4. No doors or windows shall be open during the amplified live entertainment.

D. Permit requirements. The conditions of approval for issuance of a permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits) shall include the following:

1. Days and hours of operation;
2. Maximum noise levels;
3. Waste management;
4. Transferability;
5. The temporary vs. permanent nature of the use; and
6. Security personnel as recommended by the Police Chief.

17.430.200 — Live-Work Units

This Section provides standards for the development of live/work units and for the reuse of existing nonresidential structures to accommodate live/work opportunities. Live/work units are intended to be occupied by business operators who live in the same structure that contains the nonresidential activity.

A. Limitations on use. The nonresidential component of a live/work unit shall only be a nonresidential use allowed within the nonresidential zone in which the unit is located. A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Adult-oriented businesses;
2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use; or
4. Other activities or uses, not compatible with residential activities and/or that have the possibility of affecting the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

B. Site planning and design standards.

1. **Floor area.** The minimum net total floor area of a live/work unit shall be 1,000 square feet. Floor areas, other than areas used for living space, shall be regularly used for working and display space.

2. **Features.**

   a. Each live/work unit fronting a public street shall have a pedestrian-oriented frontage that publicly displays the interior of the nonresidential areas of the structure.

   b. A minimum of 80 percent of a structure's street front facade at street level shall be occupied by nonresidential uses.

   c. A minimum of 51 percent of the portion of a structure's street front facade that contains required nonresidential use shall be at or above sidewalk grade.

   d. Each live/work unit shall have a minimum floor-to-floor interior height of 14 feet.

   e. Parking for live-work units shall be prohibited in front of the structure.

3. **Separation of units.** Where more than one live/work unit is proposed within a single structure, each live/work unit shall be separated from other live/work units and other uses in the structure.

4. **Access to units.**

   a. Access to individual units shall be from common access areas, corridors, courtyards, or hallways.

   b. Access to each unit shall be clearly identified to provide for emergency services.

5. **Integral layout.**

   a. The living space within the live/work unit shall be contiguous with the working space, with direct access between the two areas, and shall not be a separate stand-alone dwelling unit.

   b. The residential component shall not have a separate street address from the business component.

6. **Compatibility.** The establishment of live/work units shall not conflict with nor inhibit commercial or industrial activities in the adjacent area.

7. **Parking.** Parking for each live/work unit shall be provided in compliance with Chapter 17.330 (Off-Street Parking and Loading).

8. **Changes to existing structure.** Changes to the exterior appearance of an existing structure to accommodate live/work units shall be compatible with adjacent nonresidential uses.

C. Operating standards.

1. **Business license.** At least one resident in each live/work unit shall maintain a valid Business License for a business or activity on the premises in compliance with Municipal Code Chapter 5.04 (Business Licenses Generally).

2. **Client and customer visits.** Client and customer visits to live/work units shall be allowed.

3. **Nonresident employees.** Up to two persons who do not reside in the live/work unit may work in the unit; provided that their employment in the unit shall comply with applicable California Building Code (UBC) requirements.

4. **Outdoor activities.** Live/work uses shall be conducted entirely within the enclosed structure. A Minor Use Permit may allow outdoor activities (e.g., outdoor dining, outdoor display during business hours, etc.).

5. **Notice to occupants.** The owner or developer of a structure containing live/work units shall provide written notice to all live/work occupants, tenants, and users indicating that the surrounding area may be subject to levels of dust, fumes, noise, or other impacts associated with commercial or industrial uses at higher levels than would be expected in more predominantly residential areas. Noise and other standards shall be those applicable to nonresidential uses in the zone in which the live/work units are located, in compliance with Section 17.300.060 (Noise).

6. **Sale or rental of portions of unit.** The living space and the working space of a live/work unit may not be separately sold or rented.

7. **Security.** Security shall properly reflect the needs of businesses with on-site sales, employees, and customers.

8. **Changes in use.** After approval, a live/work unit shall not be converted to an entirely residential use and may be converted to an entirely nonresidential use.

17.430.210 — Mixed-Use Projects

This Section provides standards for the development of mixed-use projects, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). The primary intent of these development standards is to balance the needs of nonresidential uses for access, visibility, parking, loading, safety, and economic development with the needs of residential uses for privacy, security, and relative quiet.

A. Permit application and processing.

1. **Site Plan and Design Review.** Mixed-use projects shall require approval of a site development plan in compliance with Chapter 17.630 (Site Plan and Design Review).

2. **Covenants, Conditions, and Restrictions.** The applicant shall submit proposed Covenants, Conditions, and Restrictions (CC&R's). The proposed CC&R's shall at a minimum incorporate the operational standards required in Subsection G., below, and shall be subject to final review and approval by the City Attorney.

B. Development standards generally. Dimensional standards for mixed-use projects are provided for the Commercial Downtown (CD) zone in Table 2-7 (Development Standards for Commercial and Office Zones). Other Sections in this Article 4 on specific uses (e.g., eating and drinking establishments, live/work units, multi-family development, etc.) may apply depending upon the type of development/use being proposed.

C. Site planning and design.

1. **Generally.** A mixed-use project shall be designed and constructed to:

   a. Have a pedestrian focus and orientation.

   b. Provide parking that encourages motorists to "park once" (i.e., park once and then walk to jobs, shops, restaurants, and entertainment, without having to get back into vehicles until ready to leave the site).

   c. Be compatible with and complement adjacent land uses.

   d. Maintain the scale and character of development of the surrounding area and provide a transition to any adjacent residential uses.

e. Integrate residential uses seamlessly with nonresidential uses through architecture, pedestrian walkways, private and common open space, courtyards, and landscaped areas. The two types of uses should not be completely isolated by walls or other design elements, but should provide adequate security and privacy for the residents.

2. Architectural design. Architectural style and use of quality materials shall be consistent throughout an entire mixed-use project. Architectural treatment of structures shall be consistent on all sides.

a. Differences in architectural details and/or materials shall occur to differentiate between the nonresidential and residential portions of the project.

b. Loading areas and recycling and refuse storage facilities shall be compatible in architectural design and details with the overall project.

c. Multiple structures on a single site shall be designed to create a strong visual relationship between and among the structures.

d. Roof profiles shall be modulated to reduce the apparent scale of large structures and to provide visual interest and variety.

e. Upper floor balconies, bays, and windows that overlook the street shall be provided whenever opportunities exist.

f. Entrances.

(1) When nonresidential and residential uses are located in the same structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.

(2) Primary building entrances shall be oriented to the major street on which the structure has frontage, street corner, courtyard, plaza, park, or other structures on the site but not to interior blocks or parking lots/structures. A structure may have other entrances as long as direct, barrier-free pedestrian access is provided to all entrances.

5. Pedestrian environment.

a. The street pedestrian environment shall consist of public and private courtyards, plazas, passages, paseos, street furniture, and related

facilities, whenever possible. Pedestrian access to mixed-use structures shall be from the sidewalk.

b. Long expanses of blank walls or an unbroken series of garage doors shall be prohibited.

6. Open space.

a. **Size.** Common and private open space that creates a pleasant living environment with opportunities for recreation shall be provided for the residential uses in the Commercial Downtown (CD) zone in compliance with Table 2-7 (Development Standards for Commercial and Office Zones).

b. **Location**. Common open space may be provided on rooftops and may include rooftop pools and spas, fitness centers, and related restroom facilities, provided that the space is restricted for the use of residents only.

c. **Sharing**. In general, common open space areas for residential uses shall be separated from nonresidential uses on the site. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to residents. Parking and maneuvering areas shall not be considered common open space.

7. Privacy and security. Structures shall be designed to minimize the personal security risks of uses and to minimize the opportunities for vandalism and theft**.**

a. The ground-floor of residential uses may be set back from the sidewalk or from the right-of-way to provide privacy and a sense of security and to leave room for stoops, porches and landscaping.

b. Ground-floor residential uses may be raised two to four feet above the sidewalk for privacy and security, where appropriate.

D. Landscaping. Landscaping shall be in compliance with Chapter 17.325 (Landscaping). In addition, common open space areas above the ground level shall be landscaped using containerized plant materials that are irrigated by an automatic irrigation system and adequately drained.

E. Lighting. Outdoor lighting shall be appropriately designed, located, and shielded to ensure that it does not negatively impact the residential uses in compliance with Section 17.300.080 (Outdoor Light and Glare).

F. Sound mitigation. Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

G. Operational standards.

1. **Hours of operation for nonresidential uses.** Hours of operation for nonresidential uses shall be limited to the hours between 8:00 a.m. and 11:00 p.m. on Sundays through Thursdays, and 8:00 a.m. and 12 midnight on Fridays and Saturdays.

2. **Loading and unloading activities.** Where applicable, the loading and unloading of goods shall only take place between 8:00 a.m. and 10:00 p.m. on any day of the week.

3. **Noise notification.** In addition to the requirements in Section 17.300.060 (Noise), the following notification procedures shall be required:

   a. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.

   b. The residents shall acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.

H. Parking facilities.

1. **Number of parking spaces.** The total number of parking spaces shall comply with the requirements in Chapter 17.330 (Off-Street Parking and Loading). Guest parking shall be provided for the residential dwelling units. Applicants for a mixed-use project shall prepare and submit a parking study (including any request for a shared parking reduction) and management plan for review and decision by the review authority.

2. **Type and layout of parking facility.** Parking facilities shall be separate for nonresidential uses and residential uses. If enclosed parking is provided for the entire mixed-use complex, separate areas/levels shall be provided for nonresidential and residential uses with separate building entrances, whenever possible, subject to confirmation and approval by the applicable review authority. Guest parking for the residential uses may be shared with the nonresidential uses.

3. **Loading areas.** Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and streets in compliance with Subsection I (Screening and buffering standards), below. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from glare, light, noise, and odors when residential uses might be impacted. The number, size, and design of the loading areas shall be in compliance with Section 17.330.080 (Parking Design and Development Standards).

4. **Site access driveways.** Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.

I. **Recycling and refuse storage facilities.** Recycling and refuse storage facilities for nonresidential uses shall comply with Section 17.305.130 (Solid Waste/Recycling Facilities). In addition, they shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and streets. Recycling and refuse storage facilities for nonresidential uses shall be compatible in architectural design and details with the overall project. The location and design of refuse storage enclosures shall mitigate nuisances from odors when residential uses might be impacted.

J. **Screening and buffering.** In addition to the standards in Section 17.305.110 (Screening and Buffering), the following shall apply:

1. **Loading areas and recycling and refuse storage facilities.** Loading areas and recycling and refuse storage facilities for nonresidential uses shall be completely screened from view from adjacent residential portions of the project or other adjacent residential uses.

2. **Roof-mounted equipment.** Roof-mounted equipment shall be completely screened from public views from the ground elevation.

3. **Noise-generating equipment.** Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance.

K. **Signs.** The design and location of signs shall comply with Chapter 17.335 (Sign Standards).

L. **Notification to owners and tenants.** Project applicants shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in a mixed-use project. The disclosure statement shall indicate that the occupants will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment and potential impacts based upon the allowed uses in the project. Each buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement.

M. **Deed notification.** As a condition of project approval for a residential unit in a mixed-use project, applicants shall record a deed notification with the County Recorder's Office, the form and content of which shall be satisfactory to the City Attorney. The deed notification document shall state that the residential unit is located in a mixed use project and that an owner may be subject to impacts, including inconvenience and discomfort, from lawful activities occurring in the project (e.g., noise, lighting, odors, high pedestrian activity levels, etc.).

17.430.220 — Mobile/Manufactured Homes

This Section provides requirements and development standards for the use of mobile homes and manufactured homes as single-family dwellings outside of mobile home parks and mobile home subdivisions, where single-family dwellings are allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Compliance with State law.** In compliance with Government Code Section 65852.3, a mobile/manufactured home may be installed on an approved foundation system on a parcel that is:

1. Zoned to allow a single-family dwelling; and

2. Determined to be compatible for mobile/manufactured home use.

B. Site planning, design, and construction standards. A mobile/manufactured home may be installed in compliance with the following conditions:

1. **Site requirements.** The site, and the placement of the mobile/manufactured home on the site, shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.

2. **Exterior materials.** The exterior siding, trim, and roof shall be of the same materials and treatments found in conventionally built single-family residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same parcel. Mobile/manufactured homes installed in a zone with design guidelines shall comply with the guidelines for the zone.

3. **Roof design.** Roof overhangs and pitches shall be in character with the overhangs and pitches that are commonly used in conventionally-built single-family structures in the immediate neighborhood (or in adjacent neighborhoods if there are not sufficient examples in the immediate neighborhood).

4. **Foundation.** The mobile/manufactured home shall be placed on a foundation system that meets the requirements of the Health and Safety Code, subject to the approval of the Building Official.

5. **Minimum size.** The mobile/manufactured home shall contain the minimum square footage of living area that is required for conventionally built single-family residential structures. The floor area of porches, garages, patios and similar features, whether attached or detached, shall not be included when calculating the floor living area.

6. **Construction standards.** The mobile/manufactured home shall be:

   a. Certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.) and bear a California insignia or Federal label as required by Health and Safety Code Section 18550(b).

   b. Constructed within 10 years before the date of application for the installation permit.

17.430.230 — Outdoor Dining

This Section provides standards for outdoor dining areas.

A. **Coordinated design scheme.** The design and appearance of proposed improvements or furniture (e.g., tables, chairs, benches, umbrellas, planters, menu boards, etc.) to be placed in an outdoor dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure, as determined by the Director.

B. **Hours of operation.** Hours of operation for outdoor dining areas shall coincide with those of the associated indoor restaurant.

C. **Property maintenance.** The operator shall maintain the outdoor dining area(s) in a neat, clean, and orderly condition at all times. This shall include all tables, benches, chairs, displays, or other related furniture. An adequate number of trash receptacles shall be provided to serve the outdoor dining area.

D. **Outdoor bar prohibited.** A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside dining area.

E. **Location.** Outdoor dining areas may be allowed to locate in required setback areas but shall not encroach into required parking areas. They may be allowed to encroach into a public right-of-way with an approved Encroachment Permit issued by the City Engineer.

F. **Noise.** Amplified sound (e.g., music, television, etc.) shall not be audible beyond the lot line.

17.430.240 — Outdoor Displays and Sales

This Section provides standards for temporary and permanent outdoor displays and sales (e.g., garden supply sales, news and flower stands, and similar uses where merchandise is displayed for sale), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Exempt uses.** Plant nurseries; motor vehicle, boat, and trailer dealers shall be exempt from the provisions of this Section.

B. **Temporary Use Permit required.** Each business that intends to conduct a temporary outdoor display and sales event shall first receive approval of a Temporary Use Permit in compliance with Chapter 17.640 (Temporary Use Permits)

C. **Business License.** Each business that conducts or sponsors outdoor displays and sales shall hold a valid Business License issued in compliance with Municipal Code Chapter 5.04 (Business Licenses Generally).

D. **Height limits.** The outdoor display of merchandise shall not exceed a height of six feet above finished grade. The outdoor display of merchandise shall be limited to the ground-floor level. Merchandise shall not exceed a height of six feet above finished grade or the height of a ceiling on an unenclosed, covered entry structure (e.g., covered porch, patio cover, etc.), whichever is less.

E. **Setbacks.** Outdoor display and sales areas shall not encroach into required setback areas or the public right-of-way, unless specifically approved by the Director a minimum of 30 days before the sale. In zones where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines, unless otherwise approved by the Director.

F. **Parking.** Parking and maneuvering shall not be impeded, except that the Director may allow a maximum of 10 percent of the parking spaces to be used for the purposes of the sale.

G. **Pedestrian circulation.** Appropriate pedestrian aisle space shall be provided in compliance with the California Building Code and Federal ADA requirements.

H. **Location of merchandise.**

1. **Temporary display and sales.** An event shall be conducted only on a parcel having a paved parking surface with permanent driveway access.

2. **Permanent display and sales.** Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, required parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.

I. **Location on property.** The display/sales area shall relate directly to an allowed use that occupies a primary structure on the same premises. Display and sales activities that are conducted off-site or away from the primary place of business shall require a Temporary Use Permit approved in compliance with Chapter 17.640 (Temporary Use Permits).

J. Buffering and screening.

1. A 30-foot wide buffer shall be provided between the event and a residential zone or use.

2. The Director may require screening of outdoor sales and activity areas from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.

K. Signs. Additional signs shall not be provided for the outdoor display and sales area beyond those normally allowed for the primary use in compliance with Chapter 17.335 (Sign Standards). Signs mounted to utility poles, windows, and other locations outside the immediate area of the event shall be removed immediately. Stake-mounted signs and human sign holders shall be prohibited.

L. Nuisance. The event shall not become a safety hazard or public disturbance and shall not cause substantial adverse impacts on the surrounding properties by creating excessive dust, heat, glare, noise, odors, or pollutants as determined by the Director.

M. Other applicable regulations. Appropriate facilities, structures, and utilities shall be installed and maintained in compliance with all applicable building, fire and health regulations.

N. Standards for off-site sales. In addition to the standards in Subsections C-L, above, off-site sales (e.g., farmers' markets, vehicle sales, community fundraisers, etc.) shall:

1. Provide three copies of a site plan, approximately to scale, indicating the location of the parking lot sale relative to adjacent parking lots, street rights-of-way, sidewalks, and structures.

2. Provide written evidence of property owner(s) permission.

3. Establish a 20-foot clear area with a cone or tape barrier, physical guards, or fencing around the event site.

4. Provide a deposit, in an amount determined by the Director and to be held at the Department, for the clean-up/removal of debris at and around the event site. The deposit shall be released by the Director after the Director has inspected the event site and surrounding area.

5. Each dealer participating in a temporary motor vehicle parking lot sale shall comply with the California Department of Motor Vehicles regulations for point-of-sale tax allocation.

17.430.250 — Outdoor Storage

This Section provides standards for outdoor storage or work areas, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. **Enclosure and screening required.** Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet.

B. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the wall or fence, except where authorized by the permit for the storage area.

C. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the setback area shall be landscaped to the approval of the Director, and in compliance with Chapter 17.325 (Landscaping Standards).

D. **Fencing for outdoor storage of goods and vehicles, keeping of livestock.** A maximum of one foot of vertical barbed wire may be installed on top of fences and walls located in RE, IL, and IH zone districts with the approval of the Director, provided that the use served includes only the outdoor storage of goods or vehicles or the keeping of livestock.

17.430.260 — Recreational Vehicle Parks

This Section provides standards for the development of recreational vehicle parks and recreational vehicle park subdivisions.

A. **Dimensional standards for recreational vehicle park subdivisions.** Recreational park subdivisions shall comply with the requirements in Table 4-5:

Table 4-5
Development Standards for Recreational Vehicle Park Subdivisions

Development Feature	Dimensional Standard
Site Area	10 acre minimum
Individual Lot Size	1,200 sq ft minimum
Density	One RV unit per each RV lot (1)
Height	
RV Lot	15 ft maximum
RV Park Recreational Area	35 ft maximum
Open Space	
Private	100 sq ft minimum per RV lot (3)
Common	The greater of 200 sq ft per RV lot or 30,000 sq ft
Distance between Structures	10 ft minimum distance between RV structures 6 ft minimum distance between RV and related accessory structures
Setbacks – RV Units	
Front	3 ft
Interior Side	3 ft
Street Side	
Adjacent to exterior street	20 ft minimum from park exterior boundaries
Adjacent to interior street	10 ft minimum from park interior boundaries
Adjacent to single-family zone	10 ft minimum
Rear	3 ft minimum
Setbacks – Accessory Structures (2)	3 ft minimum
Widths of Interior Private Streets	
No parking allowed	25 ft minimum width
Parking on one side allowed	30 ft minimum width
Parking on both sides allowed	35 ft minimum width

Notes:

(1) The maximum density allowed within an RV park or RV park subdivision shall be indicated by the General Plan land use designation of the property and confirmed by the approved Conditional Use Permit. A density bonus may be granted in compliance with Chapter 17.310 (Affordable Housing Density Bonuses).

(2) Accessory structures may include cabanas, ramadas, storage cabinets, carports, fences, stairways, ramps, etc.

(3) Exclusive of required setback areas.

B. **Allowable recreational vehicles.** Only recreational vehicles that conform to the definition in Article 8 (Definitions) shall be allowed on recreational vehicle lots.

C. **Lighting.** Street lighting shall be provided to reasonably light all streets within the development including the installation of marbelite, aluminum, or equivalent poles. All outdoor lighting shall comply with Section 17.300.080 (Outdoor Light and Glare).

D. **Parking.** Parking shall be provided in compliance with Chapter 17.330 (Off-Street Parking and Loading).

E. **Storage.** Outdoor storage shall not be allowed. Storage sheds shall be allowed upon individual lots and shall conform to the setbacks required in this Section. Additional storage facilities may be allowed as part of the project approval process. No storage of construction or flammable materials shall be allowed except as approved by the Fire Department.

F. **Streets.** Streets shall be improved in compliance with the City's Standard Specifications.

G. **Trash/recycling facilities.** Trash enclosures shall be provided in compliance with Chapter 17.305.130 (Solid Waste Storage and Recycling Facilities).

H. **Utilities.** Utility services shall be installed underground with the exception of a utility riser at each lot. All recreational vehicles shall be connected to an approved public sewer system.

I. **Conflict with other applicable laws.** In the event of a perceived conflict between regulations in this Section and other applicable laws, the more restrictive requirements shall control.

17.430.270 — Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

A. **Reverse vending machines.** Reverse vending machine(s) shall comply with the following standards:

1. Machines shall be installed as accessory uses and shall not require additional parking;

2. If located inside of a structure, machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation;

3. If located outside of a structure, machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof material(s);

4. Machines shall not exceed an area of 50 square feet for each installation, including any protective enclosure, nor eight feet in height;

5. Machines shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions;

6. Machines shall have operating hours that are consistent with the operating hours of the primary use; and

7. Machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn, in compliance with Section 17.300.080 (Outdoor Light and Glare).

B. Small collection facilities. Each small collection facility shall:

1. Not exceed an area of 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers;

2. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;

3. Be located within one-half (½) mile of supermarkets in compliance with the *Beverage Container Recycling and Litter Reduction Act (Public Resources Code 14500 et seq.).*

4. Accept only CRV glass, aluminum, or plastic containers, paper, and other recyclable items;

5. Not use power-driven processing equipment except for reverse vending machines;

6. Use containers that are constructed with durable waterproof and rustproof material(s), secure from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;

7. Not be located within 50 feet of any parcel zoned or occupied for residential use;

8. Any containers and site fencing shall be of a color and design to be compatible and harmonious with the surrounding uses and neighborhood;

9. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;

10. Signs may be provided as follows:

    a. Collection facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is less. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

    b. Signs shall be both compatible and harmonious with the character of their location; and

    c. Directional signs, consistent with Chapter 17.335 (Sign Standards) and without advertising message, may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

11. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the primary use. One space shall be provided for the attendant;

12. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present; and

13. Use of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study shows that existing capacity is not fully utilized during the time the mobile recycling facility would be on the site.

C. Large collection facilities. A collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards:

1. The facility shall not be located within 100 feet of a parcel zoned or occupied for residential use.

2. The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure in compliance with Section 17.305.110 (Screening and Buffering).

3. Structure setbacks and landscaping shall be provided as required for the subject zone.

4. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required screen walls.

5. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

6. Containers provided for "after hours" donation of recyclable materials shall be constructed of sturdy, rustproof material(s); have sufficient capacity to accommodate materials collected and be secured from unauthorized entry or removal of materials.

7. Dust, fumes, odor, smoke, or vibration above ambient levels shall not be detectable on adjoining parcels.

17.430.280 — Residential Care Facilities

This Section provides standards for the location and operation of residential care facilities for children or adults in compliance with State law.

A. **Licensing and other State requirements.** These standards shall apply in addition to requirements imposed by the California Department of Social Services.

B. **Small residential care homes (6 or fewer adults or children).** As required by State law (See *Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes)*, small residential care homes (6 or fewer adults or children) shall be considered a residential use of property and shall be allowed within a single-family residence located in any residential zone with no City land use permits required.

C. **Large residential care homes (7 or more adults or children).** Large residential care homes (7 or more adults or children) shall be allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) provided the following standards are met.

1. A drop-off/pick-up/loading/temporary parking area shall be provided adjacent to the main entrance;

2 A minimum of 10 percent of the site area shall be provided for usable indoor and/or outdoor recreation areas;

3. Outdoor recreation areas and open courtyards shall be provided throughout the project. These areas shall be designed to provide passive open space with tables, chairs, planters, or small garden spaces to make these areas useful and functional for tenants;

4. If located within a residential neighborhood, the architecture of the facility shall be compatible with the residential character of the area;

5. Security provisions shall be provided in the following manner:

   a. The entire facility shall be designed to provide maximum security for residents, employees, and visitors (e.g., lighting, cameras, surveillance, etc.);

   b. Adequate measures shall be taken to provide for vehicle parking security including security gates, fencing, and night lighting.

17.430.290 — Satellite/Dish Antenna and Amateur Radio Antenna

This Section provides standards for the location, installation, and maintenance of satellite antennas, amateur (noncommercial) radio communication facilities, and citizen band radio antennas.

A. Exempt. The following receive-only antennas shall not be regulated by this Section:

1. A ground-mounted or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches) in residential zones;

2. A ground-mounted or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than two meters (78 inches) in nonresidential zones; and

3. Roof-mounted radio or television aerials not exceeding 40 feet in overall height, as measured from ground level, in any zone.

B. Zones where allowed. Amateur radio antennas, structures, and masts and satellite dish antennas that comply with the development standards in this Section are allowed as an accessory use in all zones.

C. Development standards - Amateur radio antennas.

1. **Lowering device.** Amateur radio antennas, capable of a maximum extended height in excess of 40 feet, with the exception of whip antennas, shall be equipped with a motorized and mechanical device, capable of lowering the antenna to the maximum allowed height in the zone when the antenna is not in operation.

2. **Allowed height.**

   a. The height of an antenna shall be measured from existing grade at the point the mast touches, or if extended would touch, the ground.

   b. When in operation, no part of any amateur radio antenna shall extend to a height of more than 75 feet above existing grade of the site on which the antenna is installed.

   c. When not in operation, no part of any amateur radio antenna, excepting whip antennas, shall extend to a height of more than 35 feet measured above grade of the site on which the antenna is installed.

3. **Number allowed.** One amateur radio antenna structure and one whip antenna shall be allowed on each parcel.

4. **Color.** The antennas and supporting structure shall be painted a single, neutral, nonglossy color (e.g., earth-tones, gray, green, brown, tan, etc.) and shall be, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

5. **Siting and setbacks.** Antenna structures shall be in compliance with the following, as illustrated in Figure 4-2 (Location of Amateur Radio Antenna):

   a. No portion is located within any required setback area;

   b. No portion is located within the front 40 percent of the depth of the parcel that abuts a public right-of-way; and

   c. If a site abuts two or more public rights-of-way, the mast is not located within the front 40 percent of the depth of the parcel where primary access is provided to the parcel.

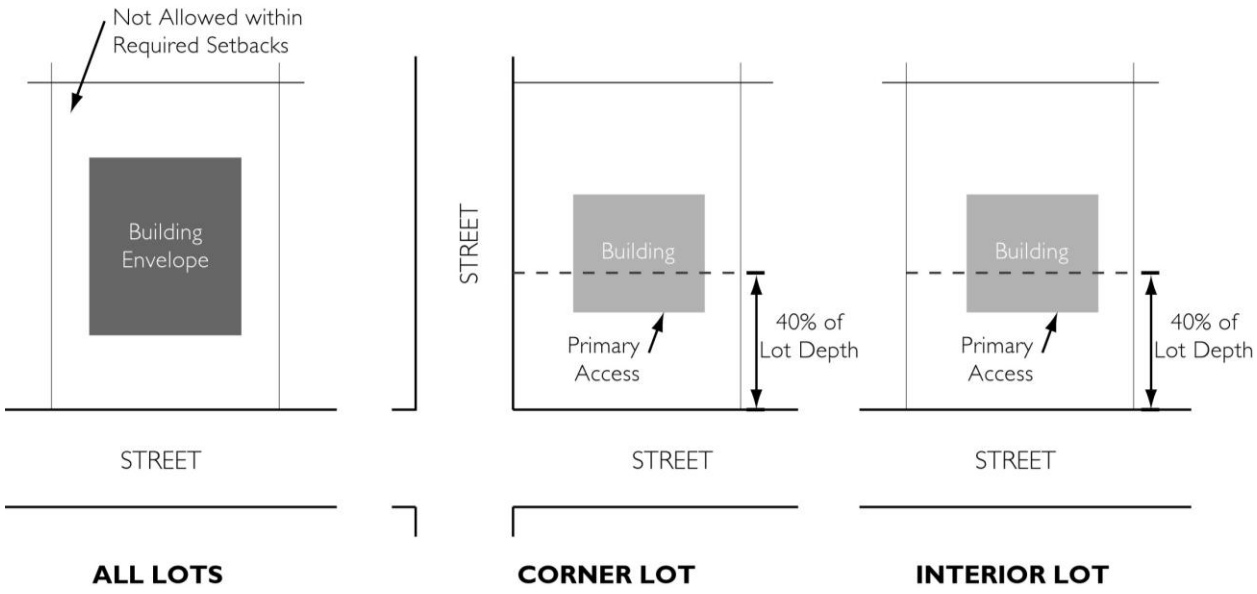

Figure 4-2
Location of Amateur Radio Antenna

D. Development standards - Satellite dish antennas.

1. **Setbacks.** A satellite dish antenna shall not be located in any required setback area except that satellite dish antennas that do not exceed six feet in height may be located:

   a. In any required side setback area behind the front setback line; and

   b. In any rear setback area where the rear setback area is not adjacent to an alley.

2. **Number.** A maximum of one satellite dish antenna shall be allowed on a site.

3. **Color.** Satellite dish antennas that are not screened shall be painted a single, neutral, nonglossy color (e.g., earth-tones, gray, black, etc.) and shall be, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

4. **Sign.** Signs of any kind shall not be posted or displayed on any satellite dish antenna.

5. Ground-mounted antennas.

a. Size. The diameter of a ground-mounted dish antenna shall not exceed 10 feet.

b. Height. The height of any portion of a ground-mounted dish antenna shall not exceed 15 feet.

c. Location. In all residential zones, a ground-mounted dish antenna shall be located on the rear one-half of the parcel.

d. Other requirements. In all zones, the location shall not reduce area required for parking, internal circulation, landscaping or other development standard criteria.

6. Roof-mounted antennas.

a. Size. The diameter of any roof-mounted satellite dish antenna shall not exceed 10 feet.

b. Height. Roof-mounted antennas shall not exceed the height limit of the subject zone.

c. Location. A roof-mounted dish antenna shall be located on the rear one-half of the parcel or the rear one-half of the structure farthest from the primary access to the parcel, whichever is farthest from the front lot line.

d. Wiring. Electrical and antenna wiring shall be placed underground or otherwise screened from public view.

E. Permit requirements.

1. To ensure consistency with Government Code Section 65850.3, the Director may modify the development standards applicable to amateur radio antennas upon application for a Minor Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits) if strict compliance with the development standards in this Section will result in:

a. Unreasonable limitations on, or prevent, reception or transmission of signals; or

b. Excessive costs in light of the purchase and installation costs of the antenna.

3. In the event the applicant satisfactorily demonstrates that strict compliance would unreasonably restrict or prevent reception or transmission of signals, or result in excessive costs, the Director shall issue the permit subject to any conditions deemed necessary or appropriate to minimize the impact of the installation of the antenna, provided the conditions do not unreasonably prevent or limit transmission or reception of signals will result in excessive costs.

17.430.300 — Second Dwelling Units

This Section establishes standards for residential second dwelling units, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. Maximum number. No more than one second dwelling unit is allowed on a single parcel.

B. Minimum site area. A second dwelling unit shall be allowed on parcels that are a minimum of 5,000 square feet in area.

C. Relationship between primary and second dwelling unit.

1. A single-family dwelling unit shall be an allowed use in the zone in which the second dwelling unit is proposed to be located.

2. A single-family dwelling unit shall exist on the parcel or the second dwelling unit shall be constructed in conjunction with the associated new single-family dwelling unit.

D. Design features. A second dwelling unit shall be designed to be:

a. Incidental and subordinate to the primary single-family dwelling unit in terms of size and location;

b. Compatible with the primary dwelling unit in architectural style, exterior materials, and colors;

c. Either attached to, or detached from, the existing primary dwelling unit;

d. Provided with its own entrance that is separate from the entrance to the primary dwelling; and

e. In compliance with the development standards applicable to the primary dwelling unit (e.g., height, setback, site coverage limitations, etc.)

E. **Deed restrictions.** Before obtaining a Building Permit for a second dwelling unit, the property owner shall file a declaration of restrictions with the County Recorder stating that the second dwelling unit shall not be sold separately from the primary dwelling.

F. **Floor area requirements.** In compliance with Government Code Section 65852.2(c), the following minimum and maximum unit size limits shall apply:

1. **Minimum.** The minimum floor area of an attached or detached second dwelling unit shall be 150 square feet in compliance with Health and Safety Code Section 17958.1 and the Building Code.

2. **Maximum.** In compliance with *Government Code Section 65852.2*, the following maximum floor area requirements shall apply:

a. Attached. The maximum floor area of an attached second dwelling unit shall not exceed 30 percent of the existing or proposed living area of the primary dwelling unit.

b. Detached. The maximum floor area of a detached second dwelling unit shall not exceed 1,200 square feet.

G. **Parking.** A minimum of one off-street paved parking space shall be provided for a second dwelling unit, which shall be in addition to the parking spaces required for the primary dwelling by Chapter 17.330 (Off-Street Parking and Loading).

H. **Permit applicants.** The permit applicant shall be an owner-occupant.

I. **Adequate utilities.** Adequate water and sewer utilities shall be available to serve the second dwelling unit.

J. **Allowable density.** A second dwelling unit that conforms to the requirements of this Section shall not be deemed to exceed the allowable density for the parcel upon which it is located, and shall be deemed to be a residential use that is consistent with the existing General Plan land use designations and zoning designations for the parcel.

K. **Exempt from CEQA.** As a ministerial project, second dwelling unit applications are statutorily exempt from California Environmental Quality Act (CEQA) in compliance with CEQA Guidelines Section 15268.

L. **Animal-keeping.** For the purposes of determining the number of animals allowed in compliance with Section 17.430.050 (Animal-Keeping), a second dwelling unit shall not be determined to be a separate unit.

17.430.310 — Senior Residential Projects

This Section provides standards for senior residential projects to ensure quality housing alternatives to conventional single-family residences and condominium projects for senior citizens.

A. Location.

1. Senior residential projects should be located:

   a. Close to shopping and in reasonable proximity to medical facilities and places of assembly; or

   b. Within 600 feet of suitable public transportation facilities or routes providing access to these services.

2. In the alternative, senior residential projects may provide shuttle services.

B. Development standards. Senior residential development shall comply with the standards in Table 4-6 (Development Standards for Senior Residential Projects).

Table 4-6
Development Standards for Senior Residential Projects

Development Feature	Standard
Site Area	20,000 sq ft minimum
Setbacks	
Front	25 ft minimum
Side	5 ft minimum – Single-story 10 ft minimum – Two-story
Street Side	10 ft minimum
Rear	10 ft minimum Except that parking structures may be closer than 10 feet to the rear property line
Parcel Coverage	Max 60% of gross parcel area, includes all structures (residential, recreational, parking, etc.)
Height	35 feet maximum
Unit Size	One-bedroom units – 460 sq ft minimum Two-bedroom units – 680 sq ft minimum
Private Storage	80 cu ft minimum/unit (exterior to dwelling unit)
Parking	See Chapter 17.330 (Off-Street Parking and Loading)

C. Recreation facility.

1. A recreation facility shall be provided for each senior residential project as follows:

   a. Up to 99 units, a minimum of 1,200 square feet or 25 square feet per unit, whichever is greater.

   b. 100 or more units, a minimum of 2,500 square feet, or 15 square feet per unit, whichever is greater.

2. A recreation facility shall provide all of the following amenities:

   a. Meeting room;

   b. Restrooms;

   c. Additional room(s) to be used as an office, library, card room, or similar use;

   d. Kitchen facilities (e.g., cooking, sink, and clean-up areas; and

   e. Outdoor patio and barbecue area.

D. Design and accessibility.

1. Units above the first floor shall be accessible by elevator.

2. Dwelling units with ADA-compliant-features (i.e., features that comply with the ADA Standards for Accessible Design issued by the Department of Justice and published in the Code of Federal Regulations, such as no-step entrance, wider interior doorways and hallways, bathrooms with adequate maneuvering space and accessible showers and tubs, accessible environmental controls and light switches, etc.) shall be provided as follows:

Total # of Units in Development	Required # of Units with ADA Features
10 - 20 units	1 unit
21 - 40 units	2 units
41 or more units	5% of total # of units

E. Covenants, Conditions, and Restrictions (CC&R's). The occupancy of all dwelling units for each senior citizen housing development shall be secured by appropriate conditions, covenants, and restrictions (CC&R's) recorded against the property. The CC&R's shall be subject to approval by the City Attorney.

17.430.320 — Service Stations

This Section provides standards for service stations, where allowed in compliance with Article 2 (Zones, Allowable Uses, and Zone-Specific Standards).

A. Parcel requirements.

1. The minimum parcel size shall be 12,000 square feet.

2. The minimum width shall be 100 feet, and the minimum depth shall be 100 feet.

3. The site shall have a minimum of 100 feet of frontage on a major or secondary street identified in the Circulation Element of the General Plan.

B. Number of pumps. One fuel pump dispenser shall be allowed per each 2,000 square feet of site area with a maximum of 15 pumps allowed at any one station. A double pump stanchion shall represent two pump dispensers.

C. Site plan and design review. A site plan shall be submitted and approved in compliance with Chapter 17.630 (Site Plan and Design Review).

1. The service station shall have an integrated design of building materials, landscaping, roof lines, and signage.

2. The service station bays shall not face the public right-of-way.

3. Service work shall be performed only within an enclosed structure.

D. Landscaping. Landscaping shall comply with Chapter 17.325 (Landscaping). In addition, the following standards shall apply:

1. A minimum five-foot wide, inside dimension, and six-inch high curbed landscaped planter area shall be provided along the street property lines, except for driveways, and along side and rear property lines adjoining residentially zoned properties. Trees shall be provided in landscaped areas adjoining residentially zoned properties at a rate of one tree for each 20 lineal feet of planter area;

2. An on-site planter area of not less than 200 square feet shall be provided at the corner of two intersecting streets. Landscaping shall not exceed a height of 30 inches at this location; and

3. Additional landscaping may be required to screen the service station from adjacent properties.

E. **Lighting.** Outdoor lighting shall comply with Section 17.300.080 (Outdoor Light and Glare). In addition, all outdoor lights or signals, except for those necessary for security lighting, shall be turned off when the service station is not in operation.

F. **Merchandise display/storage.** Outdoor display and storage of merchandise, materials, or equipment shall comply with the following:

1. Display cabinets, racks, and vending machines shall be located within five feet of the primary structure or on a pump island.

2. The display cabinets may be placed on the interior perimeter property line but no closer than 10 feet to the street property line.

3. The locations of display racks and vending machines shall be specified by the approved site plan.

4. All other outdoor storage and display shall comply with Section 17.430.240 (Outdoor Displays and Sales) and Section 17.430.250 (Outdoor Storage).

G. **Parking and circulation.** Parking shall comply with Chapter 17.330 (Off-Street Parking and Loading). In addition, the following shall apply:

1. **Paving.** The entire site area shall be paved except the landscaped areas provided in compliance with Subsection D (Landscaping), above.

2. **Access.**

a. Each site shall have not more than two access ways (driveways) to any one street.

b. A minimum five-foot long full height curb shall be installed between an adjoining property line and the closest curb cut along any street frontage.

c. Driveways shall be a maximum width of 30 feet.

d. Driveways shall not encroach into the curve of a street corner unless the radius of the curb return is greater than 30 feet.

e. A minimum 20-foot long full height curb shall be installed between curb cuts along any street frontage.

f. The City Engineer may modify the above access standards to ensure traffic safety.

H. **Screening and buffering.** Screening and buffering shall comply with Section 17.305.110 (Screening and Buffering). In addition, entrances to restrooms shall be screened from view of adjacent properties or public rights-of-way by decorative screening at least six feet in height. The bottom of a screen shall be raised 18 inches above grade for visibility and ventilation.

I. **Setbacks.** Pumps and pump dispenser islands shall be set back at least 25 feet from any lot line.

J. **Signs.** Signs shall comply with Chapter 17.335 (Sign Standards). Utility services to signs shall be installed underground.

K. **Storage of trailers/vehicles.** A maximum of 10 utility trailers (i.e., towed vehicles not used for human occupancy) may be stored for rent on service station sites, provided the trailers occupy an area that is in excess of the 2,000 square feet of site area required for each pump. The storage of inoperative vehicles is prohibited. No rental trucks or towing equipment shall be allowed.

L. **Trash storage.** Outside trash, garbage, refuse and storage areas shall comply with Section 17.305.130 (Solid Waste/Recyclable Materials Storage).

M. **Utilities.** Utility services to all structures shall be installed underground.

17.430.330 — Shopping Centers

This Section provides standards for the establishment of integrated shopping centers and large retail uses in zones where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards). The intent is to establish a consistent set of standards based on the size of the retail commercial site in order to ensure the compatibility of retail commercial operations with surrounding land uses. Specifically these standards will protect adjoining residential uses from the potential impacts of large retail commercial operations (e.g., auto and truck traffic conflicts, pedestrian safety, noise, air pollution, lighting, aesthetics, etc.).

A. Applicability. The requirements of this Section shall apply to the following:

1. **Two or more acres.** Shopping centers and large-scale commercial retail developments that are two or more acres in parcel size adjoining residential zone districts; and

2. **Less than two acres.** Smaller retail commercial developments where the Director determines that a significant potential exists for the proposed use to negatively impact adjoining residential zone districts.

B. Site plan and design review required. A site plan shall be submitted and approved in compliance with Chapter 17.630 (Site Plan and Design Review).

C. Separate permits. Individual land uses within the shopping center that are identified as requiring a permit in Table 2-6 (Allowed Land Uses and Permit Requirements in Commercial and Office Zones) (e.g., health and fitness facilities, outdoor display and sales, theaters, etc.) shall obtain the respective applicable permits separately. An amendment to the approved Site Plan and Design Review shall not be required.

D. Development standards.

1. **Location.** A shopping center shall have at least one street frontage on:

   a. Neighborhood Shopping Centers. A collector or arterial (major or minor) street for Neighborhood Shopping Centers.

   b. Community and Regional Shopping Centers. An arterial (major or minor) street for Community and Regional Shopping Centers.

2. **Public right-of-way separation from residential.** Where feasible, the design of a shopping center shall ensure that:

   a. A public right-of-way exists between the shopping center and any residential zone;

   b. A public right-of-way does not bisect the development or an expansion of the development;

   c. On-site circulation occurs on private access easements. If the site consists of multiple parcels, the property owners shall enter into a reciprocal access and parking agreement, which shall be in a form approved by the City Attorney and shall be recorded in the County Records. A copy shall be filed with the City;

3. **Abutting residential.** If a proposed shopping center is in a commercial zone that abuts a residential zone, the following standards shall apply:

a. Structure setback. The setback for a structure adjacent to a residential zone shall be equal to the height of the structure, but in no case shall the setback be less than the landscaping strip required in compliance with Subparagraph c (Landscaping), below. See Figure 4-3 (Examples of Shopping Structure Setbacks).

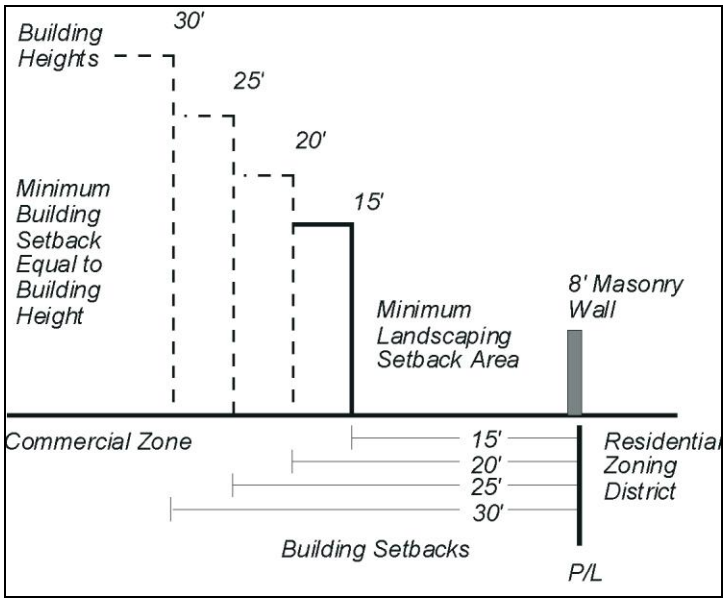

Figure 4-3
Examples of Shopping Structure Setbacks

b. Wall. A solid decorative masonry sound wall with a minimum height of eight feet, or higher if required by an acoustical analysis, shall be constructed and maintained on the project site along the common lot line in compliance with Section 17.305.110 (Screening and Buffering). A properly designed pedestrian access may be provided through the wall from a residential neighborhood to a neighborhood-serving commercial use subject to the approval of the review authority.

c. Landscaping. Landscaping shall comply with Chapter 17.325 (Landscaping Standards).

d. Sidewalks. Sidewalks shall be provided along the full length of any side of a structure that features a customer entrance and along any side of a structure that abuts a public parking area. Sidewalks shall be located at least six feet from the facade of the structure in order to allow the installation of landscaping along the foundation.

e. Parking. Parking shall comply with Chapter 17.330 (Off-Street Parking and Loading).

f. Transit facilities. Provisions for transit facilities, (e.g., bus stops and shelters) shall be included as determined by the Transit Authority in consultation with the Director.

g. Signs. A comprehensive sign program shall be provided in compliance with Section 17.335.130 (Comprehensive Sign Program).

17.430.340 — Solar Energy Systems

The Section provides standards and procedures for the approval, installation, and operation of noncommercial small solar energy systems, in compliance with the Solar Rights Act (Civil Code Section 714 et seq.) and Government Code Section 65850.5, and where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. Permit application, and processing.

1. Permit requirements. The installation of a solar energy system shall require the issuance of a Zoning Clearance by the Director in compliance with Chapter 17.655 (Zoning Clearances) and the issuance of a Building Permit.

2. Additional information. In reviewing the application for Zoning Clearance, the Director may require the applicant to submit additional information as the Director deems necessary to determine whether the application meets the requirements of this Section. The applicant shall provide this additional information to the Director before the application shall be deemed complete.

3. Application approval. The Director shall determine whether the application includes structural design features or alterations that are not for the primary purpose of providing for the collection, storage and distribution of solar energy and that may require discretionary approval(s). If the application requires discretionary approval(s), the applicant shall obtain the approval(s) before the Director may issue a Zoning Clearance for the installation of the proposed solar energy system.

4. Modification/waiver of standards. The Director may modify the standards in Subsection D, below, if the Director determines that the application of the standards would significantly increase the cost of the solar energy system or significantly decrease its efficiency or specified performance. In determining whether a standard significantly increases costs or decreases efficiency, the

Director shall be guided by the following criteria contained in California Civil Code Section 714(d):

a. For solar domestic water heating systems or solar swimming pool heating systems, "significantly" means an amount exceeding 20 percent of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20 percent, as specified and proposed in the completed application.

b. For photovoltaic systems, "significantly" means an amount not to exceed $2,000 over the cost of the solar energy system included in the completed application or a decrease in system efficiency of an amount exceeding 20 percent, as specified and proposed in the completed application.

5. Appeal. The final decision of the Director to issue a Zoning Clearance for the installation of a solar energy system may be appealed in compliance with Chapter 17.715 (Appeals), except that in reviewing the appeal, the review authority shall be guided by the criteria in this Section. Therefore, the appeal hearing shall not be deemed a public hearing and shall not be subject to the notice and requirements applicable to public hearings.

B. Protection of solar access. In compliance with the Solar Shade Control Act (Public Resources Code Section 25980 et seq.), a structure, fence, or wall shall not be constructed or modified, and vegetation shall not be placed or allowed to grow after the effective date of this Chapter, so as to obstruct more than 10 percent of the absorption area of a solar energy system on a neighboring parcel at any time.

C. Equipment standards. Solar energy systems shall comply with the following standards.

1. Water heating systems. A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation or other nationally recognized certification agency. The certification shall be for the entire solar energy system and installation.

2. Photovoltaic systems. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electric Code, the Institute of Electrical and Electronic Engineers, and accredited testing laboratories (e.g., Underwriters Laboratories) and where applicable, rules of the Public Utilities Commission regarding safety and reliability.

17.430.350 — Wind Energy Systems

This Section provides standards and procedures for the approval, installation, and operation of noncommercial wind energy systems, where allowed in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

A. Permit application and processing.

1. Permit requirements. The permit application shall include all information required in Chapter 17.605 (Conditional Use Permits and Minor Use Permits) and the following:

    a. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), and certification by a California-licensed professional mechanical, structural, or civil engineer. A "wet stamp" shall not be required on the drawings and analysis if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC wind exposure D), the requirements for the worst seismic class (UBC Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot.

    b. A drawing of the system’s electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

    c. Information demonstrating that the system will primarily be used to reduce on-site consumption of electricity.

    d. Evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states in the application, that the system will not be connected to the electricity grid.

    e. Evidence that the proposed height of the windmill tower does not exceed the height recommended by the manufacturer or distributor of the system.

2. Notice to adjacent property owners. Notice of an application to install a wind energy system shall be provided to all property owners located within a 300-foot radius of the exterior boundaries of the subject parcel.

3. Required findings for approval. In approving the permit for a wind energy system, the review authority shall first find the following, in addition to the findings required for permit approval in Chapter 17.605 (Conditional Use Permits and Minor Use Permits):

   a. The location and design of the system will not produce excessive visual impact; or

   b. The system will not be the dominant visual feature on a ridgeline when viewed from a public right-of-way,

B. Minimum site area. A wind energy system may only be located on a parcel of one acre or larger in size.

C. Maximum number. A maximum of one wind energy system shall be approved on a single parcel.

D. Limitations on location. A wind energy system shall be:

1. Located a minimum of 500 feet away from another wind energy system; and

2. Set back a minimum distance equal to the tower height plus the length of one blade (the turbine's "total extended height") from the property line, habitable neighboring structures, utility lines, and public right-of-ways.

E. Noise.

1. Decibel levels for the wind energy system shall not exceed the lesser of 60 decibels (dBA), or any existing maximum noise levels applied in compliance with Municipal Code Chapter 8.40 (Noise) and the Noise Element of the General Plan, as measured at the nearest property line, except during short-term events, such as utility outages and severe windstorms. The Director may require submittal of an acoustical analysis report prepared by a qualified acoustical consultant. The report shall address whether wind turbine operations will generate low-frequency noise or infrasound, a steady pure tone, repetitive impulsive sounds, or some combination of these.

2. In the event that noise levels, resulting from a proposed development, exceed the criteria listed above, a waiver to noise levels may be granted by the review authority provided that the following has been accomplished:

   a. Written consent from the affected property owner(s) has been obtained stating that they are aware of the proposed development and the noise

limitations imposed by this Development Code, and that they grant their consent to allow noise levels to exceed the maximum allowable limits; and

b. A permanent noise impact easement has been recorded in the County Public Records that describes the benefited and burdened properties and advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Development Code may exist on or at the burdened property. The City Attorney shall approve the form and content of any proposed noise impact easement.

F. Height. Tower heights of not more than 80 feet shall be allowed on parcels between one and five acres. Tower heights of not more than 100 feet shall be allowed on parcels above five acres. All tower heights shall not exceed the applicable limits established by the Federal Aviation Administration. An application shall include evidence that the proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.

G. Equipment standards.

1. Maximum capacity. A wind energy system (i.e., a wind turbine, a tower, and associated control or conversion electronics) may have a maximum rated capacity of 100 kW and shall be intended to primarily reduce on-site consumption of utility power.

2. Turbine standards. The proposed turbine shall have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the CEC's Renewables Investment Plan, or certified by a national program recognized and approved by the CEC.

17.430.360 — Wireless Telecommunication Facilities

This Section establishes development standards consistent with Federal law to regulate the placement and design of wireless telecommunication facilities so as to preserve the unique visual character of the City; promote the aesthetic appearance of the City; ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of telecommunication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced telecommunication services within the City.

A. Two-level review process. Proposed wireless telecommunication facilities shall be subject to one of the following review and approval processes:

1. **Site Plan and Design Review.** Proposed wireless telecommunication facilities that meet all of the applicable guidelines outlined in Subsection E (Development and design guidelines), below, shall require approval of a Site Plan and Design Review in compliance with Chapter 17.630 (Site Plan and Design Review).

2. **Conditional Use Permit.** Proposed wireless telecommunication facilities that do not meet all of the applicable guidelines outlined in Subsection E (Development and design guidelines), below, shall require approval of a Conditional Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

B. Site Plan and Design Review. The Site Plan and Design Review may be approved for wireless telecommunication facilities only if all of the following findings can be made:

1. The antenna are located in a commercial or industrial zone;

2. Building-mounted or roof-mounted antenna do not exceed 15 feet in height and are architecturally screened from public view;

3. Antenna are stealth design in connection with a structure (e.g., buildings, water tanks, telephone and utility towers, poles, signs, traffic signals, light standards, roadway overpasses, etc.) so as not to be recognized as an antenna;

4. Support equipment is located within a completely enclosed structure or otherwise screened from public view;

5. Antenna meet all of the applicable development standards within the applicable zone as required by this Development Code; and

6. Antenna will be, if reasonably possible, collocated with an existing site (e.g., a utility substation, cellular facility, etc.) in a commercial or industrial zone.

C. Conditional Use Permit Review. Wireless telecommunication facilities that cannot be approved under a Site Plan and Design Review in compliance with Subsection B, above, shall require approval of a Conditional Use Permit. The following shall also require approval of a Conditional Use Permit:

1. Ground-mounted antenna (monopole);

2. Proposed facilities that create more than a minimal visual impact on surroundings as determined by the Director. In determining where more than a

minimal visual impact exists, the following factors should be considered: location of facility, size and view of facility from adjacent properties and contrast between the facility and other external structural equipment attached to the facility;

3. Facilities located adjacent to a residential zone;

4. Facilities located within the line of sight of any scenic corridor;

5. New facilities that may later have facilities co-located with them ("base facilities") in compliance with Government Code Section 65680.6 (b)(4).

D. Location guidelines.

1. The preferred order of wireless telecommunication facilities is as follows:

   a. Industrial zones – BP, IH, and IL; and then

   b. Commercial zones – CD, CG, CN, CR, and OP. If proposed within a Specific Plan (SP) zone, the preferred land use designation order of placement is:

      (1) Industrial zones.

      (2) Business park zones.

      (3) Commercial zones.

   c. Residential zones – RE, RR, RL only.

2. Wireless telecommunication facilities may be approved within a residential zone, provided that the property is not developed with a single-family dwelling unit. Consideration of potential impacts on any residential property will be evaluated.

3. Wireless telecommunication facilities shall:

   a. Be co-located with another structure, where appropriate;

   b. Utilize stealth designs;

   c. Be roof-mounted or wall-mounted as an integral architectural element on an existing structure; and

   d. Utilize state-of-the-art stealth technology.

4. The applicant shall investigate the feasibility of co-locating additional antenna on the tops of buildings, on existing monopoles, and/or clustering facilities. If co-location or clustering is not possible in the case if a particular proposal, the applicant shall submit evidence at the time of the submittal. With the submittal of the Conditional Use Permit application, the applicant shall submit a copy of the appropriate portion of the tentative lease agreement indicating that no exclusive agreements have been made to prevent future carriers to locate on the same site or facility, as well as submit a design plan that does not preclude the installation of additional antenna by other owners.

5. Monopoles shall be separated by a minimum distance of 1,000 feet from any existing monopoles.

E. Development and design standards and guidelines. Applications for wireless telecommunication facilities shall be submitted to the Department and shall be reviewed for compliance with all applicable zoning standards.

1. All individuals, companies, and providers of wireless telecommunication facilities shall provide a master plan of all existing and proposed sites. The plans shall indicate the type of facility, its height above ground level, associated support structures, and its cell coverage.

2. Support structures shall be screened from public view by locating them next to tall structures or placing them near existing tall trees. Where applicable, the support structures shall be screened from public view with dense landscaping.

3. Wireless telecommunication facilities shall meet all the applicable setbacks and height regulations of the underlying zone, with the exception of a stealth monopole tower, which may exceed the height limitation of the underlying zone by up to 10 feet.

4. Wireless telecommunication facilities may be designed as part of, or within, a piece of public art (e.g., an entry monument, etc.) or within an historical structure for public benefit.

5. The height of the support structures shall be the minimum necessary to provide the required coverage. However, an antenna mounted on a stealth monopole or its support structure consisting of a stealth monopole shall not exceed the maximum allowable height in any zone by more than 10 feet.

6. Safety lighting or colors, if prescribed by the City or other approving agency (i.e., Federal Aviation Administration), may be required for support structures.

7. Support structures shall be either galvanized steel or painted an unobtrusive color to neutralize and blend with surroundings. Where an equipment structure accompanies the support structure, it shall be designed, colored and textured to match adjacent architecture or blend in with surrounding development.

8. A proposed wireless telecommunication facility shall not create any nonconformity on the site (i.e., reduction in parking, landscaping, loading zones; and/or elimination of loading zones). Wireless telecommunication facilities shall be installed and maintained in compliance with the California Building Code, California Electrical Code, and other applicable codes, including noise regulations in Section 17.300.060 (Noise).

9. No existing or future wireless telecommunication facility shall interfere with any public safety radio communications system. If the facilities are found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the facility operator shall immediately cease operation of the wireless telecommunication facilities. Operation of the facility shall only be allowed to resume upon removal or other resolution of interference to the satisfaction of the City.

10. Whip and microwave dish antenna shall be integrated into the design of the structure and/or fully screened from public view.

11. Utilities shall be installed underground.

12. A fence of at least eight feet in height from finished grade shall be installed in order to enclose the base of the antenna supporting structure and associated equipment enclosures. Access to the antenna supporting structure shall be controlled by a locked gate. The fence shall be constructed in compliance with Chapter 17.315 (Fences, Walls, and Hedges), except that chain link construction may be allowed if located in the rear portion of the facility and not visible from a public right-of-way.

13. Temporary monopoles, if associated with an approved wireless telecommunication facility, may be allowed if justified to the satisfaction of the Director for a period of up to 90 days, provided that screening shall be installed to prevent view of the monopole and related facilities from any and all public rights-of-way.

14. Lattice towers shall not be allowed.

15. The facility operator or property owner shall maintain the facility in an appropriate manner consistent with the original approval of the wireless telecommunication facility.

16. If the use is discontinued for a period of 180 days or more, the approvals shall lapse and all equipment related to the wireless telecommunication facility shall be dismantled and removed from the subject parcel within 30 days of discontinuance.

17. Signage.

    a. No signs shall be placed on antenna supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall required by this Section.

    b. If high voltage is necessary for the operation of proposed wireless telecommunications facilities, "High Voltage—Danger" and "No Trespass" warning signs not greater than one square foot in area shall be permanently attached to the fence or wall at intervals of at least 40 feet and upon the access gate.

    c. A sign not greater than one square foot in area shall be attached to the access gate that indicates the following information:

        (1) Federal registration number, if applicable;

        (2) Name of owner or contact person; and

        (3) Emergency contact number.

F. Gateway Area and Major Highways. The following additional standards and conditions shall apply to wireless telecommunication facilities located within the "Gateway Area" (Figure 4-4 (Location of Gateway Area) or located within 1,000 feet of the ultimate right-of-way of roadways identified in the General Plan Circulation Element as a Freeway, Limited Access Conventional Highway (6 or 8 lanes), Urban Arterial, or Arterial (Figure 4-5 (Roadways in General Plan Circulation Element).

1. A monopole tower shall utilize stealth design and be set back a minimum of 200 feet from the ultimate right-of-way of any roadway referenced above and illustrated in Figure 4-5, except in cases of co-location with existing wireless telecommunications facilities approved before adoption of this regulation on June 4, 2009.

2. A wireless telecommunication facility shall be located near trees, vegetation, buildings, or other features that may exist on the project site that would aid in providing screening and concealment. To provide screening and concealment, at least two new 48-inch box trees of similar appearance to a stealth monopole tower shall be provided in close proximity to the facility, as well as suitable landscaping (e.g., bushes, shrubs, vines on fences or walls, etc.). Trees on the project site within 100 feet of the facility may be reasonably trimmed and pruned, but shall be maintained at a height that is consistent with the height of a stealth monopole tower, and shall not be removed unless recommended by an arborist due to disease. Any removed tree shall be replaced with at least one 48-inch box tree.

3. A Conditional Use Permit granted for a wireless telecommunication facility within the Gateway Area, except for facilities located on previously existing structures (e.g., light standards, buildings, etc.) shall be limited to a term of five years. The Conditional Use Permit shall automatically terminate at the end of the five-year period, unless renewed for additional five-year term(s) in compliance with the applicable provisions of the then-current Development Code. The term limit shall not apply to any wireless telecommunication facility located outside the Gateway Area.

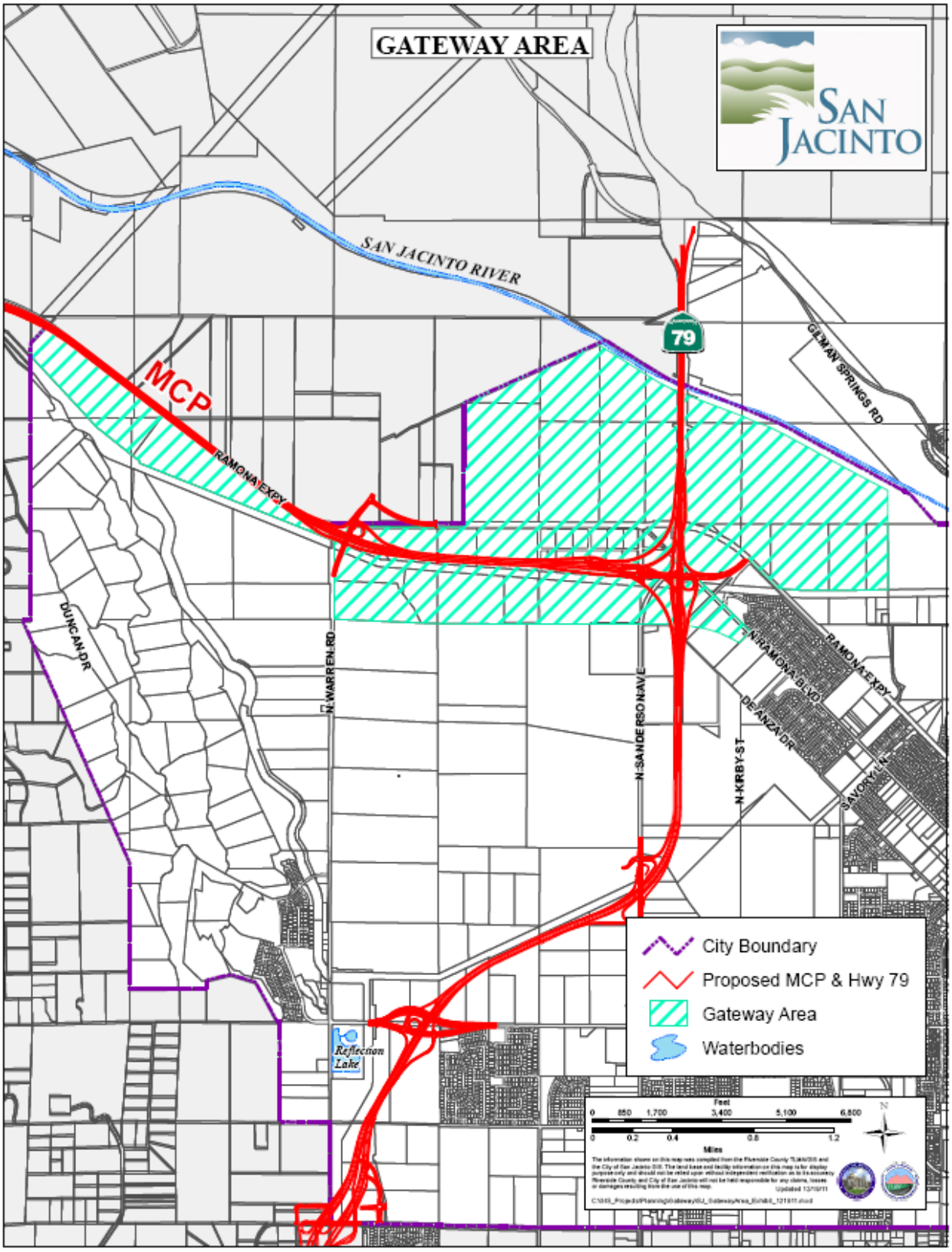

Figure 4-4
Location of Gateway Area

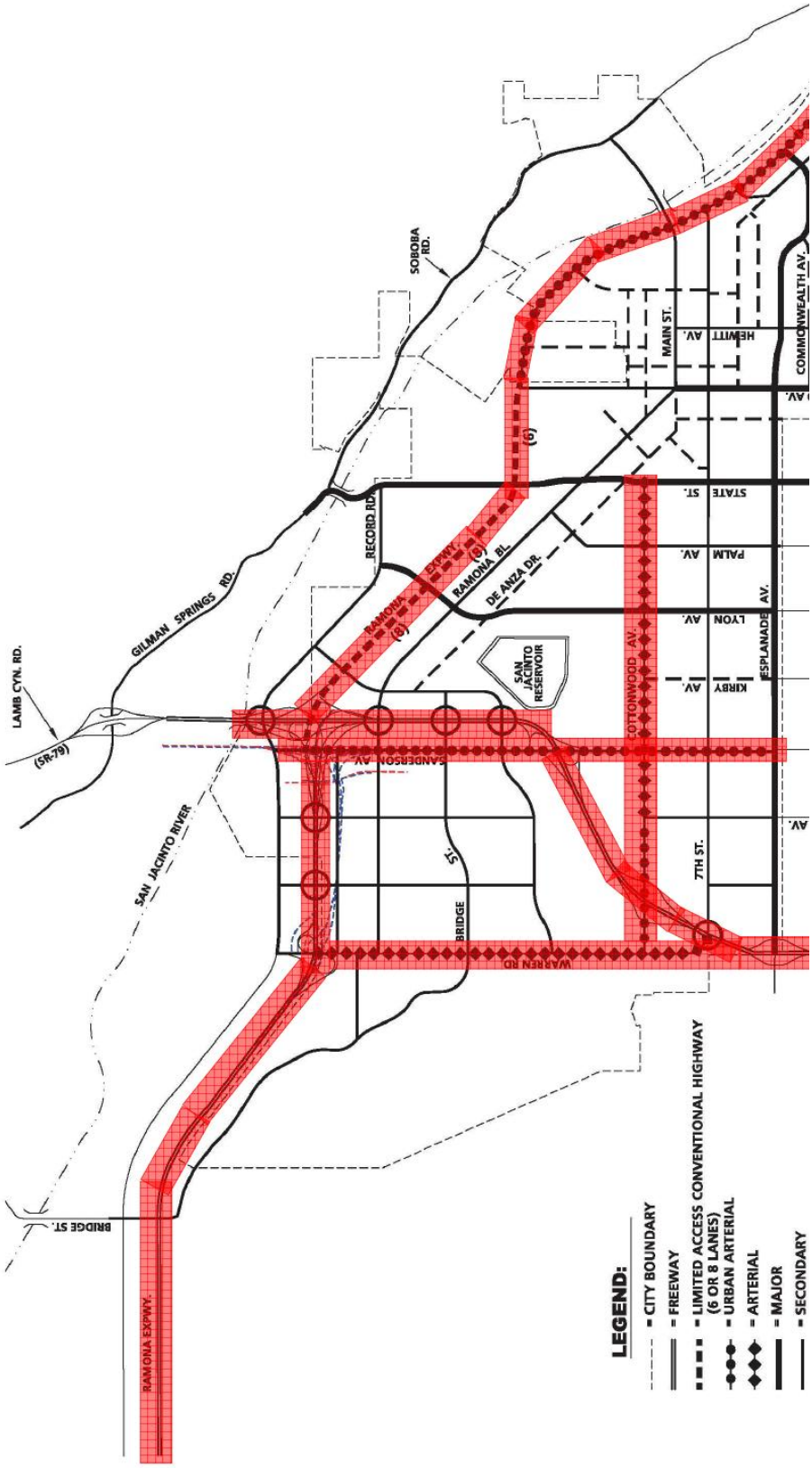

Figure 4-5
Roadways in General Plan Circulation Element

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Article 5

Resource Management

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Chapter 17.500 — Archaeological and Paleontological Resource Protection

Sections:

17.500.010 — Purpose
17.500.020 — Applicability
17.500.030 — Resource Assessment Procedures

17.500.010 — Purpose

The requirements of this Chapter are intended to ensure that appropriate safeguards are established and followed in order to protect archaeological and paleontological resources whose potential location is identified, or which are actually discovered as a result of development activity.

17.500.020 — Applicability

A. Identified areas with potential archeological and paleontological resources. Areas that have been identified as having the potential for containing archaeological or paleontological resources include the following:

1. Areas identified on Figure RM-4 (Cultural Resources) in the General Plan;

2. Areas identified by the environmental review process (Section 17.600.090 [Environmental Review]); or

3. Areas brought to the City's attention through special studies performed after the enactment of this Chapter.

B. Resource assessment before CEQA compliance review. Within identified areas with potential archeological and paleontological resources, resource assessment shall be completed before CEQA compliance review. The Director may require the submittal of a resource assessment report in compliance with Section 17.500.030 (Resource Assessment Procedures).

17.500.030 — Resource Assessment Procedures

A. Archaeological and paleontological resources.

1. Where development is proposed for an area in which there are known archaeological or paleontological resources on the site or in the vicinity, and for which the Director determines no adequate prior assessment of on-site resources has been completed, a report shall be prepared by a qualified professional before CEQA compliance review. The Director may waive the requirement for a report if the Director determines that an existing report satisfies this requirement.

2. The objective of the report shall be to determine if significant archaeological or paleontological resources are potentially present and if the project will significantly impact these resources.

3. If significant impacts are identified, the review authority may require:

   a. Modification of the project to avoid impacting the archaeological or paleontological resources;

   b. Monitoring of soil disturbance activities where the soil has a high potential to contain significant nonrenewable archaeological or paleontological resources; or

   c. Mitigation measures to mitigate the impacts (i.e., recovering the archaeological or paleontological resources for preservation).

C. Discovery of resources. The City shall make provisions for archaeological or paleontological resources accidentally discovered during construction, or when the City does not have approval authority over the project, shall encourage the lead agency to make provisions. These provisions shall include an immediate evaluation of the find and contingency funding and time allotment sufficient to allow for the recovery of the archeological or paleontological resource or implement measures to avoid disturbing the resource if the resource is determined to be unique.

D. Human remains.

1. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall be halted until the County Coroner has been informed and has determined that no investigation of the cause of death is required.

2. If the remains are of Native American origin, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

   a. The descendants from the deceased Native Americans have made a recommendation to the landowner or the persons responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

   b. Confirmation is provided to the City that the Native American Heritage Commission (NAHC) was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the NAHC.

E. Notification to Native American tribes.

1. **Amendments and adoptions.** Before adopting any General Plan, General Plan amendment, specific plan, or specific plan amendment, the City shall in compliance with Government Code Section 65352.3 take the following actions:

   a. Notify appropriate tribes of the opportunity for consultation for the purpose of preserving, or mitigating impacts to, cultural places located on land within the City's jurisdiction in compliance with Subsection 17.720.030.D. (Notification and consultation with California Native American tribes required).

   b. Refer the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list and have traditional lands located within the City's jurisdiction for a 45-day comment period.

   c. At least 10 days before a public hearing, the City shall send notice to tribes that have filed a written request for notice in compliance with Subsection 17.710.020.B. (Method of notice distribution).

2. **Open space designations.** Before designating open space, the City shall consult with tribes if the affected land contains a cultural place and if the affected tribe has requested public notice in compliance with Government Code Section 65092.

3. **Conditions of approval for Conditional Use Permits and Subdivision Maps.**

   a. Prior to the issuance of a grading permit, the developer shall enter a Treatment and Disposition Agreement (TDA) with the Soboba Band of

Luiseno Indians to address treatment and disposition of archaeological/cultural resources and human remains associated with Soboba Band of Luiseno Indians that may be uncovered or otherwise discovered during construction of the project. The TDA may establish provisions for tribal monitors. Following execution of the TDA by the developer and Soboba Band of Luiseno Indians, the TDA will be incorporated by reference into the grading permit.

b. If an archeological/cultural assessment demonstrates the potential for archeological/cultural resources to occur on the project site, tribal monitors, including the Soboba Band of Luiseno Indians may be allowed to monitor all grading, excavation, ground-disturbing activities, including further survey. Following the agreement of the developer, the designated archeologist, tribal monitor, and any applicable responsible or trustee agencies, grading, excavation, ground-disturbing activities shall be stopped temporarily and redirected in the event that any archeological/cultural resources are discovered in order to evaluate the significance of any archeological/cultural resource discovered on the property.

c. If paleontological resources are encountered during grading, ground disturbance activities shall cease so a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved. Collected specimens shall be sent to the appropriate authorities for collection.

d. If human remains are encountered on the property, then the Riverside County Coroner's Office MUST be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission and the Soboba Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.

Chapter 17.510 — Historic Preservation

Sections:

17.510.010 — Purpose
17.510.020 — Duties of the Commission
17.510.030 — Register of Historic Resources
17.510.040 — Designation as Historic Resource
17.510.050 — Criteria for Designation
17.510.060 — Alteration of Designated Historic Resource
17.510.070 — Procedure for Protection of Historic Resources
17.510.080 — Appeals

17.510.010 — Purpose

This Chapter provides guidelines to assist in the identification and preservation of historic and cultural resources within the City. These guidelines are intended to preserve those elements of San Jacinto's heritage, which may now or in the future be endangered as to their existence, or to maintain their historic or cultural integrity.

17.510.020 — Duties of the Commission

The Commission shall have the authority to review and make determinations and recommendations on various matters relating to a proposed or designated historic resource.

17.510.030 — Register of Historic Resources

A San Jacinto Register of Historic Resources is hereby created that shall contain the name, location, pertinent historic data, and date of entry on the register of structures, or natural or manmade features receiving a Historic Resource designation. The San Jacinto Register of Historic Resources shall be maintained in the City Clerk's office.

17.510.040 — Designation as Historic Resource

A. **Designation.** Upon the written consent of the property owner, the Commission may upon its own initiative or upon request of a person or government agency, approve a designation for a historic or cultural resource.

B. **Public hearing.** The Commission shall hold public hearings on requests for designation in compliance with Chapter 17.710 (Public Hearings).

C. **Findings and decision.** The Commission, after due consideration and public hearing(s), shall by resolution approve or disapprove the request for designation, stating the reasons for the action.

D. **Appeal of decision.**

1. The decision of the Commission shall be final unless appealed to the Council within 15 days following the decision.

2. If appealed, the City Clerk shall schedule a public hearing before the Council and the Council shall, by resolution, approve or disapprove the request, stating the reasons for the action, in compliance with Chapter 17.715 (Appeals).

E. **Notice with City Clerk.** Upon approval of a designation, notice shall be placed with the City Clerk and in the Building Permit address file for consideration before issuance of future requested Building or Demolition Permits.

17.510.050 — Criteria for Designation

In considering a request for a designation, the following criteria shall be used in determining eligibility:

A. Character, interest, or value as part of the heritage of the City.

B. Location as a site of historical event.

C. Identification with a person(s) or group(s) who significantly contributed to the culture and development of the City.

D. Exemplification of a particular architectural style or way of life important to the City.

E. Identification as the work of a person(s) whose work has influenced the heritage of the City, the State of California, or the United States.

F. Embodiment of elements of outstanding attention to architectural design, craftsmanship, detail, materials, or the best remaining architectural type in an area.

G. Relationship to other landmarks, where the preservation of one has a bearing on the preservation of another.

H. A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.

I. Integrity as a natural environment that strongly contributes to the well being of the people of the City.

17.510.060 — Alteration of Designated Historic Resource

A. Rehabilitation criteria. An alteration of an Historic Resource shall comply with the Secretary of the Interior's "Standards for Rehabilitation of Historic Properties," the State Historical Building Code (Health and Safety Code Section 18950 *et seq.*), and other design criteria and standards established by resolution of the Council. The primary concern is with the exterior of the Historic Resource unless there are interior features that greatly contribute to the significance of the property.

B. Maintain historic nature. Every attempt shall be made to restore or modify the Historic Resource in a way to maintain the historic nature of the property, but not so as to burden the owner of the Historic Resource with the requirements that are not practically or economically available in current markets.

C. Alterations. Alterations of an Historic Resource shall be subject to review and approval in compliance with the following procedures.

1. Director review. The following projects shall be subject to the review and approval of the Director. Alternatively, the Director may defer action and refer the request to the Commission.

a. Minor alterations, including the addition, change, or removal of exterior architectural features and existing hardscape.

b. Minor improvements (e.g., air conditioning units, arbors, fences, greenhouse windows, roof mounted equipment, skylights, and solar panels).

c. Expansion of an Historic Resource by less that 10 percent of the existing floor area; provided, the expansion is not readily visible from the public street.

d. The construction or demolition of accessory structures that have a floor area less than 500 square feet.

2. Commission review. The following projects shall be subject to the review and approval of the Commission.

a. A proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior's "Standards for Rehabilitation of Historic Properties" and/or the State Historical Building Code (Health and Safety Code Section 18950 *et seq.*).

b. A proposed alteration that involves the construction of a new, detached structure that has a floor area of 500 square feet or more.

c. Expansion of an Historic Resource by more than 10 percent but less than 50 percent of the existing floor area; provided, the expansion does not exceed 500 square feet.

d. An alteration of an Historic Resource that is readily visible from the public street.

3. Site Plan and Design Review required. The following projects shall be reviewed by the Commission and shall require Site Plan and Design Review in compliance with Chapter 17.630. The Commission may approve projects with conditions that the Historic Resource be memorialized by providing a written history of the site, photo documentation, placement of a historic marker signifying the importance of the site, or other means as deemed appropriate by the Commission.

a. On appeal, a proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior's "Standards for Rehabilitation of Historic Properties" and/or the State Historical Building Code (Health and Safety Code Section 18950 *et seq.*).

b. An alteration that results in an Historic Resource being enlarged by more than 50 percent of the existing floor area or more than 500 square feet.

c. The demolition of an Historic Resource where all or part of it will be removed from a site either by relocation or destruction.

D. Waiver of standards. The Commission may waive or modify the applicable development standards identified in this Chapter.

E. Approval of a land use not otherwise allowed. In order to preserve an Historic Resource, the Commission may approve a change to a land use that is not otherwise allowed in the subject zone, but which is allowed in other zones.

17.510.070 — Procedure for Protection of Potential Historic Resources

A. Report on potential historic resources. For structures that potentially have historical significance as identified in Figure RM-4 (Cultural Resources) of the General Plan, the City shall require preparation of a study by a qualified professional archaeologist or historian to determine the actual significance of the structure and potential impacts of the proposed development in compliance with CEQA Guidelines Section 15064.5.

B. Mitigation. The Director may require modification of the project and/or mitigation measures to avoid any impact to a historic structure, when feasible, by retaining or rehabilitating historic structures in compliance with the City guidelines.

C. Relocation allowed. If an adverse impact on a historic structure cannot be avoided by the project, the significant historic structure may, as a mitigation measure, be relocated to avoid the adverse impact.

17.510.080 — Appeals

Decisions made by the Director or the Commission may be appealed in compliance with Chapter 17.715 (Appeals).

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Chapter 17.520 — Natural Resource Conservation

Sections:

17.520.010 — Purpose
17.520.020 — Applicability
17.520.030 — Plant and Habitat Conservation
17.520.040 — Soil Conservation
17.520.050 — Water Quality

17.520.010 — Purpose

This Chapter provides uniform standards for proposed development and new land uses within the City to ensure the protection of important habitat, plant, soil, and water resources and to implement applicable provisions of the General Plan.

17.520.020 — Applicability

The provisions of this Chapter apply to all proposed development and new land uses in all zones. Uses of the land that existed on the effective date of this Chapter shall not be altered or modified so as to conflict with, or further conflict with, these standards. If requested by the Director or the review authority, applicants shall provide evidence to the Director that the proposed development is in compliance with the standards in this Chapter and other applicable standards in this Development Code before the issuance of a Building Permit, Business License, or Zoning Clearance.

17.520.030 — Plant and Habitat Conservation

A. Multiple Species Habitat Conservation Plan (MSHCP). Development shall comply with the applicable terms of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) (particularly Section 3.2.13 San Jacinto Valley Area Plan) including, but not limited to, the payment of mitigation fees, narrow endemic surveys, riparian/riverine policy, and other applicable surveys.

B. Habitat Evaluation and Acquisition Negotiation Strategy (HANS) application. Applicants for a discretionary permit for property located in Criteria Area/Criteria Cell(s) as designated in Multiple Species Habitat Conservation Plan shall submit a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) application to the Riverside County Environmental Programs Department and subsequently to the Western Riverside Regional Conservation Authority (RCA) for Joint Project Review (JPR).

17.520.040 — Soil Conservation

See Municipal Code Chapter 15.30 (Dust Control).

17.520.050 — Water Quality

Substances of any kind shall only be discharged into a body of water, public or private sewage or drainage system, watercourse, or into the ground in compliance with Municipal Code Chapter 13.44 (Storm Water Management) and Section 17.600.100 (Water Quality Management Plan [WQMP] Required).

Article 6

Permit Procedures

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Chapter 17.600 — Permit Application Filing and Processing

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17.600.100 — Water Quality Management Plan (WQMP) Required

17.600.010 — Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Development Code.

17.600.020 — Authority for Land Use and Zoning Decisions

Table 6-1 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.

17.600.030 — Multiple Permit Applications

A. **Concurrent filing.** An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map, etc.), shall file all related applications concurrently, together with all application fees required by Section 17.600.050 (Application Fees), below, unless these requirements are waived by the Director.

B. **Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest review authority designated by this Development Code for any of the applications. For

example, a project for which applications for Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission being the final decision making authority for the Conditional Use Permit as otherwise required by Table 6-1. In the example cited, the Commission would still hear all of the applications (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the Council.

Table 6-1
Review Authority

Type of Action	Applicable Code Chapter	Role of Review Authority (1)		
		Director	Commission	Council
Legislative Actions				
Development Agreements and Amendments	17.610	Recommend (1)	Recommend	Decision
Development Code Amendments	17.720	Recommend (1)	Recommend	Decision
General Plan Amendments	17.720	Recommend (1)	Recommend	Decision
Specific Plans and Amendments	17.635	Recommend	Recommend	Decision
Zoning Map Amendments	17.720	Recommend	Recommend	Decision
Planning Permits and Approvals and Administrative Actions				
Conditional Use Permits	17.605	Recommend	Decision (2)	Appeal
Home Occupation Permits	17.615	Decision (3)	Appeal	Appeal
Interpretations	17.105	Decision (3)	Appeal	Appeal
Minor Use Permits	17.605	Decision (3)	Appeal	Appeal
Minor Variances	17.650	Decision (3)	Appeal	Appeal
Planned Development Permits	17.620	Recommend	Decision	Appeal
Reasonable Accommodations	17.625	Decision (3)	Appeal	Appeal
Sign Permits	17.335	Decision (3)	Appeal	Appeal
Site Plan and Design Review (See Table 6-2 for specified thresholds.)	17.630	Decision (3)	Decision/ Appeal	Appeal
Temporary Use Permits	17.640	Decision (3)	Appeal	Appeal
Transfer of Development Rights	17.645	Recommend	Recommend	Decision
Variances	17.650	Recommend	Decision	Appeal
Zoning Clearances	17.655	Decision (3)	Appeal	Appeal

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 17.715 (Appeals).

(2) The final review authority for a Conditional Use Permit granting a Density Bonus, in compliance with Section 17.310.060 (Application Filing, Processing, and Approval) shall be the Council, with the Commission first making a written recommendation to the Council.

(3) The Director may defer action and refer the request to the Commission for consideration and final decision.

17.600.040 — Application Preparation and Filing

A. Pre-Application Conference.

1. A prospective applicant is strongly encouraged to request a pre-application conference with the Director before completing and filing a land use permit application.

2. The purpose of this conference is to generally:

   a. Inform the applicant of City requirements as they apply to the proposed project;

   b. Review the City's review process, possible project alternatives, or modifications; and

   c. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or disapproval of the application or project by any City staff. Failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.

B. Pre-Development Review Committee.

1. A prospective applicant may request review of their project by the Pre-Development Review Committee.

2. The Pre-Development Review Committee shall be comprised of the following membership:

   a. Two Council members; and

   b. Two Commissioners.

3. The Pre-Development Review Committee is available to provide the prospective applicant with the opportunity to obtain early feedback regarding a proposed development project.

4. Neither the pre-development review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or disapproval of the application or project by the City. Failure by the City to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.

C. Application contents. Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Department handout for the specific type of application and/or as specified by the Director. Applicants are encouraged to contact the Director before submitting an application to verify which materials are necessary for application filing.

D. Eligibility for filing.

1. An application may only be filed by the owner of the subject property or a lessee or authorized agent of the property owner with the written consent of the property owner. With the Director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.

2. The application shall be signed by the owner of record or may be signed by the lessee or by authorized agent of the property owner if written authorization from the owner of record is filed concurrently with the application.

17.600.050 — Application Fees

A. Fee schedule. The Council shall establish a schedule of fees for the processing of the applications required by this Development Code, hereafter referred to as the City's Planning Fee Schedule. The fee schedule is intended to allow recovery of all costs incurred by the City in processing permit applications to the maximum extent allowed by law.

B. Timing of payment. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for disapproval or revocation of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.

C. Refunds and withdrawals. Application fees cover City costs for public hearings, mailings, staff and consultant time, and the other activities involved in processing applications. Therefore, no refund due to disapproval shall be allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based

upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

17.600.060 — Applicant Indemnification

A. **Applicant agreement.** At the time of submitting an application for a discretionary land use approval, the applicant shall be deemed to have agreed as part of the application, to defend (with legal counsel of City's selection), indemnify, and hold harmless the City and its elected and appointed officials, agents, attorneys, employees and officers, from any action, claim or proceeding brought against the City or its elected and appointed officials, agents, employees and officers to attack, set aside, void, or annul a discretionary land use approval of the City, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorneys' fees and other costs and expenses incurred in connection with the action.

B. **City notification of applicant.** In the event that an action, claim, or proceeding referred to in Subsection A., above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.

C. **City participation in defense.** Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding if the City elects to bear its own attorneys' fees and costs and defends the action in good faith.

17.600.070 — Initial Application Review

A. **Review for completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in any pre-application conference (see Section 17.600.040 — Application Preparation and Filing) and/or during the initial application review period.

1. **Notification of applicant.** As required by Government Code Section 65943, within 30 days following application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.

2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 17.715 (Appeals).

3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by the following Subparagraph A. 4.

4. **Expiration of application.**

   a. If an applicant fails to provide the additional information specified in the Director's letter within 60 days following the date of the letter, or shorter time frame as determined by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown.

   b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

5. **Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the City's CEQA guidelines, and Section 17.600.090 (Environmental Review), below.

B. Referral of application. At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

17.600.080 — Project Evaluation and Staff Reports

A. Staff evaluation. The Director shall review all discretionary applications filed in compliance with this Chapter to determine whether they comply and are consistent with the provisions of this Development Code, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.

B. **Staff report.** The Director shall provide a written recommendation to the Commission and/or Council (as applicable) as to whether the application should be approved, approved subject to conditions, or disapproved.

C. **Report distribution.** Each staff report shall be furnished to the applicant at the same time as it is provided to the review authority before action on the application.

17.600.090 — Environmental Review

A. **CEQA review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:

1. The proposed project is exempt from the requirements of CEQA;

2. The proposed project is not a "project" as defined by CEQA;

3. A Negative Declaration may be issued;

4. A Mitigated Negative Declaration may be issued; or

5. An Environmental Impact Report (EIR) shall be required.

B. **Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and the City's CEQA guidelines.

C. **Special studies required.** One or more special studies, paid for in advance by the applicant, may be required to complete the City's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

17.600.100 — Water Quality Management Plan (WQMP) Required

A. **General requirements.**

1. New development and modifications to existing development shall be designed to control pollutants in stormwater and urban runoff in order to prevent any deterioration of water quality that would impair subsequent or competing uses of the receiving waters.

2. The City Engineer shall have the authority to approve the Best Management Practices (BMPs), that when implemented will serve to prevent deterioration, as well as the manner of implementation.

3. New development and modifications to existing development shall comply with all of the requirements specified in this Section.

B. Construction runoff compliance.

1. All individual grading and building projects with active Grading or Building Permits shall implement measures, including adherence to the Storm Water Pollution Prevention Plan (SWPPP), to ensure that all pollutants from the site will be either eliminated or reduced to the maximum extent practicable, and will not cause or contribute to an exceedance of water quality objectives described in the Santa Ana Regional Water Quality Control Board Basin Plan.

2. All grading and building activities will be in compliance with the grading, erosion, and sediment control ordinance; the grading manual; other applicable ordinances; Federal, State and local permits; and other applicable requirements.

C. Water Quality Management Plan (WQMP) required. New development and modifications to existing development projects shall comply with all of the following:

1. A Water Quality Management Plan (WQMP) shall be required for all new development or modifications to existing development projects. A development project application shall not be found complete, in compliance with Section 17.600.070 (Initial Application Review), until an approved WQMP is submitted with the application.

2. Projects not requiring a WQMP shall be required to implement all of the minimum BMPs approved by the City Engineer.

3. A WQMP shall be required if the City Engineer determines that the development may result in the discharge of significant levels of a pollutant into a tributary to the stormwater drainage system.

4. If the City Engineer determines that the project will have a de minimis impact on the quality of stormwater and urban runoff, then the City Engineer may issue a written waiver of the requirement for the preparation and acceptance of a WQMP.

D. Contents of a WQMP.

1. The BMPs identified in the WQMP shall address site design, source controls, and treatment controls by:

   a. Controlling the post development urban runoff discharge velocities, volumes, durations, and peak flow rates to maintain or reduce predevelopment urban discharge velocity, volume, durations, and peak flow rates;

   b. Conserving natural areas where feasible;

   c. Identifying pollutants for which water bodies receiving the development's runoff are listed as impaired under CWA Section 303(d) and all identifying pollutants associated with the land use of the development;

   d. Correctly designing BMPs to effectively remove or treat the pollutants associated with the project;

   e. Minimizing directly connected impervious areas;

   f. Protecting slopes and channels from downstream erosion, including all of the following:

      (1) Storm drain stenciling and signage;

      (2) Properly designed outdoor material storage areas;

      (3) Properly designed trash storage areas; and

      (4) Proof of a mechanism to ensure ongoing long-term BMP maintenance, and following any transfers of ownership.

   g. Increasing permeable areas;

   h. Implementing BMPs close to pollutant sources and prior to discharging into receiving waters;

   i. Ensuring that post development runoff does not contain pollutants which cause or contribute to an exceedance of water quality objectives, as outlined in the Santa Ana Region Water Quality Control Board

(SARWQCB) basin plan, and have been reduced to the maximum extent practicable (MEP);

j. Not constructing BMPs in receiving waters; and

k. Not using a receiving water as a BMP.

2. The applicant shall obtain the City Engineer's acceptance of a WQMP before the issuance of a permit, land use approval or, at the City's discretion, before recordation of a map.

3. The City Engineer shall review all WQMPs and impose terms, conditions, and requirements on the project in compliance with this Section before the City's issuance of a permit, approval, or map.

4. New development and modifications to existing development shall implement and adhere to the terms, conditions, and requirements of the approved WQMP.

5. A WQMP shall be certified, signed, and recorded as required by the Area-Wide Urban Runoff Management Program of the California Water Quality Control Board, Santa Ana Region.

E. Santa Ana River Region Drainage Area Management Plan (DAMP). All new development and modifications to existing development projects shall also be undertaken and implemented in a manner that is consistent with the Santa Ana River Region Drainage Area Management Plan (DAMP), and shall also fulfill any conditions and requirements established by the Department and City Engineer which are related to the reduction or elimination of pollutants in stormwater and urban runoff from the project site.

F. Terms, conditions, and requirements. All terms, conditions, and requirements which the Department and City Engineer have initially imposed in compliance with this Section for either a new development or modifications to existing development project shall remain in effect upon the transfer of the property. Any owner of the property, or their successors or assigns, shall be in violation of this Section, if they fail to implement and/or adhere to the terms, conditions, and requirements imposed in compliance with this Section on a new development or modifications to existing development project.

Chapter 17.605 — Conditional Use Permits and Minor Use Permits

Sections:

17.605.010 — Purpose
17.605.020 — Applicability
17.605.030 — Review Authority
17.605.040 — Application Requirements
17.605.050 — Project Review, Notice, and Hearing
17.605.060 — Findings and Decision
17.605.070 — Action of Commission and Review by Council
17.605.080 — Existing Conditional Uses
17.605.090 — Conditions of Approval
17.605.100 — Use of Property Before Final Action
17.605.110 — Modification of Permit
17.605.120 — Periodic Review
17.605.130 — Permit to Run with the Land
17.605.140 — Post-Decision Procedures

17.605.010 — Purpose

A. **Purpose.** The purpose of a Conditional Use Permit or Minor Use Permit is to provide sufficient flexibility in the use regulations in order to further the objective of this Development Code.

B. **Process for reviewing uses.** A Conditional Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

C. **Special consideration.** Certain types of land uses require special consideration in a particular zone or in the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as permitted uses either impractical or undesirable.

17.605.020 — Applicability

A Conditional Use Permit or Minor Use Permit is required to authorize proposed land uses identified by Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards) as being allowable in the applicable zone subject to the approval of a Conditional Use Permit or Minor Use Permit.

17.605.030 — Review Authority

A. Conditional Use Permits. Conditional Use Permits shall be approved or disapproved by the Commission, except as specified in Chapter 17.310 (Affordable Housing – Density Bonuses) and Chapter 17.645 (Transfer of Development Rights) where the Council is the review authority for applications, with the Commission first making a written recommendation to the Council.

B. Minor Use Permits.

1. Minor Use Permits shall be approved or disapproved by the Director.

2. The Director may choose to refer any Minor Use Permit application to the Commission for review and final decision.

17.605.040 — Application Requirements

An application for a Conditional Use Permit and/or Minor Use Permit shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Conditional Use Permit and Minor Use Permit applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.605.060 (Findings and Decision), below.

17.605.050 — Project Review, Notice, and Hearing

Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

A. Conditional Use Permits.

1. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before a decision on the application.

2. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

B. Minor Use Permits. Before a decision on a Minor Use Permit, the City shall provide notice in compliance with Chapter 17.710 (Public Hearings), and as follows.

1. Notice.

a. The notice shall state that the Director will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person at least five days before the specified date for the decision.

b. The written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings identified in Section 17.605.060 [Findings and Decision], below).

c. If the Director determines that the evidence has merit and can be properly addressed by a condition(s) added to the Minor Use Permit approval, the Director may consider the permit in compliance with Subparagraph 3. (If no hearing is requested), below.

2. If hearing is requested. If a public hearing is requested, and the provisions of Subparagraph B. 1. c., above do not apply the Director shall schedule the hearing that shall be noticed and conducted in compliance with Chapter 17.710 (Public Hearings).

3. If no hearing is requested. If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in Subparagraph B. 1. a., above.

4. Appeals. The Director's decision is appealable to the Commission in compliance with Chapter 17.715 (Appeals).

17.605.060 — Findings and Decision

A. Review authority's action. An application for a Conditional Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the review authority.

B. Required findings. The review authority may approve a Conditional Use Permit or Minor Use Permit only if it first makes all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan;

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code;

3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;

4. The site is physically suitable in terms of:

   a. Its design, location, shape, size, and operating characteristics of the proposed use;

   b. The provision of public and emergency vehicle (e.g., fire and medical) access;

   c. Public protection services (e.g., fire protection, police protection, etc.); and

   d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

5. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

6. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Conditional Use Permit or Minor Use Permit.

17.605.070 — Action of Commission and Review by Council

A. Commission action. An action to approve a Conditional Use Permit shall require a majority vote of those Commissioners who may lawfully vote on the application.

B. Ratification by Council. At the soonest possible time following the date of a decision of the Commission on a Conditional Use Permit application, the Council shall ratify the

decision of the Commission or set the matter for a public hearing. The decision shall become final immediately following the Council's action or upon the expiration of the prescribed 15-day appeal period, whichever occurs last, unless the Commission has requested review of its decision. Permits may be issued the day following the effective or final date of the decision.

[Policy Issue for Council consideration: Since Chapter 17.715 (Appeals) provides a "Call for Review" process, is it necessary to retain this process for ratification by the Council?]

17.605.080 — Existing Conditional Uses

A conditional use legally established prior to the effective date of this Development Code or prior to the effective date of subsequent amendments to the applicable regulations or zone boundaries, shall be allowed to continue; provided that it is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any.

17.605.090 — Conditions of Approval

In approving a Conditional Use Permit or Minor Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.605.060 (Findings and Decision), above.

17.605.100 — Use of Property Before Final Action

No permits or approvals shall be issued for any use involved in an application for a Conditional Use Permit or Minor Use Permit until and unless the same shall have become final, in compliance with Section 17.660.030 (Effective Date of Permits).

17.605.110 — Modification of Permit

An approved Conditional Use Permit or Minor Use Permit may be modified in compliance with Section 17.660.100 (Changes to an Approved Project).

17.605.120 — Periodic Review

The City may conduct a periodic review of the permit to ensure proper compliance with this Development Code and any developmental or operational conditions imposed by the review authority.

17.605.130 — Permit to Run with the Land

A Conditional Use Permit or Minor Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter.

17.605.140 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Conditional Use Permit or Minor Use Permit application.

Chapter 17.610 — Development Agreements

Sections:

17.610.010 — Purpose
17.610.020 — Application
17.610.030 — Application Filing, Processing, and Review
17.610.040 — Content of Development Agreement
17.610.050 — Execution and Recordation
17.610.060 — Amendment and Cancellation of Development Agreements
17.610.070 — Modification or Suspension of Development Agreements
17.610.080 — Periodic Review
17.610.090 — Effect of Development Agreements
17.610.100 — Approved Development Agreements
17.600.110 — Newly Annexed Lands

17.610.010 — Purpose

A. **Purpose and intent.** A development agreement is a contract between the City and a person with a legal or equitable interest in land subject to development, in compliance with Government Code Article 2.5 (Development Agreements). A development agreement is intended to provide assurance to the applicant that an approved project may generally proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City is provided assurance that the project would further important Citywide goals and policies that have been officially recognized by the Council, and provide the City with significant, tangible benefits beyond those that may be required by the City through project conditions of approval.

B. **Construing the provisions.** In construing the provisions of any development agreement entered into in compliance with this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Chapter, Government Code Article 2.5, and the agreement itself. Should any apparent discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order:

1. The provisions of Government Code Article 2.5;

2. The provisions of this Chapter; and

3. The plain terms of the development agreement itself.

17.610.020 — Application

A. Equitable interest. Person(s) having a legal or equitable interest in real property may apply through the Director to enter into a development agreement provided the following criteria are met:

1. The status of the applicant, having a legal or equitable interest in the subject real property, is established to the satisfaction of the Director. An applicant may also include an authorized agent; and

2. The application is made on approved forms, contains all lawfully required documents, materials, and information, and is filed with the Department in compliance with Chapter 17.600 (Permit Application Filing and Processing).

B. Director's review and recommendations. The Director is empowered to receive, review, process, and prepare, together with recommendations for Commission and Council consideration, all applications for development agreements. The Director may call upon all other City departments for timely assistance in complying with this Chapter.

C. Fees. Processing fees, as established by the City's Planning Fee Schedule, shall be collected for an application for a development agreement made in compliance with this Chapter. Additionally, appropriate fees shall be established and collected for amendments to a development agreement and the periodic review identified in Section 17.610.080 (Periodic Review), below.

17.610.030 — Application Filing, Processing, and Review

A. Filing. An application for a development agreement shall be filed with the Department in compliance with Chapter 17.600 (Permit Application Filing and Processing).

B. Contents. The application shall be accompanied by detailed data/materials identified in the Department handout for development agreement applications.

C. Project review procedures. Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

D. Notice and hearings.

1. The Director, upon finding the application for a development agreement complete and in compliance with the provisions of the California Environmental Quality Act (CEQA), shall set the application, together with recommendations, for public hearing before the Commission. Following conclusion of the public hearing, the Commission shall make a written recommendation to the Council that it approve, conditionally approve, or disapprove the application, based on the findings identified in Subsection E. (Findings and decision), below.

2. Upon receipt of the Commission's recommendations, the City Clerk shall set the application and written report of the Commission for a public hearing before the Council. Following conclusion of the public hearing, the Council shall approve, conditionally approve, or disapprove the application, based on the findings identified in Subsection E. (Findings and decision), below.

3. Notice of the hearings identified in Subsections 1. and 2., above shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with Government Code Section 65867 and Chapter 17.710 (Public Hearings).

E. Findings and decision. The review authority may approve a development agreement only if it first makes all of the following findings:

1. The development agreement is in the best interests of the City;

2. The development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plan, and this Development Code;

3. The development agreement will promote the public convenience, health, interest, safety, and general welfare of the City;

4. The project will be compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;

5. The project will not adversely affect the orderly development of property or the preservation of property values;

6. The project will further important Citywide goals and policies that have been officially recognized by the Council; and

7. The project will provide the City with important, tangible benefits beyond those that may be required by the City through project conditions of approval.

17.610.040 — Content of Development Agreement

A. Mandatory contents. A development agreement shall contain the applicable provisions identified below, in compliance with Government Code Section 65865.2:

1. Specify the:

   a. Duration of the agreement;

   b. Allowed uses for the subject property; and

   c. Density/intensity of the allowed uses.

2. Describe the:

   a. Maximum height and size of proposed structures by clearly identifying and referring to the documents and exhibits approved;

   b. Provisions, if any, for reservation or dedication of land for public purposes; and

   c. Provisions, if any, for the protection from either a future growth control ordinance or a future increase in development and/or effect fees;

3. Provide for a tiered amendment review procedure that may incorporate the following:

   a. Director approval for minor modifications;

   b. Commission approval for major modifications; and

   c. Council approval for major amendments.

4. Provide for the possibility of subsequent discovery of health and safety issues like a "compelling public necessity" (e.g., a new environmental health hazard is discovered), which would necessitate a reconsideration/amendment of the previously approved development agreement.

B. Permissive contents. A development agreement may contain the applicable provisions identified below, in compliance with Government Code Section 65865.2:

1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, the conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density/intensity of development specified in the agreement;

2. Provisions that require that construction shall be commenced within a specified time and that the project, or any single phase, be completed within a specified time;

3. Terms and conditions relating to applicant financing of necessary public improvements and facilities including applicant participation in benefit assessment proceedings; and

4. Other terms, conditions and requirements as the Council may deem necessary and proper, including requirement(s) for ensuring, to the satisfaction of the Director, performance of all provisions of the agreement in a timely manner by the applicant/contracting party.

17.610.050 — Execution and Recordation

A. Adoption of ordinance becomes effective.

1. If the Council approves the development agreement, it shall do so by the adoption of an ordinance.

2. The City shall not execute a development agreement until on or after the date upon which the ordinance approving the agreement, enacted in compliance with Subsection 17.610.030.D. (Notice and hearings), above, becomes effective.

3. The development agreement may be signed by the Mayor or City Manager.

B. Recordation of agreement. A development agreement shall be recorded in the County Recorder's Office no later than 10 days after it is executed.

17.610.060 — Amendment and Cancellation of Development Agreements

A. Proposed amendment or cancellation. Either party to the agreement may propose an amendment to or cancellation of the development agreement.

B. Same procedures. The procedure and notice requirements for amendment or cancellation of the development agreement are the same as the procedure for entering into an agreement in compliance with this Chapter.

C. City initiated amendment or cancellation. Where the City initiates the amendment or cancellation of the development agreement, it shall first give notice to the property owner of its intention to initiate the proceedings at least 15 days before giving public notice to consider the amendment or cancellation, in compliance with Chapter 17.710 (Public Hearings).

17.610.070 — Modification or Suspension of Development Agreements

The City may modify or suspend a development agreement if the City determines that failure of the City to do so would place the residents of the area subject to the development agreement, or the residents of the City, or both, in a condition dangerous to their health or safety, or both, in compliance with Government Code Section 65865.3(b).

17.610.080 — Periodic Review

A. Subject to periodic review.

1. Every development agreement approved and executed in compliance with this Chapter, shall be subject to periodic City review during the full term of the agreement.

2. The City shall review the development agreement upon initiation by the applicant/ contracting party or its successor(s)-in-interest, but at least every 12 months from the date the agreement is entered into.

3. The time for review may be shortened either by agreement between the parties or by initiation in one or more of the following ways:

    a. Affirmative vote of at least three members of the Commission; or

    b. Affirmative vote of at least three members of the Council.

4. The review schedule shall be specified in the development agreement.

B. Purpose of periodic review. The purpose of the periodic reviews shall be to determine whether the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms or conditions of the development agreement. The burden of proof shall be on the applicant/contracting party or its successor(s) to demonstrate compliance, to the full satisfaction of, and in a manner prescribed by, the City.

C. Notice of periodic review.

1. The applicant/contracting party or its successor(s)-in-interest shall initiate the review proceeding by making application to the Director in compliance with this Section.

2. Upon receipt of a complete application, the Director shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the applicant/contracting party or its successor(s)-in-interest, and any person who has filed a written request for notice with the Director and has paid the required fee for the notice.

3. The Director shall give the notice at least 15 days in advance of the time when the matter will be considered by the Commission in compliance with Subsection 17.610.030.D. (Notice and hearings), above.

D. Review by Commission. Review shall be conducted by the Commission.

1. The Commission shall conduct a hearing at which the applicant/contracting party or its successor(s)-in-interest shall demonstrate good faith compliance with the terms of the development agreement.

2. The burden of proof of this issue is on the applicant/contracting party or its successor(s)-in-interest.

E. Findings upon hearing. The Commission shall determine, upon the basis of substantial evidence, whether or not the applicant/contracting party or its successor(s)-in-interest has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

F. Procedure upon findings.

1. Has complied.

a. If the Commission finds and determines, on the basis of substantial evidence, that the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and a notice of that determination shall be sent

to the Council and the applicant/contracting party or its successor(s)-in-interest.

b. The Council shall review the Commission's action.

c. If the Council so desires, it can schedule a public hearing for further review.

2. Has not complied. If the Commission finds and determines, on the basis of substantial evidence, that the applicant/contracting party or its successor(s)-in-interest has not complied in good faith with the terms and conditions of the development agreement, the Commission shall forward its recommendation to the Council and the Council may modify or terminate the agreement.

G. Modification or termination of development agreement.

1. Proceedings upon modification or termination. If, upon a finding under Subsection F. (Procedure upon findings), above, the City determines to proceed with modification or termination of the development agreement, the City shall give notice to applicant/contracting party or its successor(s)-in-interest of its intention to do so. The notice shall contain all of the following:

a. The time and place of the hearing, which shall be conducted by the Council;

b. A statement as to whether or not the City proposes to terminate or to modify the development agreement; and

c. Other information that the City considers necessary to inform applicant/contracting party or its successor(s)-in-interest of the nature of the proceedings.

2. Hearing on modification or termination of development agreement.

a. At the time and place set for the hearing on modification or termination, the applicant/contracting party or its successor(s)-in-interest shall be given an opportunity to be heard.

b. At the hearing, the Council may affirm, modify, or reject the determination of the Commission.

c. The Council may refer the matter back to the Commission for further proceedings or for report and recommendation.

d. The Council may impose those conditions to the action it takes as it considers reasonable and necessary to protect the interests of the City.

e. The decision of the Council on the modification or termination shall be final.

17.610.090 — Effect of Development Agreements

A. Rules in force at the time of execution. Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the agreement.

B. Application of new rules. In compliance with Government Code Section 65866, a development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new policies, regulations, and rules that do not conflict with those policies, regulations, and rules applicable to the property, nor shall a development agreement prevent the City from conditionally approving or disapproving any subsequent development project application on the basis of existing or new policies, regulations, and rules.

17.610.100 — Approved Development Agreements

Development agreements approved by the Council shall be on file with the City Clerk.

17.610.110 — Newly Annexed Lands

For newly annexed land comprising territory that was formerly unincorporated, any development agreement entered into by the County before the effective date of the annexation shall remain valid for the duration of the agreement in compliance with the provisions and limitations of Government Code Section 65865.3(a).

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Chapter 17.615 — Home Occupation Permits

Sections:

17.615.010 — Purpose
17.615.020 — Applicability
17.615.030 — Application Filing, Processing, and Review
17.615.040 — Allowed Home Occupations
17.615.050 — Prohibited Home Occupations
17.615.060 — Director's Decision
17.615.070 — Compliance with Standards and Conditions
17.615.080 — Findings and Decision
17.615.090 — Conditions of Approval
17.615.100 — Permit Expiration
17.615.110 — Inspections
17.615.120 — Acknowledgment
17.615.130 — Permit Not Transferable
17.615.140 — Changes in Home Occupation
17.615.150 — Post-Decision Procedures

17.615.010 — Purpose

The purpose of this Chapter is to allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling.

17.615.020 — Applicability

The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.

17.615.030 — Application Filing, Processing, and Review

A. **Filing.** An application for a Home Occupation Permit shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department

handout for Home Occupation Permit applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.615.080 (Findings and Decision), below.

B. **Project review procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

C. **Public notice not required.** A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.

17.615.040 — Allowed Home Occupations

A. **Where allowed.** Home occupations are allowed in residential zones in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

B. **Allowed home occupations.** Any activity producing income, or intended to produce income, conducted entirely within a residential dwelling by the inhabitants of the dwelling, which use is clearly incidental and secondary to the use of the structure for residential purposes, which does not change the character of the dwelling, and only when conducted in compliance with the applicable locational and operational standards identified in Section 17.615.070 (Compliance with Standards and Conditions), below.

17.615.050 — Prohibited Home Occupations

The following uses are not incidental to or compatible with residential activities and are prohibited as home occupations:

A. Adult businesses;

B. Alcohol sales;

C. Ammunition, explosives, or fireworks, sales, use, or manufacturing;

D. Barber and beauty shops;

E. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;

F. Carpentry (on-site) and cabinet making (does not prohibit a normal wood-working hobby operation);

G. Dance club/night clubs;

H. Food preparation for commercial purposes;

I. Fortune telling (Psychic);

J. Landscaping businesses;

K. Lawn mower and/or small engine repair;

L. Massage establishments (on-site);

M. Medical and dental offices, clinics, and laboratories;

N. Mini storage;

O. Plant nursery;

P. Retail or wholesale sales of products stored at the residence;

Q. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;

R. Tattoo parlors;

S. Television, radio, or appliance repair;

T. Tobacco/hookah lounges/parlors;

U. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" minor repair or detailing at the customer's location);

V. Vehicle sales;

W. Welding and machining; and

X. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

17.615.060 — Director's Decision

A. **Director's actions.** The Director may approve a Home Occupation Permit that would be operated in compliance with Section 17.615.070 (Compliance with Standards and Conditions) below, or the Director may defer action and refer the application to the Commission for review and final decision.

B. **Business License required.** Immediately following the effective date of an approved Home Occupation Permit, when no appeal has been filed, the applicant shall obtain a Business License in compliance with Municipal Code Chapter 5.04 (Business Licenses Generally).

17.615.070 — Compliance with Standards and Conditions

A. **Compliance required.** Home occupations shall comply with the applicable locational, developmental, and operational standards identified in this Section as well as any conditions imposed on the Home Occupation Permit.

B. **Required standards.** Each home occupation shall comply with all of the following standards.

1. Only the permanent resident(s) of the subject dwelling shall be employed on the premises in the conduct of a home occupation.

2. The home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.

3. The home occupation shall not be conducted in an accessory structure, and there shall be no storage of equipment or supplies within an accessory structure or outside the dwelling.

4. There shall be no direct on-site sale of products, either wholesale or retail.

5. There shall be no exterior use or storage of material or mechanical equipment, as determined by the Director to be for the home occupation use and not for normal household or hobby use.

6. The use shall not generate pedestrian or vehicular traffic beyond that determined by the Director to be normal for the zone or neighborhood in which it is located.

7. Commercial vehicles or trailers, except those normally incidental to residential use, shall not be kept on the site, and any need for parking generated by the home occupation shall be met off the street and other than in a required yard.

8. The use shall not involve excessive storage of materials or supplies on the premises, as determined by the Director. Combustible and/or hazardous substances shall receive approval of the Fire Department.

9. There shall be no signs allowed other than the address for the main dwelling. There shall be no other advertising using the home address, with the exception of advertising in the telephone directory or via the Internet.

10. Not more than one room or the equivalent of 20 percent of the floor area of the entire dwelling unit, whichever is greater, shall be employed for the home occupation. Use of the garage is allowed; provided that all required vehicle storage is maintained in compliance with this Development Code, and the garage doors shall be closed at all times.

11. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be reasonably recognized as serving a nonresidential use (either by color, construction, dust, materials, odors, lighting, noise, signs, sounds, vibrations, etc. or that disturbs the peace). The existence of a home occupation shall not be apparent beyond the boundaries of the subject site.

12. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the zone.

17.615.080 — Findings and Decision

The Director shall review all applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only if it first makes all of the following findings:

A. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zone;

B. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and

C. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.

17.615.090 — Conditions of Approval

In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose of this Chapter.

17.615.100 — Permit Expiration

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation.

17.615.110 — Inspections

The Director shall have the right at any time, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with the locational, developmental, and operational standards identified in Section 17.615.070 (Compliance with Standards and Conditions), above.

17.615.120 — Acknowledgment

A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

17.615.130 — Permit not Transferable

A new Home Occupation Permit and Business License, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation.

17.615.140 — Changes in Home Occupation

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.

17.615.150 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Home Occupation Permit application.

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Chapter 17.620 — Planned Development Permits

Sections:

17.620.010 — Purpose
17.620.020 — Applicability
17.620.030 — Review Authority
17.620.040 — Application Filing, Processing, and Review
17.620.050 — Project Review, Notice, and Hearing
17.620.060 — Findings and Decision
17.620.070 — Planned Development Permit Amendment
17.620.080 — Specific Development Standards
17.620.090 — Development Schedule
17.620.100 — Conditions of Approval
17.620.110 — Use of Property Before Final Action
17.620.120 — Post-Decision Procedures

17.620.010 — Purpose

The purpose of this Chapter is to provide a process for approving a Planned Development Permit that is intended to:

A. **Ensure efficient use of land and better living environment.** Provide a method whereby land may be designed and developed as a single unit by taking advantage of modern site planning techniques thereby resulting in a more efficient use of land, a better living environment, and a superb site plan, and excellence of design than is otherwise possible through strict application of the development standards identified in Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards);

B. **Ensure high standards of environmental quality.** Ensure development that meets high standards of environmental quality, public health and safety, the efficient use of the City's resources, and the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan; and

C. **Provide for enhanced amenities.** Incorporate a program of enhanced amenities (e.g., enhanced landscaping, LEED or other "green" related standards, additional and enhanced open space, additional public art, improvements to an existing public facility [e.g., park or trail, etc.]) than typically required by this Development Code.

17.620.020 — Applicability

A. Allowed development projects. A Planned Development Permit may only be requested for a residential, industrial, office, retail, mixed-use, or business campus-type development project.

B. Minimum site area. A Planned Development Permit may only be requested for a site(s) with a minimum of two acres.

C. Planned Development Permit precedes Building or Grading Permits. For projects proposing a Planned Development Permit, a Building or Grading Permit shall not be issued until the Planned Development Permit has been approved in compliance with this Chapter.

D. Activities only allowed in base zone. A Planned Development Permit may not authorize a land use activity that is not allowed in the base zone.

E. Modify standards.

1. The permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, FAR, height, and setbacks], fence and wall heights, landscaping, parking, open space, street layout, etc.) identified in this Development Code, with the exception of an increase in the applicable density or intensity above the allowable maximums identified in Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards).

2. Residential development projects with density or intensity standards increased above the maximums identified in Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards) may only be approved in compliance with Government Code Section 65915 and Chapter 17.310 (Affordable Housing — Density Bonuses).

17.620.030 — Review Authority

The Commission may approve, approve in modified form, conditionally approve, or disapprove the Planned Development Permit application, based upon the findings contained in Section 17.620.060 (Findings and Decision), below.

17.620.040 — Application Filing, Processing, and Review

An application for a Planned Development Permit shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Planned Development

Permit applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.620.060 (Findings and Decision), below.

17.620.050 — Project Review, Notice, and Hearing

A. Application consistent with the purpose of Chapter.

1. Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.

2. The Director shall submit a staff report and recommendation to the Commission for its consideration.

B. Notice and hearings.

1. A public hearing shall be required for the Commission's action on a Planned Development Permit application.

2. The public hearing shall be scheduled once the Director has determined the application complete in compliance with Section 17.600.070 (Initial Application Review).

3. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

17.620.060 — Findings and Decision

A. Commission's authority. The Commission may approve, conditionally approve, or disapprove an application for a Planned Development Permit and shall record the decision and the findings upon which the decision is based.

B. Required findings. The Commission may approve a Planned Development Permit application, with or without conditions, only if it first makes all of the following findings:

1. The Planned Development Permit will:

   a. Be allowed within the subject base zone;

   b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;

c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on-site and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Chapter and the subject base zone, including prescribed development standards and applicable design guidelines, except for those provisions modified in compliance with this Chapter; and

d. Ensure compatibility of property uses within the zone and general neighborhood of the proposed development.

2. The proposed project will produce a comprehensive development of superior quality and excellence of design (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, significantly increased amounts of landscaping and improved open space, improved solutions to the design and placement of parking and loading facilities, incorporation of a program of highly enhanced amenities [e.g., additional public art], LEED or other "green" related standards, etc.) than might otherwise occur from more typical development applications;

3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare;

4. Proper on-site traffic circulation (e.g., pedestrian and vehicular) and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards);

5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;

6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare;

7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use;

8. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is appropriately buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The enhanced amenities may include additional landscaping, additional private open space, private or separated entrances, etc;

9. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection; and

10. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Planned Development Permit.

17.620.070 — Planned Development Permit Amendment

A. **Commission action on requested changes.** Requested changes in the Planned Development Permit, other than those allowed by this Section, shall be submitted to the Commission for review and approval.

B. **Added stipulations deemed reasonable and necessary.** The Commission may, as a condition of approval, impose added stipulations or changes to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of this Chapter.

C. **Minor changes by Director.** Minor changes in the Planned Development Permit that do not involve an increase in the number of dwelling units or an intensity of use may be approved by the Director in compliance with Section 17.660.100 (Changes to an Approved Project).

17.620.080 — Specific Development Standards

A. **Landscaping.** Landscaping shall be provided in compliance with Chapter 17.325 (Landscaping Standards), unless modified in compliance with this Chapter.

B. **Off-street parking.** Off-street parking provisions shall be provided in compliance with Chapter 17.330 (Off-Street Parking and Loading Standards), unless modified in compliance with this Chapter.

C. **Signs.** Signs shall be provided in compliance with Chapter 17.335 (Signs), unless modified in compliance with this Chapter.

17.620.090 — Development Schedule

An application for a Planned Development Permit shall include a development schedule in compliance with the following.

A. **Permit application shall include development schedule.** An application for a Planned Development Permit shall be accompanied by a development schedule clearly identifying, to the best of the applicant's knowledge, the approximate date when the construction of the project can be expected to begin, the anticipated rate of development, and the completion date.

1. The development schedule for a Planned Development Permit shall indicate the approximate time period, after the Planned Development Permit becomes effective, when construction of the project can be expected to begin, the anticipated rate of development, and the anticipated completion date.

2. The development schedule, if approved by the Commission, shall become a part of the Planned Development Permit and shall be adhered to by the owner of the property and the owner's successor(s)-in-interest.

3. The Director shall require the posting of cash, a savings and loan certificate, or a performance bond issued by a corporate surety company, in an amount to be determined by the City Engineer, in compliance with Section 17.660.070 (Performance Guarantees), to cover the costs of the public improvements adjacent to the proposed development before the issuance of the Building Permit for the first phase of construction.

B. **Development schedule for phased developments.** The development schedule, if it shows the total project is to be developed in phases, shall indicate the open space and amenities proposed for each individual phase. The developer shall construct all amenities shown and landscape all open spaces within each phase as it is completed, and before occupancy of any structure located within each particular phase of the development.

C. **Director to review overall progress.** From time to time, the Director shall compare the actual development accomplished in the planned development with the approved development schedule.

D. **Commission may extend development schedule.** Upon a written request by the developer/property owner, for good cause shown, the Commission may extend the time limits of the development schedule; provided, any request for an extension of time limits shall be on file in the office of the Director no later than 30 days before the date of expiration.

E. Suspension during processing of extension request. The filing of the time extension request shall suspend the actual expiration of the Planned Development Permit until the extension request is approved by the Commission, except that no Building Permit shall be issued related to the Planned Development Permit during the period of suspension.

17.620.100 — Conditions of Approval

In approving a Planned Development Permit, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 17.620.060 (Findings and Decision), above.

17.620.110 — Use of Property Before Final Action

No permits or approvals shall be issued for any use or construction involved in an application for a Planned Development Permit until and unless the Planned Development Permit shall have become final, in compliance with Section 17.660.030 (Effective Date of Permits).

17.620.120 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Planned Development Permit application.

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Chapter 17.625 — Reasonable Accommodation

Sections:

17.625.010 — Purpose
17.625.020 — Applicability
17.625.030 — Application Requirements
17.625.040 — Review Authority
17.625.050 — Review Procedures
17.625.060 — Findings and Decision
17.625.070 — Rescission of Approval of Reasonable Accommodation

17.625.010 — Purpose

It is the policy of the City to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the California Fair Employment and Housing Act, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to in this Chapter as the "Acts"). This Chapter provides a procedure for making requests for reasonable accommodations in land use, zoning and building regulations, policies, practices, and procedures of the jurisdiction to comply fully with the intent and purpose of the fair housing laws.

17.625.020 — Applicability

A. Eligible applicants.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment or anyone who has a record of this type of impairment.

3. This Chapter is intended to apply to those persons who are defined as disabled or handicapped under the Acts.

4. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

B. Eligible requests.

1. A request for Reasonable Accommodation may include a modification or exception to the rules, standards and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

2. A request for Reasonable Accommodation shall comply with Section 17.625.030 (Application Requirements), below.

17.625.030 — Application Requirements

A. Application. A request for Reasonable Accommodation shall be submitted on an application form provided by the Department, and shall contain all of the following information:

1. The applicant's name, address and telephone number;

2. Name, address, and telephone number of property owner and the current address for which the request is being made;

3. The current actual use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts (applicant should submit a letter from a medical professional, a peer support group, a non-medical service agency, or reliable third party who is in a position to know about the individual's disability may also provide verification of a disability. Only that information necessary to evaluate the reasonable accommodation shall be requested. All such information shall be retained in a manner so as to respect privacy rights of the applicant and shall not be made available for public inspection);

5. The Development Code provision, regulation or policy from which Reasonable Accommodation is being requested;

6. Explanation why the Reasonable Accommodation is necessary to make specific property available for the individual; and

7. A reasonable accommodation shall not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

B. Filing with other land use applications. If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit, Site Plan and Design Review, etc.), then the applicant shall file the information required by Subsection A. (Application), above, together with the materials required for the other discretionary permit.

17.625.040 — Review Authority

A. Director. A request for Reasonable Accommodation shall be reviewed, and a determination shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.

B. Other review authority. A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed and determined by the authority reviewing the discretionary land use application.

17.625.050 — Review Procedures

A. Director's review. The Director shall make a written determination within 45 days following the submittal of a complete application and either approve, approve with modifications, or disapprove a request for Reasonable Accommodation in compliance with Section 17.625.060 (Findings and Decision), below.

B. Other review authority. The written determination on whether to approve or disapprove the request for Reasonable Accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to approve or disapprove the request for Reasonable Accommodation shall be made in compliance with Section 17.625.060 (Findings and Decision), below.

C. **Stays.** If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for a reasonable accommodation is made, the 45-day period to issue a decision is stayed until the applicant responds to the request.

17.625.060 — Findings and Decision

A. **Findings.** The written decision to approve or disapprove a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;

2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;

4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;

5. Potential impact on surrounding uses;

6. Physical attributes of the property and structures; and

7. Other Reasonable Accommodations that may provide an equivalent level of benefit.

B. **Grant with modifications.** In approving a request for Reasonable Accommodation, the review authority may a grant with modifications deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection A. (Findings), above.

C. **Written decision.** The written decision on the request for a reasonable accommodation shall include the reviewing authority's findings and any other relevant information upon which the decision is based. All written decisions shall give notice of the applicant's right of appeal and to request reasonable accommodation in the appeals

process in compliance with Chapter 17.715 (Appeals). The notice of decision shall be sent to the applicant by certified mail.

D. Other applicable regulations. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

E. Appeal. The written decision of the reviewing authority shall be final unless appealed in compliance with Chapter 17.715 (Appeals).

17.625.080 — Rescission of Approval of Reasonable Accommodation

A. Rescission. A grant or grant with modifications made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection B. (Discontinuance), below.

B. Discontinuance.

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is deemed ceased or discontinued for at least 180 consecutive days. For purposes of this Subsection, the terms ceased or discontinued shall be defined as an abandonment of the rights, irrespective of the owner's or occupant's intent.

2. If the person(s) initially occupying a residence vacate, the Reasonable Accommodation shall remain in effect only if the review authority first determines that:

    a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or

    b. The accommodation is to be used by another qualifying individual with a disability.

3. The review authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days following the date of a request by the review authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

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Chapter 17.630 — Site Plan and Design Review

Sections:

17.630.010 — Purpose and Intent
17.630.020 — Applicability
17.630.030 — Review Authority
17.630.040 — Application Filing, Processing, and Review
17.630.050 — Findings and Decision
17.630.060 — Conditions of Approval
17.630.070 — Issuance of Other Required Permits and Approvals
17.630.080 — Minor Changes by Director
17.630.090 — Post-Decision Procedures

17.630.010 — Purpose and Intent

A. **Purpose.** The purpose of this Chapter is to provide a process for the appropriate review of development projects.

B. **Intent.** The intent is to ensure that all approved site and structural development:

1. Respects the physical and environmental characteristics of the site;

2. Ensures safe and convenient access and circulation for pedestrians and vehicles;

3. Exemplifies the best professional high quality design practices;

4. Allows for and encourages individual identity for specific uses and structures;

5. Encourages the maintenance of a distinct neighborhood and/or community identity;

6. Minimizes or eliminates negative or undesirable visual impacts; and

7. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure, associated with the development.

17.630.020 — Applicability

A. Site Plan and Design Review required. No one shall construct any structure, or relocate, rebuild, or significantly enlarge or modify any existing structure or site until a Site Plan and Design Review has been approved in compliance with this Chapter.

B. Referral to Director. The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Chapter.

C. Compliance with Chapter required.

1. Building or Grading Permits, Business Licenses, or Certificates of Occupancy shall not be issued until the requirements of this Chapter are met.

2. Any permit or approval specified in Subparagraph 1., above, issued in violation of this provision shall be deemed void.

D. Density/intensity incentives. Determinations regarding density/intensity incentives, as provided for in Sections 17.215.040 (Residential Zone Density Incentives) shall be decided by the level of review authority based on the size of the proposed project as specified in Table 6-2 (Review Authority for Site Plan and Design Review), below.

E. Definitions. The term "significantly enlarge or modify" shall be defined as follows:

1. Residential enlargement or modification. Residential enlargements or modifications larger than 500 square feet or 25 percent of the existing gross floor area before the addition, whichever is less;

2. Commercial or industrial enlargement or modification. Commercial or industrial enlargement, modification, reconstruction, rehabilitation, or remodel equal to or exceeding 25 percent of the existing square footage of the structure before the construction; and

3. Unimproved commercial and industrial property. In the case of improvements to unimproved commercial and industrial property or improvements to commercial and industrial property that would not require modification of a structure, all plans shall be reviewed.

17.630.030 — Review Authority

A. Site Plan and Design Review required. Structures erected or modified to accommodate the land use activities listed in Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards) shall require the approval of a Site Plan and Design Review.

B. Required before issuance of other required permits. Site Plan and Design Review approval shall be required before the issuance of a Building or Grading Permit, Business License, or Certificate of Occupancy for any new structure (not including fences or walls), and existing structures to be reconstructed or remodeled (including facade improvements) that increase the gross floor area by 500 square feet (for residential projects only) or 25 percent of the existing square footage of the structure before the construction, whichever is less, or to increase structure height.

C. Applicable review authority. The applicable review authority shall be as specified in Table 6-2 (Review Authority for Site Plan and Design Review), below.

Table 6-2
Review Authority for Site Plan and Design Review

Type of Construction Activity	Role of Review Authority (1) (2)		
	Director (Very Minor Review)	Development Review Committee (Minor Review)	Commission (Major Review)
Cargo containers.	Decision	Appeal	Appeal
Facade improvements.	Decision	Appeal	Appeal
Nonresidential enlargements or modifications, up to a maximum of 25 percent of the existing gross floor area.	Decision	Appeal	Appeal
Residential enlargements or modifications larger than 500 square feet or 25 percent of the existing gross floor area.	Decision	Appeal	Appeal
Residential construction proposing up to a maximum of 8 dwelling units.	Decision	Appeal	Appeal
Nonresidential construction, up to a maximum of 9,999 square feet of gross floor area.	Recommend	Decision	Appeal
Residential construction proposing 9 to 50 dwelling units, excluding single-family residential tract maps.	Recommend	Decision	Appeal
Single-family residential tract maps for 9 to 50 dwelling units.	Recommend	Recommend	Decision
Nonresidential construction, 10,000 square feet or more of gross floor area.	Recommend	Recommend	Decision
Residential construction proposing 51 or more dwelling units.	Recommend	Recommend	Decision
All development located on hillsides having a natural slope gradient of 15 percent or greater shall also be subject to Section 17.305.070 (Hillside Development).	Recommend	Recommend	Decision
All development subject to Chapter 17.500 (Floodplain Management).	Recommend	Decision by the Floodplain Administrator	
Density/Intensity Incentives (based on project size).	In compliance with Subsection 17.630.020.D. above		

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.715 (Appeals).

(2) The review authority may defer action and refer the request to the next higher review authority for the final decision.

17.630.040 — Application Filing, Processing, and Review

A. Application filing. An application for a Site Plan and Design Review shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.630.050 (Findings and Decision), below.

B. Review with other land use applications. If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), then the applicant shall file the information required by Subsection A. (Application filing), above, together for concurrent review with the application for discretionary approval. Only the formal application and associated fee for the other discretionary approval shall be required in order to comply with the Site Plan and Design Review filing requirements.

C. Application review. Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Development Code; and adopted design guidelines and policies that may apply.

1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable review authority in order to conduct a thorough review of the proposed project.

2. Upon receipt of a complete application the applicable review authority shall review the location, design, site plan configuration and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies.

3. During the course of the review process, the review authority may require the submittal of additional information or revised plans. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 30 days after the date of the notice or within the period of time designated by the review authority. Failure to submit the required information within the 30-day period or within the period of time designated by the review authority may be cause for disapproval.

4. Within 30 days after the Site Plan and Design Review application has been deemed complete in compliance with Section 17.600.070 (Initial Application Review), the review authority shall either approve or disapprove the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Chapter and various regulations of the City.

5. The following criteria shall be considered during the review of a Site Plan and Design Review application:

   a. Compliance with this Chapter, this Development Code, and all other applicable City regulations and policies;

   b. Efficient site layout and design;

   c. Compatibility with neighboring properties and developments;

   d. Efficiency and safety of public access and parking;

   e. The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;

   f. The compatibility in scale and aesthetic treatment of proposed structures with public areas;

   g. The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;

   h. Appropriate open space and use of water efficient landscaping;

   i. Consistency with the General Plan and any applicable specific plan; and

   j. Consistency with any adopted design guidelines/standards.

D. On-site inspection. An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Chapter.

E. Public hearing and appeal provisions.

1. A public hearing shall not be required for the Director's or Site Plan and Design Review Board's decision on a Site Plan and Design Review application.

2. A public hearing shall be required for the Commission's decision on a Site Plan and Design Review application. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

3. The review authority's decision may be appealed, in compliance with Chapter 17.715 (Appeals).

17.630.050 — Findings and Decision

A. Meets requirements of this Chapter. The review authority shall determine whether or not the application meets the requirements of this Chapter in compliance with Section 17.600.070 (Initial Application Review).

B. Review authority's action within 30 days. Within 30 working days after the filing of the completed application, the review authority shall approve, approve with conditions, or disapprove the Site Plan and Design Review application.

C. Referral to the Commission. If the Site Plan and Design Review application submitted is of significant consequence or magnitude or involves potential public controversy, the Director or Site Plan and Design Review Board may defer action and refer the application to the Commission for review and final decision.

D. Next Commission agenda. The referral shall be placed on the agenda of the next available regular Commission meeting following the referral.

E. Other review authority. The decision to approve or disapprove the Site Plan and Design Review shall be made by the authority responsible for reviewing the other discretionary land use application (e.g., Conditional Use Permit, etc.) in compliance with the applicable review procedure for the other discretionary review. The decision to approve or disapprove the Site Plan and Design Review shall be made in compliance with Subsection F. (Required findings), below.

F. Required findings. The review authority may approve a Site Plan and Design Review application, only if it first makes all of the following findings. The proposed development will:

1. Be allowed within the subject zone;

2. Be in compliance with all of the applicable criteria identified in Subparagraph 17.630.040.C.5., above;

3. Be in keeping with the character of the neighborhood, in terms of the structure(s) general appearance; and

4. Not be detrimental to the harmonious and orderly growth of the City.

17.630.060 — Conditions of Approval

A. **May impose conditions.** In approving a Site Plan and Design Review application, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 17.630.050 (Findings and Decision), above.

B. **Requirements for dedication and infrastructure.** The conditions may include requirements for the offers of adequate dedication of land for public purposes and the provision of public infrastructure to the extent necessitated by the development.

17.630.070 — Issuance of Other Required Permits and Approvals

A. **Permits or approval for grading, structures, and uses.** No permits or approvals shall be issued for any development involved in an application for a Site Plan and Design Review or a revised Site Plan and Design Review until and unless the same shall have become final, in compliance with Section 17.660.030 (Effective Date of Permits).

B. **Compliance with Site Plan and Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Chapter, except in compliance with the approved Site Plan and Design Review and the conditions imposed on the review.

C. **Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable review authority.

17.630.080 — Minor Changes by Director

The Director may approve minor changes in a Site Plan and Design Review that do not involve an increase in structure area or height, an increase in the number of dwelling units, a significant architectural change, or an intensity of use in compliance with Section 17.660.100 (Changes to an Approved Project).

17.630.090 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Site Plan and Design Review application.

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Chapter 17.635 — Specific Plans

Sections:

17.635.010 — Purpose
17.635.020 — Intent
17.635.030 — Applicability
17.635.040 — Initiation of Specific Plans
17.635.050 — Application Filing and Initial Review
17.635.060 — Preparation and Content
17.635.070 — Application Processing
17.635.080 — Adoption of Specific Plan
17.635.090 — Amendment of Specific Plan

17.635.010 — Purpose

The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time.

17.635.020 — Intent

A. General Plan implementation. After the Council has adopted the General Plan, or any amendment to the General Plan, the Department may, or as directed by the Council, shall prepare or cause the preparation of specific plans for the systematic implementation of the General Plan.

B. Specific plan adoption.

1. Specific plans, including any associated conditions, programs, regulations, and proposed legislation shall be adopted by ordinance in compliance with Government Code Article 8 and Section 65453(a).

2. A specific plan shall replace the base zone(s) for the subject property, and the development standards and guidelines identified in the specific plan shall take precedence over the general standards and guidelines contained in this Development Code.

17.635.030 — Applicability

A. **Specific plan required.** A specific plan shall be required in compliance with Section 17.230.010 (Purposes of Special Purpose Zones), and shall be prepared, processed, approved and implemented, or disapproved in compliance with this Chapter.

B. **Flexibility and innovation.** A specific plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation.

C. **Commission and Council review.** An application for a specific plan shall be considered by the Commission and Council.

17.635.040 — Initiation of Specific Plans

A specific plan or its amendment may be initiated in the following manner:

A. **Council.** By the Council with or without a recommendation from the Commission;

B. **Commission.** By the Commission; or

C. **Property owner(s).** By an application filed by the owner(s) of one or more parcels that would be the subject of the specific plan. If initiated by a property owner(s), the following is strongly encouraged.

1. **Pre-application conference.** A pre-application conference with the Pre-Development Review Committee before the filing of a specific plan application is strongly encouraged, in compliance with Section 17.600.040 (Application Preparation and Filing).

2. **Neighborhood meeting(s).** A neighborhood meeting is strongly encouraged with surrounding property owners and arranged by the project proponent(s).

17.635.050 — Application Filing and Initial Review

If initiated by a property owner(s), the specific plan application or an amendment shall comply with all of the following.

A. **Filing.** An application for a specific plan shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified by the Department for specific plan applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the finding required by Section 17.635.080 (Adoption of Specific Plan), below.

B. **Project review procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

C. **Notice and hearings.**

1. Public hearings shall be required for the Commission's recommendation and the Council's action on a specific plan or an amendment.

2. The public hearings shall be scheduled once the Director finds the application complete in compliance with Section 17.600.070 (Initial Application Review).

3. Notice of the public hearings shall be given and the hearings shall be conducted in compliance with Chapter 17.710 (Public Hearings).

17.635.060 — Preparation and Content

If initiated by a property owner(s), the specific plan application shall comply with all of the following.

A. **Organization of specific plan.** The applicant shall prepare a draft specific plan for review by the City that includes detailed information in the form of text and diagram(s), organized in compliance with Government Code Section 65451.

B. **Required information.** The following information shall be provided:

1. The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas;

2. The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid

waste disposal, water, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;

3. Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

4. A program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;

5. A discussion of the relationship of the specific plan to the goals, policies, and actions of the General Plan; and

6. Additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the specific plan; applicable goals, policies, and actions of the General Plan; or any other issue(s) determined by the Director to be significant.

17.635.070 — Application Processing

If initiated by a property owner(s), the draft specific plan shall be processed in the same manner as required for General Plans by State law, and as follows.

A. Director's evaluation.

1. After the filing of a draft specific plan, the Director shall review the draft plan to determine whether it is in compliance with the provisions of this Chapter.

2. If the draft plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.

3. When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Chapter, the plan shall be deemed to be accepted for processing, in compliance with Section 17.600.070 (Initial Application Review).

B. Environmental review required. The draft specific plan shall be subject to environmental review as identified in Section 17.600.090 (Environmental Review).

C. Notification and consultation with California Native American tribes required.

1. In compliance with Government Code Section 65352.3 and prior to the adoption or amendment of a specific plan, proposed on or after March 1, 2005, the City shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to features, objects, or places described in Public Resources Code Sections 5097.9 and 5097.993 that are located within the City's jurisdiction.

2. From the date on which a California Native American tribe is contacted by the City in compliance with this Subsection, the tribe shall have 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.

3. Consistent with the guidelines developed and adopted by the State Office of Planning and Research in compliance with Government Code Section 65040.2, the City shall protect the confidentiality of information concerning the specific character, identity, location, and use of those features, objects, and places.

D. Staff report. A written staff report shall be prepared for the draft specific plan that shall include detailed recommendations and, if appropriate, suggested changes to the text and/or diagrams of the specific plan, as determined to be necessary to make it acceptable for adoption.

17.635.080 — Adoption of Specific Plan

A. Mandatory finding for adoption. A specific plan may only be adopted if first found consistent with the General Plan in compliance with Government Code Section 65454.

B. Method of adoption. The specific plan shall be adopted by ordinance in compliance with Government Code Section 65453(a).

C. Findings for projects under a specific plan. No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no Development Code Text or Zoning Map amendment may be approved within an area covered by a specific plan unless it is first found consistent with the adopted specific plan in compliance with Government Code Section 65455

17.635.090 — Amendment of Specific Plan

A. **Process for amendment.** A specific plan may be amended through the same procedure specified by this Chapter for the adoption of a specific plan.

B. **Mandatory finding for amendment.** A specific plan may only be amended if first found consistent with the General Plan in compliance with Government Code Section 65454.

C. **Frequency of amendments.** The specific plan may be amended as often as deemed necessary by the Council in compliance with Government Code Section 65453.

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Chapter 17.640 — Temporary Use Permits

Sections:

17.640.010 — Purpose
17.640.020 — Definition
17.640.030 — Applicability
17.640.040 — Exempt Temporary Uses
17.640.050 — Allowed Temporary Uses
17.640.060 — Application Filing, Processing, and Review
17.640.070 — Director's Review
17.640.080 — Findings and Decision
17.640.090 — Conditions of Approval
17.640.100 — Extensions for Temporary Use Permits
17.640.110 — Condition of Site Following Temporary Use
17.640.120 — Post-Decision Procedures

17.640.010 — Purpose

The purpose of this Chapter is to allow for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

17.640.020 — Definition

For purposes of this Chapter, a temporary (short-term) land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, and generally not conducted for more than 30 consecutive days in duration.

17.640.030 — Applicability

A. **Minor short-term activities.** A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.

B. **Temporary Use Permit required.** Temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit approved in compliance with this Chapter.

C. **Categories of land uses.** The following two categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

1. **Exempt temporary uses.** Exempt temporary uses are identified in 17.640.040 (Exempt Temporary Uses), below; and

2. **Temporary uses requiring a Temporary Use Permit.** Temporary uses requiring a Temporary Use Permit are identified in 17.640.050 (Allowed Temporary Uses), below.

17.640.040 — Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with 17.640.050 (Allowed Temporary Uses), below.

A. **Construction yards — on-site.**

1. On-site contractors' construction yard(s), in conjunction with an approved construction project on the same parcel.

2. One adult caretaker may be present during non-construction hours.

3. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. **Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the Council.

C. **Publicly-owned property.** Events that are to be conducted on publicly owned property and are sponsored by educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.

17.640.050 — Allowed Temporary Uses

The following temporary uses are allowed, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Section 17.640.090 (Conditions of Approval), below.

A. **Car washes.** Car washes, limited to one event each month for each sponsoring organization, not exceeding three days in length. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.

B. **Contractors' construction yards — off-site.** The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

C. **Events.**

1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets for 14 consecutive days or less, or six two-day weekends, within a 12-month period.

2. Outdoor display and sale events conducted by a retail business holding a valid Business License may be allowed a maximum of three outdoor sale events (excluding City sponsored activities [e.g., Cinco De Mayo or Potato Festival] each calendar year in compliance with the standards identified in Section 17.430.240 (Outdoor Displays and Sales). For purposes of this Subsection an outdoor sale event shall be no longer than four consecutive days in duration.

3. Outdoor gatherings/meetings and group activities for seven consecutive days or less, within a 12-month period.

4. Outdoor vehicle sales events conducted by established vehicle sales facilities for 30 consecutive days or less, within a 12-month period.

5. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) only by businesses holding a valid Business License; provided, the activity may only be held from October 1st through October 31st, of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th, of the same year for Christmas tree sales.

D. On-location filming. The temporary use of a specified and approved on-location site for occasional commercial filming (e.g., commercials, movie(s), videos, etc.) on location in compliance with Government Code Section 65850.1. The Director shall find that the approval would not result in a frequency of use likely to create incompatibility between the temporary filming activity and the surrounding areas.

E. Storage during construction. Storage of equipment during construction activities for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs;

F. Temporary sales trailers.

1. A trailer may be used for temporary sales activities (e.g., model home sales, etc.).

2. A permit for temporary sales trailer(s) may be approved for up to 12 months.

G. Temporary structures. A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial and industrial zones.

H. Temporary work trailers.

1. A trailer or mobile home may be used as a temporary work site for employees of a business:

   a. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or

   b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

2. A permit for temporary work trailer(s) may be approved for up to 12 months.

I. Other similar temporary uses. Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

17.640.060 — Application Filing, Processing, and Review

A. Filing. An application for a Temporary Use Permit shall be filed with the Department in the following manner:

1. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Temporary Use Permit applications, together with the required fee in compliance with the City's Planning Fee Schedule.

2. The application shall be filed with the Department at least 30 days before the date that the proposed temporary use is scheduled to take place.

B. **Evidence.** It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.640.080 (Findings and Decision), below.

C. **Project review procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

D. **Public hearing not required.** A public hearing shall not be required for the Director's decision on a Temporary Use Permit application.

17.640.070 — Director's Review

The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with Section 17.640.090 (Conditions of Approval) below; or the Director may defer action and refer the application to the Commission for review and final decision.

17.640.080 — Findings and Decision

A. **Director's review.** The Director shall review applications and shall record the decisions in writing with the findings on which the decisions are based.

B. **Required findings.** The Director (or the Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only if it first makes all of the following findings:

1. The operation of the requested temporary use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;

2. The proposed parcel is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the parcel;

3. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;

4. Adequate temporary parking to accommodate vehicular traffic to be generated by the temporary use will be available either on-site or at alternate locations acceptable to the Director; and

5. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Temporary Use Permit.

17.640.090 — Conditions of Approval

A. May impose conditions. In approving a Temporary Use Permit application, the Director (or the Commission on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 17.640.080 (Findings and Decision), above.

B. Appropriate conditions. The conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:

1. Fixed period of time. Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director, unless granted an extension of time in compliance with Section 17.640.100 (Extensions for Temporary Use Permits), below;

2. Operating hours and days. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection 1., above;

3. Temporary pedestrian and vehicular circulation. Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;

4. Regulation of nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;

5. **Regulation of temporary structures.** Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

6. **Sanitary and medical facilities.** Provision for sanitary and medical facilities, as appropriate;

7. **Waste collection, recycling, and/or disposal.** Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;

8. **Police/security and safety measures.** Provision for police/security and safety measures, as appropriate;

9. **Signs.** Regulation of signs;

10. **Performance bond or other security.** Submission of a performance bond or other security measures, in compliance with Section 17.660.070 (Performance Guarantee) and satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director;

11. **Compliance with applicable provisions.** A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful approval of any/all required permits from any other department or governing agency; and

12. **Other conditions.** Other conditions that would ensure the operation of the proposed temporary use in an orderly and efficient manner, and in full compliance with the purpose of this Chapter.

17.640.100 — Extensions for Temporary Use Permits

Time extensions for Temporary Use Permits may be granted in compliance with Section 17.660.090 (Time Extensions).

17.640.110 — Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with this Development Code.

17.640.120 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Temporary Use Permit application.

Chapter 17.645 — Transfer of Development Rights

Sections:

17.645.010 — Purpose
17.645.020 — Applicability
17.645.030 — General Requirements
17.645.040 — Application Filing, Processing, and Review
17.645.050 — Findings and Decision
17.645.060 — Conditions of Approval
17.645.070 — Post-Decision Procedures

17.645.010 — Purpose

This Chapter provides requirements for the transfer of development rights from one site to one or more other sites located within or proposed for annexation to the City.

17.645.020 — Applicability

A. Available in all zones. The provisions of this Chapter shall apply within all zones.

B. Conditional Use Permit required.

1. A Conditional Use Permit shall be required to authorize the transfer of development rights in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits) and this Chapter.

2. The Council shall be the applicable review authority for Conditional Use Permits proposing the transfer of development rights in compliance with this Chapter.

17.645.030 — General Requirements

A. Total gross floor area. The combined total gross floor area allowed on all of the sites involved in the transfer of development rights shall not exceed the combined total gross floor area allowed for the sites by the zone in which they are located.

B. **Floor area for a donor site.** The maximum gross floor area allowed on a donor site shall be reduced by the amount of the transfer of development intensity to the receiver site.

C. **Nonconforming developments.** Where a transfer of development intensity involves a parcel that does not conform to current development intensity limits, the nonconforming condition shall be eliminated and the total gross floor area following the transfer of development rights shall be as provided in Subsection A., above.

D. **Traffic study.** Depending upon the distance between sites involved in a transfer of development rights, a traffic study may be required by the Director in order to ensure against a net negative effect on the circulation system.

17.645.040 — Application Filing, Processing, and Review

An application for a Conditional Use Permit shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Conditional Use Permit and Minor Use Permit applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.645.050 (Findings and Decision), below.

17.645.050 — Findings and Decision

A. **Commission's action.** Following a public hearing, the Commission shall forward a written recommendation, and findings and supporting documentation for the recommendation, to the Council whether to approve, conditionally approve, or disapprove the Conditional Use Permit application, based on the findings identified in Subparagraph C. (Required findings), below.

B. **Council's action.** Upon receipt of the Commission's recommendation, the Council shall conduct a public hearing and either approve, conditionally approve, or disapprove the Conditional Use Permit application, based on the findings identified in Subparagraph C. (Required findings), below.

C. **Required findings.** When approving a Conditional Use Permit, the review authority shall first make all of the following findings in addition to those required under Chapter 17.605 (Conditional Use Permits and Minor Use Permits):

1. The reduced density/intensity on the donor site provides benefits to the City, for example;

a. The provision of extraordinary open space, public visual corridor(s), parking or other amenities,

b. Preservation of an historic building or property or natural landscapes,

c. Improvement of the area's scale and development character,

d. Consolidation of parcels to achieve a better architectural design than could be achieved without parcel consolidation, and/or

e. Reduction of local vehicle trips and traffic congestion.

2. The transfer of development rights will result in a more efficient use of land for both sites;

3. The transfer of development rights will result in a net benefit to the aesthetics of both areas;

4. The increased development on the receiver site does not create abrupt changes in scale between the proposed development and development in the surrounding area;

5. The proposed uses on both sites are compatible with the surrounding area;

6. The increment of development transferred to the receiver site complements and is in scale with surrounding development and does not materially degrade the local circulation system or environmental quality;

7. The increased development on the receiver site will not result in significant impairment of public views; and

8. The receiver site is physically suitable for the development proposed taking into consideration site characteristics, including any slopes and sensitive resources.

17.645.060 — Conditions of Approval

A. Council may impose conditions. In approving a Conditional Use Permit, the Council may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.645.050 (Findings and Decision), above.

B. Legally binding agreement required. Additionally, a covenant or other suitable, legally binding agreement subject to the approval of the City Attorney and Director shall be recorded against the donor site ensuring that all of the above requirements will be met by the current and future property owners and their successor(s)-in-interest.

17.645.070 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Conditional Use Permit application authorizing a transfer of development rights in compliance with this Chapter.

Chapter 17.650 — Variances and Minor Variances

Sections:

17.650.010 — Purpose
17.650.020 — Applicability
17.650.030 — Review Authority
17.650.040 — Application Filing, Processing, and Review
17.650.050 — Findings and Decision
17.650.060 — Disapproval of Minor Variance
17.650.070 — Precedents
17.650.080 — Burden of Proof
17.650.090 — Conditions of Approval
17.650.100 — Use of Property Before Final Action
17.650.110 — Post-Decision Procedures

17.650.010 — Purpose

A. The purpose of this Chapter is to ensure that:

1. Variances and Minor Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and

2. Conditions are applied that would ensure that the Variance or Minor Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

B. Does not extend to land uses.

1. The power to approve Variances and Minor Variances does not extend to land uses.

2. Flexibility in allowable land uses is provided in Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

17.650.020 — Applicability

A. Minor Variances. The Director may approve a Minor Variance for only those items specified in Table 6-3 (Types of Minor Variances Allowed), below, and only after first making the findings specified in Section 17.650.050 (Findings and Decision), below.

Table 6-3
Types of Minor Variances Allowed

Types of Minor Variances Allowed		Maximum Variance
1.	**Allowable height of a fence, hedge, or wall.** An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear yard.	Up to eight feet
2.	**Distances between structures.** A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	15 percent
3.	**Floor area ratio (FAR).** An increase in the allowable floor area ratio.	10 percent
4.	**Impervious surface coverage.** An increase of the maximum allowable impervious surface coverage.	10 percent
5.	**Parcel dimensions (e.g., area, depth, or width).** A decrease in the minimum required parcel area, parcel depth, or parcel width.	15 percent
6.	**Parking and loading requirements.** Reduction in the number of require off-street parking and loading spaces and/or of off-street parking space design, layout, and landscape standards.	10 percent
7.	**Projections.** An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
8.	**Reduction of landscape standards.** Reduction of required on-site landscaping standards.	15 percent
9.	**Setbacks.** A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	15 percent
10.	**Signs.** Sign regulations (other than prohibited signs).	15 percent
11.	**Structure coverage.** An increase of the maximum allowable structure coverage.	10 percent
12.	**Structure heights.** An increase in the maximum allowed height of structures.	10 percent

B. **Variances.** The Commission may approve a Variance that allows for an adjustment from any of the development standards required by this Development Code.

17.650.030 — Review Authority

A. **Responsibility.** The applicable review authority shall approve or disapprove Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the findings required by Section 17.650.050 (Findings and Decision) below.

B. **Applicable authority.** Variances and Minor Variances may be approved in compliance with the following:

1. **Director.** The Director may approve Minor Variances, or may defer action and refer the application to the Commission for review and final decision, in compliance with this Chapter and State law; and

2. **Commission.** The Commission may approve Variances in compliance with this Chapter and State law.

17.650.040 — Application Filing, Processing, and Review

A. **Filing.** An application for a Variance or Minor Variance shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Variance or Minor Variance applications, together with the required fee in compliance with the City's Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.650.050 (Findings and Decision), below.

B. **Project review procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

C. **Notice and hearings.**

1. **Variances – public hearing required.** A public hearing shall be required for the Commission's decision on a Variance application.

a. **Scheduling of hearing.** The public hearing shall be scheduled once the Director has determined the application complete.

b. **Giving of notice.** Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

2. **Minor Variances.** A public hearing shall not be required for the Director's decision on a Minor Variance application in compliance with Government Code Section 65901; however, the Director shall have the discretion to provide notice. Letters from adjacent property owners may be submitted to support the request.

17.650.050 — Findings and Decision

A. **Authorized actions.** The Commission (Variance) or the Director (Minor Variance) shall record the decision in writing and shall recite the findings upon which the decision is based, in compliance with Government Code Section 65906 or as that section may be amended from time to time. The Director may defer action on a Minor Variance and refer the application to the Commission for review and final decision.

B. **Required findings.** The applicable review authority may approve a Variance or Minor Variance application, with or without conditions, only if it first makes all of the following findings.

1. **General findings.**

a. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

b. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;

c. Approving the Variance or Minor Variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and

d. The requested Variance or Minor Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.

2. **Findings for off-site parking Variance.** The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall require that the review authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subparagraph B.1. (General findings), above:

   a. The Variance will be an incentive to, and a benefit for, the nonresidential development; and

   b. The Variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.

17.650.060 — Disapproval of Minor Variance

The Director's decision to disapprove a Minor Variance application shall not prohibit or affect the right of the applicant to file an application for a Variance in compliance with Subsection 17.650.020.B. (Variances), above.

17.650.070 — Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Variance is not admissible evidence for the approval of a new Variance or Minor Variance.

17.650.080 — Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Section 17.650.050 (Findings and Decision), above, is the responsibility of the applicant.

17.650.090 — Conditions of Approval

In approving a Variance or Minor Variance application, the applicable review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 17.650.050 (Findings and Decision), above.

17.650.100 — Use of Property Before Final Action

No permits or approvals shall be issued for any improvement involved in an application for a Variance or Minor Variance until and unless the same shall have become final, in compliance with Section 17.660.030 (Effective Dates of Permits).

17.650.110 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply flowing the decision on a Variance or Minor Variance application.

Chapter 17.655 — Zoning Clearances

Sections:

17.655.010 — Purpose
17.655.020 — Applicability
17.655.030 — Review Procedure
17.655.040 — Post-Decision Procedures

17.655.010 — Purpose

Zoning Clearance is an administrative procedure used by the City to verify that a proposed land use, improvement, or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use, improvement, or structure.

17.655.020 — Applicability

Where Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards) or another provision of this Development Code requires a Zoning Clearance as a prerequisite to establishing a land use, improvement, or structure, a Zoning Clearance shall be required at the time of the Director's review of any of the following:

A. **Initiation of a land use.** A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure or improvement.

B. **Change of use.**

1. Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall be obtained.

2. A Zoning Clearance shall also be required even if the lessee, operator, or owner of the previous use did not file for or receive a Zoning Clearance.

C. Business License. A Zoning Clearance shall be obtained before the City issues a new or modified Business License.

D. Building Permit, Grading Permit, or other construction permit. A Zoning Clearance shall be obtained before the City issues a new or modified Building Permit, Grading Permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure.

E. New paving or impervious surfaces not requiring a construction permit. A Zoning Clearance shall be obtained before installing asphalt, concrete, or other paving flatwork on the ground that would affect the impervious surface coverage or structure coverage standards specified in Tables 2-3 and 2-4 in Article 2 or Section 17.305.090 (Paving within Residential Front Setback Areas).

17.655.030 — Review Procedure

A. Director's responsibility. The Director shall issue the Zoning Clearance after first determining that the request complies with all Development Code provisions applicable to the proposed use or structure.

B. Form of approval.

1. An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

2. The approval shall reference this Chapter.

17.655.040 — Post-Decision Procedures

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the Director's action on a Zoning Clearance.

Chapter 17.660 — Implementation, Time Limits, and Extensions

Sections:

17.660.010 — Purpose
17.660.020 — Conformance to Approved Plans
17.660.030 — Effective Dates of Permits
17.660.040 — Acknowledgement and Acceptance of Conditions
17.660.050 — Applications Deemed Approved
17.660.060 — Permits to Run with the Land
17.660.070 — Performance Guarantees
17.660.080 — Expiration
17.660.090 — Time Extensions
17.660.100 — Changes to an Approved Project
17.660.110 — Resubmittals
17.660.120 — Covenants of Easements

17.660.010 — Purpose

This Chapter provides requirements for the implementation or "exercising" of the permits or approvals required by this Development Code, including time limits and procedures for approving extensions of time.

17.660.020 — Conformance to Approved Plans

A. **Compliance.** All work performed under a Building Permit, Encroachment Permit, Grading Permit, or Zoning Clearance for which project drawings and plans have received approval by the Director, Department staff, Development Review Committee, Commission, or Council shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority.

B. **Changes.** Changes to an approved project shall be submitted and processed in compliance with Section 17.660.100 (Changes to an Approved Project), below.

17.660.030 — Effective Dates of Permits

A. Approvals, permits, and Variances.

1. A Zoning Clearance shall become effective immediately following its issuance.

2. A Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, or Variance shall become effective 15 days following the actual date the decision was rendered by the applicable review authority.

B. Plans/Amendments.

1. Council actions to adopt or amend a development agreement, this Development Code, a specific plan, or the Zoning Map shall become effective on the 31st day following the date the ordinance is actually adopted by the Council. For example, an ordinance adopted on October 1st will actually be effective on November 1st, unless otherwise provided in the adopting ordinance.

2. Council actions to adopt or amend the General Plan shall become effective on the actual date the decision is rendered by the Council, unless otherwise provided in the adopting resolution.

C. Condition compliance review required. The applicant shall file a request for condition compliance review with the Department before issuance of any required grading or building permits.

D. Issued on the effective date. Permits, certificates, and/or other approvals shall not be issued until the effective date, and then only if no appeal of the review authority's decision has been filed, in compliance with Chapter 17.715 (Appeals).

17.660.040 — Acknowledgement and Acceptance of Conditions

A. Full understanding and acceptance. The applicant, upon receipt of the approved copy of the permit with attached conditions, shall execute an Acknowledgment and Acceptance of Conditions agreement with the City, certifying full understanding and acceptance of the final conditions of approval.

B. Signed and dated. The applicant shall return the Acknowledgment and Acceptance of Conditions agreement to the Department, properly signed and dated, within 30 days following the date of the Acknowledgement.

C. **Appeal.** If the applicant wishes to appeal any or all of the final conditions of approval, the applicant shall file an appeal within 15 days following the actual date the decision was rendered by the applicable review authority in compliance with Chapter 17.715 (Appeals).

17.660.050 — Applications Deemed Approved

A. **Applicable provisions.** Any application deemed approved by operation of law in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Development Code, which shall be fully satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.

B. **Public hearing.** The application shall be deemed approved only if the application received proper notice in compliance with Chapter 17.710 (Public Hearings) and Government Code Section 65956(b).

17.660.060 — Permits to Run with the Land

A. **Run with the land.** A Conditional Use Permit, development agreement, Minor Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, transfer of development rights, or Variance approval that is approved in compliance with Chapter 17.600 (Permit Application Filing and Processing) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 17.660.080 (Expiration), below.

B. **Conditions shall apply.** All applicable conditions of approval shall continue to apply after a change in property ownership.

17.660.070 — Performance Guarantees

A. **Deposit of security.**

1. As a condition of approval of a Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, or Variance, upon a finding that the City's health, safety, and welfare warrant, the review authority may require the execution of a covenant to deposit security and the deposit of security in a reasonable amount and form approved by the City Manager or the City Manager’s designee to ensure the faithful performance of one or more of the

conditions of approval of the permit or Variance in the event that the obligor fails to perform.

2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).

3. The security shall, as required by law or otherwise at the option of the City Manager or the City Manager's designee, be in the form of cash deposit or a certified or cashier's check.

4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director in conjunction with the City Engineer.

5. Security required in compliance with this Section shall be payable to the City.

B. Release of security. Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

C. Failure to comply.

1. Upon failure to perform any secured condition, the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.

2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

3. Any cost in excess of the security shall be an obligation of the applicant/owner and a lien on the property benefitted by the provisions of this Section.

4. To the extent that the Director can demonstrate that the obligor willfully breached an obligation in a manner that the obligor knew, or should have known, would create irreparable harm to the City, the entire amount of the security may be withheld.

5. The Director's determination may be appealed to the Council by the obligor by filing an appeal with the City Clerk within 15 days after the decision to withhold the security, in compliance with Chapter 17.715 (Appeals).

17.660.080 — Expiration

A. Expiration of permit or approval. Unless otherwise specified in the permit or approval, any discretionary permit issued by the City, including, without limitation, any Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, or Variance, shall comply with the following expiration provisions:

1. Exercised.

a. To ensure continued compliance with the provisions of this Development Code, the permit or approval shall be exercised by the applicant within 24 months following the date of final approval, unless otherwise specified in the permit or approval, or an extension is approved by the applicable review authority, in compliance with Section 17.660.090 (Time Extensions). In the event the permit or approval has not been fully exercised in that time period, the permit or approval shall be subject to review by the review authority who originally granted the permit or approval to determine whether a good faith intent to exercise the permit or approval has been demonstrated.

b. Additionally, if after construction has started, commencement work is discontinued for a period of 24 months, or the proposed use is discontinued for a period of 24 months, the permit or approval shall be subject to review by the review authority who originally granted the permit or approval to determine whether a good faith intent to commence the contemplated use or development granted by the permit or approval has been demonstrated.

2. Phasing.

a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the review authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the preexisting base zone and then develop the remaining phases in compliance with this Chapter, without prior review authority approval.

b. Pre-approved phases.

(1) If a project is to be built in pre-approved phases, each subsequent phase shall have 24 months following the previous phase's date of

construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall be subject to review by the review authority who originally granted the permit or approval to determine whether a good faith intent to commence the contemplated use or development granted by the permit or approval exists.

(2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit or approval shall be exercised before the expiration of the associated tentative map.

3. Definition of "exercise" and evidence of "Good Faith". The following shall be a non-exclusive list of factors that the review authority may consider when determining whether or not a good faith intent to exercise the permit or approval has been demonstrated:

a. Whether the applicant has obtained a Building Permit.

b. Whether the applicant has obtained a Grading Permit.

c. Whether the applicant has diligently continued the approved grading and construction activities in a timely manner in compliance with the subject Building Permit.

d. Whether the applicant has actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

4. Procedure for determination.

a. The determination of whether or not a good faith intent to exercise the permit or approval has been demonstrated, as specified in Subparagraph 3., above, shall be made by the original review authority following a public hearing noticed and conducted in compliance with Chapter 17.710 (Public Hearings).

b. At the public hearing, the original review authority shall investigate the facts bearing on each case and render its decision in writing within 40 days after the date of the first hearing, unless continued for further investigation, study, or hearing.

c. The original review authority shall cause to be served on the applicant, and if different, the property owner, its written decision, in compliance with Section 17.710.060 (Decision and Notice).

d. The decision of the original review authority shall be final following a 10 day appeal period, unless appealed to the applicable review authority in compliance with Chapter 17.715 (Appeals).

5. **Burden of Proof.** It shall be the applicant's burden to prove to the original review authority, by a preponderance of the evidence, that, no later than the date that the City delivered the public notice required by Chapter 17.710 (Public Hearings), a good faith intent to exercise the permit or approval has been demonstrated.

B. **Effect of expiration.** If the review authority who originally granted the permit or approval determines that a good faith intent to exercise the permit or approval has not been demonstrated, the review authority shall determine that the permit or approval has expired. Thereafter, the following provisions shall control:

1. No further action is required by the City;

2. No further reliance may be placed on the previously approved permit or approval;

3. The applicant shall have no rights previously granted under the permit or approval;

4. The applicant shall be required to file a new application(s) and obtain all required approvals before any further construction can commence or any use may be implemented; and

5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development or use.

17.660.090 — Time Extensions

Requests for a time extension for a permit or approval shall be filed and processed in the following manner:

A. Before expiration. The applicant's written request for an extension of time shall be on file with the Department before expiration of the permit or approval, together with the filing fee required by the City's Planning Fee Schedule.

B. Public hearing not required.

1. A public hearing shall not be required for the applicable review authority's decision on an extension of time.

2. However, the applicable review authority may conduct a public hearing in compliance with Chapter 17.710 (Public Hearings) if deemed appropriate by the review authority.

C. Suspension of expiration.

1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director, Commission, and/or Council.

2. Building or Grading Permits shall not be issued in compliance with the permit or approval during the period of the suspension.

D. Director's action on extension.

1. Upon good cause shown, an extension may be approved, approved with modifications, or disapproved by the Director, subject to the findings identified in Subsection F. (Required findings), below.

2. The Director may defer action and refer the request to the Commission for consideration and final action.

3. The Director's decision may be appealed to the Commission, in compliance with Chapter 17.715 (Appeals).

4. The permit or approval may be extended for a maximum of 12-months beyond the expiration date of the original approval, unless otherwise allowed by State law.

E. Commission's action on extension.

1. Upon good cause shown, an extension may be approved, approved with modifications, or disapproved by the Commission, subject to the findings identified in Subsection F. (Required findings), below.

2. The Commission's decision may be appealed to the Council, in compliance with Chapter 17.715 (Appeals).

3. The permit or approval may be extended for one additional 12-month period, unless otherwise allowed by State law, following the expiration of the original 24-moth period of approval, for a grand total of 48 months following the original date of approval (original 24 months, plus 12 months by the Director, and 12 more months by the Commission).

F. Required findings. An extension of the permit or approval may be granted only if the applicable review authority first makes all of the following findings:

1. There have been no changes in circumstances or law that would preclude the review authority from making the findings upon which the original approval was based; and

2. Appropriate evidence has been provided by the applicant to document that:

   a. A good faith intent to exercise the permit or approval has been demonstrated; and

   b. The extension is required due to an unusual hardship that was not the result of personal action(s) undertaken by the applicant.

17.660.100 — Changes to an Approved Project

A. Application.

1. A development or new land use allowed through a Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.

2. An applicant shall request desired changes in writing to the Director, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

3. Requested changes may involve changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.

4. Requested changes may also involve changes to one or more conditions imposed by the review authority, but only when actual changes to the project would justify a change to one or more conditions of approval (e.g., reduction in the area of a use would result in a reduction in anticipated traffic, thereby possibly reducing the traffic related conditions).

5. Changes shall not be implemented until first approved by the applicable review authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

B. **Notice and hearing.** If the project application originally required a noticed public hearing, the review authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C.), and shall give notice, in compliance with Chapter 17.710 (Public Hearings).

C. **Minor changes by Director.** The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Development Code and are in substantial compliance with the original approval; and

2. Do not involve a feature of the project that was:

   a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project, or determining that the project was exempt from CEQA review;

   b. A basis for conditions of approval for the project; or

   c. A specific consideration by the review authority (e.g., the Director, Commission, or Council) in granting the permit or approval.

D. **Major changes.** Major changes include changes to the project involving features specifically described in Subparagraph C. 2., above, and shall only be approved by the review authority (e.g., original, appeal, or call for review authority that rendered the final City action on the application) through a new application, processed in compliance with this Development Code.

17.660.110 — Resubmittals

A. **Resubmittal after disapproval with prejudice.** The review authority may disapprove a discretionary permit or amendment, on the ground that a similar application for the same site has been disapproved in the past two years, or other time period as the

previous review authority may have specifically stated in its disapproval (also known as disapproval with prejudice).

B. **Exception to Subsection A., above.** The review authority may allow exception to Subsection A., above, based on one or more of the following findings:

1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant.

2. There has been a substantial and permanent change of circumstances since the previous hearing(s), which materially affects the applicant's real property.

3. A mistake was made at the previous hearing(s) that was a material factor in the disapproval(s) of the previous application.

C. **Resubmittal after disapproval without prejudice.** There shall be no limitation on subsequent applications for a site where a project was disapproved without prejudice.

17.660.120 — Covenants of Easements

A. **Applicability.** When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the City, in compliance with Government Code Sections 65870 et seq.

1. **Required provisions.** A Covenant of Easement may be required to provide for emergency access, ingress and egress, landscaping, light and air access, open space, parking, reciprocal access, or for solar access.

2. **Condition of approval.** The Covenant of Easement may be imposed as a condition of approval by the applicable review authority.

B. **Definitions.** For purposes of this Section, the following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. **Easement**. An easement is usually for the benefit of one or more individuals, and it is actually an interest in land that belongs to someone else and creates an encumbrance on that land. It is created by grant of easement and accompanied by a legal description and plat of the easement.

2. **Irrevocable offer of dedication.** This is an actual offer of dedication for future right-of-way which cannot be revoked by the grantor. The offer is recorded, but does not go into effect until the Council authorizes and accepts the right-of-way. The exhibits used are the same as for any other dedication, a legal description and a plat showing its location.

3. **Partial Reconveyance.** If a landowner has a loan against the subject property, there is a first deed of trust on the property. The City requires that all property purchased from a property owner be free and clear of all encumbrances. This requires a release from the lender for that portion of the property the City is acquiring. This is called a Partial Reconveyance.

4. **Reciprocal Access Easement.** This is an agreement between parties owning adjacent properties. This allows all owners of property that have entered into this agreement the right to cross over the others property. This instrument is used for ingress and egress, parking, sanitary sewer, water and storm drainage across, over, or under each property for the benefit of each party.

5. **Right-of-entry.** Gives the City the right to enter across, over, under, or upon the grantor's property and is usually used to allow construction to proceed before right-of-way being acquired.

C. **Form of covenant.** The form of the Covenant shall be approved by the City Attorney, and the Covenant of Easement shall:

1. **Describe property.** Describe the real property subject to (i.e., burdened by) the easement;

2. **Describe property to be benefited.** Describe the real property to be benefited by the easement;

3. **Planning permit.** Identify the City approval or planning permit approved that relied on or required the Covenant; and

4. **Purpose of easement.** Identify the purpose(s) of the easement.

D. **Recordation.** The Covenant of Easement shall be recorded in the County Recorder's Office.

E. **Effect of covenant.** From and after the time of its recordation, the Covenant of Easement shall:

1. **Act as an easement.** Act as an easement in compliance with Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and

2. **Impart notice.** Impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.

F. **Enforceability of covenant.** The Covenant of Easement shall be enforceable by the successors-in-interest to the real property burdened or benefited by the Covenant and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

G. **Release of covenant.** The release of the Covenant of Easement may be affected by the Director, or under an appeal, only following a noticed public hearing in compliance with Chapter 17.710 (Public Hearings).

1. **May be released by City.** The Covenant of Easement may be released by the City, at the request of any person, including the City or an affected property owner, on a finding that the Covenant, on the subject property, is no longer necessary to achieve the land use goals of the City.

2. **Recordation of notice.** A notice of the release of the Covenant of Easement shall be recorded by the Director with the County Recorder's Office.

H. **Fees.** The City shall impose fees to recover the City's reasonable cost of processing a request for a release. Fees for the processing shall be established by the City’s Planning Fee Schedule.

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Article 7

Administration

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Chapter 17.700 — Administrative Responsibility

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17.700.010 – Purpose

The purpose of this Chapter is to describe the authority and responsibilities of the Council, Commission, Director, Development Review Committee, Department, and Department staff in the administration of this Development Code.

17.700.020 – Planning Agency Defined

As provided by State law, the Commission is designated as the Planning Agency and as the Advisory Agency, when required or authorized. The Director shall perform the functions of an Advisory Agency, as assigned, in compliance with State Law.

17.700.030 – City Council

The City Council, referred to in this Development Code as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in this Development Code, which include the following:

A. **Review authority on specified planning matters.** Final decisions on development agreements, Development Code amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, environmental documents related to any of the forgoing, and other applicable policy or Development Code matters related to the City's planning process;

B. **Appeals.** The review of appeals filed from Commission decisions; and

C. Compliance. The above listed functions shall be performed in compliance with Table 6-1 (Review Authority), Article 6, and the California Environmental Quality Act (CEQA).

17.700.040 – Planning Commission

A. Establishment. The Planning Commission, referred to in this Development Code as the Commission, is hereby established.

B. Appointment. The Commission shall consist of five members who shall be appointed by the Council in compliance with Municipal Code Chapter 2.32 (Planning Commission).

C. Duties and authority. The Commission shall perform the duties and functions prescribed by this Development Code, and the Council may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State Law, including the following:

1. The review of development projects, including referrals from the Director;

2. The review of appeals from the Director's decisions;

3. The recommendation, to the Council for final decisions, on development agreements, Development Code amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, environmental documents related to any of the forgoing, and other applicable policy or regulatory matters related to the City's planning process; and

4. The above listed functions shall be performed in compliance with Table 6-1 (Review Authority), Article 6 (Permit Procedures), and the California Environmental Quality Act (CEQA).

D. Meeting rules. The Commission shall conduct public hearings and meetings in compliance with the Municipal Code and Chapter 17.710 (Public Hearings).

17.700.050 – Planning Director

A. Appointment. The Planning Director, referred to in this Development Code as the Director, shall be appointed by the City Manager in compliance with Municipal Code Section 2.12.060 (Powers and Duties Generally).

B. Definition of the term "Director." When used in this Development Code or any permit or condition approved in compliance with this Development Code, the term "Director" shall be as follows and as defined in Article 8 (Definitions): "The Planning Director, referred to in this Development Code as the 'Director' or designee(s) of the Director."

C. Duties and authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law, including, but not limited to the following:

   a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;

   b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and

   c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.

2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Table 6-1 (Review Authority), Article 6 (Permit Procedures), Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA);

3. Perform other responsibilities assigned by the Council, Commission, or City Manager;

4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director; and

5. Serve in an advisory capacity for proposed subdivisions, in compliance with Subdivision Map Act Section 66415 et seq. In this capacity, the Director is charged with the responsibility of making investigations and reports on the design and improvement of proposed divisions of real property.

17.700.060 – Development Review Committee

A. Appointment. The Development Review Committee shall be appointed by the City Manager in compliance with Municipal Code Section 2.12.060 (Powers and Duties Generally).

B. Membership. The Development Review Committee shall consist of the following individuals or their designated representatives:

1. Building Official;
2. Chief of Police;
3. City Engineer;
4. Fire Chief;
5. Planning Director; and
6. Public Works Director.

C. Duties and authority. The Development Review Committee shall be responsible for the following:

1. The review and final decision on Site Plan and Design Reviews in compliance with Chapter 17.630 and Table 6-2 (Review Authority for Site Plan and Design Review), Article 6; and
2. Other responsibilities assigned by the Council, Commission, or City Manager.

Chapter 17.705 — Nonconforming Parcels, Structures, and Uses

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17.705.010 – Purpose and Intent

A. **Purpose.** This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Development Code or an amendment that changed applicable requirements.

B. **Intent.**

1. In order to limit the number and extent of nonconforming uses, structures, parcels, parking, signs, and characteristics of use created by adoption of this Development Code, it is the City's intent to generally allow nonconformities to continue until they are removed, but not to encourage their survival.

2. It is further the intent of this Chapter that nonconformities shall not be altered, enlarged, expanded, extended, moved, reestablished, or changed to another nonconforming use after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.

3. The eventual intent is that nonconformities, including certain classes of nonconforming uses, nonconforming structures of nominal value, and certain uses not meeting screening, performance, or parking standards, are altered to conform.

4. This Chapter shall not apply to any use or structure established in violation of the previously adopted Zoning Ordinance for the City, unless the use or structure presently conforms with the provisions of this Development Code.

17.705.020 – Definitions

A. **Cessation or discontinuance.** Cessation or discontinuance of a nonconforming use shall be defined as an abandonment of the use, irrespective of the owner's or occupant's intent.

B. **Illegal nonconformity.** A parcel, sign, structure, or use that was illegally constructed, created, installed, or initiated without proper City issued permits or approvals, does not comply with the provisions of the previous Zoning Ordinance or this Development Code, and is not eligible for any of the protections provided by this Chapter.

C. **Nonconforming parcel.** A parcel that was legally created before the effective date of this Development Code or amendment, and does not comply with the minimum area, depth, width, or other applicable requirements of this Development Code.

D. **Nonconforming sign.** A sign that legally existed before the effective date of this Development Code or amendment, and does not comply with the minimum sign regulations of this Development Code.

E. **Nonconforming structure.** A structure that legally existed before the effective date of this Development Code or amendment, and does not conform to the present requirements of the zone in which it is located.

F. **Nonconforming use.** A use of land and/or a structure (either conforming or nonconforming) that legally existed before the effective date of this Development Code or amendment, but which is no longer allowed in the zone in which it is located.

G. **Nonconformity upon annexation.** A parcel, sign, structure, or use that legally existed in the unincorporated territory and after annexation does not comply with the provisions of this Development Code.

17.705.030 – Time of Beginning of Nonconformity

A. **Development Code or previous Zoning Ordinance.** The effective date of this Development Code or previous Zoning Ordinance shall determine the time of beginning for all existing nonconformities.

B. **Zoning Map amendments.** The effective date of Zoning Map amendments and related boundary adjustments shall determine the time of beginning of a nonconforming use, structure, or nonconformity with screening, performance, or parking standards.

C. **Annexations.** The effective date of an annexation shall determine the time of beginning for a nonconformity in a newly annexed area.

17.705.040 – Proof of Legal Nonconformity

The property owner has the burden to prove the claim of legal nonconformity and the related protected status that comes with that claim as specified in this Chapter.

A. **Property owner's responsibility.** The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property or use is a legal nonconformity as specified in this Chapter.

B. **City is not responsible.** The City is not responsible to prove the absence of legal nonconformity.

C. **Director's determination.**

1. The process begins with the property owner submitting sufficient written evidence to the Director justifying that the nonconformity is legal and subject to the protected status specified in this Chapter.

2. The Director shall conduct an administrative hearing on the matter and provide notice of the hearing to the property owner in compliance with Chapter 17.710 (Public Hearings).

3. The property owner shall have the opportunity to appear before the Director and provide oral testimony justifying that the nonconformity is legal and subject to the protected status specified in this Chapter.

4. The Director shall consider the evidence and make a determination as to the legality of the nonconformity and the available protections provided by this Chapter.

5. The Director's determination of legal nonconformity shall be appealable in compliance with Chapter 17.715 (Appeals).

17.705.050 – Restrictions on Nonconforming Uses and Structures

A legal nonconforming land use and the use of a legal nonconforming structure, as those terms are defined in Section 17.705.020 (Definitions), above, may be continued, including transfers of ownership; provided that their continuation shall comply with the requirements of this Section. See Section 17.705.060 (Residential Exemptions), below for exceptions regarding certain residential uses and structures.

A. Nonconforming uses. The continuance of a legal nonconforming use shall be allowed subject to the following provisions:

1. Change of ownership. Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided, the use and intensity of use, as determined by the Director, does not change.

2. Additional development. Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with the applicable provisions of this Development Code.

3. Conversion of a nonconforming use. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

4. Changes to a nonconforming use. A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided in Section 17.705.120 (Nonconforming Adjustments), below.

5. Nonconforming uses within a commercial or industrial development. A nonconforming use located within a commercial or industrial development may be established or replaced by another similar nonconforming use only after the Director first finds all of the following:

a. The nonconforming use is similar to or less intensive than the use originally allowed in the development;

b. The nonconforming use generally adheres to the intent of the General Plan and any applicable specific plan;

c. The nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and

d. The use of the entire development has not been ceased or discontinued for a period of 180 or more consecutive days.

B. Nonconforming structures. A legal nonconforming structure may be maintained in compliance with the following.

1. Ordinary maintenance and repairs. A nonconforming structure may undergo ordinary maintenance and repairs.

2. Involuntary damage to a nonconforming structure. A nonconforming structure that is involuntarily damaged to an extent of 50 percent or more of its appraised value of the structure immediately before the damage may be restored only if made to conform to all applicable provisions of this Development Code. However, any residential structure(s), including multi-family, in a residential zone destroyed by a catastrophe, including natural disaster (e.g., earthquakes, firestorms, windstorms, etc.) and official states of emergency, may be reconstructed up to the original size, placement, and density (See Section 17.705.060 [Residential Exemptions], below). Reconstruction shall commence within 180 days after the date of the damage or catastrophe and shall be diligently pursued to completion. (See Section 17.705.070 [Loss of Nonconforming Status], below)

3. Nonstructural alterations to residential structure(s). Necessary repairs and desired alterations that are not structural may be made to a nonconforming residential structure(s), including multi-family, located in a residential zone only when the Building Official first determines that the repairs are necessary for public safety purposes and the cost does not exceed 50 percent of the appraised value of the nonconforming structure.

4. Additions to nonconforming residential structures. Additions may be made to residential structures that are nonconforming due to their placement on the parcel as long as the additions are in compliance with the current applicable regulations of this Development Code.

5. Conversion to a second dwelling unit. Within a residential zone, a nonconforming accessory structure located within a rear setback may be converted to a second dwelling unit, in compliance with Section 17.425.300 (Second Dwelling Units).

6. Nonstructural alterations to commercial, industrial, mixed-use, or institutional structure(s). Necessary repairs and desired alterations may be made to

nonconforming commercial, industrial, mixed-use, or institutional structures; provided, that no structural alterations shall be made that would prolong the life of the supporting members of a structure (e.g., beams, bearing walls, columns, girders, etc.). Structural elements may be modified or repaired only if the Building Official first determines that the modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure, or adjacent property and the cost does not exceed 50 percent of the appraised value of the nonconforming structure. However, improvements required to reinforce non-reinforced masonry structures shall be allowed without replacement cost limitations, provided the retrofitting is strictly limited to compliance with earthquake safety standards.

7. **Interior partitions or other nonstructural improvements.** Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming commercial, industrial, mixed-use, or institutional structure; provided that the cost of the desired improvement or repair shall not exceed 50 percent of the appraised value of the nonconforming structure over any consecutive five-year period.

8. **Development of a parcel with a nonconforming structure(s).** Any additional development of a parcel with a nonconforming structure shall require that all new structures be in compliance with this Development Code.

9. **Appraised values.** All appraised values referred to in this Section shall be determined by a State licensed appraiser and confirmed by the Building Official.

17.705.060 – Residential Exemptions

A. **Reconstruction or replacement – single-family dwelling.** An involuntarily damaged or destroyed single-family nonconforming dwelling may be reconstructed or replaced with a new structure with the same footprint (including preexisting nonconforming setbacks) and height in compliance with current Building and Fire Code requirements.

B. **Reconstruction or replacement – multi-family dwelling.** An involuntarily damaged or destroyed multi-family nonconforming dwelling unit(s) may be reconstructed or replaced with a new structure with the same footprint (including preexisting nonconforming setbacks), height, and number of dwelling units, in compliance with current Building and Fire Code requirements and Government Code Sections 65852.25 and 65863.4.

C. **Substantial expansion, rehabilitation, or renovation.** Substantial expansion, rehabilitation, or renovation of an existing dwelling unit in a zone where residences are

a nonconforming use may be allowed with Minor Use Permit approval, in compliance with Chapter 17.605.

1. **Substantial expansion, rehabilitation, or renovation defined.** Substantial expansion, rehabilitation, or renovation occurs when at least 25 percent of the floor area of the existing residential structure is proposed to be added to the structure and/or a Building Permit for construction valued at 50 percent or more of the appraised value of the structure before expansion, rehabilitation, or renovation is requested.

2. **Protection of community and neighborhood character.** The review authority shall ensure that Minor Use Permit approval for a substantial expansion, rehabilitation, or renovation shall maintain public health, safety, and welfare, and maintain the prevailing neighborhood character.

17.705.070 – Loss of Nonconforming Status

A. Termination by discontinuance.

1. **Nonconforming use.** If a nonconforming use is ceased or discontinued for a continuous period of 180 or more consecutive days, the use shall lose its legal nonconforming status, and the continued use of the property shall be required to be in compliance with the applicable provisions of this Development Code.

2. **Nonconforming structure.** If the use of a nonconforming structure is ceased or discontinued for a continuous period of 180 or more consecutive days, the structure shall lose its legal nonconforming status, and shall be removed or altered to conform to the applicable provisions of this Development Code.

3. **Cessation or discontinuance.** A nonconforming use or structure shall be considered ceased or discontinued when any of the following apply:

    a. Cessation or discontinuance of a nonconforming use shall be deemed as an abandonment of the use, irrespective of the owner's or occupant's intent.

    b. Discontinuance shall include cessation of a use regardless of intent to resume the use.

    c. The intent of the owner to cease or discontinue use of the nonconforming structure is apparent, as determined by the Director.

d. Where characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of 180 or more consecutive days.

e. Where there are no business receipts or utility payments available for the 180-day period.

4. Nonconforming dwelling units or agricultural uses. This Section shall not apply to nonconforming dwelling units or agricultural uses. These nonconforming uses shall be treated in the following manner:

a. Whenever a nonconforming dwelling unit outside a residential zone has been abandoned, discontinued, or changed to a conforming use for 12 months or more, the nonconforming use shall not be reestablished, and the structure or site shall only be used in compliance with the regulations for the zone in which it is located.

b. Whenever a nonconforming agricultural use has been abandoned, discontinued, or changed to a conforming use for two years or more, the nonconforming use may only be reestablished in compliance with Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards).

B. Termination by destruction. Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by earthquake, fire, flood, or other act of nature; except as provided by Section 17.705.060 (Residential Exemptions), above, and except as follows.

1. 50 percent or less. If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within 180 days following the date of damage and is diligently pursued to completion.

2. Exceeds 50 percent. If the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.

3. **Appraised and estimated values.** All appraised values referred to in this Section shall be determined by a State licensed appraiser and confirmed by the Building Official. Estimates of repairing or replacing the damaged portion of the structure for purposes of this Section 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.

C. Timing of termination. The nonconforming status shall terminate in compliance with the following:

1. A nonconforming use and/or structure may continue or remain until there has been a structural alteration, an enlargement or increase in space occupied, change in the nonconforming use, moving of the nonconforming structure, cessation or discontinuance of the nonconforming use, damage in compliance with Subsection B. (Termination by destruction), above, or the use has been determined to be a nuisance by the Council.

2. The nonconforming use and/or structure shall be deemed terminated on the first happening of either one of the events or situations identified in Subparagraph 1., above.

D. Physically unsafe or unlawful structures.

1. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Building Official to be unsafe or unlawful by reason of physical conditions, it may be ordered demolished or rebuilt/repaired and shall not be rebuilt, repaired, or restored except in full compliance with the applicable regulations of the zone in which it is located.

2. Nothing in this Chapter shall be deemed to prevent the restoring or strengthening to a safe condition of any structure or part thereof declared to be unsafe by the Building Official.

E. Termination by operation of law.

1. **Elimination of nonconformities.** Except as allowed by Subparagraph 2. (Exceptions to provisions for elimination of nonconformities), below, nonconforming uses and structures shall be discontinued and removed from their sites, altered to conform, or altered as specified to decrease the degree of nonconformity, within the specified time after first become nonconforming in compliance with Table 7-1 (Amortization Schedule), below.

Table 7-1
Amortization Schedule

Description of Nonconformity	Length of Amortization (1)
Nonconforming uses. In any zone, removal of a nonconforming use that does not occupy a structure and does not have an approved site plan or a use occupying a structure having an actual value as determined by the County Assessor's Office of less than $5,000.	Two years
Nonconforming structures. Removal or alteration of a nonconforming structure having an actual value as determined by the County Assessor's Office of less than $5,000.	Two years
Off-Street Parking and Landscaping. Elimination of nonconformity as far as required amount of off-street parking, surfacing, and landscaping for all but residential uses. (Except when a change increases the amount of off-street parking required, in which case parking shall be provided immediately.)	10 years
Screening and Performance Standards. Elimination of nonconformity with screening requirements and performance standards in all commercial and industrial zones.	Two years
Signs. (Excepting any sign that is relocated, changed structurally, or receives new sign face shall be made to conform immediately)	Five years
Nonconforming uses and structures. 1. In a residential zone a use that is neither an allowed use nor a conditional use. 2. In a commercial or industrial zone, a use that is neither an allowed use nor a conditional use. 3. Structures over $5,000 in actual valuation (except for dwellings in a nonresidential zone)	
Type I and Type II structures (fire resistive) (3)	20 years
Type III (heavy timber construction and ordinary masonry construction). (3)	15 years
Type IV and Type V structures (light incombustible frame and wood frame construction). (3)	10 years

Notes.
(1) The length of amortization shall be measured from the effective date, or operative date where later, of the ordinance or amendment establishing the nonconformity.
(2) The length of amortization shall be five years from the date the use first becomes nonconforming.
(3) Type of construction, as defined in the Building Code.

2. **Exceptions to provisions for elimination of nonconformities.** The following nonconforming uses need not be removed and under certain conditions may be expanded; provided that they shall be subject to the other applicable provisions of this Section (e.g., destruction, discontinuance, etc.).

   a. In any zone, a residential use may be continued and the floor area expanded by no more than 200 square feet; provided that the number of dwelling units shall not be increased.

   b. In a residential zone, a nonresidential use that is an allowed use or a conditional use may be continued and a Conditional Use Permit may be

approved for expansion of the floor area or the site area occupied by the use by not more than 10 percent within a five year period. Landscaping, parking, and screening shall be required in compliance with Article 3 (Site Planning and Development Standards).

c. In a commercial zone, a use that is an allowed use or a conditional use in a commercial or industrial zone may be continued and a Conditional Use Permit may be approved for expansion of the floor area or the site area occupied by the use by no more than 25 percent within any five year period. Landscaping, parking, and screening shall be required in compliance with Article 3 (Site Planning and Development Standards).

d. In a commercial or industrial zone, a use that is an allowed use or a conditional use in an industrial zone may be continued; provided that nonconformity with screening, performance, parking and landscaping requirements shall be eliminated. A Conditional Use Permit may be approved for the expansion of the floor area or the site area.

e. Nothing in this Chapter shall be construed or applied to require the cessation, discontinuance, removal, or termination or to prevent the alteration, maintenance, modernization, rebuilding, reconstruction, repair, or replacement and continued use of public utility structures, equipment, and facilities; provided that there is no change of use nor enlargement of those uses.

f. A Conditional Use Permit may be approved to extend the life of nonconforming sign for no more than five additional years.

17.705.080 – Nonconforming Parcels and Merger of Parcels

A. Legal building site – single nonconforming parcel. A single nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of this Development Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

1. Approved subdivision. The parcel was created by a recorded subdivision;

2. Individual parcel legally created by deed. The parcel is under single ownership and was legally created by a recorded deed before the effective date of the amendment that made the parcel nonconforming;

3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or

4. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Development Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.

B. Subdivision of a nonconforming parcel. No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

C. Mandatory merger – two or more nonconforming contiguous parcels.

1. **Involuntarily merger required.** Nonconforming contiguous parcels held by the same owner shall be involuntarily merged if one or more of the parcels does not conform to the minimum parcel size to allow use or development in compliance with this Development Code, and if all of the following requirements are satisfied in compliance with Government Code Section 66451.11(b):

   a. At least one of the affected parcels is not developed with any structure for which a Building Permit was issued or for which a Building Permit was not required at the time of construction, or is developed only with an accessory structure(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel.

   b. With respect to any affected parcel, one or more of the following conditions exist:

      (1) Comprises less than 5,000 square feet in area at the time of the determination of merger.

      (2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

      (3) Does not meet current standards for sewage disposal and domestic water supply.

      (4) Does not meet slope stability standards.

      (5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is not in compliance with the applicable General Plan and any applicable specific plan, other than minimum parcel size or density standards.

2. Does not apply. Subparagraph C. 1., above, shall not apply if any of the conditions specified in Government Code Sections 66451.11(b) (3) (A), (B), (C), (D) or (E) exist.

3. Proceedings for notice of intention to determine status.

a. Whenever the Director has knowledge that real property has merged in compliance with this Subsection, the Director shall mail, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.

(1) The notice of intention shall state that the affected parcels may be merged in compliance with this Subsection; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).

(2) Upon receipt of a request for a hearing, the Director shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.

(3) The property owner shall be notified of the hearing by certified mail.

(4) After the hearing, the Commission shall determine whether the affected property has merged in compliance with this Subsection.

(5) A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Subparagraph C. 1. (Involuntarily merger required), above.

(6) The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five working days following the date of the hearing.

b. If the parcels have merged, the Director shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed in compliance with Subparagraph c., below, and Chapter 17.715 (Appeals).

(1) The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.

(2) If the parcels have not merged, the Director shall record a release of the notice of intention within 30 days following the date of the determination, and shall mail a copy of the release to the owner(s).

(3) If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.

c. If the owner(s) requested a hearing, the determination of the Commission may be appealed to the Council within 15 days following the date of mailing the notice of determination by filing a written appeal with the City Clerk, in compliance with Chapter 17.715 (Appeals).

(1) A fee in compliance with the City's Planning Fee Schedule shall be paid at the time of filing the appeal.

(2) Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.

(3) If, after a hearing, the Council grants the appeal, the City Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.

(4) If the appeal is denied, the City Clerk shall, within 30 days, record a notice of merger with the County Recorder.

(5) A copy of either the release or the notice of merger shall be sent to the property owner(s).

17.705.090 – Effect of Conditional/Minor Use Permit Requirements

A. Absence of Conditional/Minor Use Permit. A use lawfully existing without the approval of a Conditional Use Permit or Minor Use Permit that would be required by

this Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).

B. Previous Conditional/Minor Use Permit in effect. A use that was authorized by a Conditional Use Permit or Minor Use Permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the original Conditional Use Permit or Minor Use Permit conditions of approval.

17.705.100 – Nonconforming Drive-Through Businesses and Service Stations

A. Drive-through businesses. Within 12 months following the effective date of this Development Code all existing nonconforming drive-through businesses shall comply with Section 17.425.170 (Drive-Through Facilities).

B. Service stations.

1. Nonconforming service stations in existence before the effective date of this Development Code that become damaged or partially destroyed or that are proposed to be added to or structurally altered to the extent of more than 50 percent of the appraised value of the main structure in any 12-month period may not be occupied or used except in full compliance with the applicable provisions of this Chapter.

2. Within five years following the effective date of this Development Code all existing service station signs shall comply with Chapter 17.335 (Sign Standards).

17.705.110 – Nonconforming Parking

A. Insufficient parking. Where off-street parking spaces are provided and maintained in connection with a structure or use at the time this Development Code became effective and are now insufficient to meet the requirements for the use with which it is associated, or where no parking spaces have been provided, then the structure may be expanded only if off-street parking is provided for the existing structure or use as well as the expansion in compliance with the standards identified in Chapter 17.330 (Off-Street Parking and Loading Standards).

B. Existing parking. Existing parking may not be counted as meeting this requirement unless it meets or exceeds the requirements of this Development Code.

17.705.120 – Nonconforming Adjustments

A. Nonconforming Adjustments.

1. Nonconforming Adjustments provide a procedure for City review and decision on requests that propose to continue a legal nonconforming use, allow the substitution of one nonconforming use for another nonconforming use, or allow minor modifications of applicable Development Code standards to allow the expansion of the use or structure, and only when pertaining to existing uses or structures, and not the initiation or construction of new uses or structures.

2. The Nonconforming Adjustments are subject to the special findings identified in Subsection C. (Special findings for Nonconforming Adjustments), below.

B. Authority to allow adjustments.

1. A Nonconforming Adjustment application shall be reviewed, and approved or disapproved by the Commission.

2. The Commission shall conduct a public hearing on an application for a Nonconforming Adjustment before a decision. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

3. The action of the Commission on a Nonconforming Adjustment may be appealed to the Council in compliance with Chapter 17.715 (Appeals).

C. Special findings for Nonconforming Adjustments. The review authority may approve a Nonconforming Adjustment, with or without conditions, only if it first makes all of the following findings:

1. The Nonconforming Adjustment is necessary because the subject use or structure was legal when it was originally initiated or constructed, but changes in this Development Code or the applicable zone development standards caused the use or structure to become legal nonconforming;

2. Approving the Nonconforming Adjustment for the subject use or structure will not pose a serious hazard to the public health or safety of persons residing or working on or adjacent to the subject parcel; and

3. The location, size, and operating characteristics of the legal nonconforming use or structure are compatible with the existing and future land uses in the vicinity.

Chapter 17.710 — Public Hearings

Sections:

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17.710.030 – Scheduling of Hearing
17.710.040 – Hearing Procedure
17.710.050 – Recommendation by Commission
17.710.060 – Decision and Notice
17.710.070 – Effective Date of Decision

17.710.010 – Purpose

This Chapter provides procedures for public hearings required by this Development Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

17.710.020 – Notice of Hearing

When this Development Code requires a public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090 through 65096, and Public Resources Code 21000 et seq., and as required by this Chapter.

A. **Content of notice.** Notice of a public hearing shall include all of the following information, as applicable.

1. **Hearing information.** The date, time, and place of the hearing and the name of the review authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information.

2. **Project information.** The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the property that is the subject of the hearing.

3. **Statement on environmental document.** If a proposed Negative Declaration, Mitigated Negative Declaration, final Environmental Impact Report, or statement of exemption from the requirements of CEQA has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, the hearing notice shall include a statement that the review authority will also consider approval (or recommendation of adoption/approval for an application requiring Council action) of the proposed Negative Declaration, Mitigated Negative Declaration, certification of the final Environmental Impact Report, or statement of exemption.

4. **Statement regarding challenges of City actions.** A notice substantially stating all of the following: "If you challenge the (nature of the proposed action) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (public entity conducting the hearing) at, or before, the public hearing" in compliance with Government Code Section 65009(b)(2).

5. **Statement regarding Commission's recommendations.** For Council items that involve a recommendation from the Commission (e.g., legislative acts) the notice shall contain the Commission's recommendations.

B. **Method of notice distribution.** Notice of a public hearing required by this Chapter shall be given as follows, as required by Government Code Sections 65090 and 65091.

1. **Mailing.** Notice shall be mailed or delivered at least 10 days before the scheduled hearing to the following:

   a. **Project site owners, agent(s), and applicant.** The owners of the property being considered in the application, the owners' agent(s), and the applicant, in addition to the owner(s) of the mineral rights for maps in compliance with Government Code Section 65091(a)(2);

   b. **Local agencies.** Any local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application;

c. **Affected owners.** All owners of real property as shown on the latest equalized assessment roll, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project; and

d. **Persons requesting notice.** Any persons, including any California Native American tribe who is on the contact list of the Native American Heritage Commission in compliance with Government Code Section 65092, who has filed a written request for notice with the Director or City Clerk and has paid the required fee for the notice.

2. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subparagraph B. 1., above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).

3. **Publication.** In addition to the notice required by Subparagraphs B.1. or B.2., above, notice shall be published at least once in a newspaper of general circulation in the City at least 10 days before the scheduled hearing.

4. **Additional notice.** In addition to the types of notice required above, the Director may require any additional notice with content or using a distribution method (e.g., posting on the City's web site) as the Director determines is necessary or desirable.

17.710.030 – Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), the City's CEQA Guidelines, and a Department staff report, a matter requiring a public hearing shall be scheduled on the next available agenda (Director, Commission, or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

17.710.040 – Hearing Procedure

A. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.

B. **Continued hearing.** Any hearing may be continued from time to time without further notice; provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

C. Deferral of final decision.

1. The review authority may announce a tentative decision, and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.

2. The date of the final action shall be as described in the motion, ordinance, or resolution that incorporates the findings and/or conditions.

D. Formal rules of evidence or procedure not applicable. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to this Development Code, except as otherwise required by the Municipal Code, in compliance with Government Code Section 65010.

17.710.050 – Recommendation by Commission

A. Recommendation and findings to the Council. After a public hearing on a proposed amendment to this Development Code, the General Plan, the Zoning Map, a development agreement, or a specific plan, the recommendation and findings of the Commission shall be forwarded to the Council.

B. Recommendation and findings to the applicant. The recommendation and findings shall be mailed to the applicant at the address shown on the application.

C. Recommendation included in notice. The recommendation shall be included in the required notice of the Council's public hearing.

17.710.060 – Decision and Notice

A. Decision.

1. The review authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 17.710.040 (Hearing Procedure), above.

2. Unless otherwise required by law (i.e., votes by the Commission on a General Plan amendment in compliance with Government Code Section 65354), a majority of those entitled to vote or majority of quorum shall be required for any formal action by the applicable review authority.

3. Tie votes of the review authority for matters that legally require findings shall result in no action by the review authority.

4. At the conclusion of a hearing conducted by the Director, the Director may instead refer the matter to the Commission for review and final decision.

5. All decisions shall be in writing and, if required by law, shall contain written findings.

B. Notice of decision.

1. Provision of notice. Following the final decision on an application for a permit or other approval required by this Development Code, the City shall provide notice of its final action to the applicant and to any person who specifically requested notice of the City's final action.

2. Contents of notice. The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City, and the procedure for appeal.

3. Delivery of notice.

a. The notice of the final decision shall be delivered by first class, postage prepaid certified mail, return receipt requested.

b. An affidavit of mailing shall be prepared and a copy delivered with the decision.

c. The Department shall retain the original affidavit.

C. Notifying County Assessor. Whenever a Zoning Map amendment, Conditional Use Permit, Minor Use Permit, Minor Variance, or Variance is granted with respect to any property, the City shall, within 30 days, notify the County Assessor of the action in compliance with Government Code Section 65863.5.

17.710.070 – Effective Date of Decision

A. Director's or Commission's decision. The decision of the Director or Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the final decision is rendered if no appeal of that decision has been filed in compliance with Chapter 17.715 (Appeals).

B. Council's decision.

1. **Adopted by ordinance.** A decision of the Council adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Council, unless otherwise provided in the adopting ordinance. For example, an ordinance adopted on October 1st will actually be effective on November 1st.

2. **Adopted by resolution.** A decision of the Council adopted by resolution is final and shall be effective on the date the decision is rendered.

3. **Contingent on future date or event.** The Council may take a final action and make it contingent on a future date or event.

Chapter 17.715 — Appeals

Sections:

17.715.010 – Purpose
17.715.020 – Appeal Subjects and Jurisdiction
17.715.030 – Calls for Review
17.715.040 – Filing and Processing of Appeals
17.715.050 – Judicial Review

17.715.010 – Purpose

This Chapter establishes procedures for the appeal and calls for review of determinations and decisions of the Director or Commission.

17.715.020 – Appeal Subjects and Jurisdiction

A. Code administration and interpretation. The following determinations and actions of the Director and Department staff may be appealed to the Commission and then to the Council:

1. **Interpretations.** Any determination on the meaning or applicability of the regulations contained in this Development Code that are believed to be in error, and cannot be resolved with the Director; and

2. **Enforcement action.** Any initial enforcement action conducted in compliance with Section 17.725.080 (Initial Enforcement Action).

B. Planning permit decisions.

1. **Director's decisions.** Decisions of the Director on a Home Occupation Permit, Minor Use Permit, Minor Variance, Nonconforming Use Determination, Reasonable Accommodation, Site Plan and Design Review, Sign Permit, Temporary Use Permit, or Zoning Clearance may be appealed to the Commission.

2. **Development Review Committee's decisions.** Any decision of the Development Review Committee on a Site Plan and Design Review may be appealed to the Commission.

3. **Commission's decisions.** Any decision of the Commission may be appealed to the Council.

17.715.030 – Calls for Review

A. Commission or Council review.

1. **Commission.** The Commission may call for a review of any determination or decision rendered by the Development Review Committee, Director, or Department staff.

2. **Council.** The Council may call for a review of any determination or decision rendered by the Commission, Development Review Committee, Director, or Department staff.

3. **Majority vote required.** A call for review may only be commenced by the affirmative vote of the majority of the members present of the applicable review authority.

B. Process for calling for a review.

1. **Initiation by Commissioners.** One or more Commissioners may initiate a call for review of a Director's determination or decision by filing a written request with the Department before the effective date of the action, which means within 15 days following the date of the determination or decision.

2. **Initiation by Council members.**

   a. One or more Council members may initiate a call for review of a Commission's or Director's determination or decision by filing a written request with the City Clerk before the effective date of the action, which means within 15 days following the date of the determination or decision.

   b. The Council may call for the review of a Director's determination or decision directly, or may direct the Commission to first consider the matter and provide a written recommendation to the Council.

3. **Consideration of call for review.** The Commission or Council, as applicable, shall consider the call for review at its next regularly scheduled meeting.

4. **Vote by review authority.** If the Commission or Council, as applicable, votes to review the determination or decision, a subsequent review hearing shall be scheduled to consider the merits of the review.

5. **Notice to applicant.** At the time the review authority votes to commence the review, the applicant shall be informed of the aspects of the application and the determination or decision that the review authority will consider.

6. **Effect of call for review.**

   a. A request for a call for review by a member of a review authority shall stay the effective date of a determination or decision until the review authority can make a decision on the call for review request.

   b. The timely filing of a call for review does not extend the time in which an appeal of a determination or decision shall be filed. The normal appeal period shall continue to run in compliance with Subsection 17.715.040.B. (Timing and form of appeal), below.

   c. If the review authority decides to call for review of the subject determination or decision, then the previous determination or decision shall be vacated.

   d. If the review authority decides not to call for review the subject determination or decision, then the determination or decision shall become final unless the appeal period has not expired.

7. **Filing of an appeal pending a call for review.**

   a. **Right to file an appeal.** Any person may file a timely appeal in compliance with this Chapter even though a call for review has been filed in compliance with this Section.

   b. **Effect of filing an appeal.** The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the call for review is subsequently withdrawn or rejected.

8. **Withdrawal or failure of a call for review.** If a request for a call for review is withdrawn after filing, or is rejected, the remaining days of the call for review period shall start from the date on which the call for review is withdrawn or is rejected.

9. **Notice and public hearing.**

   a. A call for review hearing shall be a public hearing if the original determination or decision required a public hearing.

   b. Notice of the public hearing shall be the same as the original determination or decision, in compliance with Chapter 17.710 (Public Hearings).

   c. The hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

10. **Fees not required.** Fees shall not be required in conjunction with the filing of a call for review.

11. **Required votes.** The final action calling for review of a determination or decision shall require an affirmative majority vote of those members lawfully authorized to vote on the matter.

C. Concurrent Commission recommendations. When the Commission makes a recommendation to the Council on a legislative matter (e.g., development agreement, Development Code amendment, General Plan amendment, specific plan amendment, or Zoning Map amendment), any concurrent decision by the Commission on an approval, permit, or Variance, or other non-legislative land use permit application concerning, in whole or in part, the same parcel(s) shall also be deemed to be timely called up for review by the Council.

17.715.040 – Filing and Processing of Appeals

A. Eligibility.

1. An appeal in compliance with this Chapter may be filed by any person.

2. Any action or decision by the Commission, Director, or Department staff in compliance with this Development Code may be appealed by a Councilmember or Commissioner acting as an individual.

3. Any Councilmember or Commissioner filing an appeal as an individual shall not be authorized to participate in any decision concerning that action of decision.

B. Timing and form of appeal. An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.

1. The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous review authority (e.g., Commission, Development Review Committee, Director, or other City official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.

2. The appeal shall be filed with the Department or City Clerk, as applicable, within 15 days following the actual date the decision was rendered.

   a. Appeals addressed to the Commission shall be filed with the Department;

   b. Appeals addressed to the Council shall be filed with the City Clerk.

3. The appeal shall be accompanied by the filing fee identified in the City's Planning Fees.

4. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered.

C. Scope of planning permit appeals.

1. All except for Conditional Use Permits – not de novo. An appeal of a decision on a planning permit, except for a Conditional Use Permit, shall not be de novo, but instead shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

2. Conditional Use Permits only – de novo. An appeal of a decision on a Conditional Use Permit shall de novo, and shall not be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

D. Report and scheduling of hearing.

1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for

a public hearing by the appropriate review authority identified in Section 17.715.020 (Appeal Subjects and Jurisdiction), above.

2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 17.710 (Public Hearings).

3. Any interested party may appear and be heard regarding the appeal.

E. Decision.

1. During the appeal hearing, the review authority may:

   a. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non compliance of the subject of the appeal with this Development Code;

   b. Adopt additional or different project aspects or conditions of approval, that may address issues or concerns other than the subject of the appeal;

   c. Disapprove the planning permit approved by the previous review authority, even where the appellant only requested a modification or elimination of one or more project aspects or conditions of approval; or

   d. Refer the matter to any other review authority authorized to hear the matter.

2. Within 60 days following the initial public hearing, the review authority shall render its decision on the appeal, unless it is continued for good cause.

3. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.

F. Effective date of appeal decision.

1. Commission's decision. A decision by the Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the final decision is rendered, if no appeal to the decision has been filed with the Council or called up by the Council.

2. Council's decision.

a. Adopted by ordinance. A decision of the Council adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Council, unless otherwise provided in the adopting ordinance.

b. Adopted by resolution. A decision of the Council adopted by resolution is final and shall be effective on the date the decision is rendered.

17.715.050 – Judicial Review

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with this Development Code unless and until all available appeals to the Commission and Council have been first exhausted in compliance with this Chapter.

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Chapter 17.720 — Amendments

Sections:

17.720.010 – Purpose
17.720.020 – Initiation of Amendment
17.720.030 – Processing, Notice, and Hearings
17.720.040 – Commission's Action on Amendment
17.720.050 – Council's Action on Amendment
17.720.060 – Findings and Decision
17.720.070 – Prezoning – Annexations
17.720.080 – Effective Dates

17.720.010 – Purpose

This Chapter provides procedures for the amendment of this Development Code, the General Plan, or the Zoning Map whenever the Council determines public necessity and general welfare require an amendment.

17.720.020 – Initiation of Amendment

An amendment may be initiated by Commission or Council action, proposed by the Director, or as follows.

A. **General Plan or Zoning Map amendment.** In the case of the General Plan or the Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent of property for which the amendment is sought. If the property is under multiple ownerships, all owners or their authorized agents shall join in filing the application.

B. **Development Code amendment.** In the case of this Development Code, the Council may also adopt an urgency measure as an interim ordinance, in compliance with Government Code Section 65858.

17.720.030 – Processing, Notice, and Hearings

A. Application filing and processing. If initiated by the filing of an amendment application, the application shall be processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified by the Department handout for amendment applications, together with the required fee in compliance with the City's Planning Fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.720.060 (Findings and Decision), below.

B. Timing of General Plan amendments.

1. Mandatory elements.

a. The mandatory elements of the General Plan may be amended up to four times in a single calendar year.

b. Amendments may be combined with one another for Council consideration/action.

2. Nonmandatory elements. The nonmandatory elements of the General Plan may be amended an unlimited number of times.

C. Development Code/Zoning Map amendments – Compliance with Government Code Section 65853 required.

1. A Development Code or Zoning Map amendment, which amendment changes any property from one zone to another or imposes any regulation(s) specified in Government Code Section 65850 not previously imposed or removes or modifies any specified regulation(s) previously imposed shall be adopted in compliance with Government Code Sections 65854 to 65857, inclusive and as specified in this Chapter.

2. Any other amendment to this Development Code may be adopted as other ordinances are adopted.

3. When the Council has requested the Commission to study and report upon an amendment which is within the scope of this Subsection and the Commission fails to act upon the request within a reasonable time, the Council may, by written notice, require the Commission to render its report within 40 days.

4. Upon receipt of the written notice the Commission, if it has not done so, shall conduct the public hearing as required by Government Code Section 65854.

5. Failure of the Commission to report to the Council within the time period specified in Subparagraph 3, above, shall be deemed to be approval of the proposed amendment in compliance with Government Code Section 65853.

D. Notification and consultation with California Native American tribes required.

1. In compliance with Government Code Section 65352.3 and before the adoption or amendment of the General Plan, proposed on or after March 1, 2005, the City shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to features, objects, or places described in Public Resources Code Sections 5097.9 and 5097.993 that are located within the City's jurisdiction.

2. From the date on which a California Native American tribe is contacted by the City in compliance with this Subsection, the tribe shall have 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.

3. Consistent with the guidelines developed and adopted by the State Office of Planning and Research in compliance with Government Code Section 65040.2, the City shall protect the confidentiality of information concerning the specific character, identity, location, and use of those features, objects, and places.

E. Public hearings required. The Commission and Council shall each conduct one or more public hearings regarding the amendment.

F. Notice and hearing. Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Chapter 17.710 (Public Hearings).

17.720.040 – Commission's Action on Amendment

A. Commission's recommendation to Council.

1. **All amendments.** After the public hearing, the Commission shall forward a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based on the findings identified in Section 17.720.060 (Findings and Decision), below.

2. **Recommendation for approval of Development Code or Zoning Map amendments.** A recommendation for approval or approval in modified form of a Development Code or Zoning Map amendment shall require only a majority vote.

3. **Recommendation for approval of General Plan amendments.** A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the Commission in compliance with Government Code Section 65354.

B. Recommendation of disapproval by Commission. A recommendation against the proposed amendment shall require only a majority vote in compliance with Government Code Section 65354.

C. Development Code or Zoning Map amendments. For a Development Code or Zoning Map amendment, where the Commission has recommended against the adoption of the amendment, the Council shall not be required to take any further action on the amendment unless an interested party files a written appeal with the City Clerk within five days after the Commission makes a recommendation to the Council in compliance with Government Code 65856(a) and Chapter 17.715 (Appeals).

D. Appeal of Commission's recommendation.

1. The action of the Commission may be appealed within five days after the Commission makes a recommendation to the Council in compliance with Government Code Section 65354.5.

2. The appeal shall be filed with the City Clerk in compliance with Government Code Section 65354.5 and Chapter 17.715 (Appeals).

17.720.050 – Council's Action on Amendment

A. Council's action.

1. **All amendments.** Upon receipt of the Commission's recommendation to approve or approve in modified form the proposed amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or disapprove the proposed amendment based on the findings identified in Section 17.720.060 (Findings and Decision), below.

2. **Development Code or Zoning Map amendments.** The action by the Council to approve, or approve in modified form, the Commission's recommendation regarding a Development Code or Zoning Map amendment shall be by a majority vote of the members present and shall be final and conclusive.

3. **General Plan amendments.** The action by the Council to approve, or approve in modified form, the Commission's recommendation regarding a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the Council in compliance with Government Code Sections 65356 and shall be final and conclusive.

B. Referral to Commission.

1. If the Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 (General Plan amendments) and 65857 (Development Code or Zoning Map amendments).

2. Failure of the Commission to report back to the Council within the time limits specified in Government Code Sections 65356 (45 days) and 65857 (40 days) following the referral shall be deemed approval by the Commission of the proposed modification(s).

17.720.060 – Findings and Decision

An amendment to this Development Code, the General Plan, or the Zoning Map may be approved only if all of the following findings are first made, as applicable to the type of amendment.

A. Findings for General Plan and specific plan amendments.

1. The amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan;

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

3. If an amendment to the Land Use Element, the affected site(s) is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located; and

4. The City may reduce, require, or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in Government Code Section 65863, only if the following two additional findings are first made:

   a. The reduction is consistent with the adopted General Plan, including the Housing Element; and

   b. The remaining sites identified in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need in compliance with pursuant to Government Code Section 65584.

B. Findings for Development Code and Zoning Map amendments.

1. Findings required for all Development Code and Zoning Map amendments.

   a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

   b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

2. Additional finding for Development Code amendments. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

3. Additional findings for Zoning Map amendments.

   a. The affected site(s) is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater

collection, treatment, and disposal, etc.), to ensure that the requested zoning designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

b. The two findings specified in Subparagraph A. 4., above, in compliance with Government Code Section 65863.

17.720.070 – Prezoning – Annexations

A. **Prezoning required.** Before the annexation to the City of any property, the sponsor of any annexations shall file an application for prezoning of the subject property to be annexed and the City shall establish the zoning which will be in effect on the effective date of the annexation.

B. **Same as Zoning Map amendments.** The process for prezoning property to be annexed to the City shall be the same as is specified in this Chapter for Zoning Map amendments.

C. **Compliance with General Plan.** The zoning shall be in compliance with the General Plan and any applicable specific plan.

17.720.080 – Effective Dates

A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council, unless provided later in the resolution.

B. **Development Code and Zoning Map.** A Development Code or Zoning Map amendment shall become effective on the 31st day following the adoption of an ordinance by the Council, unless provided later in the ordinance.

C. **Notifying County Assessor.** Whenever the zoning covering a property is changed from one zone to another via a Development Code or Zoning Map amendment, the City shall, within 30 days, notify the County Assessor of the action in compliance with Government Code Section 65863.5.

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Chapter 17.725 — Enforcement Provisions

Sections:

17.725.010 – Purpose
17.725.020 – Permits and Licenses
17.725.030 – Enforcement Responsibility
17.725.040 – Violations
17.725.050 – Remedies are Cumulative
17.725.060 – Inspections
17.725.070 – Revocation or Modifications
17.725.080 – Initial Enforcement Action
17.725.090 – Legal Remedies
17.725.100 – Recovery of Costs
17.725.110 – Additional Permit Processing Fees
17.725.120 – Reinspection Fees

17.725.010 – Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

17.725.020 – Permits and Licenses

All departments, officials, and public employees of the City who are assigned the authority or duty to issue certificates, licenses, or permits shall comply with the provisions of this Development Code.

A. **Permits in conflict with Development Code.** Certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.

B. Permits deemed void. Any certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

17.725.030 – Enforcement Responsibility

A. Responsibility of Director. The Director shall exercise the authority provided in Section 836.5 of the California Penal Code through the Building Inspector(s), and issue notices of violation, stop work orders, and citations for any violations of this Development Code pertaining to the use of any land, and the addition, alteration, construction, conversion, installation, moving, reconstruction, or use of any structure.

B. Police Chief and City Attorney. The Police Chief and City Attorney shall render any and all necessary assistance to the Director for the enforcement of this Development Code.

17.725.040 – Violations

A. Violations of this Development Code.

1. Any use of land or structures operated or maintained contrary to the provisions of this Development Code and any structure constructed or maintained contrary to the provisions of this Development Code are hereby declared to be a public nuisance and a violation of this Development Code and shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine, or by imprisonment for not to exceed 90 days, or by both the fine and imprisonment in compliance with Municipal Code Chapters 1.24 (General Penalty), 1.28 (Administrative Citations), and 8.44 (Nuisances).

2. The violation of any required condition imposed on a permit or approval shall constitute a violation of this Development Code and may constitute grounds for revocation or modification of the permit in compliance with Section 17.725.070 (Revocation or Modification), or any other remedy available to the City under the Municipal Code or this Development Code.

3. Any violations of this Development Code or any required condition(s) imposed on a permit or approval granted in compliance with this Development Code shall be treated as a strict liability offense regardless of intent.

B. Public nuisance. Any use or structure that is altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved, or operated contrary to the provisions of this Development Code or any applicable condition(s) of approval

imposed on a permit or approval, or any property that is found to be maintained in violation of Municipal Code Section 8.44.050, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties established by Municipal Code Chapters 1.24 (General Penalty), 1.28 (Administrative Citations), and 8.44 (Nuisances).

C. **Criminal violation.** Any person, whether an agent, principal, or otherwise, violating, permitting, or causing the violation of any provision of this Development Code or any permit issued in compliance with this Development Code shall be guilty of a misdemeanor or an infraction at the election of the City and/or its prosecuting official, and upon conviction thereof, shall be punishable by the applicable fine(s) established by Municipal Code Sections 1.24.020 (Misdemeanor—Penalty) or 1.24.030 (Infractions—Penalty).

D. **Misdemeanors.** Any offense that would otherwise be an infraction may, at the discretion of the City Attorney, be filed as a misdemeanor in compliance with Municipal Code Sections 1.24.010 (Misdemeanors) and 1.24.050 (Prosecution as misdemeanor or infraction).

E. **Continuing violation.** Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of this Development Code or any applicable condition of approval imposed on a permit is committed, continued, or allowed to continue and the violator shall be punished accordingly.

F. **Stop Work Order.**

1. Any construction in violation of this Development Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order" or other similar notice issued by the City.

2. Any violation of a Stop Work Order or other similar notice shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the Municipal Code and this Chapter.

17.725.050 – Remedies are Cumulative

A. **Cumulative, not exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of City, County, or State law.

B. Other remedies. Should a person be found guilty and convicted of a misdemeanor or infraction for the violation of any provision of this Development Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

17.725.060 – Inspections

A. Pre-approval inspections. Every applicant seeking a permit or any other approval in compliance with this Development Code shall allow the City officials handling the application access to any premises or property that is the subject of the application.

B. Post approval inspections. If the permit or other approval in compliance with this Development Code is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

17.725.070 – Revocation or Modifications

This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.

A. Revocations. The City's action to revoke a permit or approval shall have the effect of terminating the permit and disapproving the privileges granted by the original approval.

B. Modifications. The City's action to modify a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.

C. Authority to revoke or modify.

1. Permits. A Conditional Use Permit, Minor Use Permit, or other City planning permit or approval (except a Variance, see Subsection C. 2., below) may be revoked or modified by the review authority (e.g., Director, Commission, or Council) that originally approved the permit, if the review authority first makes any one of the following findings:

a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation;

b. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;

c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;

d. The approved use or structure has ceased to exist or has been discontinued for at least 60 days. For purposes of this finding, the terms cessation or discontinuance of a use or structure shall be defined as an abandonment of the use or structure, irrespective of the owner's or occupant's intent;

e. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or

f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a nuisance.

2. **Variances.** A Variance or Minor Variance may be revoked or modified by the review authority which originally approved the Variance or Minor Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings specified in Subparagraph C.1., above:

a. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance; or

b. One or more of the conditions of the Variance or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance.

D. Hearings and notice.

1. The appropriate review authority shall hold a public hearing to consider revocation or modification of a permit or approval granted in compliance with the provisions of this Development Code.

2. At least 10 days before the public hearing, notice shall be delivered in writing to the original applicant for the permit or approval being considered for revocation or modification, and/or the original owner of the property for which the permit was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.

3. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

17.725.080 – Initial Enforcement Action

A. Describes the procedures for initiating enforcement. This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Development Code.

B. Encourage voluntary cooperation. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

C. Other steps necessary. These provisions shall not limit or prevent the City from taking any other steps necessary to obtain compliance with this Development Code.

D. Notice to responsible parties. The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. A description of each violation and citations of applicable Development Code provisions being violated;

2. A time limit for correcting the violation(s) in compliance with Subsection E., below;

3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in

compliance with Section 17.725.100 (Recovery of Costs), and/or initiate legal action as described in Section 17.725.090 (Legal Remedies); and

4. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violation(s).

E. Time limit for correction.

1. The Notice of Violation shall state that the violation(s) shall be corrected within 14 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction.

2. The 14-day time limit may be extended by the Director upon a showing of good cause.

3. The Director may also require through the Notice of Violation that the correction occur within less than 14 days if the Director determines that the violation(s) constitutes a hazard to public health or safety.

F. Use of other enforcement procedures. The enforcement procedures of Section 17.725.090 (Legal Remedies) may be employed by the City after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

17.725.090 – Legal Remedies

The City may choose, in addition to or in lieu of other actions, to undertake any one or all of the following legal actions to correct and/or abate any nuisances or violation(s) of this Development Code.

A. Civil actions.

1. Injunction. The City Attorney, upon order of the Council, may apply to the Superior Court for injunctive or other appropriate relief to terminate a violation(s) of this Development Code.

2. Abatement proceedings. The City Attorney, upon order of the Council, shall apply to the Superior Court for an order authorizing the City to undertake actions necessary to abate the violation(s) and require the violator to pay for the cost of the actions.

3. **Nuisance abatement.** The City may pursue any remedies or enforcement action(s), as provided in the Municipal Code or other applicable law for the abatement of a nuisance.

B. Civil remedies and penalties.

1. **Civil penalties.** Any person who violates the provisions of this Development Code or any permit issued in compliance with this Development Code shall be liable for a civil penalty of up to $1,000.00 for each day, or a portion of the day, that a violation(s) continues to exist.

2. **Costs and damages.** Any person violating any provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation(s), including reasonable attorney fees and costs.

3. **Procedure.** In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation(s), the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal actions and penalties. See Subsection 17.725.040.C. (Criminal violations), above.

17.725.100 – Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of this Development Code in cases where no permit is required in order to correct a violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement in compliance with Code of Civil Procedure Section 1033.5, Municipal Code Section 1.24.060 (Recovery of costs), Municipal Code Section 8.44.190 (Cost of abatement), and this Section.

A. Record of costs.

1. The Department shall maintain records of all administrative costs incurred by responsible City departments, including City Attorney costs, associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this Section.

2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council, or the actual rate charged to the City.

B. **Notice.** Upon investigation and a determination that a violation of any of the provisions of this Development Code or any condition(s) imposed on a permit or approval is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. **Summary of costs and notice.**

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.

2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days following the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.

3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.

4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment or a lien on the property in compliance with Government Code Section 54988, at the City's election.

5. The obligation to pay any unpaid costs shall be made a personal obligation of the property owner. The obligation may be recovered against the property owner through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law. The City shall be entitled to recover costs of the civil action, including the City's attorney's fees.

D. **Attorney's fees.** In any action or administrative proceeding to enjoin, or abate a nuisance, or seek a civil penalty, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the City in the action or proceeding. Further, an award of attorney's fees in compliance

with this Section shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

E. Request for hearing on costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Community Preservation Committee in compliance with Municipal Code Section 8.44.210 (Cost report—Hearing and proceedings).

1. A request for hearing shall be filed with the Department within 10 days following the service by mail of the Department's summary of costs, on a form provided by the Department.

2. Within 30 days following the filing of the request, and on 10 days written notice to the owner, the Community Preservation Committee shall hold a hearing on the owner's objections, and determine their validity.

3. In determining the validity of the costs, the Community Preservation Committee shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:

   a. Whether the present owner created the violation(s);

   b. Whether there is a present ability to correct the violation(s);

   c. Whether the owner moved promptly to correct the violation(s);

   d. The degree of cooperation provided by the owner; and

   e. Whether reasonable minds can differ as to whether a violation(s) exists.

4. The Community Preservation Committee's decision shall be appealable directly to the Council in compliance with Municipal Code Section 8.44.240 (Grievance with final order—Appeal to City Council).

17.725.110 – Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any permit required by this Development Code, shall pay the additional permit processing fees established by the City's Planning Fees for the correction of the violations, before being granted a permit for a use or structure on the site.

17.725.120 – Reinspection Fees

A. Amount and applicability of reinspection fee.

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code or the Municipal Code, adopted Building Code, or State law.

    a. The fee amount shall be established by the City's Planning Fees.

    b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.

2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, if the correction has been made.

B. Continuation of the original case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code or the Municipal Code for less than 90 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Development Code or the Municipal Code.

3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code or the Municipal Code, or costs incurred by the City for the abatement of a public nuisance.

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Article 8

Definitions

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Chapter 17.800 — Definitions

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17.800.010 – Purpose

This Article provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Article conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Article, or other provisions of the Municipal Code, the Director shall determine the most appropriate definition in compliance with Chapter 17.105 (Interpretation of Regulations).

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17.800.020 – Definitions, "A"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Abutting. Having a common border with or contiguous to. For example, two parcels with a common property line are considered to be abutting. See also "Adjacent." See Figure 8-1 (Abutting vs. Adjacent).

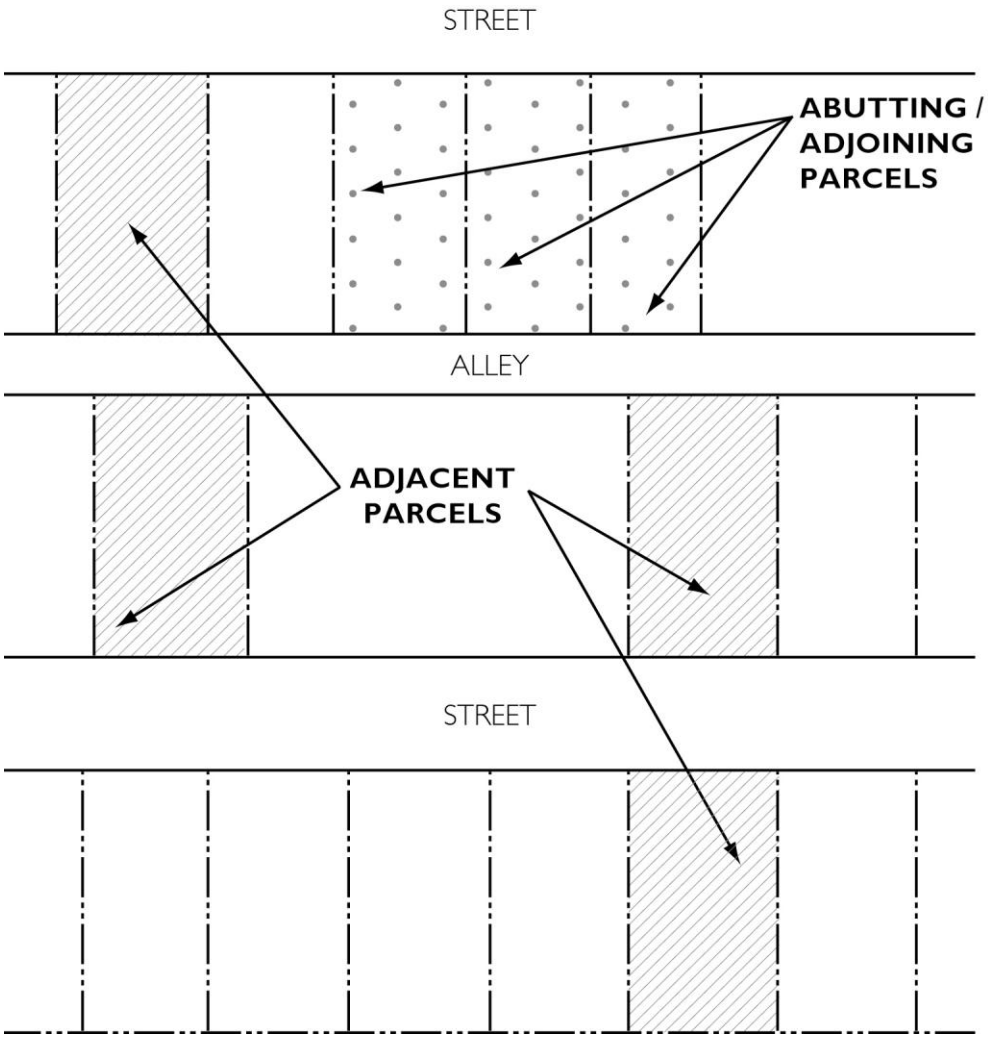

Figure 8-1
Abutting vs Adjacent

Accessory. A subordinate and incidental element of a primary structure or use.

Accessory Amusement Devices. See "Amusement Devices, Accessory."

Accessory Structures (Land Use):

Accessory Agricultural Structure or Use. A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens. Does not include "Agricultural Employee Housing"). See also "Agricultural Activities and Facilities."

Accessory Retail and Services. A retail use that is customarily a part of, and clearly incidental and secondary to, a nonresidential use and does not change the character of the nonresidential use. Typically, the retail sales of various products in a store or similar facility or the provision of services in a defined area that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers; is not visible from public streets; and has no outside signs. Examples of these uses include:

- Automated teller machines (ATMs)
- dry cleaning (collection/pick-up only)
- food service establishments
- gift shops
- newsstands

Accessory Nonresidential Structure. Attached and detached accessory structures located within a health care, hotel, office, or industrial complex for the purpose of serving the nonresidential uses. Examples of these structures include:

- garages
- gazebos
- outdoor play equipment
- refuse collection structures
- solar collection devices (freestanding)
- spas and hot tubs
- storage sheds
- swimming pools
- tennis and other on-site sport courts
- workshops

Accessory Residential Structure. A structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property.

- carports
- garages
- gazebos
- greenhouses (non-commercial)

- outdoor play equipment
- patios
- refuse collection structures
- solar collection devices (freestanding)
- spas and hot tubs
- storage sheds (less than 120 square feet)
- studios
- swimming pools
- tennis and other on-site sport courts
- workshops

Also includes the indoor storage of automobiles (including their incidental noncommercial restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second dwelling units (see "Second Dwelling Units)"); guest houses (see "Guest Houses"); or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Satellite/Dish and Amateur Radio Antenna").

Adjacent. The condition of being near to or close to but not necessarily having a common dividing line. Two parcels that are separated by a street or alley shall be considered as adjacent to one another. See also "Abutting." See Figure 8-1 (Abutting vs. Adjacent).

Adult-Oriented Businesses. See Municipal Code Title 5 (Business Licenses and Regulations).

Agriculture:

Agricultural Activities and Facilities (Land Use). The commercial production, keeping, or maintenance, for sale, lease, or personal use, of plants useful to man, primarily in the soil on the site or in greenhouses, including the following:

- field crops
- flowers and seeds
- fruits
- grains
- grapes
- nuts
- ornamental crops
- trees and sod
- vegetables

Also includes associated crop preparation services and harvesting activities (e.g., mechanical soil preparation, irrigation system construction, spraying, crop processing, etc.) and the processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere (e.g., baling, cubing, cooling, drying, grain cleaning, grinding, sorting, grading, and packaging, hulling, shelling, etc.). Does not include retail sales in the field and sales sheds (see "Produce Stand"). Does not include "Livestock and Dairy Operations."

Agricultural Accessory Structures (Land Use). A structure or use that is in addition to, secondary and incidental to, and commonly associated with the primary commercial

agricultural structure or use (e.g., sheds, silos, structures for retail and wholesale sales, u-pick operations, etc.). Does not include agricultural employee housing (see "Agricultural Employee Housing"); noncommercial accessory agricultural structures (see "Accessory Agricultural Structures and Uses (Noncommercial)"); or produce stands (see "Produce Stands").

Livestock and Dairy Operations. The commercial breeding, raising, pasturing, and grazing of any animal customarily kept by humans for the purpose of providing food, clothing, or work, including but not limited to, equine, bovine, ovine, caprine, porcine, and fowl, but excluding bees.

Agricultural Employee Housing (Land Use). Residential occupancy of single or multiple dwelling units with individual, shared, or no kitchen facilities to provide housing for the employees and their families engaged in agricultural activities (see "Agricultural Activities and Facilities").

Air Quality Management Plan (AQMP). A comprehensive policy document that establishes, goals, policies, pollution reduction strategies, and implementation responsibilities for improving air quality in the South Coast Air Basin. See also "South Coast Air Quality Management District (SCAQMD)."

Alcohol Sales (on-site and off-site) (Land Use). The retail sale of alcoholic beverages for on-site or off-site consumption. Does not include grocery stores, supermarkets, or drugstores selling alcohol as an accessory line of food products or beverages (see "Food and Beverage Sales"). Does not include "Bars, Lounges, and Nightclubs."

Alley. A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting parcels and is not intended for general traffic circulation.

Allowed Use. See "Use, Allowed."

Alteration. Any change, addition, or modification in construction or occupancy of an existing structure.

Alteration, Structural. Any change or replacement in the supporting members of a structure (e.g., bearing walls, columns, beams or girders, etc.).

Alternative Energy (Land Use).

Solar Collector. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy System (Land Use). Includes: (1) A design using natural and architectural features to cool or heat a structure, or (2) a mechanical assembly that may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

Windmill. A tower and propeller assembly used to transform wind energy into mechanical energy for generating electricity or pumping water.

Windmill Energy System (Land Use). Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power (e.g., windmills, wind turbines, etc.).

Alternative Work Schedule. A variation from the traditional five-day/40-hour work week to a four-day/40-hour or nine-day/80-hour work schedule or other non-traditional work schedule.

Amusement Devices. Any electronic or mechanical equipment or mechanism that, upon insertion of a card, coin, token, or similar object, operates or may be operated as a game or contest of skill or amusement of any description (e.g., electronic game machines, pinball machines, shooting galleries, bowling games, shuffleboard, movie machines, etc.) and that makes no provision for the return of money. Does not include billiard/pool tables.

Amusement Devices, Accessory. Up to five amusement devices where the games are accessory to another principal use. Does not include "Arcades."

Animal-Keeping (Land Use). The noncommercial keeping or raising of farm animals (including cattle, goats, horses, sheep, fowl, poultry, fish, and other animals not commonly regarded as household pets) and cats, dogs, and other household pets as regulated by Section 17.430.050 (Animal Keeping). Does not include wild animals as defined in Municipal Code Section 6.04.010 (Definitions). Does not include "Livestock Operations."

Animal. Every non-human species of animal, both domestic and wild.

Animal Control Officer. Any person, employed by the City or by an agency that contracts with the City, whose primary duty is the enforcement of laws of the State and City pertaining to animals and whose authority is vested under California Penal Code Sections 830.9 and 836.5 and Municipal Code Section 6.36.010 (Enforcement).

Boarding Stable. Any place where privately owned horses or ponies are provided room and board for commercial purpose.

Cat. Domesticated members of the species *felis catus*; it excludes other members of the family *felidae*.

Dog. Domesticated members of the species *canis familiaris*; it excludes other members of the family *canidae*.

Fowl. Includes male and female chickens, ducks, geese, peacocks, turkeys, and pheasants.

Household Pet. Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and sheltering. Common examples include birds, cats, dogs, and fish.

Kennel. Any property where five or more dogs, or five or more cats, over the age of four months, are kept or maintained for commercial or noncommercial purposes. The term "kennel" shall not include an animal shelter operated by a humane society, a municipal agency, or a veterinary hospital operated by a State-licensed veterinarian.

Kennel Operator. Any person who owns, controls, or operates a kennel or any person who is responsible for or who participates in the control of the operation of a kennel.

Livery Stable. Any place where horses and carriages are kept for hire.

Owner (of an animal). Any person who is the legal owner, keeper, harborer, possessor, or the actual custodian of an animal. Ownership is also established by a person registering as the owner on a license application or other legal document or by a person claiming ownership and taking possession of an animal, or one who has control and custody of any animal for 15 consecutive days, except an animal shelter or a State-licensed veterinarian who is treating an ill or injured animal.

Riding School or Stable. Any place that has available for hire, boarding, or riding instruction, any horse, pony, donkey, mule or burro.

Wild animal. Any animal that is not normally domesticated in the United States, including any lion, tiger, bear, nonhuman primate, wolf, cougar, ocelot, wild cat, skunk, raccoon, opossum, ferret, venomous reptile, boa, python, anaconda, member of the order *crocadilia*, or other animal (*force naturae*) irrespective of its actual or asserted state of docility, tameness, or domesticity.

Animal Sales and Services (Land Use).

Animal Retail Sales. Retail sales and boarding of animals offered for sale.

Animal Services, Boarding/Training. Accessory services provided by a veterinary clinic or animal hospital including overnight small animal boarding or training .

Animal Services, Grooming. A commercial establishment that provides household pet grooming services (i.e., bathe, brush, clip, or comb animals for the purpose of enhancing their aesthetic value or health).

Animal Services, Veterinary Clinic/Animal Hospital. Establishments where veterinarians provide medical and surgical treatment to animals, including large and small animal veterinary clinics, and animal hospitals. May include animal boarding.

Antenna. A device used in communications which transmits or receives radio signals, including the following:

Amateur Radio Antennas. Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna Structure. An antenna and its supporting mast or tower, if any.

Mast. A pole of wood or metal, or a tower fabricated of metal, used to support an antenna and maintain it at the proper elevation.

Satellite Dish Antenna/Antenna. Any parabolic or disk shaped device of either solid or mesh construction, intended for the purposes of receiving communications from an orbiting satellite, transceiving or transmitting signals or communications to a satellite, as well as all supporting equipment necessary to install or mount the antenna.

Wavelength. Wavelength is the distance a radio energy wave travels through air to complete one cycle from beginning to end. It is the distance between two points of corresponding phase and is equal to waveform velocity divided by frequency. Low frequencies have long wavelengths and high frequencies have short wavelengths. See Figure 8-2 (Wavelength and Frequency). Antenna size decreases with as frequency increases. Generally, antenna size is calculated as $\lambda/10$, where λ is the wavelength.

Whip Antenna. A device consisting of a single, slender, rod-like element, less than one wavelength long which is supported only at or near its base. See "Wavelength" above.

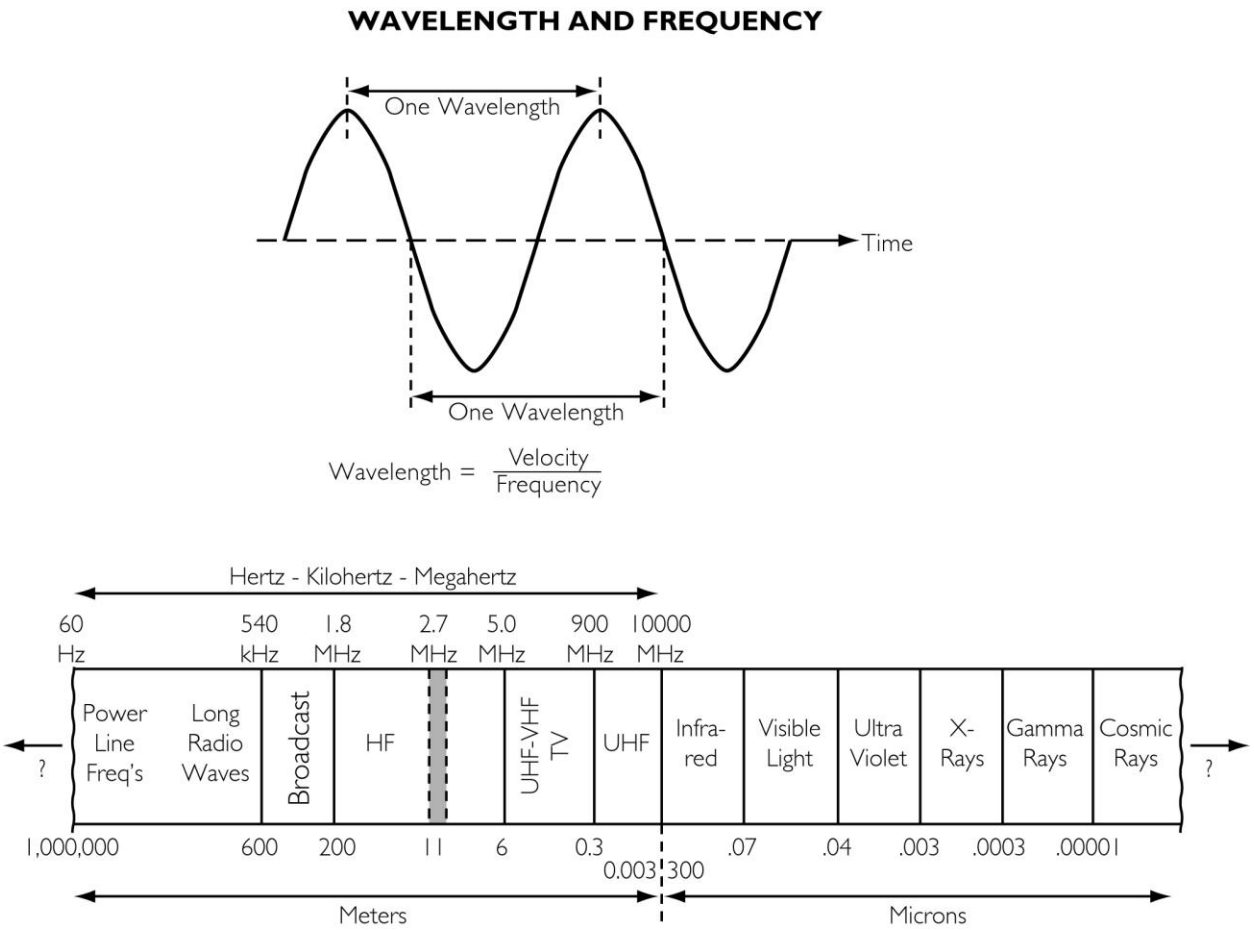

Figure 8-2
Wavelength and Frequency

Apartment. One or more rooms of a structure designed for and rented as the home, residence, or sleeping place of one or more persons living as a Single Housekeeping Unit, in a structure containing at least five units used for the same purpose, all under one ownership. See "Dwelling, Multi-Family."

Arcade (Land Use). A place of business where six or more electronic, video or card/coin/token operated games are utilized for business profit and where the games are not accessory to another principal use.

Area, Gross. The total area of a parcel, including those areas that cannot be built upon (e.g., dedicated or proposed street rights-of-way and other improvements such as parks, open space, stormwater detention and retention facilities, etc.). "Gross area" is expressed in either acres or square feet.

Area, Net. The portion of a parcel for residential or nonresidential development that can actually be built upon, excluding dedicated or proposed street rights-of-way and other

improvements such as parks, open space, stormwater detention and retention facilities, etc. "Net area" is expressed in either acres or square feet.

Artisan Shop (Land Use). A retail store where art glass, ceramics, jewelry, and other art and handcrafted items are sold by an individual artisan or by cooperative groups of artisans. The store may include an accessory area for the crafting of the items being sold. Does not include handcraft manufacturing (see "Handcraft Manufacturing").

Assembly/Meeting Facilities, Public or Private (Land Use). A facility for public or private assembly and meetings. Examples of these uses include:

- auditoriums, civic and private
- banquet halls
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations
- places of worship

Also includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.). Does not include conference and meeting rooms that are accessory and incidental to another principal use and typically used only by on-site employees and clients, and that occupy less floor area on the site than the offices they support (see "Offices"). Does not include sports or other commercial entertainment facilities (see "Commercial Recreation Facilities"). Does not include funeral homes and mortuaries (see "Funerals Homes and Mortuaries"). Related on-site facilities, including day care centers and schools, are separately defined (see "Day Care, General" and "Educational Facilities, Public and Private").

ATM (Automated Teller Machine) (Land Use). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). May be a walk-up device or a drive-through. Does not apply to retail point-of-sale transactions within a fully enclosed location. Refers to machines located on properties of financial institutions and properties that are separate from financial institutions.

Auction House. A structure or enclosure where goods or livestock are sold by auction.

Auto Dismantling, Salvaging, or Wrecking. See "Recycling, Scrap, and Dismantling Yards."

Auto Parts Sales. See "Vehicle Parts Sales."

Auto Rental. See "Vehicle Rental Services."

Auto Repair. See "Vehicle Services."

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17.800.030 – Definitions, "B"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Bail Bond Service. An establishment in which a bail bondsman, who is licensed in compliance with California Insurance Code Section 1800 *et seq.* to solicit, negotiate, issue, and deliver bail bonds, coordinates the release of arrested persons until their court appearance.

Bakery Products (Land Use). A manufacturing business specializing in the preparation of baked goods (breads, cakes, cookies, donuts, etc.), from raw materials, with the retail sale of the products primarily occurring off the site. Does not include facilities where baking activities are entirely in support of the retail sale of baked goods on the same site (see "Retail, General").

Banks and Financial Services (Land Use). Financial institutions including:

- banks, savings, and trust companies
- credit agencies
- credit unions
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- mortgage services
- vehicle finance (equity) leasing agencies

See also "ATM (Automated Teller Machine)." Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

Banquet Hall. An establishment that is rented by individuals or groups to accommodate private functions (e.g., banquets, weddings, anniversaries, etc.). May or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities. See "Places of Assembly."

Bars, Lounges, and Nightclubs (Land Use). Establishments engaged in selling or serving alcoholic beverages for consumption on the premises, with or without live entertainment, as regulated by Section 17.430.040 (Alcohol Sales). Does not include "Hookah Lounges."

Batting Cage. A facility or portion thereof that provides for the timed rental of portioned, fenced enclosures in which individuals swing a bat at baseballs or softballs thrown in their direction through the use of an automatic mechanical device. See "Commercial Recreation Facilities, Indoor."

Beauty Salon. Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. May include accessory massage services (see "Massage Establishments and Services") and the application of permanent make-up to enhance eyebrows, eyes, and lips or to camouflage scars in a manner that makes them look natural.

Bed and Breakfast Inn. See "Lodging."

Bedroom. An enclosed space in a structure that is designed to be used for sleeping purposes; that meets the room dimension requirements of the most recent edition of the California Building Code; that is not accessed directly directly from the garage; and that has one or more windows.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bicycle Parking Space. An area that is equipped with a bicycle rack or bicycle storage locker for the purpose of parking and securing bicycles.

Billiard Hall. See "Poolroom."

Bingo Game Operations (Land Use). Any operation sponsored and run by a nonprofit organization that provides entertainment in the form of a group game in which letters and numbers are commonly called and individually marked on a player's game board.

Boat Sales. See "Vehicle Rentals, Sales, and Services."

Broadcasting Studio (Land Use). Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with all facilities, except for antenna, located entirely within structures.

Brow Ditch. A small to moderate depression created to channel water. Typically, these ditches are placed upslope of an excavation in order to intercept and direct surface water runoff in areas where overland flow is likely to occur.

Building. See "Structure."

Building and Landscape Materials Sales (Land Use). An indoor or outdoor retail establishment selling hardware, tools, appliances, lumber and other building materials, plants, portable spas, and other landscaping materials. Includes paint, wallpaper, flooring, glass, fixtures, and similar products. Includes these types of stores selling to the general public, even if contractor sales account for a major proportion of total sales. May also include the rental of tools and equipment used in the building trades. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

Building Envelope. The ground area of a lot which is defined by the minimum setback requirements within which construction of a principal structure and any attached accessory structures is permitted. See "Setback." See Figure 8-3 (Building Envelope).

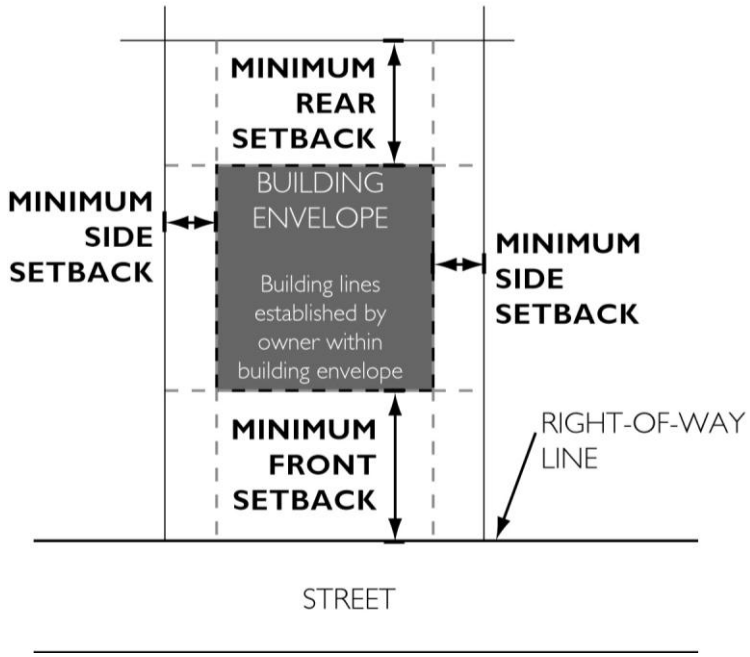

Figure 8-3
Building Envelope

Building Official. The Building Official of the City of San Jacinto, or authorized designee(s).

Bulk Merchandise. See "Retail Sales."

Business. A use or activity involving the sale or rental of goods, or the sale or furnishing of services of any kind, or any commercial enterprise.

Business Park. An area of land planned, developed, and operated as an integrated facility for a number of business uses and supporting accessory uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Business Support Service (Land Use). An establishment within a structure that provides services to other businesses including maintenance, repair and service, testing, rental, etc. Examples of these services include:

- computer-related services (rental, repair)
- copying and quick printing services
- film processing and photofinishing (retail)
- graphic design services
- mailing and mail box services
- security systems services
- testing laboratories (soils, materials testing, etc.)

17.800.040 – Definitions, "C"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Calendar Day. A 24-hour time period measured from midnight to midnight.

California Environmental Quality Act (CEQA). Section 21000 *et seq.* of the Public Resources Code that requires State, regional, county, and local agencies to conduct environmental review for any discretionary activity proposed to be carried out or approved by those agencies.

Call for Review. See Section 17.715.030 (Calls for Review).

Campgrounds. See "Recreational Vehicle Parks."

Caretaker Housing (Land Use). A permanent residence on the site of a nonresidential use. The residence is secondary or accessory to the principal nonresidential use of the site and houses a caretaker employed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Cargo Container. Unmodified, stackable, metal shipping containers not permanently affixed to the ground and used for accessory storage. Subject to the requirements in Section 17.430.100 (Cargo Containers).

Carpet/Upholstery Cleaning Plants (Land Use). A facility that provides carpet and upholstery cleaning services.

Carport. A permanent roofed structure, not completely enclosed, to be used for covered motor vehicle parking.

Car Sharing. A practice where people become members in a formal or informal organization that owns a variety of motor vehicles that are parked in a number of different areas. Members use the motor vehicles under the terms of their membership.

Car Washing. See "Vehicle Services."

Catering Service (Land Use). A business that prepares food and beverages for consumption on the premises of a client.

Cemetery (Land Use). A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or any combination of these.

Chain Grocery Store. See entry under "Food and Beverage Services."

Check-Cashing Stores. See "Personal Services – Restricted."

Chemical Product Manufacture, Wholesaling and Distribution (Land Use). Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: biofuels; basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or chemicals to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade. Does not include the manufacture of drug products (see "Drug Manufacturing").

Child Day Care (Land Use). Nonmedical care and supervision of children on a less than 24-hour basis.

> **Small Child Day Care (Eight or fewer children).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.
>
> **Large Child Day Care (Nine to 14 children).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.
>
> **General Day Care (15 or more children).** Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children.

City Engineer: The City Engineer of the City of San Jacinto, or authorized designee(s).

City Manager. The City Manager of the City of San Jacinto or authorized designee(s).

Clear Sight Triangle. See "Traffic Visibility Area."

Clothing and Fabric Products (Land Use). Manufacturing establishments assembling clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store

(see "Personal Services"). See also "Furniture/Fixtures Manufacturing, Cabinet Shops" and "Textile and Leather Product Manufacturing."

Club. An association of persons (whether or not incorporated) organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

Commercial Recreation Facilities (Land Use). Establishments providing amusement and entertainment services for a fee or admission charge, including the following activities:

Indoor. Facilities for various indoor participation or spectator sports and types of recreation where a fee is charged for use, including:

- arenas/stadiums
- baseball and softball training facilities
- basketball courts
- billiard halls (pool rooms)
- bingo halls (excluding nonprofit activities)
- bowling alleys
- boxing clubs
- dance halls , clubs, and ballrooms
- handball courts
- ice rinks
- laser tag
- paintball
- racetracks (scale model vehicles operated by remote control)
- racquetball courts
- shooting galleries
- skating rinks
- soccer centers
- swim centers
- tennis courts
- trampoline and gymnastics centers

May also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants (see Section 17.430.040 (Alcohol Sales). Does not include facilities with five or fewer arcade machines (see "Accessory Amusement Devices"); facilities with six or more arcade machines (see "Arcades"); bingo games held by nonprofit organizations (see "Bingo Game Operations"); or health and fitness facilities (see "Health and Fitness Facilities").

Outdoor. Facilities for various outdoor participation or spectator sports and types of recreation where a fee is charged for use, including:

- amphitheaters
- baseball
- basketball
- batting cages
- bocce ball
- drive-in movie theaters
- football
- go cart and miniature auto race tracks
- golf courses

- golf driving ranges separate from golf courses
- handball courts
- health and athletic club outdoor facilities
- lacrosse
- miniature golf courses
- racing and drag strips (automobile, truck, and motorcycle)
- paintball
- race tracks (remote control)
- rugby
- shooting ranges
- skateboard parks
- soccer
- softball
- stadiums and coliseums
- swim and tennis clubs
- tennis courts
- volleyball
- water slides
- zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and food service (see Section 17.430.040 (Alcohol Sales), video game arcades, etc. Does not include Recreational Vehicle Parks ("Recreational Vehicle Parks").

Commercial Vehicle or Truck. See "Vehicle, Commercial."

Commission. The Planning Commission of the City of San Jacinto.

Community Care Facilities. Any facility, place, or building that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following, as identified by the Community Care Facilities Act (*Health & Safety Code §§ 1500 et seq.*).

- Residential care facility
- Adult day program
- Therapeutic day services facility
- Foster family agency
- Foster family home
- Small family home
- Social rehabilitation facility
- Community treatment facility
- Full-service adoption agency
- Non-custodial adoption agency
- Transitional shelter care facility
- Transitional housing placement facility

Includes those facilities, places, or buildings that are both subject to regulation by the State of California and actually licensed by the State of California. Does not include a facility, place, or building that may otherwise be regulated by the State of California, but that is not actually licensed by the State of California ("Congregate Living Facility"). Does not include "Child Day Care Facilities" or "Organizational Houses."

Congregate Care Facility (Land Use). A 24-hour intermediate care facility that provides skilled nursing and congregate living for, but not limited to, the developmentally disabled, the physically handicapped, mentally impaired, incompetent persons and abused or neglected children.

Convalescent Facility (Land Use). An establishment that provides care on a 24-hour basis for persons requiring regular medical attention. Patients include those with post-operative, convalescent, chronic illness, or dietary problems, and persons aged or infirm unable to care for themselves. Does not include facilities providing outpatient medical services or surgical services (see "Medical Services – Clinic, Laboratory, Urgent Care" and "Medical Services -Hospitals.")

Emergency Shelter (Land Use). As defined in *Health and Safety Code Section 50801(e)*, housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

Residential Care Facility (Land Use). A facility, place or building that is maintained and operated to provide 24-hour non-medical residential care for, but not limited to, developmentally disabled, physically mentally impaired, incompetent persons, and abused or neglected children.

Residential Care Facility for the Elderly (Land Use). A housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or (if applicable pursuant to *Health and Safety Code Section 1569.2*) personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility.

Supportive Housing (Land Use). As defined in *Health and Safety Code Section 50801(e)*, housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing; improving his or her health status; and maximizing his or her ability to live and, when possible, work in the community.

Transitional Housing (Land Use). As defined in *Health and Safety Code Section 50801(i)*, Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. May include self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing.

Community Preservation Committee. See Municipal Code Section 8.44.020 (Definitions).

Conditional Use. A use of land identified by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) as being allowed in a particular zone subject to the approval of a Conditional Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

Conditional Use Permit. A type of discretionary permit that, if approved, would allow a use that requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities, in compliance with Article 2 (Zones, Allowed Land Uses, and Zone-Specific Standards). The additional control is to ensure that the proposed particular use on a particular site is compatible with other existing or permitted uses surrounding the site. See Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

Condominium. A structure or group of structures, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Includes development in which the individual owns land directly below the "footprint" of a unit, and all other land within the project is owned in common. Includes a condominium project, community apartment project, or stock cooperative, as defined in *Civil Code Section 1351*.

Condominium Project. The entire parcel of real property proposed to be used or divided, as land or airspace, into two or more units as a condominium.

Condominium Unit. The particular area of land or airspace that is designed, intended or used for exclusive possession or control of individual owners or occupiers.

Congregate Care Facility (Land Use). See "Community Care Facilities."

Congregate Living Facility (Land Use). A residence or dwelling, other than a hotel or motel, wherein two or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence, in order to preserve the residential character of the neighborhood. Does not include a congregate care facility (see "Community Care Facility") that is properly licensed by the State of California and does not include an organizational house (see "Organizational House").

Contour. A line drawn on a contour map or plan which connects points of equal elevation.

Contour grading. A grading technique designed to result in earth forms that resemble natural terrain characteristics. Horizontal and vertical curve variations are often used for slope banks. Contour grading does not necessarily minimize the amount of cut ("Cut") and fill ("Fill").

Contractor Construction Base (Land Use). Office, and indoor, or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and structures for uses such as repair facilities. Includes building contractors, landscape contractors, sign contractors, etc.

Contractor Construction/Storage Yard (Land Use). Indoor or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment. Includes building contractors, landscape contractors, sign contractors, etc.

Convenience Market (Land Use). Retail establishments that sell prepackaged food items, beverages and small convenience items (e.g., periodicals, tobacco, miscellaneous household and pharmaceutical goods, etc.) primarily for off-site consumption; that typically have long or late hours of operation; that are in relatively small structures located along heavily traveled streets. This term excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat or fish (see "Food and Beverage Sales"). Includes establishments located within or associated with another use (e.g., service stations) (see "Vehicle Services - Service Stations"). May also sell alcoholic beverages (see Section 17.430.040 (Alcohol Sales).

Conversion of Residential Structures. The use of residential structures converted for combined residential and nonresidential use or converted for solely nonresidential use.

Cottage Business. An accessory use, subordinate to the principal residential use of the property, operated by persons residing in the principal dwelling unit on the same parcel of land upon which the cottage business is located (See Section 17.430.150 (Cottage Businesses). Additionally, the use may be carried out in an accessory structure on the same parcel or on a parcel adjacent to the principal dwelling owned by the same person. The cottage business constitutes, either entirely or partly, the livelihood of the person living in the dwelling unit. A cottage business may also include a home occupation (see "Home Occupations"). Examples of these uses include:

- Clothing tailors and seamstresses
- Contractor's storage yard (maximum of 200 sq ft outdoor storage
- Electronic/computer equipment repair and maintenance
- Engine repair, small (excludes motor vehicle engines)
- Household goods repair and maintenance (minor)
- Janitorial, housekeeping, and lawn care services
- Locksmith shop

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- Specialty trade contractors (e.g., drywall, electrical, landscaping, masonry, painting, plumbing, roofing, etc.)
- Pest control services
- Trucking business (Max 2 trucks with trailers)
- Upholstery, cabinet, and woodworking shops

Council. The City Council of the City of San Jacinto.

Covenant of Easement. See Section 17.660.120 (Covenants of Easements).

Coverage.

Impervious Surface Coverage. The area of a parcel covered by structure(s) and other impervious surface(s), expressed as a percentage of the total parcel area. See also "Impervious Surface." See Figure 8-4 (Impervious Surface Coverage and Structure Coverage).

Structure Coverage. The area of a parcel covered by a structure or structures, expressed as a percentage of the total parcel area. See Figure 8-4 (Impervious Surface Coverage and Structure Coverage).

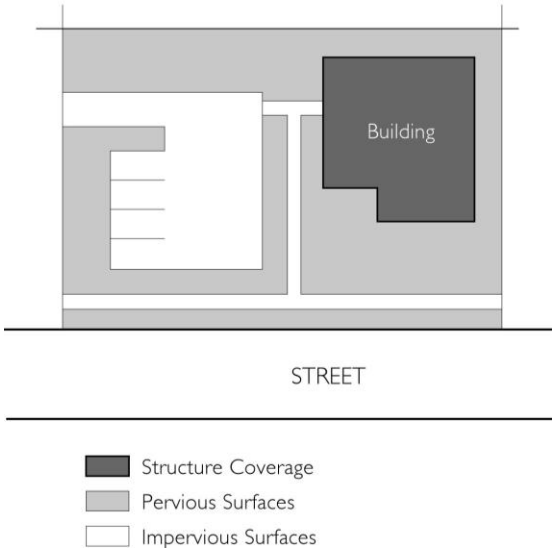

Figure 8-4
Impervious Surface Coverage and Structure Coverage

Crop Production, Horticulture, Orchard. See "Agricultural Activities and Facilities."

Cultural Institutions (Land Use). Public or private institutions that display or preserve objects of community or cultural interest in one or more of the arts or sciences. Examples of these uses include:

- art galleries
- libraries
- museums

Cut. Earth material removed by artificial means (e.g., excavation or any other form of human activity) or the act of removing the material. See Figure 8-5 (Cut and Fill). See also "Fill."

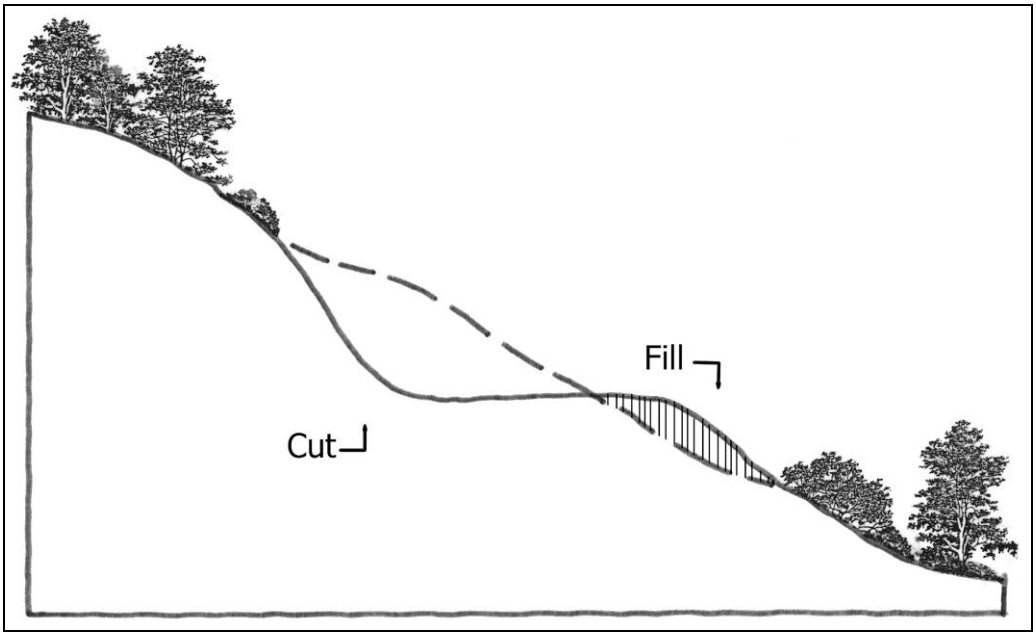

Figure 8-5
Cut and Fill

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17.800.050 – Definitions, "D"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Dairies. See "Livestock and Dairy Operations."

Day. Unless otherwise specified, a calendar day. See "Calendar Day." See Section 17.105.020.D. (Rules of Interpretation – Time limits).

Day Spa. An establishment that offers a combination of non-medical personal services typically found in a beauty shop (i.e., hair, nail and skin care) and spa tubs, pools, steam rooms, saunas or other related accessory facilities and uses. May include "Massage Services".

Development Review Committee. See Section 17.700.060 (Development Review Committee). See also "Pre-Development Review Committee."

Director. The Planning Director of the City of San Jacinto, or authorized designee(s).

Disability or Handicap. Physical or mental impairment that substantially limits one or more of a person's major life activities or a record of having an impairment, but the term does not include current, illegal use of, or an addiction to, a controlled substance. Current users of illegal controlled substances, persons convicted with illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status.

Donation Box. See "Recycling Facilities."

Donor site. A site (e.g., one or more parcels of land) that is the subject of a transfer of development rights, where the owner of the site is donating or conveying development rights of the site, and on which those rights so conveyed are extinguished and may not be used by reason of the transfer of development rights. See Chapter 17.645 (Transfer of Development Rights).

Drive-Through Retail (Land Use). A facility where food or other products may be purchased by motorists without leaving their vehicles. Examples of drive-through retail facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

Drive-Through Service (Land Use). A facility where services may be obtained by motorists without leaving their vehicles. Examples of drive-through service facilities include drive-through bank teller windows, dry cleaners, automated teller machines, etc., but do not include gas stations or other vehicle services, which are separately defined.

Drug Manufacturing (Land Use). The manufacture of medicinal chemicals and botanical products, pharmaceutical preparations, diagnostic substances, and biological products, for human or veterinary use.

Duplex. See "Dwelling, Two-Family."

Dwelling. A structure or portion of a structure designed for residential purposes, including single-family, two-family, and multi-family dwellings.

Dwelling, Multi-Family (Land Use). A structure or development containing three or more dwelling units, each of which is for occupancy by one or more persons living as a Single Housekeeping Unit (see "Single Housekeeping Unit"). Includes: triplexes (structures under one ownership with three dwelling units in the same structure); fourplexes (structures under one ownership with four dwelling units in the same structure); apartments (five or more dwelling units under one ownership in a single structure or complex); and common ownership, attached unit projects including condominiums (see "Condominiums") and townhouses (see "Townhouses." Does not include duplexes (see "Dwelling, Two Unit").

Dwelling, Single-Family (Land Use). A structure containing one dwelling unit located on a single parcel for occupancy by one Single Housekeeping Unit (see "Single Housekeeping Unit"). Also includes manufactured housing (see "Manufactured Housing") and mobile homes (see "Mobile Home"), when placed on permanent foundation systems.

> **Attached Single-Family Dwelling.** A dwelling that is attached to another dwelling, excluding accessory dwellings. Each dwelling is owned in fee, located on an individual parcel, and is joined to another dwelling along a single lot line. Each dwelling is totally separated from the other by an unpierced vertical wall extending from ground to roof. Row houses and town homes are examples of this dwelling unit type.
>
> **Detached Single-Family Dwelling.** A dwelling that is not attached to any other dwelling. The dwelling is owned in fee and is located on an individual parcel.

Dwelling, Two-Family (also known as a duplex) (Land Use). A structure located on a single parcel and containing two dwelling units, each of which is for occupancy by one Single Housekeeping Unit (see "Single Housekeeping Unit"). Also includes manufactured housing (see "Manufactured Housing") and mobile homes (see "Mobile Home"), when placed on permanent foundation systems.

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for occupancy by one Single Housekeeping Unit (see "Single Housekeeping Unit").

Dwelling Unit, Second (Land Use). A second permanent dwelling that is accessory to a principal dwelling on the same site. A second dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. Does not include guest house (see "Guest House").

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17.800.060 – Definitions, "E"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Easement. See Section 17.660.120 (Covenants of Easements).

Educational Facility, Private or Public (Land Use). An institution (e.g., a private or public school, college or university) that conducts general academic instruction equivalent to the standards prescribed by the State Board of Education, or confers degrees to students of undergraduate or graduate standing, or conducts academic or scientific research, or gives religious instruction.

> **Academic K–12.** An institution that offers instruction in several branches of learning and study required to be taught in the public schools by the State Education Code. Includes elementary, middle, junior high, and high schools serving kindergarten through 12th grade students. Does not include preschools and child day care (see "Day Care Facilities, Child").
>
> **College or University.** A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields. These institutions require at least a high school diploma or equivalent general academic training for admission. Includes community colleges, public colleges, universities, and technical schools
>
> **Commercial Schools.** Non-degree granting business, secretarial, and vocational schools offering specialized trade and commercial courses. Includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development (including arts, communications, environmental awareness, fitness, and management, as examples) and the following specialized schools:
>
> - art school
> - business, secretarial, and vocational school
> - computers and electronics school
> - dance school
> - drama school
> - driver education school
> - establishments providing courses by mail or internet
> - language school
> - music school

(continued next page)

- personal growth and development (including arts, communications, environmental awareness, fitness, and management)
- photography school
- seminaries/religious ministry training facility
- tutoring centers

See also the definition of "Studio - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Efficiency Unit. See "Studio Apartment."

Electronics, Equipment, and Appliance Manufacturing (Land Use). Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, and peripherals
- electrical transmission and distribution equipment
- electronic components and accessories
- semiconductors, integrated circuits, related devices
- electronic instruments, components and equipment such as calculators and computers
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial apparatus
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment such as television and radio sets
- surgical, medical and dental instruments, equipment, supplies
- surveying and drafting instruments
- telephone apparatus
- transformers, switch gear, and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see “Business Support Services”), or research and development facilities separate from manufacturing (see “Research and Development”).

Emergency Shelter (Land Use). See “Care Facilities.”

Entertainment, Live. See “Live Entertainment.”

Equipment Rental (Land Use). A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction and heavy equipment rental (see "Construction and Heavy Equipment Rental").

Establishment. Any business (see “Business”).

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17.800.070 – Definitions, "F"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Fair Housing Laws. Section 42 United States Code Section 3604(f)(3)(B) and California Government Code Sections 12927c(1) and 12955(1), as amended from time to time.

Family. See "Single Housekeeping Unit."

Farm Supply and Feed Store (Land Use). A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, feed for domestic pets and farm animals, and other operations and processes pertaining to farming and ranching. Includes the sale of small animals such as chicks or other animals if authorized by the approved permit. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

Farmers Market (Land Use). The temporary use of a site for the outdoor sales of food and farm produce items, in compliance with California Food and Agriculture Code Section 1392 et seq.

Feed Store. See "Farm Supply and Feed Store."

Fence or wall. A structure, solid or otherwise, that is 18 inches or more in height, the purpose of which is to either partially or totally define parcel boundaries, create or define portions of yards, or secure private areas. Does not include "Hedge."

Fill. Earth material placed by artificial means (e.g., truck import or any other form of human activity) or the act of placing the material. See Figure 8-3 (Cut and Fill). See also "Cut."

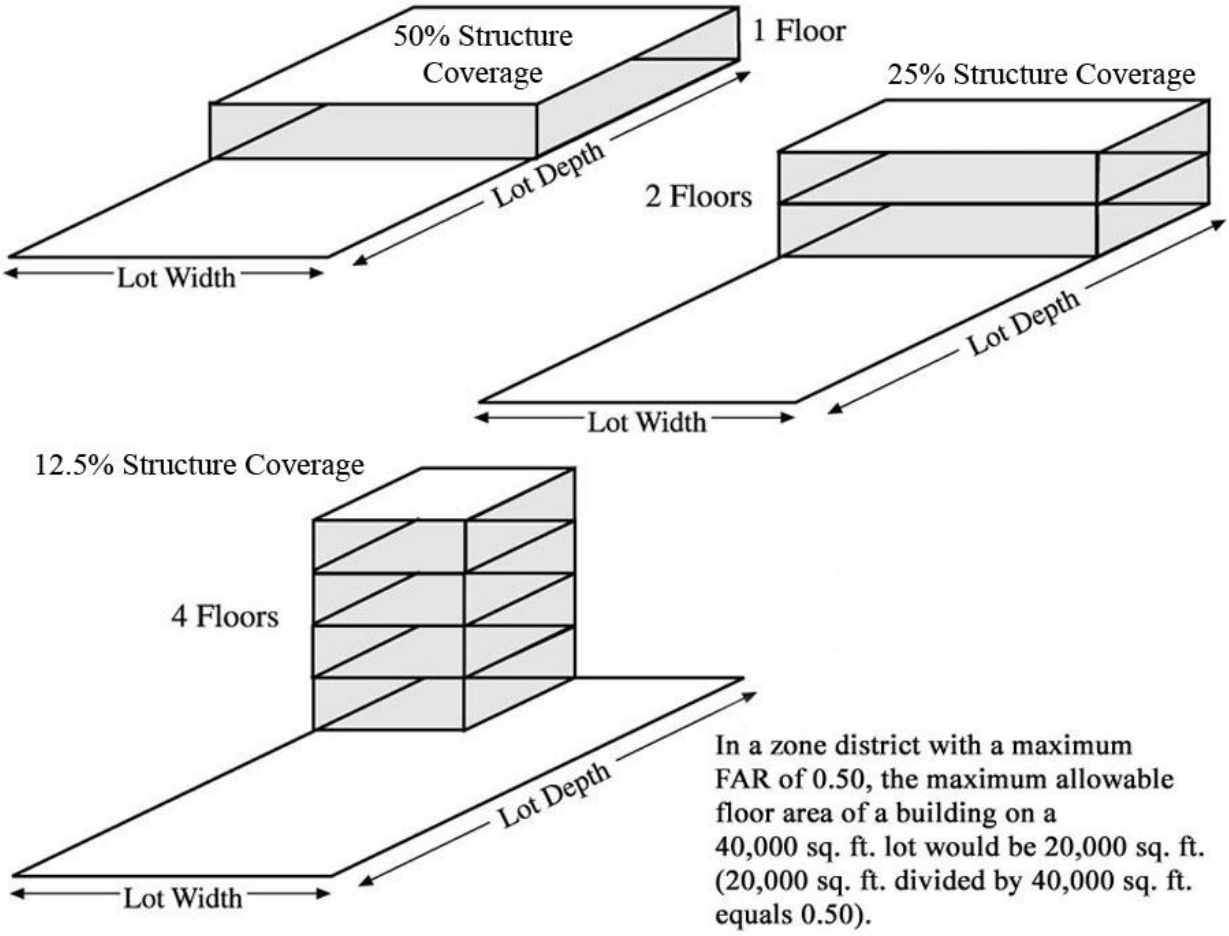
Fire Chief. The Fire Chief of the City of San Jacinto, or authorized designee(s).

Flatwork. Where the ground is covered with non-structural concrete, asphalt, or any material that creates an impervious surface. See "Impervious Surface."

Flex-Time. Allowing employees to alter regular hours of work by extending the work day in the morning or evening or both.

Floor Area Ratio. The mathematical relation between volume of building and unit of land expressed as the ratio of gross floor area of all structures on a lot to total lot area. See Figure 8-6 (Floor Area Ratio).

Possible Building Configurations for 0.50 FAR



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

Figure 8-6
Floor Area Ratio

Food and Beverage Product Manufacturing (Land Use). Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- bottling plants
- breweries
- candy, sugar and confectionery products manufacturing
- catering services separate from stores or restaurants
- coffee roasting
- dairy products manufacturing
- fats and oil product manufacturing (rendering excluded)
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, by-product processing
- soft drink production
- wine production
- miscellaneous food item preparation from raw products

Does not include bakeries (see "Bakery Products") or beer brewing as part of a brew pub, bar or restaurant (see "Bars, Lounges, and Nightclubs").

Food and Beverage Sales (Land Use). A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales. Does not include catering service (see "Catering Service") or convenience markets (see "Convenience Markets").

Chain Grocery. Retail establishments that generally maintain a minimum gross floor area of 30,000 square feet and carry a broad range of food products (e.g., fresh fruits; fresh vegetables; baked goods, meat, poultry, or fish products; frozen foods; and processed and prepackaged foods). Chain groceries are operated by businesses that have three or more store locations. Includes retail bakeries, where on-site baking is only for on-site sales.

Neighborhood Grocery. Retail establishments that occupy a maximum gross floor area of 10,000 square feet and primarily sell food products (e.g., fresh fruits; fresh vegetables; baked goods, meat, poultry, or fish products; frozen foods; and processed and prepackaged foods) and also may sell other convenience and household goods.

Specialty Food. Retail establishments that generally carry a limited and focused range of food products (e.g., bakery, butcher, cheese store, delicatessen, health food, ice cream/yogurt shop, produce market, or food stuffs associated with a particular nationality, religious observance, dietary practices, or cuisine, etc.)

Food Service Establishment (Land Use). A retail business selling ready-to-eat food or beverages for on- or off-premise consumption. These include businesses where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Outdoor dining facilities shall meet the standards in Section 17.430.230 (Outdoor Dining). Does not include establishments selling alcoholic beverages (see "Alcohol Sales").

Fortune Teller. See "Personal Services – Restricted."

Fourplex. See "Dwelling, Multi-Family."

Fuel Dealer (Land Use). A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

Furniture/Fixtures Manufacturing, Cabinet Shops (Land Use). Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public space furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills (see "Lumber and Wood Products").

17.800.080 – Definitions, "G"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Garage, Private. An accessory structure, or an accessory portion of the primary structure, which is enclosed on all sides and is designed or used primarily for parking of motor vehicles by the occupants of the primary structure.

Garage Sale (Land Use). See Municipal Code Chapter 5.24 (Garage Sales) and also Chapter 17.640 (Temporary Use Permits).

Government Facility (Land Use). An area or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public (e.g., corporate yard, city hall, community recreation center, post office, library, etc.).

Grade, Existing. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project.

Grade, Finished. The surface of the ground or pavement at a stated location as it exists after completion of a project.

Grade, Natural. The unaltered natural surface of the ground at a stated location.

Grading. Excavating, filling, or smoothing earth.

Granny Unit. See "Dwelling Unit, Second."

Grocery Store. See "Food and Beverage Sales."

Guest House (Land Use). Living/sleeping quarters within a detached structure accessory to a single-family dwelling for the use of persons employed on the premises or for the temporary use by guests of the occupants of the premises. The quarters shall have no kitchen or cooking facilities and shall not be rented or otherwise used as a separate dwelling.

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17.800.090 – Definitions, "H"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Handcraft Manufacturing (Land Use). On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment (i.e., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, welding etc.) that have no negative external impacts on surrounding properties. Examples of these products include:

- candles
- ceramics
- costume novelties
- jewelry
- mosaics
- musical instruments
- needlework
- pottery
- quilting
- small glass, metal art, and craft products
- sporting and athletic goods
- stained glass
- toys
- wood carving

Includes the incidental direct sale to consumers of only those goods produced on-site. Does not include artisan shops (see "Artisan Shops"), performing art rehearsal spaces (see "Studios, Art, Dance, Martial Arts, Music, etc."), or art museums (see "Cultural Institutions").

Head Shop. An establishment that sells merchandise that could be used for the purpose of unlawfully administering or ingesting drugs. See "Personal Services, Restricted."

Health/Fitness Facility (Land Use). A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

> **Small.** An indoor facility of 2,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, or weight control. Examples of uses include martial arts, Pilates, personal training, and yoga studios.
>
> **Large.** A full service fitness center, gymnasium, or health and athletic club, which is over 2,000 square feet in size and may include any of the following: sauna, spa or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; aerobic classes and other indoor sports activities; locker rooms and showers, barber/beauty shops, snack shop, delis, lounges, etc. Does not include adult-oriented businesses (see "Adult-Oriented Businesses") and other commercial recreation facilities (see "Commercial Recreation Facilities").

Hedge. A group of shrubs or trees planted in a line or in groups forming a compact, dense, barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. See "Fence."

Height. The vertical distance from the finished grade to the highest point of a structure.

Hillside. Those portions of land displaying slopes, ridgelines, hills, knolls, canyons, or similar topographic features. See Section 17.305.070 (Hillside Development).

Home Occupation (Land Use). An activity conducted in compliance with Chapter 17.615 (Home Occupation Permits).

Home Occupation Permit. A type of discretionary permit that, if approved, would allow for the conduct of a home occupation within a dwelling located in a residential zone. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses in compliance with Chapter 17.615 (Home Occupation Permits).

Hookah. A glass or metal water pipe usually decorated and shaped somewhat like a bottle or small tank, with a long, flexible cord pipe, also known as shisha, nargile, hubble bubble, nag, or Turkish water pipe. See "Hookah Lounge."

Hookah Lounge. An area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of hookahs, but does not include private use of hookahs in personal residences if otherwise in compliance with applicable law. See "Hookah."

Hospital. See "Medical Services- Hospital."

Hotel. See "Lodging."

17.800.100 – Definitions, "I"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Impervious Surface. Any material or structure on or above the ground that prevents the movement of water from the land surface into the underlying soil or dirt. Impervious surface includes hardened surfaces caused by human action including paved parking lots, sidewalks, roof tops, driveways, patios, and roads. May include "semi-hardened" surfaces that greatly impede water flow and are also caused by human action, including highly compacted gravel, sand, soils, or clay, which can be nearly concrete-like in their imperviousness. See "Impervious Surface Coverage."

Imprevious Surface Coverage. See "Coverage."

Improvement. Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

Industrial Park. An area of land planned, developed, and operated as an integrated facility for a number of industrial uses and supporting accessory uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Inoperable Vehicle. Any car, truck, motorcycle, trailer, boat or vessel, motor home or other conveyance intended to be used on public roadways or waterways that cannot legally and safely be operated on public roadways or waterways; or any off-road vehicle that cannot be operated on or off public roadways. A "certificate of non-operation" issued by the California Department of Motor Vehicles relates only to the registration fees due and has no bearing on the operable status of any vehicle or vessel.

Irrevocable Offer of Dedication. See Section 17.660.120 (Covenants of Easements).

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17.800.110 – Definitions, "J"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

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17.800.120 – Definitions, "K"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Kennels and Catteries. Facilities for the care of dogs and cats. See "Animal Sales and Services."

Kitchen. Any room or space within a structure, all or part of which is designed or used for cooking, preparation, refrigeration and storage of food and which includes any of the following: stove, oven, range top, dishwasher, kitchen sink, microwave oven, and refrigerator/freezer.

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17.800.130 – Definitions, "L"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Landform Grading. A land grading concept that seeks to replicate the irregular shapes of natural slopes. Does not include conventional grading or contour grading. See Figure 8-7 (Landform Grading).

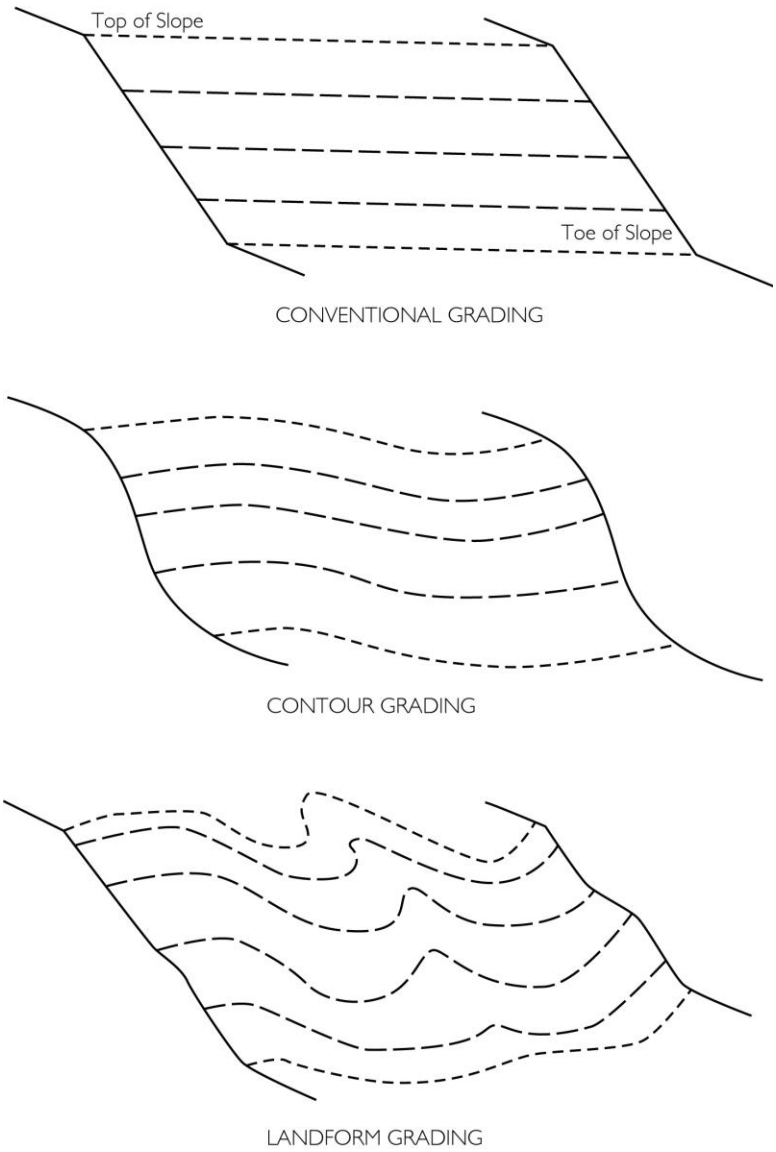

Figure 8-7
Landform Grading

Landforming. The grading and planting of an area so that the area blends into and complements the drainage pattern of the surrounding natural terrain. See "Landform Grading" and see also Section 17.305.070 (Hillside Development).

Landscape Design Guidelines. The Landscape Design Guidelines adopted by the City Council in Resolution No. 253 on June 2, 2005, as amended from time to time.

Laundries, Dry Cleaning Plants, Linen Supply. Service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

LEED. Leadership and Energy Efficient Design (LEED) is an internationally recognized green building certification system developed by the U.S. Green Building Council (USGBC), providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across the following types of metrics: energy savings, water efficiency, CO_2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Live Entertainment (Land Use). Entertainment provided by one or more live performers, including musical, theatrical, dance, cabaret, or comedy acts. For purposes of this definition, a disc jockey is considered a performer, as is any other person whose performance is comprised of selecting or manipulating prerecorded music. Includes dancing and karaoke. Does not include the term "Adult Oriented Businesses."

> **Amplified.** The increase in the degree of sound level of voices, instruments, or recorded music through electronic devices and equipment (e.g., speakers, loudspeakers, etc.).
>
> **Unamplified.** Voices or instruments without sound-boosting electronic devices and equipment.

Live/Work Unit (Land Use). A structure, or spaces within a structure, that combine commercial or manufacturing activity, which are allowed in the zone where the premises are located, with a residential space. Typically the residential use of the premises is secondary or accessory to the primary use as a place of work.

Livestock and Dairy Operations. See "Agriculture."

Local Agency Formation Commission (LAFCO). A commission created in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) to oversee proposals for organization and boundary changes, including the incorporation and disincorporation of cities, the formation and dissolution of special districts, and the annexation, consolidation, merger, and reorganization of cities and special districts.

Lodging (Land Use).

Bed and Breakfast Inn (B&B). A residential structure with one or more bedrooms rented for overnight lodging, where limited meals may be provided to registered overnight guests only, subject to applicable Environmental Health Department regulations.

Hotel. A facility in which guest rooms or suites are offered for compensation to the general public for transient lodging with or without meals for compensation and where no provision is made for cooking in an individual guest room or suite. Hotel rooms are accessed from interior hallways and typically include a variety of accessory services (e.g., accessory retail, personal services, restaurants, etc.) Also includes accessory guest facilities (e.g., meeting facilities, computer/work stations, swimming pools, tennis courts, indoor athletic facilities, etc.).

Extended Stay Hotel. A hotel with rooms that contain kitchen facilities for food preparation. Extended-stay lodging facilities may contain lobbies, conference rooms, meeting rooms, child play areas, or restaurants.

Motel. A structure or series of structures in which guest rooms are offered to the general public for transient lodging, without kitchen facilities; with or without meals; and for compensation. A motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each room.

Lot. The basic unit of land development. A designated area of land established by plat, subdivision, lot line adjustment, or as otherwise allowed by law, to be used, developed, or built upon as a unit. Typically a lot is indicated upon a final map, parcel map, lot line adjustment map, certificate of compliance, or record of merger filed in the Office of the County Recorder. Types of lots include the following. See Figure 8-8 (Lot Types).

Corner Lot. A lot located at the intersection of two or more streets. The front lot line of a corner lot abuts the shortest street property line, unless otherwise determined by the Director.

Flag Lot. A lot not meeting minimum lot frontage requirements and where access to the private or public street is provided by a narrow private access way that is between abutting lots and that is owned in fee.

Interior Lot. A lot abutting only one street.

Key Lot. An interior lot, the front of which abuts the side property line of a corner lot.

Reversed Corner Lot. A corner lot, the rear of which abuts the side of another lot.

Through Lot. A lot with frontage on two generally parallel streets. May be an interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line.

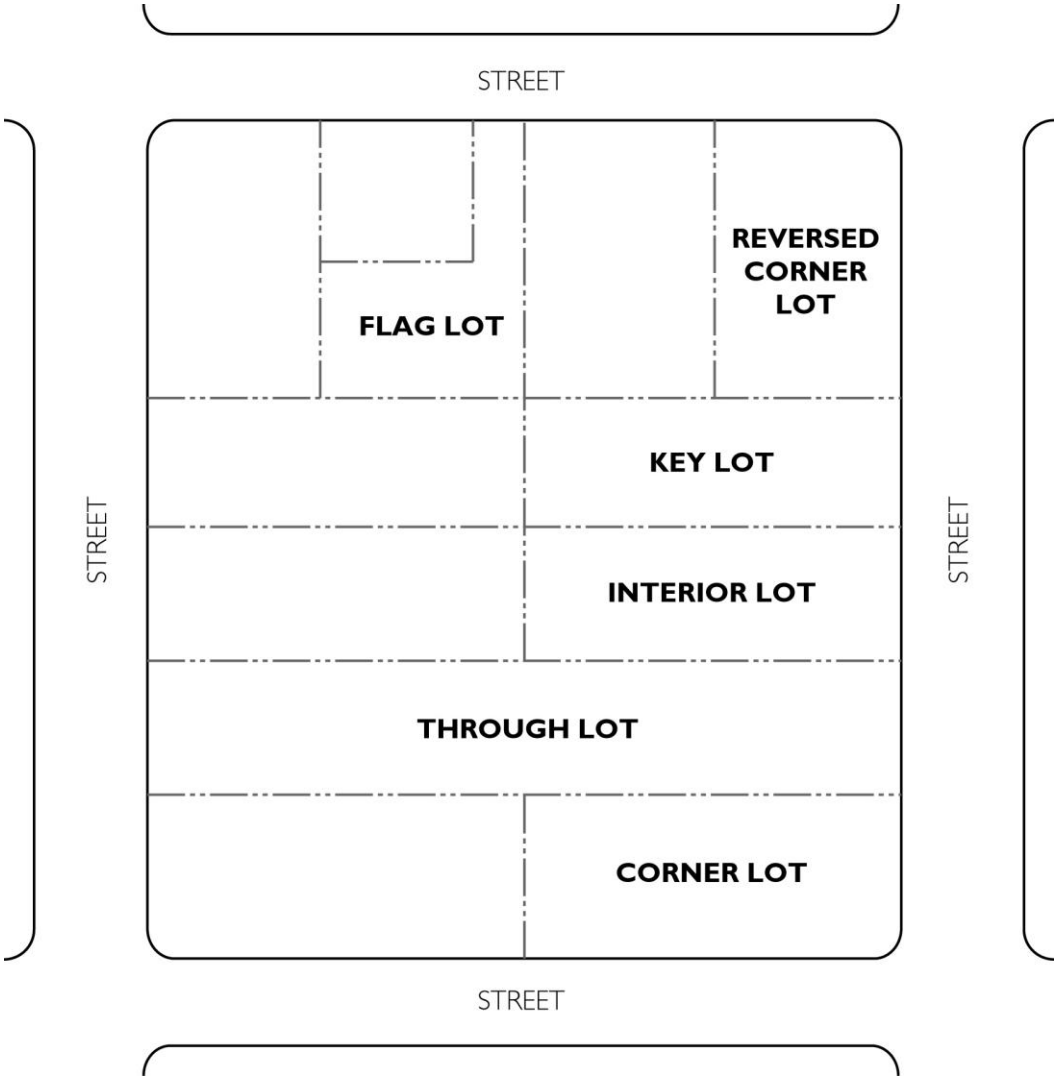

Figure 8-8
Lot Types

Lot Line or Parcel Line. Any recorded boundary of a lot or parcel. Types of lot lines are as follows (see Figure 8-9 (Lot Features)):

Front lot line. On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line with the shortest frontage within residential zones and the longest frontage within nonresidential zones. If the lot lines of a corner lot are equal in length, the Director shall determine which is the front lot line. On a through lot, the front lot line is the line abutting a street where primary access is taken.

Interior lot line. Any lot line not abutting a street.

Rear lot line. A lot line that does not intersect the front lot line and that is most distant from and most closely parallel to the front lot line. In the case of irregularly shaped lots, line to be determined by the Director.

Side lot line. Any lot line that is not a front or rear lot line.

Zero-lot line. See "Zero Lot Line."

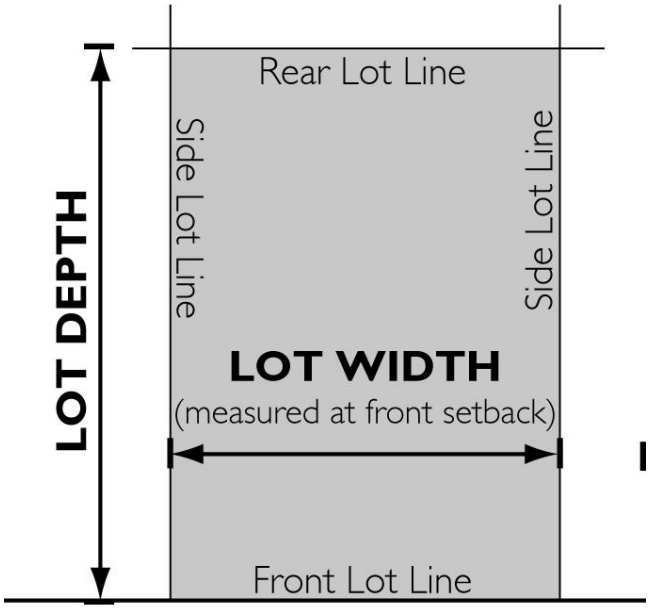

Figure 8-9
Lot Features

Lumber and Wood Product Manufacturing (Land Use). Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets, and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Does not include craft-type shops ("Handcraft Manufacturing"); other wood and cabinet shops ("Furniture/Fixture Manufacturing"); indoor retail sale of building materials, construction tools and equipment ("Building/Landscape Material Sales").

17.800.140 – Definitions, "M"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Machinery Manufacturing (Land Use). Facilities to make or process raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").

Maintenance and Repair Service (Land Use) . Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Maintenance and Service Facility (Land Use). A facility providing maintenance and repair services for fleet vehicles, and accommodating equipment and materials storage areas. This use includes corporation yards, equipment service centers, and similar facilities.

Manufactured Housing. A factory-built structure that is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, or California law and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. For the purpose of this Development Code, a manufactured home shall be considered the same as any site-built, single-family detached dwelling (see "Single-Family Dwelling"). Does not include mobile homes (see "Mobile Home"). A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling.

Massage. As defined in Municipal Code Chapter 5.32 (Massage Parlors).

Massage Establishments and Services (Land Use). An establishment where any person certified in compliance with *Business and Professions Code Section 4600 et seq.* administers to another person a massage, as defined in Municipal Code Chapter 5.32 (Massage Parlors).

Medical Marijuana Dispensary. See definition in Municipal Code Chapter 9.28 (Prohibitions Against Medical Marijuana Dispensaries and Other Similar Uses).

Medical Services - Clinic, Laboratory, Urgent Care (Land Use). A facility where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- outpatient care facilities
- outpatient surgery facilities
- urgent care facilities
- other allied health services

These facilities may also include incidental medical laboratories. Does not include counseling services by other than medical doctors or psychiatrists (see "Offices - Professional/ Administrative") or hospitals (see “Medical Services – Hospitals”).

Medical Services - Offices (Land Use). A facility where medical, dental, mental health, eye care, surgical, acupuncture, acupressure, massage therapy, or other personal health care services are provided on an outpatient basis by chiropractors, medical doctors, psychiatrists, opticians, etc., licensed by the State. Does not include medical clinics, laboratories, or urgent care facilities (see "Medical Services - Clinic, Laboratory, Urgent Care"); hospitals (See “Medical Services, Hospital”); counseling services by other than medical doctors or psychiatrists in locations other than in the offices of other medical doctors or psychiatrists (see "Offices - Professional/Administrative"); palm readers, hypnotists, card readers, psychics, and similar services (see "Personal Services – Restricted"). Massage services is further defined under “Massage Establishments and Services.”

Medical Services – Hospital (Land Use). Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide care for patients on a 24-hour basis within an integrated setting. May include outpatient services and on-site accessory clinics and laboratories (see “Medical Services – Clinic, Laboratory, Urgent Care”); accessory retail uses (see "Accessory Retail and Services"), and on-site ambulance dispatch facilities (“Transportation Service Dispatch Facility ”).

Metal Products Fabrication, Machine and Welding Shops (Land Use). Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, wrought-iron fences and decorative elements, and similar products:

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

Minor Use Permit. A type of discretionary permit that, if approved, would allow a use that

requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities, in compliance with Article 2 (Zones, Allowed Land Uses, and Zone-Specific Standards). The additional control is to ensure that the particular use on the particular proposed site is compatible with other existing or permitted uses surrounding the site, in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits).

Minor Variance. A discretionary entitlement that, if approved, would allow the relaxation of specified, but very limited, development standards of this Development Code, in compliance with Chapter 17.650 (Variances and Minor Variances).

Mixed-Use Project (Land Use). A development with two or more different land uses on the same site such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures. Integration can be either vertical or horizontal or a mixture of the two.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwelling."

Mobile Home Park (Land Use). Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mobile Home Sales. See “Vehicle Rentals, Sales, and Services.”

Mobile Home Subdivisions (Land Use). Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are offered for sale or condominium ownership.

Mortuary, Funeral Home (Land Use). An establishment in which the deceased are prepared for burial or cremation, and funeral services may be conducted. Full-service mortuaries include facilities for the preparation of the deceased for burial and for cremation, but does not perform burials or cremations. May include ancillary uses (e.g., sales of caskets, urns, etc.) Partial service facilities include only chapels and similar rooms for viewing, religious services, wakes, and similar activities, together with accessory office facilities. Does not include “Cemetery.”

Motel. See “Lodging.”

Motor Vehicles and Transportation Equipment Manufacturing (Land Use). Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions.

Multi-Family Dwelling (Land Use). See "Dwelling, Multi-Family."

17.800.150 – Definitions, "N"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Nail Salons. Establishments where a majority of the work stations are used to provide manicure or pedicure services. May include accessory massage services . Does not include day spas or similar facilities in which manicure or pedicure services are offered as one type of an array of personal care services (see "Day Spa"). See also "Personal Services."

National Pollutant Discharge Elimination System (NPDES). A system established by the Federal Water Pollution Control Act (FWPCA) (Title IV, Section 402- Permits and Licenses) for issuing permits for wastewater discharge into waters of the United States. The permit provides two levels of control: technology-based limits (based on the ability of dischargers in the same industrial category to treat wastewater) and water quality-based limits (if technology-based limits are not sufficient to provide protection of the water body).

Natural. The condition of land before human alteration, determined on the basis of the oldest reliable evidence available to the review authority at the time of its decision (e.g., topographic map, aerial photographs, etc.). For example, "natural slope" means the slope of a parcel, or portion of a parcel, that is not manufactured or manmade.

Neighborhood Grocery Store. See "Food and Beverage Sales."

Noise. Any undesired audible sound, as regulated by Section 17.300.060 (Noise).

Nursing Home. See "Care Facilities."

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17.800.160 – Definitions, "O"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Office (Land Use). This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Services - Clinic, Laboratory, Urgent Care" and "Medical Services - Doctor Office"):

Accessory. An office facility for administration, or on-site business and operations management, that are incidental and accessory to another business, sales, or service activity that is the primary use. For example, a business office within a grocery store.

Business/Service. Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, legal services, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which is separately defined.

Government. Administrative, clerical, or public contact or service offices of a local, State, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Truck or Freight Terminal."

Processing. Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent or telecommunications-based activities. Examples of these uses include:

- airline, lodging chain, and rental car company reservation centers
- computer software and hardware design and development
- consumer credit reporting
- data processing services
- health management organization (HMO) offices where no medical services are provided
- insurance claim processing
- mail order and electronic commerce transaction processing
- telecommunications facility design and management
- telemarketing

Professional/Administrative. Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:

- accounting, auditing and bookkeeping services
- advertising agencies
- appraisers
- attorneys
- business associations, chambers of commerce
- collection agencies
- construction contractors (office facilities only)
- counseling services
- court reporting services
- detective agencies and similar services
- design services including architecture, engineering, landscape architecture, urban planning
- educational, scientific and research organizations
- financial management and investment counseling
- graphic art and design services
- literary and talent agencies
- management and public relations services
- manufacturers' agents
- media postproduction services
- news services
- photographers and photography studios
- political campaign headquarters
- psychologists
- secretarial, stenographic, word processing, and temporary clerical employee services
- security and commodity brokers
- title and escrow companies
- writers and artists offices

Temporary. A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction. See Chapter 17.640 (Temporary Use Permits).

Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use. See Chapter 17.640 (Temporary Use Permits).

Office Park. An area of land planned, developed, and operated as an integrated facility with freestanding buildings for a number of office uses and supporting accessory uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Off-Site. Located outside the lot or parcel lines of the principal use.

Off-Street Parking. An area together with the required number of parking spaces and improvements as specified by Chapter 17.330 (Off-Street Parking and Loading) for vehicle parking and maneuvering necessary to serve particular land uses, irrespective of the zones in which they occur.

On-Site. Located within the lot or parcel lines of the primary use.

Open Fencing. A fence constructed of rails, pickets, wrought iron, or wire, with the materials spaced so that at least 50 percent of the surface area is open, allowing visibility through the fence.

Open Space, Common. Areas within a development that are designed or intended for the use and enjoyment of all the residents and their guests.

Open Space, Private. Areas intended for the private use by residents of an individual dwelling unit, designed or intended for outdoor living and recreation or the retention of an area in its natural state. Private open spaces may include balconies, patios, and landscaped areas but does not include off-street parking, maneuvering, loading, or delivery areas.

Ordinary Maintenance and Repair. Work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of, or damage to a structure, and to restore the structure to its condition before the deterioration or damage.

Organizational House (Land Use). A residential lodging facility operated by a membership organization (e.g., school, convent, monastery, religious organization, etc.) for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Dining. A dining area with seats or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is (a) located entirely outside the walls of the subject structure, (b) enclosed on two sides or less by the walls of the structure with or without a solid roof cover, or (c) enclosed on three sides by the walls of the structure without a solid roof cover.

Outdoor Display and Sales. The temporary or permanent outdoor display of merchandise incidental to an adjacent indoor retail use, and certain independent outdoor retail sales facilities. Includes news and flower stands. Does not include the sale of motor vehicles ("Vehicle Rentals, Sales and Services"), mobile homes, boats, and recreational vehicles ("Mobile Home, Boat, or RV Sales"), or building or landscape materials ("Building and Landscape Materials Sales – Outdoor"). Outdoor display and sales shall comply with the standards in Section 17.430.240 (Outdoor Displays and Sales) and Chapter 17.640 (Temporary Use Permits) for temporary display and sales.

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17.800.170 – Definitions, "P"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Pad. A graded or prepared area on a parcel upon which a structure may be placed.

Paper Product Manufacturing. The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products. Includes paper bags, boxes, envelopes, wallpaper, etc.

Parcel. See "Lot."

Parking, tandem. The placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space. May be located within a pull-through garage.

Parking Facility - Public or Commercial (Land Use). Parking lots or structures operated by the City, or a private entity providing parking for a fee. Does not include towing impound and storage facilities, which are instead defined under "Storage - Outdoor."

Parking Management. An action taken to alter the supply, operation, or demand of parking facilities to force a shift from the single occupant vehicle to carpool, vanpool, or other transportation mode.

Parks and Playgrounds (Land Use). Public parks, play lots, playgrounds, and athletic fields for noncommercial neighborhood or community use, including tennis courts. May include passive outdoor recreation areas. Does not include the same facilities that are privately-owned, commercial recreation facilities (See "Commercial Recreation Facilities"), or recreational vehicle parks and campgrounds ("Recreational Vehicle Parks").

Partial Reconveyance. See Section 17.660.120 (Covenants of Easements).

Personal Services (Land Use). Establishments providing non medical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops (without massage)
- clothing rental shops
- dry cleaning/laundry pick up stores only, with very limited equipment and services
- home electronics and small appliance repair
- laundromats (self service laundries)
- locksmiths
- nail salons
- shoe repair shops
- tailors and seamstresses
- tanning salons

These uses may also include accessory retail sales of products related to the services provided.

Personal Services – Restricted (Land Use). Personal services that may tend to have a blighting or deteriorating effect upon surrounding areas and that may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing stores
- payday advance businesses
- head shops
- fortune tellers
- palm and card readers
- pawnshops
- psychics
- spas and hot tubs for hourly rental
- tattoo parlors and body piercing studios

Does not include acupressure, acupuncture, or massage ("Medical Services - Offices" and "Adult-Oriented Businesses"); hookah lounges ("Hookah Lounge"); or medical marijuana dispensaries (Municipal Code Chapter 9.28-Prohibitions against Medical Marijuana Dispensaries and Other Similar Uses).

Place of Worship. Any structure used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the California property tax law, where the structure is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque. See "Places of Assembly."

Planned Development Permit. A type of discretionary permit that, if approved, would allow the design development a method whereby land may be designed and developed as a single unit by taking advantage of modern site planning techniques thereby resulting in a more efficient use of land, a better living environment, and a superb site plan, and excellence of design than is otherwise possible through strict application of the development standards identified in Article 2 (Zones, Allowed Land Uses, and Zone-Specific Standards), in exchange for a modification of specified development standards, in compliance with Chapter 17.620 (Planned Development Permits).

Planning Fee Schedule. A schedule of fees approved by the City Council for the payment of funds to the city for processing and reviewing land use permit applications or other entitlements or for issuing licenses. See Section 17.600.050 (Application Fees).

Planning Permit. A generic term that means any permit or other entitlement authorized by this Development Code including the following: Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Reasonable Accommodation, Site Plan and Design Review, Temporary Use Permit, Variance, and Zoning Clearance.

Plant Nursery (Land Use). A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard." Also

includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a structure is also included under "Retail, General Merchandise."

Plastics, Other Synthetics, and Rubber Product Manufacturing (Land Use). The manufacturing from previously produced products of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastic products; fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Auto Repair and Service").

Police Chief. The Police Chief of the City of San Jacinto, or authorized designee(s).

Poolroom. Any place of business where any of several games are played on a table by driving small balls against one another or into pockets with a cue. Also known as a billiard hall.

Pre-Development Review Committee. See Section 17.600.040 (Application Preparation and Filing). See also "Development Review Committee."

Prezone. The process by which the City determines the actual future land use zones for specified parcels of land located outside the City's boundaries before these parcels are annexed to the City. See Chapter 17.720 (Amendments).

Principal Use. See "Use, Principal." The primary or predominant use of any parcel or structure

Printing and Publishing (Land Use). Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade (e.g., bookbinding, typesetting, engraving, photoengraving, and electrotyping). This use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Produce Stand (Land Use). A business established and operated that sells raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation. May be either permanent or temporary in use.
Public Safety Facility (Land Use). A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site (see "Transportation Service Dispatch Facility").

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17.800.180 – Definitions, "Q"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

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17.800.190 – Definitions, "R"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Reasonable Accommodation. A type of discretionary permit that, if approved, would provide for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) in the application of building and zoning laws and other land use policies, procedures, laws, rules, and regulations. See Chapter 17.625 (Reasonable Accommodation).

Receiver Site. A site (e.g., one or more parcels of land located in one or more areas of the City) that is the subject of a transfer of development rights, where the owner of the site is receiving development rights, directly or by intermediate transfers, from a donor site, and on which increased density or intensity is allowed by reason of the transfer of development rights. See Chapter 17.645 (Transfer of Development Rights).

Reception Halls/Rental Halls. See "Banquet Halls."

Reciprocal Access Easement. See Section 17.660.120 (Covenants of Easements).

Recreational Vehicle (RV). An RV is either of the following, as provided in *Health and Safety Code Section 18010*:

> A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:
>
> a. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
>
> b. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
>
> c. It is built on a single chassis; and
>
> d. It is self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.
>
> A park trailer, as defined in *Health and Safety Code Section 18009.3*.

Recreational Vehicle (RV) Park (Land Use). A site where one or more lots or spaces are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, and water, sewer, and electric hookups to each lot or space. Includes campgrounds. May include accessory retail uses and services that are clearly incidental and intended to serve RV park or campground patrons only.

Recreational Vehicle Sales. See "Vehicle Rentals, Sales, and Services."

Recycling. The series of activities by which discarded materials that would otherwise remain wastes are collected, separated, or processed and used to make new products.

Recycling Facilities (Land Use). This land use type includes a variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the *California Beverage Container Recycling and Litter Reduction Act of 1986*. Recyclable material includes reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

Donation boxes. A bin, storage shed, or similar facility measuring no more than eight feet wide by eight feet long and eight feet high, and established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.

Collection Facility (Large). A facility that occupies an area of more than 350 square feet or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Collection Facility (Small). A facility that occupies an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

(a) A mobile unit;

(b) Reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.

(c) Kiosk-type units that may include permanent structures.

Processing Facility. A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding.

Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.

Recycling—Scrap and Dismantling Yards. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light processing facilities for recycling (see Recycling Facility – Processing Facility"). Does not include places where these activities are conducted entirely within buildings; pawnshops and other secondhand stores ("Secondhand Stores/Pawnshops"); the sale of operative used cars ("Vehicle Rentals, Sales, and Services"); or landfills or other waste disposal sites.

Repair Service - Equipment, Large Appliances, etc. A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance (see "Vehicle Rentals, Sales, and Services"); the repair of small home appliances and electronic equipment (see "Personal Services"); maintenance and repair activities that occur on the client's site, or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to on-site sales.

Research and Development (R&D) (Land Use). Facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical, computer, and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Business Support Services") or medical laboratories (see "Medical Services – Clinic, Laboratory, and Urgent Care").

Residential Care Facility for the Elderly. See "Community Care Facilities."

Restaurant. See "Food Service Establishment."

Retail Sales (Land Use). Stores and shops selling goods or merchandise, not specifically listed under another land use, to the general public for personal or household consumption and rendering services incidental to the sale of goods.

Accessory. See "Nonresidential Accessory Structures and Uses."

General Merchandise. Retail establishments, completely enclosed within structures, engaged in selling goods or merchandise to the general public for profit. Examples of these establishments and lines of merchandise include:

- antiques
- appliances (small)
- artwork
- artists' supplies
- automotive parts and accessories (no repair)
- bakeries (retail only)
- bicycle sales and rentals
- book stores
- bridal shops
- candle shops
- candy shops
- carpeting and floor covering
- china and glassware shops
- clothing and accessories
- collectibles (cards, coins, comics, stamps, etc.)
- computer and video stores
- decorating shops
- discount stores
- drug stores
- electrical supplies
- electronic equipment
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only)
- gift shops
- handcrafted items
- hardware
- hobby materials
- jewelry
- kitchen utensils
- luggage and leather goods
- medical supplies and equipment
- mirrors
- musical instruments, parts and accessories
- newsstands
- office equipment and supplies
- orthopedic supplies
- paint and wallpaper
- photography and film supplies
- picture frames
- posters
- religious goods
- shoe stores
- signs
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- telephone and communications
- tobacco
- toys and games
- trophy stores
- video and DVD stores

Does not include adult-oriented businesses (see "Adult-Oriented Businesses"); stores that sell furniture or other items requiring large amounts of floor space (see "Retail, Bulk Merchandise"); head shops (see "Personal Services – Restricted"); medical marijuana dispensaries (see Municipal Code Chapter 9.28-Prohibitions against Medical Marijuana

Dispensaries and Other Similar Uses); or secondhand stores/pawnshops (see "Secondhand Stores/Pawnshops").

Bulk Merchandise. Retail establishments engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of the goods. Bulk retail is differentiated from general retail by either of the following characteristics:

A high volume of sales of related or unrelated products in a warehouse setting (i.e., "big box" retail).

The sale of goods or merchandise that require a large amount of floor space and that are warehoused and retailed at the same location. Examples of items for sale include:

- Computers and computer equipment
- Electrical and heating fixtures and supplies
- Furniture
- Groceries
- Home appliances (refrigerators, stoves, etc.)
- Home furnishings (draperies, floor coverings, lawn/outdoor furniture, movable spas/hot tubs, etc.)
- Home products
- Home sound systems
- Interior decorating materials and services
- Large musical instruments
- Lumber
- Nursery stock
- Office furniture
- Personal care products
- Televisions

Does not include warehousing, wholesaling, or distribution (see "Warehouses, Wholesaling and Distribution") or vehicle sales ("Vehicle Rentals, Sales, and Services").

Rideshare. A transportation program consisting of carpools and vanpools that enable groups of people to share vehicles to achieve savings in fuel and vehicle operating costs.

Right-of-Entry. See Section 17.660.120 (Covenants of Easements).

Room and Board. See "Congregate Living Facility."

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17.800.200 – Definitions, "S"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Satellite Dish Antenna/Antenna. See "Antenna."

Schools. See "Educational Facilities."

Second Dwelling Unit. See "Dwelling Unit, Second."

Second Hand Stores, Pawnshops (Land Use). Retail establishments that buy and sell used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects; includes indoor flea markets. Does not include bookstores ("Retail Stores"); secondhand farm and construction equipment ("Construction, Farm, and Heavy Equipment Sales"); junk dealers, or scrap/dismantling yards ("Recycling Facilities - Scrap and Dismantling Yards"); the sale of antiques and collectibles ("Retail Stores"); the sale of motor vehicles and other used vehicles ("Vehicle Sales and Leasing").

Senior Residential Projects (Land Use). Dwellings designed for persons at least 62 years of age, or a person at least 55 years of age who meets the qualifications found in *Civil Code Section 51.3*. Includes senior apartments, retirement communities, retirement homes, homes for the aged. Does not include extended care facilities such as convalescent homes or skilled nursing facilities ("Medical Services - Extended Care"); assisted living facilities or senior care facilities ("Residential Care Facilities").

Service Station. See "Vehicle Services – Service Stations."

Setback. The distance by which a structure, parking area, or other development feature shall be separated from a lot line, other structure or development feature, street centerline, or easement. See Figure 8-10 (Setbacks). See also "Yard."

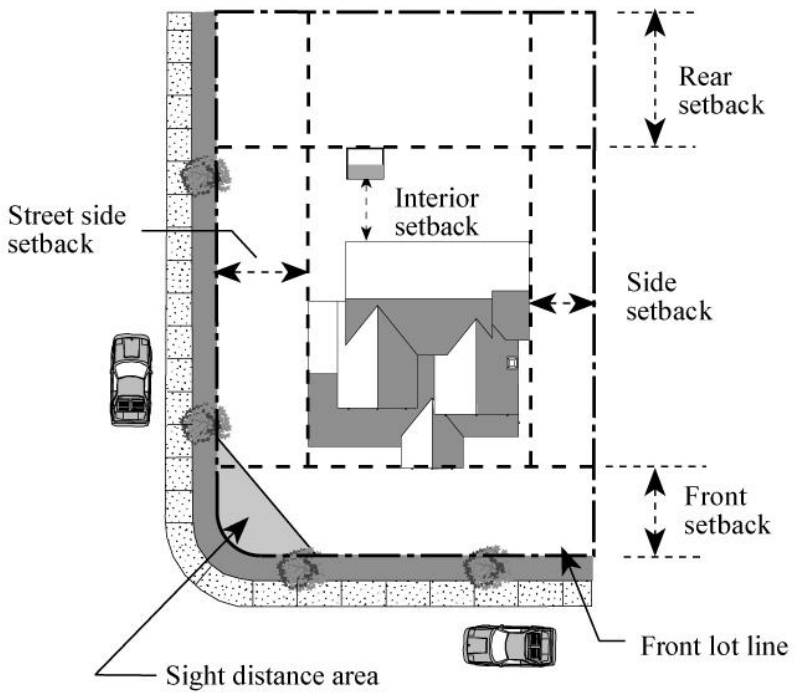

Figure 8-10
Setbacks

Setback Area. An area within a parcel that is established for the purpose of governing the location of structures on the parcel. A setback area is an open space area located between a lot line and the nearest relevant parallel setback line, unobstructed and unoccupied from the ground upward except as allowed in Section 17.305.120 (Setback Regulations and Exceptions). See also "Yard."

> **Front setback area.** An area extending across the full width of the parcel between the front lot line and the required front setback line.
>
> **Rear setback area.** An area extending across the full width of the parcel between a rear lot line and the required rear setback line.
>
> **Side setback area.** An area extending from the front setback line to the rear lot line between the nearest side lot line and the required side setback line.

Setback Line. A line delineating the minimum required distance between the lot line and a structure on the same parcel.

Shopping Center (Land Use). A group of multi-tenant architecturally unified commercial retail establishments built on a parcel that is planned, developed, and managed as a single operating unit.

> **Neighborhood Shopping Center** (Up to 50,000 square feet)**.** Provides for the sale of convenience goods (food, drugs, and sundries) and personal services (laundry and dry cleaning, barbering, shoe repairing, etc.) for the day-to-day living needs of the immediate neighborhood with a supermarket being the principal tenant.
>
> **Community Shopping Center** (50,001 - 150,000 square feet)**.** In addition to providing for the sale of convenience goods and personal services, this intermediate type of center provides for the sale of soft lines (apparel) and hard lines (hardware, appliances, etc.), with two or more anchor tenants (i.e., a junior department store, variety store, or discount department store as one anchor tenant, in addition to a supermarket).
>
> **Regional Shopping Center** (150,001 square feet and over)**.** Provides shopping goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety.

Signs. See Chapter 17.335 (Sign Standards).

Single Housekeeping Unit. The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single-unit dwelling, including the joint use of common areas and sharing household activities and responsibilities (i.e., chores, expenses, and meals).

Single-Family Dwelling. See "Dwellings."

Single Room Occupancy (SRO) Facility. A facility with small furnished rooms and common facilities and services for laundry, cleaning, personal hygiene, and meals or with furnished studio-type apartment units that are each a minimum of 550 square feet in size. Rooms or units are intended to provide affordable private housing for lower- income individuals, seniors, and persons with disabilities and to serve as an entry point into the housing market for formerly homeless people.

Site Plan and Design Review. A type of discretionary permit that provides a process for the appropriate review of development projects (i.e., site layout and structural development), in compliance with Chapter 17.630 (Site Plan and Design Review).

Slope. Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent or ratio. See Section 17.305.070 (Hillside Development).

Solar Collector. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy System. Includes: (1) A design using natural and architectural features to cool or heat a structure, or (2) a mechanical assembly that may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

South Coast Air Quality Management District (SCAQMD). SCAQMD is the air pollution control district for the area that includes the County of Riverside and portions of Los Angeles, Orange, and San Bernardino Counties. See also "Air Quality Management Plan (AQMP)."

Specialty Food Store. See "Food and Beverage Sales."

Specific Plan. A plan consisting of text, maps and other documents regulating development within a defined area, consistent with the General Plan and the California Government Code. See Chapter 17.635 (Specific Plans).

Sphere of Influence. A sphere of influence is the probable ultimate physical boundary of a city as established by the Local Agency Formation Commission (LAFCO) in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). A sphere of influence contains unincorporated County land that is located outside a city's boundaries and that relates to the city's planning efforts.

Stone and Cut Stone Products Manufacturing. Manufacturing establishments engaged primarily in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished or finished monuments and tombstones.

Storage, Outdoor. See "Outdoor Display and Sales."

Storage Facility, Personal (Land Use). A structure or group of structures where individual storage spaces are leased to individuals, organizations, or businesses for self-service storage of personal property, goods, and wares. Also known as mini –storage facilities.

Structural Clay, Pottery, and Ceramic Products Manufacturing (Land Use). Manufacturing establishments producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, various ceramic and fine earthenware products, and porcelain electrical supplies and parts. Artist/craftsman uses are included in "Small Scale Manufacturing," "Cottage Business," or "Home Occupations."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structure, Accessory. A structure that is incidental to the principal structure on a site. Examples include above-ground spas, carports, detached decks, fences, detached garages, garden/storage sheds, gazebos, landings, platforms, porches, storage structures, walls, and workshops.

Structure, Attached. A structure that has a wall or roof in common with another structure.

Structure, Detached. A structure that does not have a wall or roof in common with another structure.

Structure, Principal. A structure in which is conducted the principal use of the parcel or building site.

Structure Coverage. See "Coverage."

Studio Apartment. A dwelling unit that has one combined living and sleeping room. May also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.

Studios for Art, Dance, Martial Arts, Music, etc. (Land Use). Small-scale facilities, typically accommodating one group of students at a time, in no more than one instructional space, for short periods of time. These include facilities for: individual and group instruction and training in the arts; karate/martial arts training studios; photography and the processing of photographs produced only by users of the studio facilities; production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists; gymnastics instruction, and aerobics and gymnastics studios with minimal fitness equipment (e.g., floor pads, small free weights, etc.). These uses may also include accessory retail sales of products related to the services provided. Larger facilities are included under the definition of "Education Institutions, Private and Public."

Supermarket. See "Food and Beverage Sales."

Supportive Housing. See "Community Care Facilities."

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17.800.210 – Definitions, "T"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Tattoo Parlor / Body Piercing Studio. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. See "Personal Services – Restricted."

Tattooing Any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

Telecommuting. An employee foregoes a trip to the normal work site and instead works from home or from a satellite office near home.

Temporary Structure. A structure without any permanent foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use (Land Use). A use established for a limited period of time, typically less than 12 months, with the intent to discontinue the use at the end of the time period. Examples of temporary uses include: art shows, car washes, charitable functions, seasonal sales lots.

Temporary Use Permit. A type of discretionary permit that, if approved, would allow a use to occupy a site for a limited period of time, typically less than 12 months, in compliance with Chapter 17.640 (Temporary Use Permits).

Textile and Leather Product Manufacturing (Land Use). Manufacturing establishments engaged in performing any of the following operations:

- coating, waterproofing, or otherwise treating fabric
- dying and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non woven fabrics and miscellaneous textiles
- manufacture of shoes
- manufacture of woven fabric, carpets and rugs from yarn
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
- upholstery manufacturing

Theater (Land Use). An indoor facility for group entertainment, other than sporting events. Examples of these facilities include:

- civic theaters, and facilities for "live" theater and concerts
- movie theaters

Townhouse. A structure designed for or used exclusively for residential purposes of one family. The structure is attached to similar structures forming groups of four but typically not more than eight dwellings in a linear arrangement and separated vertically by party walls. Each dwelling unit has a totally exposed front and rear wall to be used for direct ground-level access to the outdoors.

Traffic Visibility Area. An area of unobstructed vision at street corners, street and driveway corners, or street and alley corners to provide for pedestrian and traffic safety. See Section 17.305.150 (Traffic Visibility Area).

Transfer of Development Rights (TDR). See Chapter 17.645 (Transfer of Development Rights).

> **Donor site.** A site (e.g., one or more parcels of land) that is the subject of a transfer of development rights, where the owner of the site is donating or conveying development rights of the site, and on which those rights so conveyed are extinguished and may not be used by reason of the transfer of development rights.
>
> **Receiver site.** A site (e.g., one or more parcels of land located in one or more areas of the City) that is the subject of a transfer of development rights, where the owner of the site is receiving development rights, directly or by intermediate transfers, from a donor site, and on which increased density or intensity is allowed by reason of the transfer of development rights.

Transit Stop Shelter (Land Use). A small-scale covered waiting area for people waiting for buses and taxis.

Transitional Housing. See "Community Care Facilities."

Transportation Demand Management (TDM). A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number of carpools, vanpools, buses and trains, walking, and biking.

Transportation Service Dispatch Facility (Land Use). A base facility where taxis or limousines are stored until dispatched, or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. Does not include dispatch services that have no on-site vehicle storage, which are instead included under "Office - Professional/ Administrative." Does not include facilities for the repair of vehicles.

Triplex. See "Dwelling, Multi-Family."

Truck and Freight Terminals (Land Use). Transportation establishments furnishing services incidental to air, motor freight, and rail transportation. Accessory uses may include restrooms, showers, restaurants, computer and phone rooms, recreation rooms, etc.). Examples of this land use includes:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Truck Sales. See "Construction, Farm, and Heavy Equipment Sales."

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17.800.220 – Definitions, "U"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Use. The purpose for which land or a structure is arranged, designed or intended, or for which either land or structure is or may be occupied or maintained.

> **Accessory Use.** A use incidental to, and customarily associated with, a specific principal use, located on the same parcel.
>
> **Allowed Use.** A use that may be located, maintained, or operated subject to a planning permit identified as a requirement in Article 2 (Zones, Allowable Land Uses, and Zone Specific Standards).
>
> **Principal Use.** The primary or predominant use of any parcel or structure.

Utility Facility (Land Use). A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from planning permit requirements by Government Code Section 53091:

- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage tanks
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

Utility Infrastructure (Land Use). Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include "Utility Facility."

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17.800.230 – Definitions, "V"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Variance. A discretionary entitlement that, if approved, allows the waiver or relaxation of specified development standards of this Development Code, in compliance with Chapter 17.650 (Variances and Minor Variances).

Vehicle. Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

Vehicle, Commercial. Any vehicle larger than a pickup truck, includes semi-trucks and trailers, delivery vans. Does not include recreational vehicles regardless of gross vehicle weight rating (see "Recreational Vehicle").

Vehicle Miles Traveled (VMT). The measurement of the total miles traveled by all motor vehicles in a specified area during a specified time. One vehicle traveling one mile constitutes one vehicle-mile. VMT helps analysts determine road construction and maintenance needs, predict future surface demands, and estimate environmental costs.

Vehicle Rentals, Sales, and Services (Land Use).

Construction, Farm, and Heavy Equipment Sales and Rentals (Land Use). Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth-moving equipment, tractors, combines, heavy-duty trucks, etc. See also "Vehicle Rentals, Sales, and Services."

Heavy-Duty Truck. Any vehicle exceeding a gross vehicle weight rating of 18,500 pounds or any truck-tractor or semi-trailer.

Semi-Trailer. A trailer used in conjunction with a truck-tractor and designed so that a considerable part of its own weight or that of its load rests upon and is carried or drawn by the truck tractor.

Truck-Tractor. A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

Mobile Home, Boat, or Recreational Vehicle (RV) Sales. The retail sale of mobile homes, or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers

and camper shells, jet skis, motor homes, recreational vehicles, and travel trailers. Does not include the sale of automobiles (see “Vehicle Sales”) or commercial vehicles or heavy trucks (see “Construction, Farm, and Heavy Equipment”).

Vehicle Parts and Supplies Sales (Land Use). The retail sale of new vehicle or motorcycle parts, tires, and accessories within an enclosed structure. Does not include establishments that provide installation and repair services (see "Vehicle Services – Minor Maintenance/Repair" and “Vehicle Services - Major Repair/Body Work”); or businesses dealing exclusively in used parts (see "Recycling - Scrap and Dismantling Yards”).

Vehicle Rentals (Land Use). A retail or wholesale establishment renting automobiles, light duty trucks, and motorcycles.

Office Only. An office that arranges the rental of automobiles, light duty trucks, motorcycles, and vans with no on-site storage or incidental maintenance of vehicles.

General. Rental of automobiles, light duty trucks, motorcycles, and vans, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Vehicle Sales (Land Use). Establishments selling or leasing automobiles, motorcycles, golf carts, light duty trucks, and vans. May also include vehicle rentals, repair shops, and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see “Vehicle Parts and Supplies Sales”); bicycle and moped sales (see “Retail Stores”); tire recapping establishments (see “Major Repair/Body Work”); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); businesses dealing exclusively in used parts (see “Recycling - Scrap and Dismantling Yards”); commercial vehicle and heavy duty truck sales (see “Construction, Farm, and Heavy Equipment Sales”); or gas/fuel stations (see “Vehicle Services - Service Stations”).

Vehicle Services (Land Use). The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, light duty trucks, recreational vehicles, boats, golf carts, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

Car Washing, Automated. A commercial facility for washing automobiles, light duty trucks, and vans where the customer washes the vehicle using on-site equipment, or drives through an automated car washing and drying facility.

Car Washing, Full Service. A commercial facility for washing automobiles, light duty trucks, and vans where facility employees wash or dry the vehicles.

Car Washing, Self-Service. A commercial facility for washing automobiles, light-duty trucks, and vans where the customer washes the vehicle using on-site equipment.

Minor Maintenance/Repair/Installation. Minor repair of golf carts, automobiles, motorcycles, recreational vehicles, or light duty trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing services; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and lube shops; tire and battery sales and installation (not including recapping); and wheel alignment and balancing. Does not include any type of car washing service ("Car Washing, Automated, Full-Service, or Self-Service").

Major Repair/Body Work. Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops; paint shops; tire sales and installation shops; towing services; transmission shops; and salvage tire recapping. Does not include vehicle dismantling (see "Recycling - Scrap and Dismantling Yards").

Service Station. A commercial facility that sells gasoline, diesel, or alternative fuel for the on-site fueling of individual vehicles. May include incidental "minor" maintenance and repair of automobiles and light duty trucks, vans, or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds). May also include a convenience store operated by the service station owner (see "Convenience Store").

Towing and Storage. An establishment that dispatches tow trucks and that may include the temporary outdoor storage of wrecked and other inoperable vehicles. Does not include vehicle dismantling (see "Recycling - Scrap and Dismantling Yards") or storage of operative vehicles (see "Vehicle Storage").

Vehicle Storage (Land Use). A facility for the storage of operative automobiles and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage or servicing of fleet vehicles. Also includes temporary outdoor storage for passenger vehicles that are impounded and are to be claimed by titleholders or their agents. Does not include commercial parking lots (see "Parking Facilities" or vehicle dismantling (see "Recycling - Scrap and Dismantling Yards").

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17.800.240 – Definitions, "W"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Wall. See "Fence."

Warehouses, Wholesaling, and Distribution (Land Use). These facilities include:

> **Warehouses.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or personal, self, or mini-storage facilities offered for rent or lease to the general public (see "Storage Facility, Personal"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Truck and Freight Terminals").
>
> **Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes the following establishments:
>
> - agents, merchandise or commodity brokers, and commission merchants
> - assemblers, buyers and associations engaged in the cooperative marketing of farm products
> - merchant wholesalers
> - stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.
>
> Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

Wind Energy Conversion System (WECS)/Windmill. See "Alternative Energy Structures."

Wireless Telecommunications Carrier. Every person that directly or indirectly owns, controls, operates, or manages plant, equipment, or property within the City, used or to be used for the purpose of offering wireless telecommunications service.

Wireless Telecommunications Facilities (Land Use). The structure, equipment, and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, antenna support structures, building attached facilities, associated support structures, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide, or offer wireless telecommunications services.

Wireless Telecommunications Provider. Every person who provides wireless telecommunications services over wireless telecommunications facilities without any ownership or management control of the facilities.

Wireless Telecommunications Services. The providing or offering for rent, sale, lease, or in exchange for other value received, directly to the public, or to classes of users as to be effectively available directly to the public, the transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received by way, without limitation, of voice, data, image, graphic, and video programming information, regardless of the facilities used and with or without benefit of any closed transmission medium, by persons, such as, but not limited to, cellular services; paging; personal telecommunications services; other commercial, private, and public safety radio services; commercial mobile services; and common carrier wireless exchange access services, as either defined or amended by competent authority and modified by the City of San Jacinto.

17.800.250 – Definitions, "X"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

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17.800.260 – Definitions, "Y"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Yard. The area between a lot line and the side of a principal structure. An area of a yard may be smaller (if a nonconforming lot), the same, or larger in size than a required setback area. See Figure 8-11 (Yards). See also "Setback."

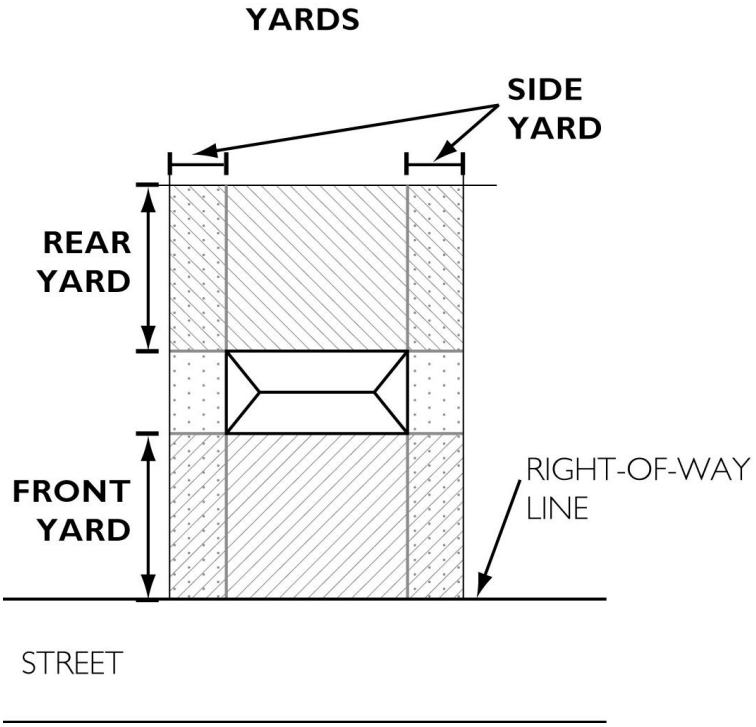

Figure 8-11
Yards

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17.800.270 – Definitions, "Z"

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Zero-Lot Line. The location of a structure on a parcel so that one or more of the structure's sides rests directly on or immediately adjacent to the lot line. See Figure 8-12 (Zero Lot Line Development).

Zero-Lot Line Development. Any subdivision or site plan in which any structure is sited on a parcel so that one or more of the structure's sides rests directly on or immediately adjacent to the lot line. See Figure 8-12 (Zero Lot Line Development).

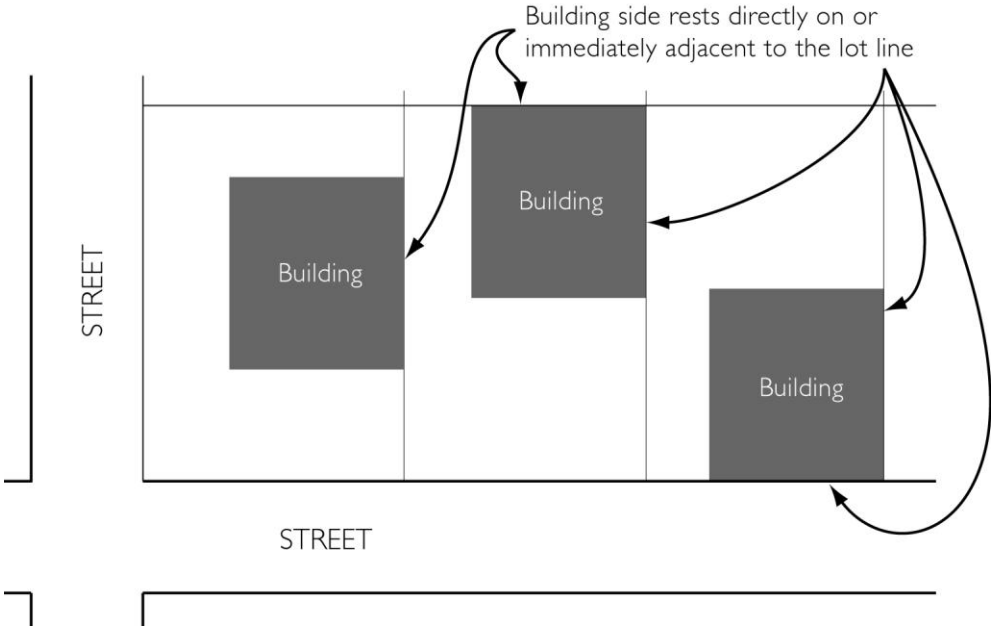

Figure 8-12
Zero Lot Line Development

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