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 zone, 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 zone, 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 primary entrance to the primary entrance 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 subsection 17.400.060.Iof 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 pursuant to Chapter 17.325 – Water Efficient Landscape and Irrigation (ord. 16-01, adopted April 5, 2016);

    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.

E. **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.

F. 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 (Water Efficient Landscape and Irrigation). (ord. 16-01, adopted April 5, 2016)

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).

F. **Landscaping**. Landscaping plans shall be required in compliance with Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

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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 17.430.220 (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;

4. Reconstruction or moving existing conventionally-built structures; or

5. 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) and Landscape and Irrigation review in compliance with Chapter 17.325 (Water Efficient Landscape and Irrigation). (ord. 16-01, adopted April 5, 2016)

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 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, soccer, 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 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	

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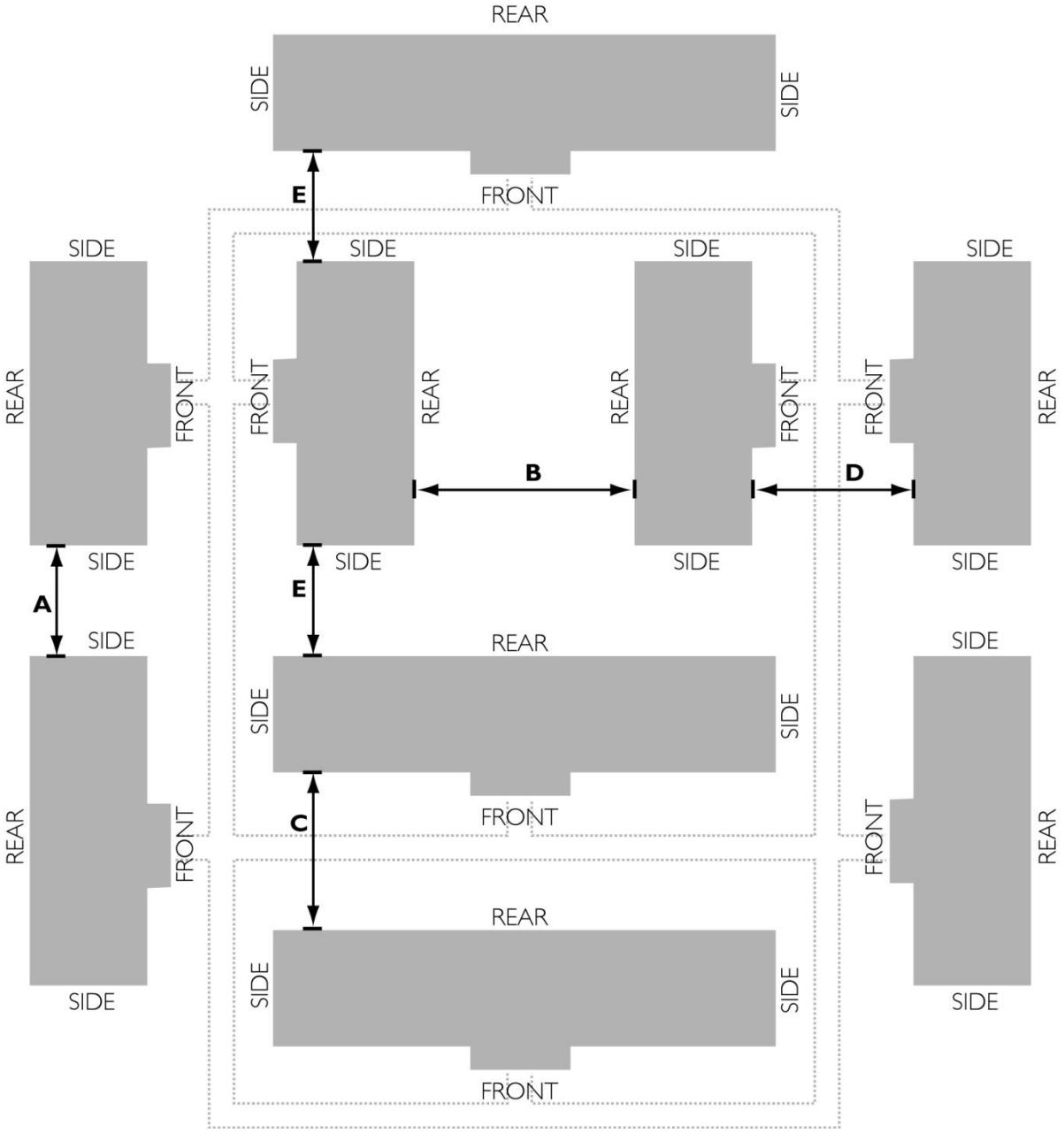

Figure 4-1
Minimum Separation between Multi-Family Structures

G. Landscaping. Required setback areas and open space areas shall be landscaped and maintained in compliance with Chapter 17.325 (Water Efficient Landscape and Irrigation). 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. (ord. 16-01, adopted April 5, 2016)

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. 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.

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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 and Water Efficient Landscape and Irrigation Review (17.325 – Water Efficient Landscape and Irrigation) 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. (ord. 16-01, adopted April 5, 2016)

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 zones 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 (See Chapter 17.325 – Water Efficient Landscape and Irrigation for more information). (ord. 16-01, adopted April 5, 2016)

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 Subsection G (Residential Development Design Evaluation), below. Single-family residential projects of five lots or more shall be subject to 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. Landscape Water Use Efficiency. To promote water conservation, within model complexes for all single-family family residential developments the landscape for the models shall be entirely designed with water-saving landscaping and irrigation in compliance with the following requirements (Refer to Chapter 17.325 – Water Efficient Landscape and Irrigation):

1. Plant Materials. Each "water saving" model shall contain exclusively low water use plant materials, as identified in Chapter 17.325—Water Efficient Landscaping and Irrigation..

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 and as prescribed by Chapter 17.325—Water Efficient Landscaping and Irrigation.

3. Signs. Each water-saving model complex shall provide the following information to potential buyers in addition to those signing requirements of Chapter 17.325 – Water Efficient Landscape and Irrigation:

a. Front Yard Sign. A four square-foot sign shall be located in the front yard of each "water saving" model such that it 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 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 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. (ord. 16-01, adopted April 5, 2016)

F. Architectural Design Guidelines and Standards. No particular architectural "style" is 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. The setback shall be not less than five 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 five 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):

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 all 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 all 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, and 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").		

Chapter 17.430 — Standards for Specific Land Uses

Sections:

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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
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17.430.090 – Bed and Breakfast Inns
17.430.100 – Cargo Containers
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17.430.120 – Community Care Facilities
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17.430.150 – Cottage Businesses
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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
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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
17.430.361 – Electric Vehicle Charging Stations
17.430.370 – Limited, Seasonal Farming
17.430.380 – Tobacco Stores

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, and the Water Efficient Landscape and Irrigation approval required by Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

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 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 bars 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 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 RMH 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
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	RE RR	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)
			bird owner; 150 ft from other dwelling units		
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 4-4 (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 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 requirements 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 requirements 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).

5. **Inspections.** Reasonable inspections by the Animal Control Officer may be completed at intervals determined at the Officer's discretion.

6. **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.

7. **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 Subsection 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; and

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. Water Efficient Landscape and Irrigation approval is required pursuant to Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

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 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 17.430.110 (Child Day Care Facilities) and for residential care facilities, see Section 17.430.280 (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 and Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

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 structure. 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 businesses 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. **Maximum size.** Donation boxes shall not exceed 120 square feet in size.

C. **Affixed.** The donation box shall be secured against theft or unauthorized removal.

D. **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.

E. **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 (Water Efficient Landscape and Irrigation). (ord. 16-01, adopted April 5, 2016)

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 Subsection 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) and Chapter 17.325 (Water Efficient Landscape and Irrigation) 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. (ord. 16-01, adopted April 5, 2016)

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. **Landscaping**. Landscape and Irrigation Plan shall be submitted pursuant to Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

9. **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) and Landscape and Irrigation Submittal in compliance with Chapter 17.325 (Water Efficient Landscape and Irrigation). (ord. 16-01, adopted April 5, 2016)

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.

3. 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.

4. 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.

5. 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 (Water Efficient Landscape and Irrigation). 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. (ord. 16-01, adopted April 5, 2016)

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 approval 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 J (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 (Water Efficient Landscape and Irrigation). (ord. 16-01, adopted April 5, 2016)

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 zones 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 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) and Chapter 17.325 (Water Efficient Landscape and Irrigation) provided the following standards are met. (ord. 16-01, adopted April 5, 2016)

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.); and

   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.

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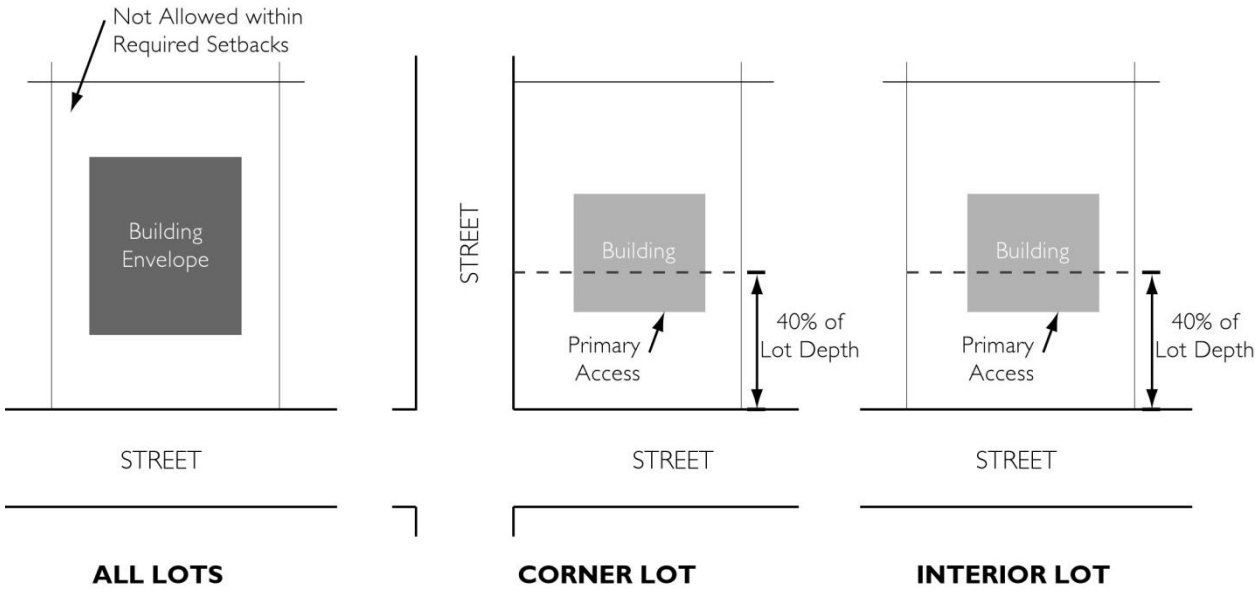

Figure 4-2
Location of Amateur Radio Antenna

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.

2. 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.

3. For properties on which the second dwelling unit is developed, one of the units on the property must be owner/occupied.

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. **Landscaping**. Landscaping shall be in compliance with Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

I. **Permit applicants.** The permit applicant shall be an owner-occupant.

J. **Adequate utilities.** Adequate water and sewer utilities shall be available to serve the second dwelling unit.

K. **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.

L. **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.

M. **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) and Chapter 17.325 – Water Efficient Landscape and Irrigation. (ord. 16-01, adopted April 5, 2016)

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 (Water Efficient Landscape and Irrigation). 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. (ord. 16-01, adopted April 5, 2016)

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).

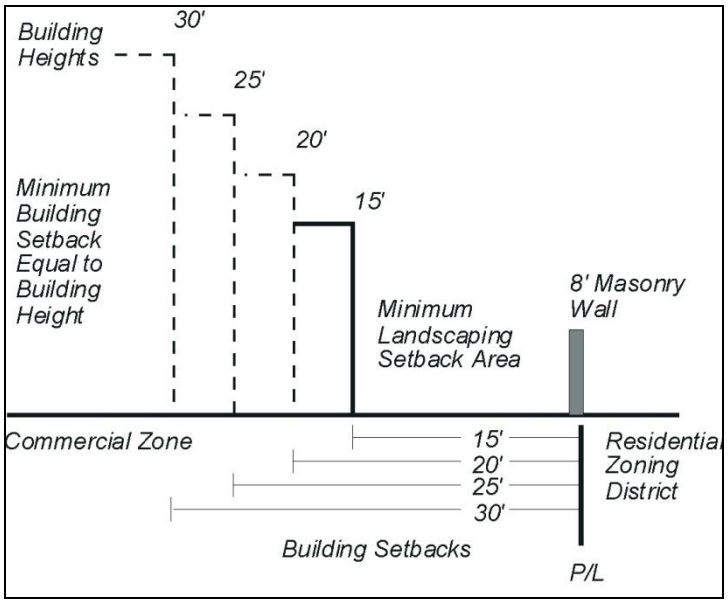

Figure 4-3
Examples of Shopping Structure Setbacks

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 (Water Efficient Landscape and Irrigation). (ord. 16-01, adopted April 5, 2016)

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; Expedited Permitting for Small Residential Rooftop Solar Energy Systems

The Section provides standards and procedures for the approval, installation, and operation of 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).

This Section also creates an expedited, streamlined sola permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Section encourages the use of small residential rooftop solar energy systems by removing unreasonable barrier, minimizing costs to property owners and the City, and expanding the ability of property owners to install rooftop solar energy systems. This Section allows the City to achieve these goals while protecting the public health and safety. (ord. 15-08, adopted October 6, 2015)

A. Definitions.

1. "**Electronic submittal**" means the utilization of one or more of the following:

   i. Email;

   ii. The Internet; or

   iii. Facsimile.

2. "**Small residential rooftop solar energy system**" means a solar energy system which meets all of the following:

   i. Is no longer than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal:

   ii. Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;

   iii. Conforms to all applicable safety and per formance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineer s, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability;

   iv. Is installed on a single or duplex family dwelling; and

   v. T he panel or module array does not exceed the maximum legal building height

as defined by the City.

3. "**Solar energy system**" has the meaning set forth in paragraph (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

4. "**Specific, adverse impact**" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (ord. 15-08, adopted October 6, 2015)

B. 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), approval of the landscape and irrigation plans in compliance with !7.325 – Water Efficient Landscape and Irrigation, and the issuance of a Building Permit. (ord. 16-01, adopted April 5, 2016)

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. An application that is for the primary purpose of providing for the collection, storage and distribution of solar energy shall be administratively approved through a nondiscretionary permit unless the Director determines, based on substantial evidence, that the solar energy system could have a specific adverse impact. The decision of the Director to require a use permit may be appealed to the Planning Commission.

4. Use Permit.

A. If a use permit is req uired, the Director may deny an application for the use permit if the Director makes Written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the

adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for pr eventing the adverse impact. Such decision may be appealed to the Planning Commission.

B. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

C. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. T he City shall use its best efforts to ensure that the selected method, condition, or mitigation does not significantly increase the cost of the system or decrease its efficiency or specified performance in excess of the standards set forth below in paragraphs 5(a) and (b) of this Subsection.

5. **Modification/waiver of standards.** The Director may modify the standards in Subsection E, 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 10 percent of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as specified and proposed in the completed application.

b. For photovoltaic systems, "significantly" means an amount not to exceed $1,000 over the cost of the solar energy system included in the completed application or a decrease in system efficiency of an amount exceeding 10 percent, as specified and proposed in the completed application.

6. **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.

C. 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.

D. 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.

E. Installation and placement guidelines. The installation and construction of a solar energy system shall be subject to the following installation and placement guidelines. Solar energy system installation and placement shall also comply with all applicable standards and guidelines provided in the Municipal Code.:

1. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

2. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to the City, acknowledging and approving the connection.

3. A solar energy system may be roof mounted or ground mounted.

   a. A roof mounted system may be mounted on a principal or accessory structure. A roof mounted system, whether mounted on the principal or accessory structure, may not exceed the maximum principal structure height or accessory structure height specified for the building type in the underlying zone. In no instance shall any part of the solar energy system extend beyond the edge of the roof.

   b. A ground mounted system shall not exceed the maximum building height for accessory structures.

4. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall structure coverage.

5. A ground mounted system or a system attached to an accessory structure shall not be located within the required front setback.

6. The minimum solar energy system setback distance from the property lines shall be equivalent to the structure setback or accessory structure setback requirement of the underlying zone.

7. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:

    a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of Chapter 17.315 (Fences, Walls, and Hedges) may be used.

    b. Mechanical equipment shall not be located within the minimum front setback of the underlying zone.

    c. Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zone.

8. Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

9. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.

10. All power transmission lines from a ground mounted solar energy system to any structure shall be located underground.

11. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the sign regulations provided in Chapter 17.335 (Sign Regulations).

12. A solar energy system shall not be constructed until the appropriate building/zoning permits have been approved.

13. The design of the solar energy system shall conform to applicable industry standards. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and the design shall be certified by an Engineer registered in the State of California.

14. The City shall not condition approval of an application for a solar energy system on the approval of an association, as defined in Section 4080 of the Civil Code.

F. **Applicant Obligation.**

Prior to submitting an application, the applicant shall:

i. Verify, to the applicant's reasonable satisfaction, through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

ii. At the applicant's cost, verify to the applicant's reasonable satisfaction, using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

G **Small Residential Rooftop Solar System Requirements; Expedited Permitting.**

1. A solar energy system that qualifies as a small residential rooftop solar energy system, as defined in this Section, shall be processed in accordance with the terms of Subsections G through I of this Section.

2. A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the state and the City, local fire department or district.

3. The Director shall, prior to September 30, 2015, adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, which shall include standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which small residential rooftop solar energy systems must comply with to be eligible for expedited review .

4. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most

current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. In the case of a conflict between the terms of Subsection E of this Section, and the checklist and standard plans, the checklist and standard plans shall govern.

5. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on a publicly accessible City website.

6. Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. The City's website shall specify the permitted method of electronic document submission.

7 An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

H. **Application Review for Small Rooftop Solar Energy Systems.**

1. An application that City staff determines satisfies the information requirements contained in the City's checklist(s) for expedited small residential rooftop solar system processing, including complete supporting documents, shall be deemed complete.

2 . If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

3. After City staff deems an application complete, City staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.

4. Unless the Director determines a use permit is warranted, City staff shall issue a building permit or other nondiscretionary permit within a reasonable period of time after receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Section.

5. The Director may require an applicant to apply for a use permit (in accordance with the terms of Subsection B4(b) above) if the Director finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decision, or a decision to deny a use permit, may be appealed to the Planning Commission.

I. **Inspections for Small Residential Rooftop Solar Energy Systems**.

1. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.

2 T he inspection shall be done in a timely manner.

3. If a small residential r ooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Chapter. (ord. 15-08, adopted October 6, 2015)

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) Chapter 17.325 – Water Efficient Landscape and Irrigation, 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. (ord. 16-01, adopted April 5, 2016)

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 shown as "P" in the land use tables in Article 2 shall comply with all of findings specified in Subsection B. (Site Plan and Design Review), below, and the design standards and guidelines outlined in Subsections E (Development and design guidelines) and F. (Gateway Area and Major Highways), below, in compliance with Chapter 17.630 (Site Plan and Design Review).

2. **Conditional Use Permit.** Proposed wireless telecommunication facilities shown as "MUP" or "CUP" in the land use tables in Article 2 shall require a Minor Use Permit or Conditional Use Permit in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits) and shall comply with all of the design standards and guidelines outlined in Subsections E (Development and design guidelines) and F. (Gateway Area and Major Highways), below. The applicable review authority may grant modifications to specified standards and/or guidelines.

B. **Site Plan and Design Review.** Site Plan and Design Review and Landscape and Irrigation review (see Chapter 17.325 – Water Efficient Landscape and Irrigation) 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.). (ord. 16-01, adopted April 5, 2016)

C. **Conditional Use Permit Review.** The following wireless telecommunication facilities shall require approval of a Conditional Use Permit and Landscape and Irrigation review pursuant to Chapter 17.325 – Water Efficient Landscape and Irrigation:

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 within the line of sight of any scenic corridor; and

4. New facilities that may later have facilities co-located with them ("base facilities") in compliance with Government Code Section 65850.6 (b)(4). (ord. 16-01, adopted April 5, 2016)

D. Location guidelines.

1. The preferred order for location 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 and technologies; and

c. Be roof-mounted or wall-mounted as an integral architectural element on an existing structure.

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 of 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, as measured in a straight line.

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 design standards and guidelines.

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 of 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 wireless telecommunications facilities or its support structure consisting of a stealth monopole shall not exceed the maximum allowable height in any underlying 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 specified 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. Towers or monopoles without stealth treatment for concealment shall be prohibited.

15. The facility operator and/or property owner shall maintain the facility in an appropriate manner consistent with the original approval of the wireless telecommunication facility.

16. If use of the wireless telecommunication facility is discontinued for a period of 180 days or more, all City 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/allowed 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/structures, 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/structures, 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.

G. Modification of Existing Wireless Telecommunications Facilities.

1. For purposes of this Subsection G., the following definitions shall apply:

   a. Base station. The power supplies, electronic equipment, and antennas at an existing wireless tower site that together comprise a wireless telecommunications facility for purposes of this Subsection.

   b. Substantially change the physical dimensions. A single change, or a series of changes over time (whether made by the same or different entities) viewed against the physical dimensions (including but not limited to the height, circumference, or width) of the wireless telecommunication facility or base station approved as part of the original permit for the wireless telecommunication facility or base station, that would have any of the effects described below:

   (1) Changing any physical dimension of the wireless telecommunication facility or base station in a manner that creates a safety hazard, whether from wind loading, stress on the wireless telecommunication facility or base station, or in any other manner;

   (2) Changing any physical dimension of a wireless telecommunication facility or base station, where the changes would be inconsistent with the design of the wireless telecommunication facility or base station, or make the wireless telecommunications facilities more visible;

(3) Any modification of the wireless telecommunication facility or base station that would require excavation outside the current wireless telecommunication facility or base station site;

(4) Changing any physical dimension of the wireless telecommunication facility or base station involving work that would intrude upon the public right-of-way or any environmentally sensitive area more than was authorized in the initial permit for the wireless telecommunication facility or base station;

(5) Increasing by more than 10 percent any physical dimension of the wireless telecommunication facility or base station, or increasing by more than 10 percent any physical dimension of any structure(s) required to support the wireless telecommunication facility or base station (e.g., guy wires), as approved and constructed through the initial permit process; or any increase in height that would cause the wireless telecommunication facility or base station to exceed the maximum height permitted under this Development Code or under the wireless telecommunication facility initial permit;

(6) Increasing by more than 10 percent any of: (a) the height of any structure or object enclosing the wireless telecommunication facility (e.g., a fence or line of bushes); or (b) the area enclosed by any structure or object containing the wireless telecommunication facility;

(7) Adding or replacing any antennas or antenna arrays that would increase the exposed surface area of the wireless telecommunication or would be of such depth, circumference, or radius as to extend more than 10 percent beyond any existing antenna or antenna array's depth, circumference, or radius from the wireless telecommunication facility; or

(8) The installation of additional or replacement transmission equipment that involves installing equipment cabinet(s) not permitted under the initial permit, unless the equipment and cabinets will be installed underground.

c. Wireless Telecommunication Facilities. Use as defined in Article 8.

d. Wireless Tower . Any structure built for the sole purpose of supporting antennas and their associated facilities used to provide wireless telecommunications services licensed by the Federal Communications

Commission (FCC). A water tower, utility tower, utility pole, street light, building or other structure built primarily for any purpose other than supporting antennas and their associated facilities used to provide FCC-licensed wireless telecommunications services, including any structure installed in compliance with California Public Utility Code Section 7901, is not a wireless tower for purposes of this Subsection, even if the City has authorized installation of an antenna or a wireless telecommunications facility on the structure or permitted replacement of the structure with a modified structure that may also accommodate antennae or wireless telecommunications facilities (e.g., street light replacement poles with antennae or wireless telecommunications facilities where the primary purpose of the structure remains as a street light).

2. In compliance with P.L. 112-96, Sec. 6409, codified as 47 U.S.C. § 1455(a), and notwithstanding any provision of this Section to the contrary, a request for a modification of an existing wireless telecommunication facility for the collocation of new transmission equipment or removal or replacement of existing transmission equipment that does not substantially change the physical dimensions of the wireless telecommunication facility shall be approved, conditionally approved, or disapproved in compliance with the applicable procedures specified in this Section for a collocation facility, as modified by this Subsection.

3. Any proposed modification to an existing wireless telecommunication facility for the collocation of new transmission equipment or removal or replacement of existing transmission equipment that substantially changes the physical dimensions of either the wireless telecommunication facility , or any modification of any wireless telecommunications facility that does not qualify as an existing wireless tower or base station as defined herein, shall be disapproved and will be subject to the requirements specified in this Section applicable to the specific type of wireless telecommunications facility proposed.

4. A request for a modification of an existing wireless telecommunication facility for the collocation of new transmission equipment or removal or replacement of existing transmission equipment that does not substantially change the physical dimensions of the wireless telecommunication facility station shall be approved if the following findings are first made:

   a. The proposed modification does not substantially change the physical dimensions of the wireless telecommunication facility;

   b. Completion of the modification as proposed is not inconsistent with the General Plan, the purpose of this Development Code, and the purposes of

the zone in which the wireless telecommunication facility is located, and the development policies and standards of the City;

c. The proposed modification will not adversely affect the health, safety or general welfare of persons residing or working on the site of the wireless telecommunication facility or in the vicinity;

d. The proposed modification is consistent with the requirements of the Building Code; and

e. The wireless telecommunication facility, as modified, will not exceed Federal RF emission standards.

5. Nothing in this Section shall be deemed to require the City to issue a permit in compliance with this Section as a matter of local law. Nothing in this Section prevents the City from imposing other conditions on the grant of the permit (including by way of example and not limitation time limits on the permit, shielding requirements, coloring, marking requirements, or construction requirements) consistent with obligations imposed with respect to the initial installation or with respect to facilities similar to those proposed by applicant.

6. This Subsection is adopted to comply with P.L. 112-96, Section 6409. This Subsection shall become null and void if P.L. 112-96, Section 6409, is rescinded. The City further reserves the right to raise all issues or assert any defenses in response to a challenge asserted under P.L. 112-96, Section 6409, including challenges to the constitutionality or validity of that Federal legislation.

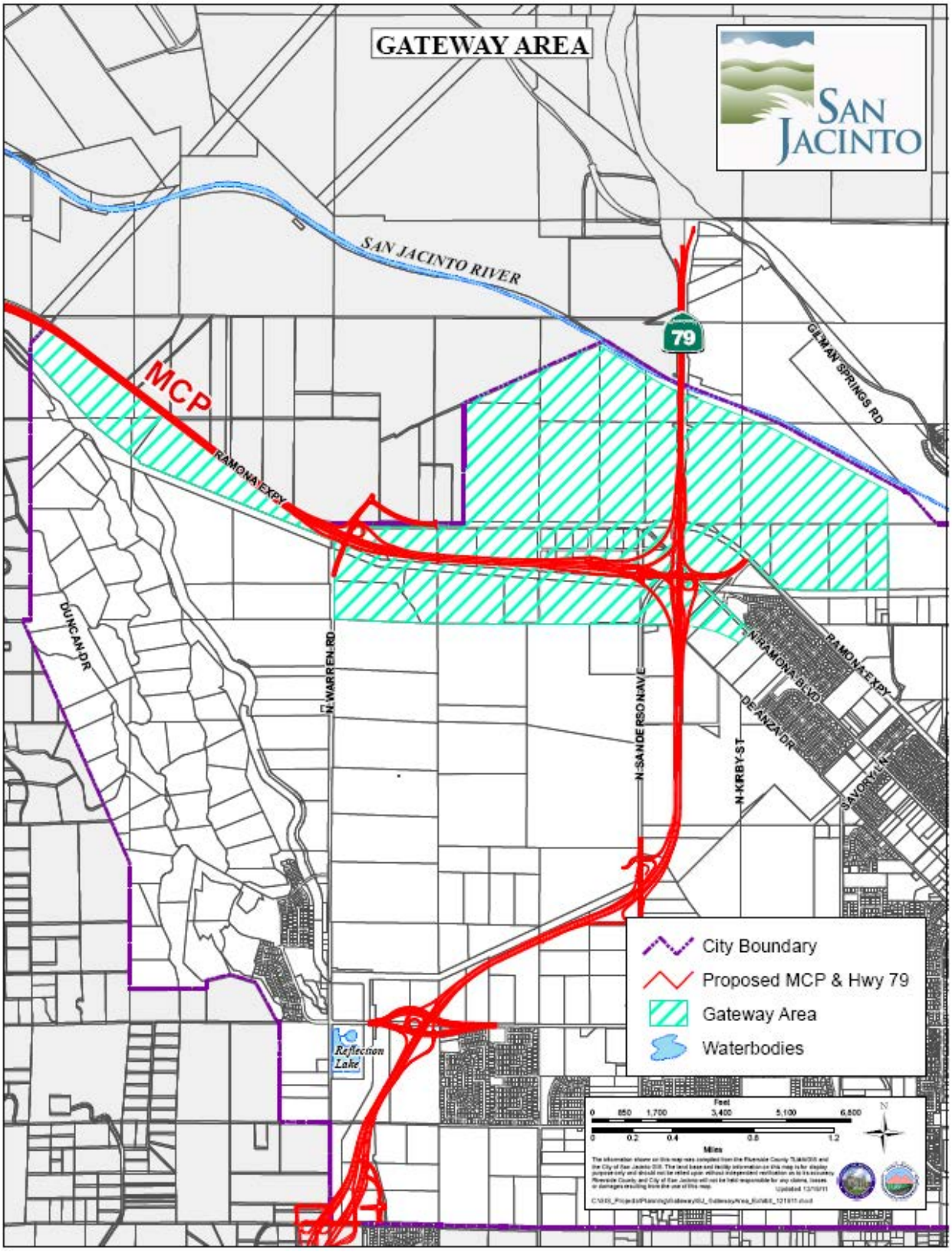

Figure 4-4
Location of Gateway Area

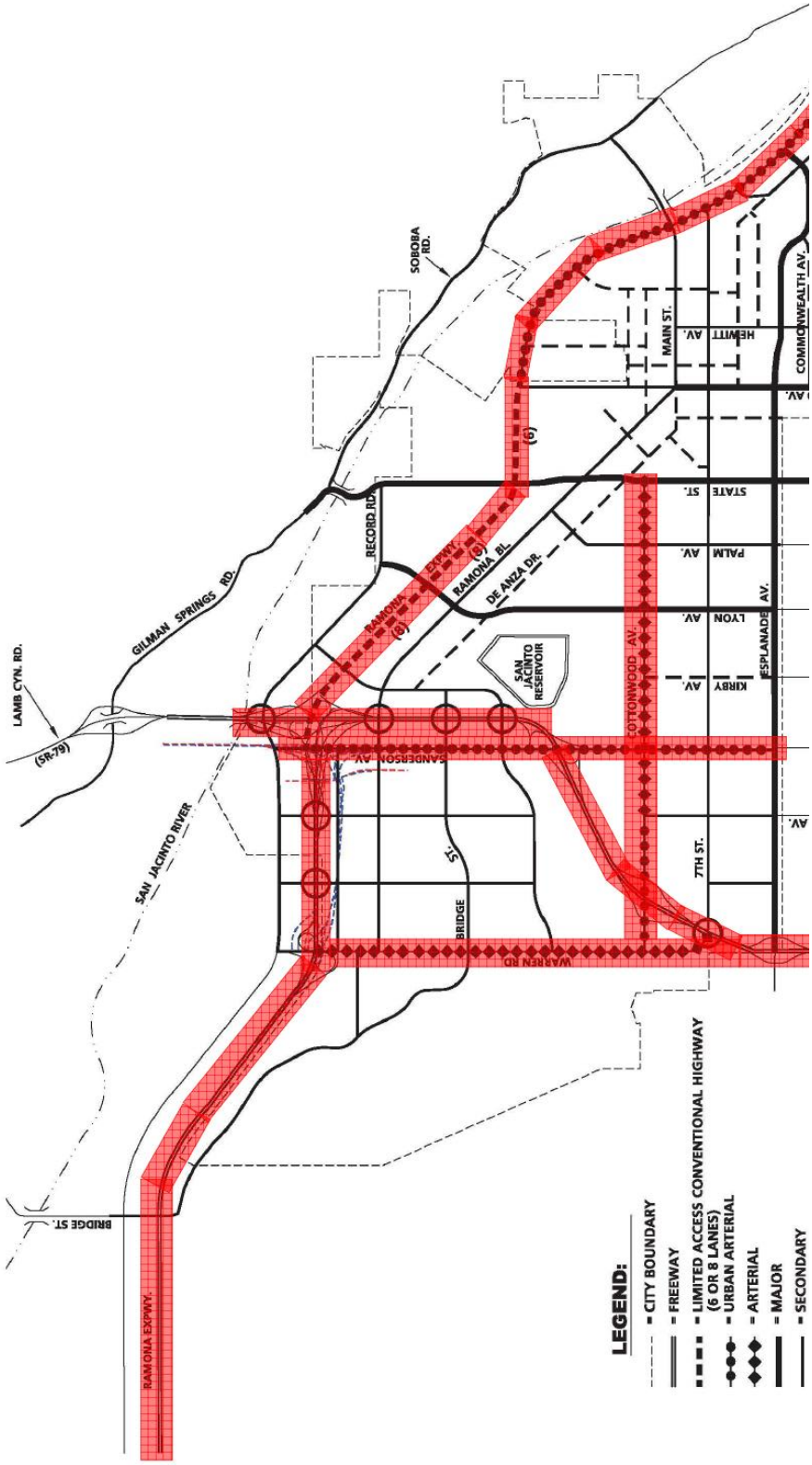

Figure 4-5
Roadways in General Plan Circulation Element

17.430.361 — Electric Vehicle Charging Stations

The purpose of this Section is to ensure the effective installation of electric vehicle charging stations. Where any other provisions of the Municipal Code directly conflict with this Section, this Section shall control.

A. Designation of electric vehicle charging stations. An electric vehicle charging station is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

2. Level 2 is considered medium charging and operated on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.

3. Level 3 is considered fast or rapid charging and operated on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

B. Permitted Locations.

1. Level 1 and 2 electric vehicle charging stations are an allowed use in all zones.

2. Level 3 electric vehicle charging stations are an allowed use in Commercial and Office Zones, Industrial Zones and Special Purpose Zones, as defined in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

C. Standards for Electric Vehicle Charging Stations. Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. The technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change as vehicle charging stations become more prevalent. The Director may authorize variations from these standards, provided the spirit and intent of the standards and this Section are addressed.

1. Reserved for parking and charging of electric vehicles only. Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

2. **Signage.** Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items contained in Subparagraph 6., below.

3. **Accessibility to Persons with Disabilities.** The design and location of the electric vehicle charging stations shall comply with the following barrier-free accessibility requirements:

   a. Accessible vehicle charging stations shall be provided based on the following table:

Number of EV Charging Stations	Minimum Accessible EV Charging Stations
3 – 50	1
51 – 100	2

   b. Accessible charging stations shall be located in close proximity to the structure or facility entrances and shall be connected to a barrier-free accessible route of travel.

   c. Accessible charging stations shall comply with the requirements of Section 17.330.070 (Disabled/Handicapped Parking Requirements).

4. **Lighting.** Adequate site lighting shall be provided in compliance with Section 17.300.080 (Outdoor Light and Glare).

5. **Equipment.** Equipment for electric vehicle charging stations shall comply with the following standards:

   a. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

   b. Charging station outlets and connectors shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

   c. Equipment shall be protected by wheel stops or concrete-filled bollards.

6. **Notification.** The following information shall be posted at all electric vehicle charging stations:

   a. Voltage and amperage levels;

   b. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

   c. Usage fees;

   d. Safety information; and

   e. Contact information for reporting when the equipment is not operating or other problems.

D. Minimum Parking Requirements. The parking spaces associated with the electric vehicle charging stations located within parking lots or garages may be included in meeting the calculation of the minimum parking spaces required in compliance with Chapter 17.330 (Off-Street Parking and Loading Standards).

17.430.370 — Limited, Seasonal Farming

This Section provides standards that allow for limited, seasonal farming and limited agricultural uses on vacant property within the City, and is intended to ensure compatibility of these uses with other uses in the City.

A. Applicability. The provisions of this Section shall apply to vacant land in any Residential or Open Space zone within the City.

B. Allowed Uses. Limited, seasonal farming, as that term is used in this Section, shall mean and refer to seasonal row and field crops. Limited farming shall also mean and refer to short-term, seasonal grazing for the purpose of non-mechanical weed abatement. The allowed limited farming uses are subject to the following standards:

1. Aerial application of pesticides shall be prohibited. Any use of pesticides shall be in compliance with all local, State and Federal rules and regulations.

2. Dust control shall be required.

3. Limited, seasonal farming operations shall be conducted in a manner that avoids negative impacts on adjacent property, and shall not constitute a nuisance.

4. No structures shall be allowed, as limited, seasonal farming and agricultural uses are considered interim uses in compliance with the General Plan.

5. A Zoning Clearance is required before commencement or expansion of limited, seasonal farming activities.

C. Nuisance Hearing.

1. If the Director receives more than 10 complaints regarding limited, seasonal farming activity on the same property, from separate individuals, and regarding a similar problem, during a 30-day period, the matter shall be set for a nuisance hearing.

2. Following the hearing, conditions may be imposed on the limited, seasonal farming activities.

3. Nothing in this Section shall preclude the City from investigating or taking any other action with respect to any complaint or the applicability of any farming practice related to health or safety issues.

17.430.380 — Tobacco Stores

A. Purpose. The purpose of this Section is to prohibit head shops and smoking lounges, and to regulate the location and operation of tobacco stores in the City to maintain the City's character, the diversity and vitality of the City's commercial areas, and the quality of life of City residents.

B. Definitions. For purposes of this Section, the following terms shall have the following definitions:

1. Drug Paraphernalia. Shall have the meaning specified in Health and Safety Code Section 11014.5, and as that Section may be amended from time to time.

2. Head Shop. A retail outlet that receives 50 percent or more of its gross revenues from the sale of drug paraphernalia or occupies 50 percent or more of the net floor area of the store for the sale or display of synthetic cannabinoid compounds or derivatives as defined in Health and Safety Code Section 11357.5, psychoactive bath salts, and/or any other similar psychoactive substances labeled as not safe for human consumption.

3. 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 a hubble bubble, nag, nargile, shisha, and Turkish water pipe.

4. Hookah Lounge. An area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of hookahs, but does not include the private use of hookahs in personal residences, if otherwise in compliance with applicable law.

5. **Person.** Any natural assignee, cooperative association, corporation, partnership, person, personal representative, receiver, trustee, or any other legal entity.

6. **Smoking Lounge.** A business establishment that is dedicated, in whole or in part, to the inhalation of tobacco products including but not limited to establishments known variously as cigar lounges, hookah lounges, private smoker's lounges, tobacco bars, or tobacco clubs.

7. **Tobacco Paraphernalia.** Any device, product, equipment, or material of any kind that is intended or designed for use for smoking, inhaling, or ingesting tobacco, notwithstanding that the device, product, equipment, or material may also be used for smoking, inhaling, or ingesting any controlled substance. Tobacco Paraphernalia shall include, but is not limited to, all of the following:

   a. Bongs;

   b. Blunt wraps, as defined in Penal Code Section 308;

   c. Chillums;

   d. Cigarette papers or wrappers;

   e. Cigarette rolling machines;

   f. Hookahs and similar devices constructed with a receptacle or container in which water or some other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested;

   g. Ice pipes or chillers;

   h. Metal, acrylic, ceramic, glass, ivory, plastic, stone, or wooden pipes with or without screens, permanent screens, hashish heads, or punctured bowls; and

   i. Water pipes.

8. **Tobacco Product means:**

   a. Any substance containing tobacco leaf, including, but not limited to chewing tobacco, cigars, cigarettes, dipping tobacco, pipe tobacco, snuff, bid is, or any other preparation of tobacco; and

   b. Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product

specifically approved by the Federal Food and Drug Administration for use in treating nicotine or tobacco product dependence.

9. **Tobacco Store.** A retailer or wholesale business or any person which (a) sells, offers for sale, or offers to exchange for any form of consideration, tobacco, Tobacco Products or Tobacco Paraphernalia and (b) has 15 percent or more of the square feet in the establishment used for the sale or display of Tobacco Products or Tobacco Paraphernalia.

C. **Head Shops and Smoking Lounges Prohibited.** It is unlawful for any person to cause or permit the creation of, or operate, a head shop or smoking lounge. The operation of a head shop or smoking lounge shall constitute a public nuisance subject to abatement under this Development Code.

D. **Tobacco Stores - Conditional Use Permit Required.** It shall be unlawful for any person to cause or permit the creation or substantial enlargement of a tobacco store without first obtaining and maintaining a Conditional Use Permit, in compliance with Chapter 17.605 (Conditional Use Permits and Minor Use Permits). The operation of a tobacco store without a valid Conditional Use Permit shall constitute a public nuisance subject to abatement under this Development Code.

E. **Tobacco Stores - Permit Application Requirements.** All Conditional Use Permit applications for establishment of a tobacco store shall include the following information in addition to information generally required by the City and as specified in the Department handout for Conditional Use Permit and Minor Use Permit applications:

1. The name, address, and telephone number of each person with an ownership or managerial interest in the tobacco store.

2. The business name, address, and telephone number of the single fixed location for which a Conditional Use Permit is sought.

3. Proof that the location for which a Conditional Use Permit is sought has been issued a valid State Tobacco Retailer's License by the California Board of Equalization.

4. Proof that every person with an ownership or managerial interest in the proposed tobacco store has been issued a valid Tobacco Retailer's License by the County of Riverside.

5. Other information as the Director deems necessary for the administration or enforcement of this Section.

F. **Tobacco Stores - Permit Findings.** In addition to the required findings for a Conditional Use Permit as specified in Chapter 17.605, no Conditional Use Permit shall be issued for

a tobacco store unless all of the following findings are first made by the applicable review authority:

1. The tobacco store will be located in the CG or CR zones;

2. The tobacco store will meet all of the following minimum spacing requirements. All measurements shall be taken from nearest property line to nearest property line.

   a. The tobacco store will be at least 1,000 feet from any other tobacco store or retail establishment that typically offers tobacco or tobacco related products;

   b. The tobacco store will be at least 1,000 feet from any public or private school where minors are present;

   c. The tobacco store will be at least 1,000 feet from any child care center, park, library, commercial establishment that has an on-site children's playground, or places where classes or group activities for children are held;

   d. The tobacco store will be at least 1,000 feet from any places of worship; and

   e. The tobacco store will be at least 1,000 feet from any residentially zoned property.

3. The tobacco store is in substantial compliance with the requirements of all applicable adopted Building Codes; and

4. The tobacco store is in substantial compliance with the development standards for the zone in which it is to be located.

G. Tobacco Stores - Conditions of Approval. A Conditional Use Permit granted in compliance with this Section shall contain all of the following conditions of approval.

1. The tobacco store shall not sell any tobacco products or tobacco paraphernalia to any person without first examining the purchaser's identification if the purchaser reasonably appears under the age of 27 years old, and confirming that the proposed sale is to a purchaser who is at least the minimum age in State law for being sold the tobacco product or tobacco paraphernalia.

2. The tobacco store shall not employ any person who is younger than the minimum age in State law for being sold or for possessing any tobacco product or tobacco paraphernalia.

3. No person shall display tobacco products or tobacco paraphernalia by means of a self-service display or vending machine.

4. Fixed security bars may not be installed over windows and glass panels in doors. Security bars shall be rolled back during the tobacco store's operating hours.

5. No smoking shall be permitted anywhere on the premises of the tobacco store.

6. No more than 10 percent of the floor area of the tobacco store, or eight square feet of shelf space, whichever is less, shall be devoted to the display of tobacco paraphernalia.

7. Violation of any condition of approval shall constitute a public nuisance subject to abatement under this Development Code.

8. The tobacco store shall not sell any drug paraphernalia, or synthetic cannabinoid compounds or derivatives, as defined in Health and Safety Code Section 11357.5, psychoactive bath salts, and/or any other similar psychoactive substances labeled as not safe for human consumption.

9. Tobacco products shall be sold in the original packaging provided by the manufacturer.

H. Tobacco Stores - Permit Not Transferrable.

1. Notwithstanding Section 17.660.060 (Permits to Run with the Land), a Conditional Use Permit for a tobacco store applies only to the location for which it is granted and only to the persons to whom it is granted.

2. If the business is sold, the new owner(s) shall apply for and obtain a new Conditional Use Permit for that location before assuming the operation of the tobacco store.

3. If the owner(s) of a tobacco store desire to move the location of their tobacco store, the owner(s) shall first apply for and obtain a new Conditional Use Permit for that new location.

I. Tobacco Stores - Permit Revocation. A Conditional Use Permit granted in compliance with this Section may be revoked, in compliance with Section 17.725.070 (Revocation or Modifications), after a public hearing is held on the matter if any of the following grounds for revocation exists:

1. The permit was obtained by fraud.

2. The property has ceased to be used as a tobacco store for a period of 180 days or more, or the ownership has changed without obtaining a new Conditional Use Permit.

3. The City issued Business License has been expired for a period of 60 days or more, whether or not the business remains in operation.

4. The Conditional Use Permit is being, or recently has been, exercised contrary to its terms or conditions, or in violation of any local, State or Federal law.

5. The California Board of Equalization has revoked or suspended the Tobacco Retailer's License for the location.

6. One or more of the owner(s) of the tobacco store no longer have a valid Tobacco Retailer's License from the County.

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