

City of East Palo Alto

2018 Development Code

Title 18 – Development Code

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Title 18 – Development Code
Article 1 –
General Provisions and Definitions

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Chapter 18.02 – Purpose and Applicability of Development Code

Sections:

- 18.02.010 – Title
- 18.02.020 – Purpose, Intent, and Authority
- 18.02.030 – Relationship to Prior Ordinances
- 18.02.040 – Relationship to General Plan
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- 18.02.080 – Violation Constitutes a Public Nuisance
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18.02.010 – Title

This title, containing the City's zoning and subdivision regulations, shall be known as the "City of East Palo Alto Development Code" and referred to as the "Development Code."

18.02.020 – Purpose, Intent, and Authority

- A. Purpose.** The Development Code is intended to carry out the policies of the City of East Palo Alto General Plan. More specifically, the purpose of this Code is as follows:
1. To guide, control, and regulate the future growth and development in the City of East Palo Alto;
 2. To protect the character and the social and economic stability of residential, commercial, industrial, and other private and public areas within the City, and to ensure the orderly and beneficial development of these areas;
 3. To prevent danger to public safety resulting from the locating of structures, and their use, and the use of land, adjacent to streets and highways which are a part of the Circulation Element of the General Plan, or which are important thoroughfares, in a manner which prevents interference with existing or prospective traffic movements on City streets and highways;
 4. To provide adequate air, light, privacy, and convenience of access to property, and to ensure safety from fire, inundation, and other dangers; and
 5. To prevent overcrowding the land and prevent undue congestion of population.
- B. Intent.** It is the intent of the Development Code to promote the orderly development of the City; promote and protect the public health, safety, comfort, convenience, morals, peace, and general welfare; protect the character, social diversity, and economic vitality of neighborhoods; and ensure the beneficial development of the City.
- C. Authority.** The Development Code is enacted based on the authority vested in the City of East Palo Alto and the State of California, including but not limited to the State Constitution, Planning

and Zoning Law (California Government Code Section 65000 et seq.), Subdivision Map Act (California Government Code Section 66410 et seq.), California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), and the California Health and Safety Code.

- D. City's Level of Compliance.** The City shall endeavor to comply with the minimum requirements specified in the Development Code to the maximum extent possible.

18.02.030 – Relationship to Prior Ordinances

No provision of the Development Code shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of the City's Zoning and Subdivision Codes as they existed before repeal by the ordinance enacting the Development Code, except as addressed by non-conformances created by the Development Code.

18.02.040 – Relationship to General Plan

The Development Code is the primary tool used by the City to implement the goals, policies, and actions of the General Plan and various specific plans. The Council intends that the Development Code be consistent with the General Plan and any applicable specific plan, and that any development, land use, or subdivision approved in compliance with the Development Code will also be consistent with the General Plan and any applicable specific plan. A proposed use is considered to be consistent with the General Plan and any applicable specific plan when all of the following conditions exist:

- A. Compatible.** The proposed use is compatible with the description of the land use plan designation in which the use is located, as shown by the Land Use Plan Map, and as described in the text of the General Plan and any applicable specific plan;
- B. Conformance.** The proposed use is in conformance with the actions, goals, policies, programs, and maps, and the intent of the General Plan and any applicable specific plan; and
- C. Consistent.** The proposed use is to be established and maintained in a manner which is consistent with all elements of the General Plan and any applicable specific plan and all applicable provisions contained in these plans.

18.02.050 – Relationship to CEQA

When a project application filed in compliance with the provisions of the Development Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed for compliance with the provisions of the Development Code, the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

18.02.060 – Relationship to Design Guidelines

Any design guidelines adopted by the City shall be considered complementary to the development and design standards specified in the Development Code. In the event of any conflict between adopted design guidelines and the provisions of the Development Code, the City retains the right to use the most restrictive design standard or interpretation.

18.02.070 – Effect of Development Code on Projects in Progress

The enactment of the Development Code, or the adoption of any subsequent amendment to the Development Code, may have the effect of imposing different standards on a land use than those that applied to existing development. In the absence of specific provisions in the adopting ordinance related to any grandfathering or other special conditions, the following provisions determine how requirements apply to a development project in progress at the time the Development Code or an amendment goes into effect.

- A. Application Complete.** A planning permit application accepted by the Community Development Department as complete before the effective date of this Development Code or any amendment, shall conform to the requirements specified in the previously applicable law.
- B. Project Under Construction.** A project for which a building permit has been issued under the provisions of earlier laws, and on which substantial construction has been performed by integration of materials on the site may be continued and completed in compliance with the plans and specifications upon which the permit was issued.
- C. Subdivision Maps.** Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Article 5 (Subdivisions).

18.02.080 – Violation Constitutes a Public Nuisance

Any violation of any provision of the Development Code, as determined by the City Council, Planning Commission, Director of Community Development, or City Attorney, shall constitute a public nuisance.

18.02.090 – Severability

If any portion of the Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of the Development Code. The Council hereby declares that the Development Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of the Development Code may be declared invalid, unconstitutional, or unenforceable.

Title, chapter and section headings shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section.

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Chapter 18.04 – Interpretation of the Development Code Provisions

Sections:

- 18.04.010 – Purpose and Intent
- 18.04.020 – Rules of Interpretation
- 18.04.030 – Procedures for Interpretation
- 18.04.040 – Uses Not Classified
- 18.04.050 – Headings and Illustrations
- 18.04.060 – Official Version of Development Code

18.040.010 – Purpose and Intent

The purpose of this chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of the Development Code, and to ensure its consistent interpretation and application.

18.04.020 – Rules of Interpretation

- A. Authority.** The Director has the authority to interpret the provisions of the Development Code in compliance with this chapter. Whenever the Director determines that the meaning or applicability of a requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. A decision of the Director may be appealed to the Commission.
- B. Terminology.** When used in this title, the following rules apply to all provisions of the Development Code:
1. **Language.** The words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive.
 2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the sentence indicates otherwise.
 4. **Calculations.**
 - a. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number.
 - b. **Other Calculations.** For all calculations other than residential density, the fractional/decimal results of calculations shall be rounded to the next highest whole number, unless otherwise specified.
 5. **Conjunctions.** "And" indicates all connected items or provisions shall apply. "Or" indicates the connected items or provisions may apply singly or in any combination.

“Either...or” indicates the connected items and provisions shall apply singly but not in combination. “Includes” and “including” mean “including but not limited to”.

6. **Local Reference.** “City” means the City of East Palo Alto and all public officials, bodies, and agencies referenced in this Code are those of the City, unless otherwise stated.
 7. **Definitions.** As defined or as determined by the Director. The provisions of Civil Code Sections 13 and 1645 are adopted in the interpretation of words and phrases, unless otherwise provided.
- C. Number of Days.** Whenever the number of days is specified in the Development Code, or in any permit, condition of approval, or notice issued or given, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.
- D. State Law Requirements.** Where the Development Code refers to provisions of state laws, the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.
- E. Minimum Requirements.** When interpreting and applying the regulations of the Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

18.04.030 – Procedures for Interpretation

- A. Authority of Director to Interpret; Referral to Commission.** Whenever the Director determines that the meaning or applicability of any of the requirements of the Development Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.
- B. Request for Interpretation.** Any party may file a request for an interpretation or determination with the Director and shall include with the request the specific provisions in question and any other information necessary to assist the Director in the review.
- C. Appeals.** Any interpretation by the Director or Commission may be appealed.

18.04.040 – Uses Not Classified

Use Not Listed is Not Allowed. If a proposed use of land is not specifically listed either as permitted or conditionally permitted, the use is prohibited.

18.04.050 – Headings and Illustrations

- A. Headings.** The headings of the chapters, sections, subsections, subparagraphs, and clauses of the Development Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of the Code or its provisions.
- B. Illustrations.** In case of a conflict between the Development Code text and any diagram, illustration, or image, the text shall control.

18.04.060 – Official Version of Development Code

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

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Chapter 18.06 – Zones and Zoning Map

Sections:

- 18.06.010 – Purpose and Intent
- 18.06.020 – Establishment of Zones
- 18.06.030 – Zoning Map
- 18.06.040 – Rights-of-way and Vacated Boundary Lines
- 18.06.050 – Uncertainty of Boundaries
- 18.06.060 – Classification of Annexed Lands

18.06.010 – Purpose and Intent

This chapter establishes the zones applied to property located within the City and adopts the Official Zoning Map.

18.06.020 – Establishment of Zones

- A. General.** The City is divided into zones to allow for orderly, planned development and to implement the General Plan and adopted Specific Plans. All zones shall be appropriately designated on the Official Zoning Map.
- B. Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use allowed, along with development regulations for that particular type and intensity of land use.
- C. Overlay/Combining Zones.** An overlay/combining zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay/combining zone regulations, the City retains the right to use the most restrictive design standard or policy, except as otherwise provided in the General Plan or adopted Specific Plan.
- D. Effect of Establishment of Zones.** Except as otherwise provided in the Development Code, no structure shall be erected and no existing structure shall be added to, altered, enlarged, or moved, nor shall any land, structure, or premises be used, designed, or intended to be used for any purpose or in any manner other than those uses specifically listed as allowed in the zone in which the structure, land, or premises is located. No land use shall be established unless it is a permitted use or conditional use.

18.06.030 – Zoning Map

The boundaries, designations, and locations of the zones established by the Development Code shall be shown upon the map(s) entitled “Zoning Map for the City of East Palo Alto” and referred to as the Zoning Map. Any additional maps adopted shall also be a part of the Development Code by reference. Changes in the boundaries of any identified zones shall be made by ordinance. The Development Code, together with the Zoning Map, is adopted in compliance with current State planning, zoning, and development laws.

18.06.040 – Rights-of-Way and Vacated Boundary Lines

Where a public street or alley is officially abandoned or vacated, the property encompassed by areas associated with the abandoned or vacated street or alley shall be included within the zone(s) of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event the street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line created by the abandonment or vacation.

18.06.050 – Uncertainty of Boundaries

If there is uncertainty about the location of a zone boundary shown on the Zoning Map, the Director shall determine the precise location of the boundary in the following manner:

- A. Where a zone or area boundary approximately follows a parcel line, street line, or alley line, the parcel line, street centerline, or alley centerline shall be construed as the zone boundary.
- B. Where a zone or area boundary divides a parcel and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map.

18.06.060 – Classification of Annexed Lands

- A. Any land annexed to the City of East Palo Alto shall be deemed to be zoned to a classification most nearly the equivalent zoning classification in the County.
- B. Whenever it is determined the zoning of annexed lands is inconsistent with adopted General Plan land use policy or other City policies, the Commission may recommend and the Council may adopt the zone classification(s) which shall apply to the annexed lands.

Chapter 18.08 – Definitions

Sections:

18.08.010 -- General

18.08.010 – General

- A.** This chapter provides definitions of the technical and other terms and phrases used in the Development Code. Where any definition conflicts with definitions in other titles of the East Palo Alto Municipal Code, these definitions shall prevail for the purposes of the Development Code. If a word is not defined, the most common dictionary definition is presumed to be correct.
- B.** In addition to the definitions provided in this chapter, definitions for signs, definitions for adult business uses, subdivisions and affordable housing, are contained in the chapters pertaining to those uses, as are occasional other specific circumstances definitions.

“A” Definitions

Abutting. Having a common border with or contiguous to. For example, two parcels with a common property line are considered to be abutting. See also “Adjacent.”

Access. The place or way by which pedestrians and vehicles have safe, adequate, and suitable ingress and egress to a property or use.

Accessory Dwelling Unit. A separate dwelling unit containing living, sleeping, kitchen, and sanitation facilities located on a site within a residential zone that already contains one legally created dwelling unit;

Accessory Structures and Uses.

Accessory Structures. A subordinate structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or to the main use of the land, and which is located on the same parcel with the main structure or use.

Nonresidential. An attached or detached structure that is a part of, and clearly incidental and secondary to, a nonresidential structure and which does not change the character of the nonresidential structure. Illustrative examples include:

- decks
- fences
- garages
- gazebos
- kiosks and carts for selling beverages, food, clothing, phones, toys, etc.
- outdoor fireplaces
- porches
- refuse collection structures/trash enclosures
- spas and hot tubs
- storage or work sheds
- swimming pools
- tennis and other on-site sport courts

- outdoor kitchens
- outdoor play equipment
- patios
- platforms
- terraces
- walls
- workshops

Residential. An attached or detached structure which is a part of, and clearly incidental and secondary to, a residence and which does not change the character of the residential structure. Does not include Second/Accessory Dwelling Units or Guest Houses. Illustrative examples include:

- carports
- decks
- fences
- fireplaces and fire pits
- garages
- gazebos
- greenhouses (noncommercial)
- outdoor kitchens and play equipment
- patios
- platforms
- porches
- spas and hot tubs
- storage or work sheds
- studios
- swimming pools
- tennis and other on-site sport courts
- terraces
- walls
- workshops

Accessory Uses. A use incidental and accessory to the principal use of a parcel or a structure located upon the same parcel as the principal use.

Nonresidential. A use that is at all times a part of, and clearly incidental and secondary to, a principal use; which does not change the character of the nonresidential use; and does not necessitate an increase in required number of parking spaces. Includes the retail sales of various products or the provision of services in a defined area located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers; typically not visible from public streets. Does not include Accessory Alcohol Sales, Off-Site or On-Site Alcohol Sales. Illustrative examples include:

- ATMs
- child day care
- dry cleaning (collection/pick-up only)
- food service establishments
- gift shops
- newsstands
- pharmacies

- travel services
- vending machines
- personal service, general

Residential. A use which is a part of, and clearly incidental and secondary to, a residence; located on the same parcel as a residence; and which does not change the character of the residential use. Illustrative examples include:

- home occupations
- personal property sales (i.e., garage or yard sales)

Act. California Government Code Sections 66410 et seq., also known as the Subdivision Map Act.

Adjacent. The condition of being near to or close to but not necessarily having a common dividing line. Two parcels that are separated by a street or alley shall be considered as adjacent to one another. See also “Abutting.”

Administrative Use Permits. A type of discretionary permit that allows any use which requires a special degree of review or control because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities. The additional control is to ensure the particular use on the particular proposed site is compatible with other existing or allowed uses surrounding the site.

Adult Day Care.

Adult Day Care, Small (8 or fewer adults). Day care facility located in a single-unit dwelling where an occupant of the dwelling provides care and supervision for 8 or fewer adults.

Adult Day Care, Large (9 to 14 adults). Day care facility located in a single-unit dwelling where an occupant of the dwelling provides care and supervision for 9 to 14 adults.

Adults - 15 or more. See “Day Care, General” for facilities serving 15 or more adults.

Adult Oriented Businesses. A use type that includes the following:

- Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities or other material of a sexually explicit nature;
- Any business which, as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows, or displays publications depicting the specified anatomical areas or specified sexual activities or other material of a sexually explicit nature;
- Any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities;

- Any business conducted for the entertainment of adults wherein an employee, patron, or any other person engages in or is shown the specified sexual activities or exhibits or engages in partial or total nudity or otherwise exposes the specified anatomical areas; or
- Any business which, as a substantial or significant portion of its business, provides live or filmed entertainment wherein the specified anatomical areas are exposed.

Advertising Structure/Sign. A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any bill, poster, printing, painting, or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes. Advertising Structure/Sign does not include:

1. Official notices issued by any court or public body or officers;
2. Notices posted by any public officer, in performance of a public duty or by any person in giving legal notice; and
3. Directional, warning, or information structures required by or authorized by law or by governmental authority.

Airport. Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport structures or other airport facilities or rights-of-way together with all airport structures and facilities located on the land.

Alcohol Sales.

Alcohol Sales (offsite-sale). Any establishment that sells, serves, or gives away alcoholic beverages for consumption off the premises and that is applying for or has obtained an ABC License Type 20 (off-sale beer and wine-package store) or License Type 21 (off-sale general-package store). The establishment shall include any immediately adjacent area owned, leased, rented, or controlled by the licensee. Does not include an establishment selling alcoholic beverages as an accessory line of merchandise.

Alcohol Sales (onsite-sale). An establishment that has all of the following characteristics:

1. Alcoholic beverages will be or are sold, served, or given away for consumption on the premises where sold, served, or given away;
2. The establishment is applying for or has obtained an appropriate ABC License; and
3. The sale of alcoholic beverages is accessory to the retail sale of food products and the display area for alcoholic beverages does not exceed 30 percent of the net floor area of the use. Illustrative examples include drug stores, grocery stores, and supermarkets, but do not include convenience markets.

Advisory Agency. City staff member or policy-making or review authority responsible for acting on an application.

Alley. A public or private thoroughfare or lane (generally not more than 30 feet wide) that affords only a secondary means of access to abutting property.

Allowed Use. A use of land identified as a permitted or conditional permitted use that may be established subject to compliance with applicable provisions.

Alter. To make any change in any of the supporting members of a structure (i.e., bearing walls, columns, beams, or girders), or to make any change or addition for which a building permit is required.

Alteration. Any change, addition, or modification in construction or occupancy of an existing structure.

Alteration, Structural. Any change in or replacement to the supporting members of a structure (e.g., bearing walls, columns, beams or girders, etc.).

Alternative Energy.

Solar Collector. A device or combination of devices, structure, or part of a device or structure which transforms direct solar energy into thermal, chemical, or electrical energy and contributes significantly to a structure's energy supply.

Solar Photovoltaic Energy System. (1) A design using natural and architectural features to cool or heat a structure, or (2) a mechanical assembly that may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

Windmill. A tower and propeller assembly used to transform wind energy into mechanical energy for generating electricity or pumping water.

Windmill Energy System. Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power (e.g., windmills, wind turbines, etc.).

Amendment. A change in the wording, context, or substance of the Development Code, or a change in the zone boundaries upon the Official Zoning Map.

Annex/Annexation. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Animal Sales and Services.

Animal Boarding/Kennels. An establishment where more than three dogs over the age of four months, three cats over the age of four months, or three other animals are treated, conditioned, boarded, raised, or offered for sale for any form of compensation including donations by a person or entity.

Animal Grooming. An establishment that bathes, clips, or combs animals for the purpose of enhancing their aesthetic value or health.

Animal Retail Sales. Retail sales and boarding of animals offered for sale.

Veterinary Services. An establishment where veterinarians provide medical and surgical treatment to animals and accessory boarding services.

Animal Keeping.

Animal, Domestic Farm. An animal, other than a domestic pet, customarily considered to be livestock and kept for noncommercial education or recreation purposes (e.g., fowl, goats, pigs, sheep, horses, cattle, etc). Does not include pot-bellied pigs.

Animal, Domestic Pet. A type of animal customarily kept by humans for companionship that lives in or near human habitation (e.g., cats, dogs, gerbils, hamsters, guinea pigs, rabbits, nonpoisonous reptiles and snakes, etc.). Includes pot-bellied pigs.

Animal, Wild. An animal not customarily confined or cultivated by man for domestic or commercial purposes but kept for display. Includes any animal which may be imported, transported, or possessed only after first obtaining a permit from the California Department of Fish and Wildlife.

Antenna. A device used to transmit and/or receive radio or electromagnetic waves between earth and/or satellite-based systems. An antenna may be directional, bidirectional or omnidirectional.

Amateur Radio Antennas. An antenna used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna Structure. A supporting mast or tower for an antenna.

Mast. A pole of wood or metal used to support an amateur radio antenna and maintain it at the proper elevation.

Satellite Dish Antenna. A parabolic and/or disk shaped antenna of either solid or mesh construction, intended for the purposes of receiving communications from an orbiting satellite, transceiving or transmitting signals or communications to a satellite, as well as supporting equipment necessary to install or mount the antenna.

Whip Antenna. An antenna, consisting of a single, slender, rod-like element less than one wavelength long, supported only at or near its base.

Arcade (Also known as Electronic Game Center and Electronic Amusement Devices). Any establishment that provides six or more amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Any electronic machine, device, contrivance apparatus or mechanism which, upon insertion of any card, coin, plate, disk, slug, or key into any sparkle, receptacle, crevice or other opening, or by the payment of any fee(s) operates or may be operated as a game or contest of skill or amusement of any description and that makes no provision for the return of money, and the use or possession of which is not prohibited by any state or local laws. Does not include billiard/pool tables. May also include internet/cyber cafes, where three or more computers and/or other electronic devices, for access to the "internet," e-mail, playing video games and/or access to other computer programs is provided to the public for compensation and/or for public access. Internet cafe is also synonymous with PC cafe, cyber cafe, internet gaming center, computer/internet rental and cyber centers.

Architectural Feature. Exterior architectural element attached to a structure not providing floor area. Architectural features include belt courses, buttresses, chimneys, cornices, eaves, fireplaces, pilasters, pillars, sills, and window seats. Architectural features do not include awnings, fences, railings, porticos, porches, colonnades, covered parking areas and driveways, balconies, terraces, decks, open stairways, elevated walkways, exterior pipes, signs, mechanical equipment, walls, and covered patios.

Area, Gross. The total area of a parcel, including those areas that cannot be built upon (e.g., dedicated or proposed street rights-of-way and other improvements (i.e., parks, open space, stormwater detention and retention facilities, etc.). "Gross area" is expressed in either acres or square feet.

Area, Net. The portion of a parcel for residential or nonresidential development which can be built upon, excluding dedicated or proposed street rights-of-way and other improvements (i.e., parks, open space, stormwater detention and retention facilities, etc.). "Net area" is expressed in either acres or square feet.

Artisan Shop. A retail store where art glass, ceramics, jewelry, and other art and handcrafted items are sold. The store may include an accessory area for the crafting of the items being sold. Does not include handicraft industries.

Artists' Studios. Work space for artists and artisans, including individuals practicing the fine arts, or skilled in an applied art or craft, and producing custom-made works. Does not include handicraft industries.

Attached Housing. A residential project, or part thereof, in which each dwelling unit has one or more exterior walls in common with or attached to a wall of another dwelling unit.

Attic. The area located between the top plate of the uppermost habitable floor and the roof or ridge of a structure, as further defined in the California Building Code (CBC).

Automated Teller Machines (ATMs). An automated device used by the public to conduct banking and financial transactions electronically. Does not include retail point-of-sale transactions within a fully enclosed structure.

Awning. A sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

“B” Definitions

Balcony. A projecting platform on a structure, sometimes supported from below, sometimes cantilevered; enclosed with a railing or low wall.

Basement. A space in a structure that is partly or wholly below grade and where the vertical distance from grade to a finished floor directly above such space is less than or equal to forty-two inches. If the finished floor directly above the space is more than forty-two inches above grade at any point along the perimeter, such space shall be considered a story, and the entire space shall be included in the calculation of floor area. This requirement applies to all lots.

Bar. Any structure, or any portion of a structure, or any premises or place where alcoholic beverages are sold, given, delivered, or consumed, or allowed to be sold, given, delivered, or consumed in compliance with the provisions of the Business and Professions Code. See “Eating and Drinking Establishments.”

Bay Window. A large window or series of windows projecting from the outer wall of a structure and forming a recess within. Some bay windows may have window seats.

Bedroom. An enclosed space in a structure designed to be used for sleeping purposes which meets the room dimension requirements of the most recent edition of the California Building Code (CBC), not accessed directly from the garage, and with one or more windows.

Berm. A raised earthen area.

Best Management Practices (BMPs). Methods or techniques found to be the most effective and practical means in achieving an objective, such as preventing or minimizing pollution. A BMP can be a structural “thing” or a “process” or “practice”. BMPs include but are not limited to treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bicycle Parking Space. An area equipped with a bicycle rack or bicycle storage locker for the purpose of parking and securing bicycles.

Block. All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and right-of-way, water way, end of dead-end street or City boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding or Rooming House. A residence or dwelling unit, or part thereof, where a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases, or combination thereof, whether or not the owner, agent, or rental manager resides within the residence.

Breezeway. A structure with a roof and open sides connecting two structures. A breezeway is considered part of the primary structure for the purpose of determining setbacks and floor area.

Building. A structure with a roof and walls used as a place for people to live, work, engage in activities, store things, etc.

Building Envelope. The ground area of a parcel which is defined by the minimum setback requirements within which construction of a principal structure and any attached accessory structures is allowed. See "Setback."

Building Official. The Building Official of the City of East Palo Alto, or authorized designee(s).

Building Permit. A full structural building permit as well as partial permits (e.g. foundation-only permits).

Bulk Storage Plants for Petroleum Gas. An establishment where petroleum gas products are stored for sale to a retailer or end user.

Business. The purchase, sale, or other transaction involving handling or disposition (other than assembly, manufacture, reduction, or destruction) of any article, substance, commodity or service for profit or livelihood including, office buildings, offices, garages, laundries, lumber yards, outdoor advertising signs, and outdoor advertising structures, recreational and amusement enterprises conducted for profit, but not including junk yards.

"C" Definitions

Calendar Day. A 24-hour time period measured from midnight to midnight.

California Environmental Quality Act (CEQA). Public Resources Code Section 21000 et seq. which requires state, regional, county, and local agencies to conduct environmental review for any discretionary activity proposed to be carried out or approved by those agencies.

Canopy or Canopy Structure. A sheet of flexible material, fabric, or membrane (i.e., nylon, plastic, or other similar material) supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood, or plastic or any other similar material, and generally used for the shielding or protection of vehicles or other equipment stored outside. Canopy structures include but are not limited to prefabricated canopies ready-made for simple assembly and canopies which are built, constructed, or composed of parts joined together in some definite manner. Does not include awnings attached to structures.

Card Room. Any structure, or any portion of a structure, or any premises where the lawful playing of cards is allowed, regardless of whether the tables, chairs, and other furniture and fixtures are temporary or permanent, or whether the premises are at times used for other purposes.

Carport. A permanent roofed structure, not completely enclosed, used for covered motor vehicle parking.

Carwash. See "Vehicle/Equipment Services".

Catering Services. A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

Cellar. See “Basement.”

Certificate of Compliance; Conditional Certificate of Compliance. A document issued by the City and recorded by the County Recorder certifying a specified real property complies with the provisions of the Subdivision Map Act and this Code. A Conditional Certificate of Compliance includes any conditions the City may impose upon the granting of the certificate requiring specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

Charitable Organizations and Institutions. A not-for-profit group, association or corporation, or any organization legally recognized as a charitable organization pursuant to 26 U.S. Code Section 501(c)(3).

Child Day Care.

Small (eight or fewer). A day care facility located in a dwelling where an occupant of the dwelling provides care and supervision for 8 or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.

Large (9 to 14). A day care facility located in a dwelling where an occupant of the dwelling provides care and supervision for 9 to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.

Children - 15 or more. See “Day Care, General” for facilities serving 15 or more children.

Cooperative. Any cooperative arrangement between parents for the care of their children which satisfies all of the conditions specified in Health and Safety Code Section 1596.792(e), and is exempt from regulation under Chapter 3.5 (commencing with Section 1596.90) and Chapter 3.6 (commencing with Section 1597.30).

Chimney. A primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel-burning appliance to the outside atmosphere.

City. The City of East Palo Alto.

City Boundary. The limits of incorporation of the City of East Palo Alto.

City Engineer. The City Engineer of the City of East Palo Alto, or authorized designee(s).

City Manager. The City Manager of the City of East Palo Alto or authorized designee(s).

Clubs. Any structure, or any portion of a structure, or any premises or place, occupied by a group of associated persons or an organization organized for charitable, fraternal, professional, service, social, or trade purposes.

Colleges. An educational institution offering advanced instruction in any academic field beyond the secondary level, not including trade schools or business colleges.

Commercial Recreation and Entertainment. An establishment where entertainment is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include “Adult Oriented Businesses” or “Bars, Lounges, and Nightclubs.” Illustrative examples include:

- amusement parks
- internet cafes
- arcades or electronic games centers having coin-operated game machines
- miniature golf course

- billiard parlors
- bowling alleys
- cinemas
- golf courses
- ice/roller skating rinks
- pool rooms
- scale-model courses
- sports stadiums and arenas
- tennis/racquetball courts
- theaters

Commercial Use. Any retail or wholesale business providing goods or services to the public for remuneration.

Commission. The City of East Palo Alto Planning Commission.

Communication Facilities. An establishment that provides commercial and public communications services with facilities contained entirely within structures. Does not include transmission and receiving apparatus, including antennas and towers.

Community Benefits. Specific amenities or mitigations provided by a developer. Community benefits may be physical, such as the provision of indoor or outdoor public facilities (conference center, library, theater, park, stadium, or other similar amenities) or a facility in which health care, child care, educational, cultural or social services are provided. Community benefits may be other than physical and include items such as financial support for job training, targeted job opportunities, environmentally beneficial changes in operations, provision of free or subsidized space. Community benefits may also include infrastructure, new facilities, employment opportunities for residents, income restricted affordable housing, local serving retail and other benefits as defined by the City Council.

Community Garden. A site used for growing plants for flowers, fiber, food, herbs, and others, which is shared and maintained by community residents.

Community Impact Report. A document compiled by a developer that assesses the fiscal (costs and benefits), employment (jobs created or eliminated), housing (impact on need for both affordable and market-rate housing, as well as whether units will be created or eliminated, and any displacement of current residents), neighborhood needs (increase or decrease demands for services) and smart-growth (livability and public transit) impacts of a proposed project. All community impact reports shall satisfy the requirements of Westside Area Plan Policies 5.2 and 5.5 as they relate to increases of intensity or change of use for development projects.

Conditional Use. A use of land identified as being allowed in a particular zone subject to the approval of a Conditional Use Permit.

Conditional Use Permits. A type of discretionary permit that allows any use which requires a special degree of review or control because of characteristics peculiar to it, or which because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities., The additional control is to ensure the proposed particular use on a particular site is compatible with other existing or allowed uses surrounding the site.

Condominium. A structure or group of structures, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Includes development in which the individual owns land directly below the "footprint" of a unit, and all other land within the project is owned in common. Includes a condominium project, community apartment project, or stock cooperative, as defined in Civil Code Section 1351.

Condominium Project. The entire parcel of real property proposed to be used or divided, as land or airspace, into two or more units as a condominium.

Condominium Unit. The particular area of land or airspace designed, intended, or used for exclusive possession or control of individual owners or occupiers.

Congregate Care Homes. Age-segregated housing built specifically for the disabled or elderly that provides services to its residents, the minimum of which is usually an on-site meal program, but which may also include housekeeping, laundry, social activities, counseling, and transportation (sometimes referred to as “assisted living facilities”). Does not include “Convalescent Facilities.”

Contour. A line drawn on a contour map or plan connecting points of equal elevation.

Contour grading. A grading technique designed to result in earth forms that resemble natural terrain characteristics. Horizontal and vertical curve variations are often used for slope banks. Contour grading does not necessarily minimize the amount of cut and fill.

Convalescent Facilities. An establishment providing care on a 24-hour basis for persons requiring regular medical attention. Does not include facilities providing emergency medical services or surgical services.

Conversion of Residential Structures. The use of residential structures converted for combined residential and nonresidential use or converted for solely nonresidential use.

Cornice. An ornamental molding representing the uppermost horizontal molded projection or other uppermost horizontal element located at the top of a structure or portion of a structure.

Council. The City Council of the City of East Palo Alto.

Coverage.

Impervious Surface Coverage. The area of a parcel covered by structure(s) and other impervious surface(s), expressed as a percentage of the total parcel area.

Lot or Site Coverage.

Single family residential use. The total land area within a site that is covered by buildings, including all projections except the exterior or outermost four feet of any eave or roof overhang, but excluding ground level paving, landscaping features, and open recreational facilities, such as hot tubs and pools.

All uses other than single family residential. The total land area within a site that is covered by buildings, excluding parking garages, all projections, ground level paving, landscaping features, and open recreational facilities such as hot tubs and pools.

Structure Coverage. The area of a parcel covered by a structure or structures, expressed as a percentage of the total parcel area.

Cul-de-sac. A road or street that is not a through road or street, open at one end for ingress and egress. At the end of a cul-de-sac is a special provision or area for vehicles to turn around (generally a circular area which may or may not have a center curb area).

Cultural Institutions. A public or private institution such as a library or museum displaying or preserving objects of community or cultural interest in one or more of the arts or sciences, or a performing arts center or youth center.

Curblin. The line of the face of the curb nearest to the street or roadway, including the extension of the line across a drive approach or other break in the curb.

Cut. Earth material removed by artificial means (i.e., excavation or any other method), or the act of removing the material.

“D” Definitions

Dance Academies and Halls. An establishment where patrons come to dance, and/or learn to dance, to live or recorded music or simply enjoy entertainment performed by live entertainers.

Day. Unless otherwise specified, a calendar day.

Day Care, General. An establishment providing nonmedical care for persons on less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults.

Deck. Any unroofed patio, balcony, terrace, gallery, veranda, piazza, porch, portico or similar projection from an outer wall of a structure, other than a carport, over 18 inches above grade. A deck includes any associated stairs. A deck shall have no enclosure, other than the side(s) of the principal structure to which it is attached; provided, however, a deck may have a railing or wall that complies with California Building Code (CBC) requirements.

Dedication. The grant of real property for public use.

Demolition. The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any existing structure.

Density. The number of dwelling units per net unit of land; usually density is expressed "units per acre (du/acre)," or "minimum land area per unit." The density of a development of 100 units occupying 20 acres is five units per acre or 5 du/acre.

Department. The Community Development Department with the Planning Division headed by the Planning Manager, referred to as the Director, responsible for administering the Development Code.

Design Guidelines. Any of the City of East Palo Alto's adopted design guidelines.

Developer. Any association, corporation, firm, joint venture, partnership, person, or any entity or combination of entities seeking City permits or approvals for all or part of a development.

Development Agreement. An agreement entered into between the City and a developer allowed by Government Code Section 65864.

Development Permit. Any permit that requires approval from the Community and Economic Development Department, including but not limited to: grading, drainage, tree, fence, design review, tentative or final maps or tenant improvements.

Detached Housing. A residential project, or part thereof, in which each dwelling unit has no exterior wall with or attached to another dwelling unit.

Director. The Planning Director/Manager of the City of East Palo Alto, or authorized designee(s). The Director manages staff who may exercise all the powers of the Director, as the Director may prescribe.

Discretionary Approval. Any required entitlement or approval which is not automatic and which can be made subject to conditions.

Disability or Handicap. Physical or mental impairment that substantially limits one or more of a person’s major life activities, or a record of having an impairment, but not including current, illegal use of, or an addiction to, a controlled substance.

Drive-Through or Drive-In Facilities. An establishment selling products or providing services to occupants in vehicles, including drive-through windows and drive-in services. Examples include fast food restaurants, banks, and pharmacies. Does not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

Driveway. An improved area providing vehicle access from a public right-of-way to a parking area or garage.

Dry Cleaning Establishments (Retail Only). A place of business equipped to perform the service of dry cleaning as defined in the California Business and Professions Code. It may include a dry cleaning agency, a retail or wholesale dry cleaning plant, and self-service or coin operated dry cleaning.

Dwelling Unit. An area within a structure on a parcel that:

1. Contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation and food preparation, and with independent exterior access to ground level.
2. If located on multiple levels, the unit provide interior connections from a common living area.

Facilities for food preparation. A room or part of a room used, intended, or designed to be used for cooking or the preparation of food and legally permitted for such use. Does not include a bar or pantry. Only one kitchen is allowed per dwelling unit.

Independent access. An arrangement of dwelling units so that each dwelling unit has an entrance directly into the unit separate from the entrance into another unit.

“E” Definitions

Easement. A grant of one or more of property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Eating and Drinking Establishments.

Accessory Food Service. A type of food service establishment that:

1. Sells food and/or beverages as an accessory use in a retail, office, or institutional structure;
2. Does not change the character of the principal use;
3. Does not sell, serve, or give away alcoholic beverage;
4. Does not have an entrance separate from the principal use; and
5. Has hours of operation that are the same as those of the principal use.

Bar, Lounge, and Nightclub. An establishment selling or serving alcoholic beverages for consumption on the premises and holding or applying for a public premise license from the California State Department of Alcoholic Beverage Control (ABC). Persons under 21 years of

age are not allowed to enter and remain on the premises. The establishment includes any immediately adjacent area that is owned, leased, rented, or controlled by the licensee.

Fast Food. An establishment whose design or principal method of operation includes four or more of the following characteristics:

1. A permanent menu is provided from which to select and order food;
2. Belongs to or is part of a chain or is operated as a franchise restaurant;
3. Customers pay for food before consuming it;
4. A self-service condiment bar and/or drink service is/are provided;
5. Trash receptacles are provided for self-service bussing; and
6. Furnishing plan indicates stationary seating arrangements.

A fast food establishment may or may not have late hour operations. Alcoholic beverages are not sold, served, or given away on the premises. If alcoholic beverages are sold, served, or given away on the premises, the use shall be considered a food service use.

Food Service (No Late Hours). An establishment selling food and beverages, including alcoholic beverages, prepared for primarily on-site consumption, with all of the following characteristics:

1. Establishment does not have late hour operations;
2. Customers order food and beverages from individual menus;
3. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table); and
4. Customers pay for food and beverages after service and/or consumption.

Food Service (Late Hours). An establishment selling food and beverages, including alcoholic beverages, prepared for primarily on-site consumption, with all of the following characteristics:

1. Establishment has late hour operations;
2. Customers order food and beverages from individual menus;
3. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table); and
4. Customers pay for food and beverages after service and/or consumption.

Outdoor Dining, Accessory. An outdoor dining area contiguous and accessory to a food service establishment.

Take-Out Service, Limited. An establishment selling food or beverages with all of the following characteristics:

1. Sales are primarily for off-site consumption;

2. Customers order and pay for food at either a counter or service window;
3. Incidental seating up to 6 seats may be provided for on-site consumption of food or beverages; and
4. Alcoholic beverages are not sold, served, or given away on the premises.

Typical uses include bakeries, candy, coffee, nut and confectionery stores, ice cream and frozen dessert stores, small delicatessens, and similar establishments.

Take-Out Service Only. An establishment offering a limited variety of food or beverages and with all of following characteristics:

1. Sales are exclusively for off-site consumption;
2. Seating is not provided for on-site consumption of food or beverages; and
3. Alcoholic beverages are not sold, served, or given away on the premises.

Eave. The extension of a roof beyond an exterior wall, with no enclosed area underneath it.

Electronic Amusement Devices. See “Arcade”

Electronic Amusement Devices, Accessory. Up to five amusement devices where the games are accessory to another principal use. Does not include “Arcades.”

Emergency Health Care Facilities/Urgent Care. Establishments providing emergency medical service (i.e., outside normal physician office hours or before a physician appointment is available) with no provision for overnight or continuing care on an inpatient basis. Includes walk-in clinics. Does not include hospitals.

Emergency Shelters. Housing with minimal supportive services for homeless persons limited to occupancy of 180 days or less by a homeless person, in compliance with Health and Safety Code Section 50801(e) and Government Code Sections 65583 and 65589.5.

Enclosed. A structure surrounded by walls on all sides.

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.

Establishment. Any business.

“F” Definitions

Façade. The portion of any exterior elevation of a structure from grade to the top of the roofline and extending the width of the structure.

Fair Housing Laws. 42 United States Code Section 3604(f)(3)(B) and Government Code Sections 12927c(1) and 12955(1), as amended from time to time.

Family. One or more persons occupying a premises and living as a single nonprofit housekeeping unit as distinguished from persons occupying a club, fraternity, hotel, or sorority house. A family shall be deemed to include necessary servants.

Family Care Facility. A structure or portion of a structure designed or used for the purpose of providing 24 hours per day, non-medical residential living accommodations in exchange for the payment of money or other consideration, where the duration of tenancy is determined in whole or in part, by the individual resident's participation in group or individual activities (i.e., counseling, recovery planning, medical or therapeutic assistance).

FAR. See Floor Area Ratio.

Fence. A structure, solid or otherwise, 18 inches or more in height, the purpose of which is to either partially or totally define parcel boundaries, create or define portions of yards, or secure private areas. Does not include "Hedge."

Fill. Earth material placed by artificial means any other form of activity or the act of placing the material.

Financial Institutions and Related Services.

Chartered Financial Institutions. Establishments that solicit, receive, or accept money or its equivalent on deposit and loan money as a regular business. Typical examples include federal or state-regulated banks, savings and loan associations, savings banks, credit unions, and lending establishments, with or without automatic teller machines (ATMs) as an accessory use. Does not include accounting, financial investment, mortgage broker, or similar offices

Non-Chartered Financial Institutions. Establishments, other than state or federally chartered bank, credit union, mortgage lender, or savings and loan association, that offer deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. Specifically included in the term "non-chartered financial institutions" are deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term non-chartered financial institution.

Fire Chief. The Fire Chief of the Menlo Park Fire Protection District which provides fire inspection and protection services to the City of East Palo Alto, or authorized designee(s).

Fireplace. An assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid or gaseous fuels.

Fire Escape. A form of egress for emergency purpose, typically a set of stairs located on the exterior of a structure.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flatwork. Where the ground is covered with non-structural concrete, asphalt, or any material that creates an impervious surface.

Flood Hazard. A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

Floor Area. The area in square feet confined within the exterior walls of a Building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space allocated to bicycle parking, and basement storage areas.

Floor Area Ratio (FAR). The floor area allowed on a site divided by the total gross area of the site, expressed in decimals. For example, on a site with 10,000 gross square feet of land area, a floor area ratio of 1.0 will allow a maximum of 10,000 gross square feet of structure floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 gross square feet of floor area and an FAR of 0.5 would allow 5,000 gross square feet. Floor Area Ratio shall include but not be limited to: total square footage of the floors in a main structure and all accessory structures and secondary/accessory dwelling units on the lot. The City shall take the most expansive view in calculating FAR.

Freeway. A highway in which the owners of abutting lands have no right or easement of access to or from their abutting properties or in which the owners have only limited or restricted right of easement of access and which is declared to be in compliance with the Streets and Highways Code.

Frontage. That portion of a parcel which abuts a public or private street or highway to which the parcel has the right of access. May also refer to that face of a structure or length of a parcel that is parallel to, or is at a near parallel angle to a public street or public parking area.

Funeral Homes and Mortuaries. Establishments engaged in the provision of service involving the care, preparation, or disposition of human remains, other than in cemeteries. May or may not include a crematory and/or mortuary. No internment is provided on site. May include areas for assembly services and living quarters for funeral home/mortuary personnel.

Crematory. A facility where cremation, the process of reducing human remains to basic chemical compounds in the form of gases and bone fragments, takes place.

“G” Definitions

Garden Window. A large window or series of windows projecting from the outer wall of a structure and forming a recess within, where glass is present on all sides, except for the bottom. Some garden windows may have shelves.

Garage. An accessory structure or portion of a main structure, completely enclosed by walls and/or doors on all sides, which is designed or used to shelter one or more self-propelled motor vehicles. Does not include a carport.

Gate. A physical barrier similar to a fence or wall to demarcate areas, which can be operated either manually or mechanically to provide ingress or egress between areas.

Gazebo. A detached, covered, freestanding, open-air structure designed for recreational use only and not for habitation.

General Plan. The City of East Palo Alto General Plan, and all of its amendments, as adopted by the City Council under the provisions of Government Code Sections 65300 et seq.

Geologic Hazard. A hazard in the earth, inherent or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

Governmental Facility. A structure owned, operated, or occupied by a governmental agency to provide a service to the public.

Grade. The surface of the ground or pavement at a stated location. How determined:

1. For structures adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For structures adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
3. For structures having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the structures.
4. All walls approximately parallel to and not more than five feet from the street line shall be considered as adjoining the street.
5. Where no sidewalks exist, the elevation of the curb shall be substituted for sidewalk elevation; where no curbs or sidewalks exist, the elevation of the crown of the road shall be substituted for sidewalk elevation.

Grade, Existing. The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project.

Grade, Finished. The surface of the ground or pavement at a stated location as it exists after completion of a project.

Grade, Natural. The unaltered natural surface of the ground at a stated location.

Grading. Excavating, filling, or smoothing earth.

Guest House. A house or rooms for guests in an accessory structure on parcels of at least 5,000 square feet, that does not contain kitchen or cooking facilities, and is used for the housing of guests and occupants of the principal structure and not as a rental unit.

Guest Room. A room in a dwelling which is intended, arranged, or designed to be occupied or which is occupied by one or more guests, but not including dormitories for sleeping purposes.

“H” Definitions

Habitable. A structure or property constructed for human occupancy.

Handicraft Industry. Establishments engaged in on-site production of goods by hand involving the use of hand tools and small-scale equipment (e.g., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site. Illustrative examples include:

- candles
- ceramics
- costume novelties
- jewelry
- mosaics
- musical instruments
- needlework
- pottery
- quilting
- small glass, metal art, and craft products
- sporting and athletic goods
- stained glass
- toys
- wood carving

Hardscape. Decks, driveways, paths, patios, and sidewalks and similar areas which do not require irrigation. Artificial turf shall not be considered hardscape.

Hazardous Waste Facility. All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units.

Health/Fitness Facilities.

Small (Less than 2,000 sq. ft.). An indoor facility of 2,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, and yoga studios.

Large (2,000 sq. ft. or greater). A full service fitness center, gymnasium, or health and athletic club over 2,000 square feet in size which may include the following: aerobic classes and other indoor sports activities; indoor handball, racquetball, or tennis courts; locker rooms and showers; sauna, spa, or hot tub facilities; swimming pools, weight rooms; etc.

Hedge. A group of shrubs or trees planted in a line or in groups forming a compact, dense, barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. A hedge is not a fence.

Height. The vertical distance from the finished grade to the topmost point of a structure, excluding elevator equipment, ventilating and air conditioning equipment, solar panels and chimneys.

Home Occupations (Home Businesses). An accessory use of a dwelling, conducted entirely within the dwelling, and carried on by one or more persons, all of whom reside in the dwelling, and where no persons are employed other than domestic help and where the use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character or adversely affect the uses allowed in the residential zone of which it is a part.

Hospitals, Rest Homes, and Sanitariums. An establishment providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, on an inpatient or outpatient basis, including facilities for training, research, and administrative services for patients and employees. May include accessory pharmacy uses and food service uses. Does not include walk-in clinics.

House, Boarding or Rooming. A dwelling with not more than five guest rooms, where lodging is provided, with or without meals, for compensation.

Housing Development Project. A project consisting of any of the following: residential units only, mixed use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, or transitional housing or supportive housing, in accord with Government Code section 65589.5. A housing development project may include adjacent sites that are the subject of a single development application. Housing development includes the alteration of existing residential structures or the conversion of a non-residential use to a residential use.

Housing, Supportive. Housing with no limit on length of stay, occupied by the target population, and linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“I” Definitions

Impervious Surface. Any material or structure on or above the ground that prevents the movement of water from the land surface into the underlying soil or dirt. Impervious surface includes hardened surfaces caused by human action including paved parking lots, sidewalks, roof tops, driveways, patios, and roads. May include “semi-hardened” surfaces that greatly impede water flow and are also caused by human action, including highly compacted gravel, sand, soils, or clay, which can be nearly concrete-like in their imperviousness.

Improvement. Any structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of the addition.

Industry. Establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within a totally enclosed structure. Includes assembly, fabrication, processing, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals, vehicle/equipment repair, vehicle/equipment sales, and vehicle/equipment services.

Small. Establishments located in facilities 5,000 square feet or less in size.

Large. Establishments located in facilities over 5,000 square feet in size.

Inoperable Vehicle. Any car, truck, motorcycle, trailer, boat or vessel, motor home, or other conveyance intended to be used on public roadways or waterways that cannot legally and safely be operated on public roadways or waterways; any off-road vehicle that cannot be operated on or off public roadways. A “certificate of non-operation” issued by the California Department of Motor Vehicles relates only to the registration fees due and has no bearing on the operable status of any vehicle or vessel.

Institutional and Community Facilities. Any hospital or public works facility.

Integrated Development. A group of two or more adjacent uses and/or parcels planned and/or developed in a joint manner which may include shared structures, public spaces, landscape, and/or parking facilities. Integrated developments may be under single or multiple ownership.

“J” Definitions**“K” Definitions**

Kitchen. Any room or space within a structure, all or part of which is designed and permitted for cooking, refrigeration and storage of food and which includes one or more of the following: stove, oven, range top, dishwasher, kitchen sink, and refrigerator/freezer.

“L” Definitions

Laboratories. An establishment providing medical or dental laboratory services or photographic or analytical services. Other types of laboratories are classified under “Industry.”

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Landform Grading. A land grading concept which seeks to replicate the irregular shapes of natural slopes. Does not include conventional grading or contour grading.

Landscaping. Any combination of native or exotic plants, lawn, groundcover, trees, shrubs, and other plant materials, plus decorative outdoor and complementary elements, paved or decorated walkways or surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops or porches or in boxes attached to structures typically are not considered landscaping.

Late Hour Operations. Facilities providing service after 11:00 p.m. any day of the week.

Lease. An oral or written agreement or contract for the use of property; may be a tenancy at will, month-to-month, or for one or more years.

LEED. Leadership and Energy Efficient Design (LEED) is an internationally recognized green building certification system developed by the U.S. Green Building Council (USGBC), providing third-party verification that a structure or community was designed and built using strategies aimed at improving performance across the following types of metrics: energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Live Entertainment. Entertainment provided by one or more live performers. For purposes of this definition, a disc jockey or a person whose performance consists of selecting or manipulating prerecorded music is considered a performer. Does not include “Adult Oriented Businesses.” Does not include live, unamplified music in a restaurant provided by no more than two performers (including patrons) as an accompaniment to dining, without dancing.

Amplified. The increase in the degree of sound level of voices or instruments through electronic devices and equipment (e.g., amplifiers, loudspeakers, microphones, etc.).

Unamplified. Voices or instruments without sound boosting electronic devices and equipment.

Live-work Units. A structure or spaces within structures used jointly for commercial and residential purposes.

Loading Space. An off-street space or berth on the same parcel with a structure, or contiguous to a group of structures, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

“M” Definitions

Maintenance and Repair Services. Establishments providing home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services. Does not include maintenance and repair of vehicles.

Manufactured Housing. A factory-built structure manufactured or constructed under authority of federal or state law used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. A manufactured home shall be considered the same as any site-built, single-family detached dwelling. Does not include mobile homes. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling.

Master Fee Schedule. The schedule of fees, established by the City Council by resolution and updated from time to time, for the payment of funds to the City for processing and reviewing land use permit applications or other entitlements or for issuing licenses.

Meeting Hall. Any structure, or any portion of a structure, or any premises or place where people are allowed to congregate or meet for social, service, fraternal, recreational, professional, or trade purposes, regardless of whether or not the premises are used for any other additional purposes.

Ministerial. A governmental decision, including the issuance of a permit, involving little or no judgment by the public official as to the wisdom or manner of carrying out the action.

Minor Variance. A discretionary entitlement which allows the relaxation of specified, but very limited, development standard(s).

Mixed Use Project. A development with two or more different land uses on the same site (i.e., a combination of residential, office, manufacturing, retail, public, or entertainment) in a single or physically integrated group of structures. Integration can be either vertical or horizontal or a mixture of the two.

Mixed Use Development (Mixed Use Project). An approach to land use development that involves integrating two or more different types of uses on the same property as part of a unified development.

Mobile Home. A trailer, transportable in one or more sections, over eight feet in width and 40 feet in length, with or without a permanent foundation, certified under law as being a mobile home. Does not include a recreational vehicle, commercial coach, or factory-built housing.

Multiple-Family Dwellings. A structure or development containing three or more dwelling units, each of which is for occupancy by one or more persons as a single housekeeping unit. (Includes: triplexes, (structures under one ownership with three dwelling units in the same structure), fourplexes (structures under one ownership with four dwelling units in the same structure) and apartments (five or more units under one ownership in a single structure or complex); and common ownership, attached unit projects including condominiums. Also includes factory-built, modular housing units and mobile homes/manufactured housing units when placed on permanent foundation systems. Does not include duplexes.

“N” Definitions

National Pollutant Discharge Elimination System (NPDES). A system established by the Federal Water Pollution Control Act for issuing permits for wastewater discharge into waters of the United States.

Natural. The condition of land before human alteration, determined on the basis of the oldest reliable evidence available. For example, “natural slope” means the slope of a parcel, or portion of a parcel, that is not manufactured or manmade.

Neighborhood Services Conditional Use Permit. A conditional use permit possible on the Westside which is intended to provide neighborhood and community retail, business and service establishments in appropriately scaled clusters. no greater than 2,000 square feet in size oriented to and built close to the street, separated from each other by at least 500 feet. Retail uses within the RHD and RUHD zones may be appropriate in area where a more compact urban development patten exists or where a neighborhood compatible commercial district exhibiting a pedestrian scale and character is established. Such locations may include the peninsula and arterials and intersections with an existing urban or neighborhood-oriented building pattern. Residential units shall not be displaced by neighborhood service uses.

Neighborhood Service Uses. Uses serving the local neighborhood, such as personal services, independently owned stores focusing on local resident needs, coffee shops, bakeries and similar establishments, restaurants open no later than 11:00 p.m. and health clubs.

Noise. Any undesired audible sound.

Nuisance. Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay streams, canal, or basin, or any public park, square, street, or highway.

“O” Definitions

Offices.

Offices - Business. An office where common business services are provided to the general public. Typically, these uses have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment.

Offices - Corporate. An office where administration services for large organizations are provided.

Offices - Financial Institutions. A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money. Does not include independent check cashing services.

Offices - Medical and Dental. An office providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for these services by the state. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.

Offices - Professional. An office where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Typically, these uses serve visitors on an appointment only basis and walk-in traffic is minimal.

Off-Site. Located outside the parcel lines of the principal use.

Off-Street Parking. An area together with the required number of parking spaces and improvements for vehicle parking and maneuvering necessary to serve particular land uses, irrespective of the zones in which they occur.

On-Site. Located within the parcel lines of the primary use.

Open Fencing. A fence constructed of rails, pickets, wrought iron, or wire, with the materials spaced so that at least 50 percent of the surface area is open, allowing visibility through the fence.

Open Space. A parcel or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment.

Common Open Space. The land area within a residential or nonresidential development not individually owned or dedicated for public use and designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests. Does not include enclosed spaces/facilities (e.g., community center, meeting rooms, etc.). Illustrative examples include:

- areas of scenic or natural beauty
- barbecue areas
- habitat areas
- hiking, riding, or off-street bicycle trails

- landscaped areas
- play areas
- swimming pools
- tennis courts
- turf areas

Private Open Space. An outdoor or unenclosed area directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests (e.g., balcony, deck, porch, terrace, etc.). Boundaries are evident through the use of fences, gates, hedges, walls, or other similar methods of controlling access and maintaining privacy.

Usable Open Space. An outdoor or unenclosed area within a residential development on the ground, or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping. Parking facilities, driveways, utility or service areas and submerged land do not constitute usable open space.

Open Space and Conservation Resources.

Open Space. Land where basic natural values have been retained. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It may have a structural or buffer function to space and separate conflicting land uses. It may serve a recreational function, or a scenic function to provide aesthetic views of forests or mountains.

Conservation. The planned management, protection, and use of natural resources in order to prevent the wasteful exploitation, destruction, or neglect of these resources. Implicit in conservation is the concept of wise use as distinguished from nonuse or preservation.

Ordinary Maintenance and Repair. Work for which a building permit is not required, the purpose and effect of which is to correct deterioration of, or damage to, a structure and to restore the structure to its condition before the deterioration or damage.

Outdoor Dining. A dining area with seats or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is (a) located entirely outside the walls of the subject structure, (b) enclosed on two sides or fewer by the walls of the structure with or without a solid roof cover, or (c) enclosed on three sides by the walls of the structure without a solid roof cover.

Outdoor Storage and Display. The storage of various materials outside of a structure, either as an accessory or primary use.

Outpatient Surgery Facility. An establishment, separate from or not within a hospital, which offers planned surgical procedure(s) on an outpatient basis, with no overnight stays (i.e., the period between 6:00 p.m. of one day and 6:00 a.m. of the next day).

“P” Definitions

Pad. A graded or prepared area on a parcel upon which a structure may be placed.

Parcel. The basic unit of land development. A portion of real property shown as a single designated area of land established by plat, subdivision, lot line adjustment, or as otherwise allowed by law, to be used, developed, or built upon as a unit. Typically a parcel is indicated upon a final map, parcel map, lot

line adjustment map, certificate of compliance, or record of merger filed in the Office of the County Recorder. Types of parcels include the following. (See Figure 1-1)

Corner Parcel. A parcel located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the parcel is considered an interior parcel. The front parcel line of a corner parcel abuts the shortest street property line, unless otherwise determined by the Director.

Flag Lot. A parcel not meeting minimum parcel frontage requirements and where access to the private or public street is provided by a narrow private access way that is between abutting parcels and that is owned in fee title.

Interior Parcel. A parcel abutting only one street.

Key Lot. An interior parcel, the front of which abuts the side property line of a corner parcel.

Reversed Corner Parcel. A corner parcel, the rear of which abuts the side of another parcel.

Through Parcel. A parcel with frontage on two generally parallel streets. May be an interior parcel having frontage on more than one street or a corner parcel having frontage on more than two streets. The parcels front setback shall be determined by the Director.

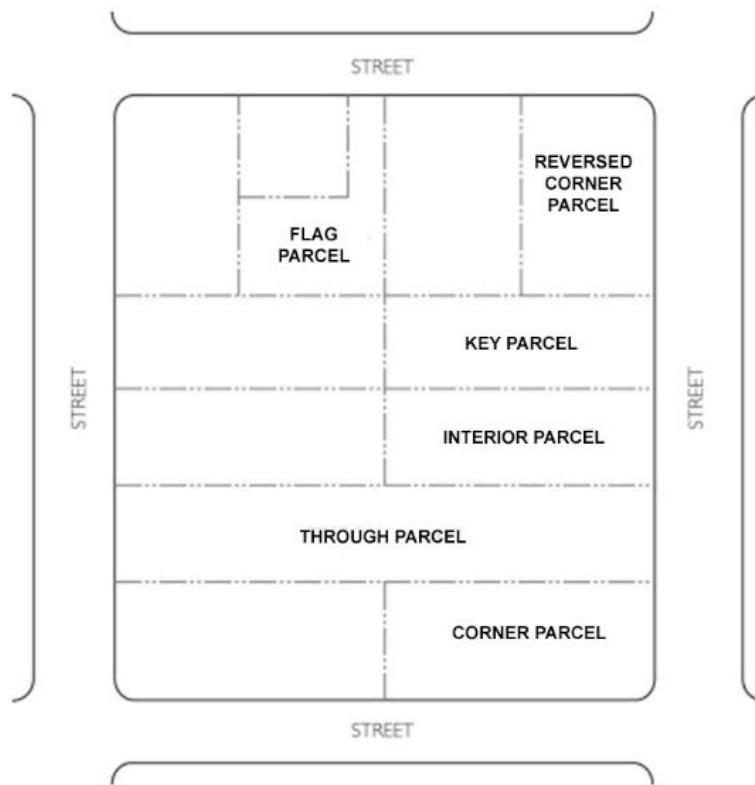


Figure 1-1
Parcel Types

Parcel Area. The total area measured in a horizontal plane within the exterior lines of a parcel including public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

Parcel Depth. The horizontal distance from the midpoint of the front parcel line to the midpoint of the rear parcel line; or for irregularly shaped parcels where the side parcel lines converge to a point at the rear of the parcel, the horizontal distance from the midpoint of the front parcel line to a line 10 feet long within the parcel, parallel to and at a maximum distance from the front parcel line.

Parcel Line. Any recorded boundary of a parcel. Types of parcel lines are as follows:

Front parcel line. On an interior parcel, the property line separating the parcel from the street. The front parcel line on a corner parcel is the property line with the shortest frontage within residential zones and the longest frontage within nonresidential zones. If the parcel lines of a corner parcel are equal in length, the Director shall determine which is the front parcel line. On a through parcel, the front parcel line is the line abutting a street where primary access is taken.

Interior parcel line. Any parcel line not abutting a street.

Rear parcel line. A parcel line that does not intersect the front parcel line and that is most distant from and most closely parallel to the front parcel line. In the case of irregularly shaped parcels, the line shall be determined by the Director.

Side parcel line. Any parcel line that is not a front or rear parcel line.

Parcel Width. For standard parcels, the horizontal distance between side parcel lines, measured at the required front setback line. For flag lots, the pole portion of the parcel (strip) is not included as part of the parcel width determination and the parcel width is measured at the applicable front setback line. For cul-de-sac parcels, the parcel width is measured at the front parcel line.

Park/Plaza. An outdoor active or passive space that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Parking Facilities. Lots and structures providing parking spaces for automobiles, bicycles, motorcycles, scooters, and/or trucks.

Parking Facilities, Commercial. Parking lots or structures providing daily parking for a fee. Does not include towing impound and storage facilities

Parking Facilities for On-site Uses. Parking lots or structures located on the same site of a primary use which provide parking for those users of the primary use.

Parking Structures. A structure for parking of motor vehicles; composed of one or more levels; which may be totally below grade (an underground parking garage) or either partially or totally above grade. A fee may or may not be charged.

Parking Structures, Residential Zone. A parking structure located within any residential zone intended for use by residents.

Parking, Tandem. The placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space. May be located within a pull-through garage.

Parks and Recreational Facilities (Active and Passive).

Parks and Recreation, Active. A type of outdoor recreation or activity that requires the use of organized play areas (e.g., baseball, football, softball, and soccer fields; swimming pools; tennis and basketball courts; children’s play equipment, etc.).

Parks and Recreation, Passive. A type of outdoor recreation or activity that can be carried out with little alteration or improvement to existing topography of a site, with the use of existing natural resources, and with a minimal impact (e.g., bicycling, bird-watching, hiking, jogging, picnicking, walking, etc.)

Parolee-Probationer Home. Any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses two or more parolees-probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer.

Patio. A paved, or improved with individual bricks or tiles, unenclosed outdoor area.

Patio Cover. A solid or open roof structure covering a patio, platform, or deck area, which is either detached from or attached to another structure.

Permit. A specific authorization from the City to engage in a particular type of development or activity.

Person. Any individual, association, firm, co-partnership, joint venture, social club, fraternal organization, corporation, estate, trust, business trust, receiver syndicate, or any governmental entity, or political subdivision or any other group or combination acting as a unit.

Personal Property Sales. The sale or offering for sale to the general public of miscellaneous personal property. Includes “estate sales,” “garage sales,” “lawn sales,” and “yard sales.” Does not include “sidewalk sales”.

Personal Services.

Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Illustrative examples include:

- barber and beauty shops
- clothing rental shops
- dry cleaning pick up stores with limited equipment
- laundromats (self-service laundries)
- locksmiths
- shoe repair shops
- tailors and seamstresses

Accessory retail sales of products related to the personal services may be provided.

Personal Services, Restricted. Personal service establishments which may tend to have a blighting and/or deteriorating effect upon surrounding areas may need to be dispersed from other similar uses to minimize adverse impacts. Illustrative examples include:

- day spas

- healing arts (acupuncture, aromatherapy, etc.) other than massages services
- internet cafes
- palm and card readers
- tanning salons
- tattoo services and body piercing studios

Accessory retail sales of products related to the personal services may be provided.

Massage Establishments. An establishment where massage services -- the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client -- are provided in compliance with state law.

Massage Services, Accessory. A massage establishment operated as an accessory use in conjunction with an approved health club, athletic club, gym, or hotel or in conjunction with a medical office or chiropractic office. For the purpose of this definition, an accessory use shall mean a use that is not more than 25 percent of the floor area of the related health or athletic activities of the primary use. Does not include "Adult Oriented Businesses".

Nail Salons. An establishment where 25 percent or more of the work stations are used to provide manicure and/or pedicure services.

Personal Storage (Mini-Storage). A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces.

Pilasters. A rectangular column (structural or decorative) placed against a wall.

Pillars. A column (structural or decorative) on a fixed base or pedestal.

Planned Development Permit. A type of discretionary permit that provides a procedure for land to be designed and developed as a single unit. By taking advantage of site planning techniques, the intent is to produce a more efficient use of land, a better living environment, a superb site plan, and excellence of design not otherwise possible through strict application of the development standards, in exchange for a modification of specified development standards.

Planning Permit. A generic term referring to any permit or other entitlement authorized by the Development Code and required by the City.

Police Chief. The Police Chief of the City of East Palo Alto, or authorized designee(s).

Porch. Any covered area located at a structure's entrance, whether it is a projecting feature with a separate cover, or a recessed area behind the structure wall.

Porte-Cochere. An accessory structure customarily open on three sides and attached to the side or front of a structure through which vehicles pass, established for the convenient loading and unloading of passengers from a motor vehicle. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

Postal and Package Shipping Services. An establishment providing commercial postal and package shipping services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Prescription Pharmacies.

Prescription Pharmacies, Medical Supplies. An establishment selling medical equipment and supplies for home health care.

Prescription Pharmacies, in Connection With Medical Offices. An establishment located in the same structure that provides space for medical offices and related uses.

Principal Use. The primary or predominant use of any parcel or structure.

Printing and Duplicating Services. Establishments providing printing and duplicating services, including small-scale photo processing. Does not include photographic laboratories and industrial printing and publishing plants.

Private Street. A thoroughfare providing recorded vehicular access to more than one property, in which any or all properties over which the access traverses are owned and maintained by a private individual(s) or entity (e.g., a homeowner's association).

Prohibited Land Use. Any land use not expressly allowed by the Development Code is prohibited under the principle of exclusionary zoning.

Public Assembly/Meeting Facilities. A facility for public or private assembly and meetings. May include incidental serving of food and alcoholic or nonalcoholic beverages. Illustrative examples include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations
- places of worship

Also includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) Does not include conference and meeting rooms accessory and incidental to another principal use and typically used only by on-site employees and clients, which occupy less floor area on the site than the principal use they support. Does not include sports or other commercial entertainment facilities Does not include funeral homes and mortuaries.

Public Structures, Facilities, and Uses. Public structures and facilities include facilities and grounds owned or operated by park and recreation districts, schools, fire departments, churches, municipal institutions, and community organizations including clubs, lodges, and similar uses.

Public Parks and Playgrounds. Land owned or operated by a governmental entity or school district, designed to serve the recreational needs of the residents of the City. Includes parks, play lots, playgrounds, athletic fields, sports courts. May also include passive outdoor recreation areas that are located in conservation areas. Does not include the same facilities which are privately-owned or commercial facilities.

“Q” Definitions**“R” Definitions**

Reasonable Accommodation. A type of discretionary permit that provides for persons with disabilities seeking equal access to housing under federal or state law some flexibility in the application of building and zoning laws and other land use policies, procedures, laws, rules, and regulations.

Recreational Vehicle (RV). A trailer as defined in Health and Safety Code Section 18009.3 or a recreational vehicle as defined in Health and Safety Code Section 18010. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. Is built on a single chassis;
4. Is self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recycling. The series of activities by which discarded materials which would otherwise remain waste are collected, separated, or processed and used to make new products. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials.

Recycling Facilities. Facilities involved with the collection of recyclable materials. Does not include storage containers located on a residential or nonresidential site used solely for the recycling of material generated on the site.

Small Collection Facilities. A facility occupying an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials.

Large Collection Facilities. A facility occupying an area of more than 350 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Religious Places of Assembly. Any structure used for non-profit purposes by an established religious organization holding either tax exempt status under Internal Revenue Code Section 501(c)(3) or under the California property tax law, where the structure is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque.

Remodel. An activity which alters an existing structure where less than or equal to 50 percent of the structure is removed, repaired or altered, excluding the interior finish wall coverings.

Research and Development (R&D).

General. Research and development establishments engaging in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, and medical testing and analysis.

Restricted. Research and development establishments engaging in activities that may involve the use of potentially hazardous materials, flammable substances, or chemical compound mixtures or devices; that may result in hazardous waste byproducts, conditions commonly recognized as offensive; that may involve testing on animals; or that may require special handling protocols or security measures.

Residential Care Facility. A facility in which multiple unrelated people reside, including but not limited to, health facilities, community care facilities, and alcoholism or drug abuse recovery or treatment facilities as defined in the Health and Safety Code and other similar care facilities.

General Licensed. A place, site, or structure, or groups of places, sites, or structures, licensed by the state, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability.

Residential Model Homes. A show house, also called a model home or display home, demonstrating homes for sale located within a condominium or subdivision development.

Residential Use. A structure providing permanent housing for one or more households.

Residential Zone. A zone intended primarily for dwellings and related accessory uses.

Retail Sales.

General. Retail establishments, completely enclosed within structures, engaged in selling goods or merchandise to the general public. Examples include:

- antiques
- appliances
- artists' supplies
- automotive parts and accessories
- bakeries (retail only)
- bicycle sales and rentals
- books
- cameras and photographic supplies
- carpeting and floor covering
- clothing and accessories
- convenience market
- drug and discount stores
- electronic equipment
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only)
- gift shops
- grocery store
- locksmiths
- luggage and leather goods
- medical supplies and equipment
- musical instruments, parts and accessories
- newsstands
- office supplies
- orthopedic supplies
- paint and wallpaper
- pharmacies
- religious goods
- secondhand clothing sales
- shoe stores
- small wares
- specialty food and beverage
- specialty shops
- sporting goods and equipment
- stationery

- handcrafted items
- hardware
- hobby materials
- jewelry
- kitchen utensils
- supermarket
- tobacco
- toys and games
- travel services

Bulk Retail Merchandise. Retail establishments engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of the goods. Bulk retail is differentiated from general retail by either of the following characteristics:

1. A high volume of sales of related and/or unrelated products in a warehouse setting (i.e., “big box” retail).
2. The sale of goods or merchandise which require a large amount of floor space warehoused and retailed at the same location.

Examples include:

- Electrical and heating fixtures and supplies
- Furniture
- Groceries
- Household appliances
- Household furnishings
- Household products
- Lumber
- Nursery stock
- Personal care products

Retail Sales (Firearms). Retail establishments customarily selling a wide variety of firearms, ammunition, and related accessories and equipment governed by federal laws under the jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms (ATF).

Retail Sales (Used Merchandise) - General. Retail establishments offering used merchandise for sale to the general public. Illustrative examples include:

- Clothing Stores
- Consignment Stores
- Furniture Stores
- Household Items Sales
- Secondhand Stores

Retail Sales (Used Merchandise) - Restricted. Retail establishments offering used merchandise for sale to the general public. Illustrative examples include:

- Junk Collector
- Junk Dealer
- Pawn Broker

- Pawn Shop
- Secondhand Dealer

Review Authority. The individual or official City body identified having the responsibility and authority to review and approve or deny ministerial and discretionary permit applications and appeals.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be used for or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Roof Deck. The walkable or otherwise usable open space area (including any swimming pools) located above the roof framing of the structure, the only access to which is from the floors below.

“S” Definitions

Schools, Public and Private. Public or private academic educational institutions or schools providing specialized education/training. Illustrative examples include:

- | | |
|--|---|
| • art school | • elementary, middle, or high schools |
| • boarding school | • language school |
| • business, secretarial, and vocational school | • military academy |
| • community college, college, or university | • music school |
| • computers and electronics school | • photography school |
| • culinary arts | • professional school (law, medicine, etc.) |
| • dance school | • seminaries/religious ministry training facility |
| • drama school | • tutoring centers |
| • driver education school | • |

Also includes facilities that offer specialized programs in personal growth and development (i.e., arts, communications, diet centers, environmental awareness, management, etc.). Does not include part-time religious instruction at places of worship or preschools and child day care facilities

Schools, Public. Educational institutions operated by a governmental organization or agency, customarily not for profit.

Schools, Private. Educational institutions operated by a private organization, customarily for profit.

Schools, Related to Medical Professions. An establishment that provides specialized on-site training of technical medical skills.

Seasonal Sales. Temporary retail sale of seasonal merchandise. Examples include farm produce stands, Christmas tree sales lots, and pumpkin patches.

Senior Citizen Housing. An age-restricted multiple-family residential development designed and intended to be principally occupied by senior citizens (i.e., a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development). The development may include a congregate meals program in a common dining area.

Sensitive Uses. A use of land that normally requires the peace and quiet of a more tranquil environment and that may be negatively impacted by other uses which, by their nature and operational characteristics, are known to cause negative impacts on nearby uses. Examples of sensitive uses in need of protection include public or private schools, public playgrounds, hospitals, residential care facilities, rest homes, sanitariums, religious places of assembly, or property used or zoned for residential purposes.

Setback. The distance by which a structure or other development feature shall be separated from a parcel line. A setback area is an open area.

Setback Area. An area within a parcel established for the purpose of governing the location of structures on the parcel. A setback area is an open area located between a parcel line and the nearest relevant parallel setback line, unobstructed and unoccupied from the ground upward.

Front Setback Area. An area extending across the full width of the parcel between the front parcel line and the required front setback line.

Rear Setback Area. An area extending across the full width of the parcel between a rear parcel line and the required rear setback line.

Side Setback Area. An area extending from the front setback line to the rear parcel line between the nearest side parcel line and the required side setback line.

Setback Line. A line delineating the minimum required distance between the parcel line and a structure on the same parcel.

Single-Family Dwellings. A structure containing one dwelling unit located on a single parcel for occupancy by one housekeeping unit. Also includes factory-built, modular housing units, and mobile homes/manufactured housing when placed on permanent foundation systems.

Single-Family Dwellings, Attached. A dwelling attached to another dwelling, excluding accessory dwellings. Each dwelling is separately owned, located on a discrete parcel, and is joined to another dwelling along a single parcel line. Each dwelling is totally separated from the other by an unpierced wall extending from ground to roof.

Single-Family Dwellings, Detached. A dwelling not attached to another dwelling, excluding an accessory dwelling unit. The dwelling is owned in fee and is located on an individual parcel.

Single Housekeeping Unit. The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Single Room Occupancy (SRO) Facilities. A multiple tenant structure with individual resident rooms. Tenants typically share bathrooms and/or kitchens, while some rooms may include kitchenettes, bathrooms, or half-baths.

Site. A parcel or group of adjacent parcels not divided by any alley, street, other right-of-way or City limit proposed for development, and in a single ownership, or with multiple owners all of whom join in an application for development.

Site Plan and Design Review. A type of discretionary permit that provides a process for the review of the layout and design of proposed development projects.

Slope. Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent or ratio.

Smoking Lounges. An establishment dedicated, in whole or part, to providing tobacco or other substances for smoking by patrons on the premises for a fee, including but not limited to establishments known as cigar lounges, hookah lounges, tobacco clubs, or tobacco bars. Does not include a shop which sells tobacco products and smoking accessories but does not provide for on premises use of tobacco products.

Solar Collector. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and which contributes significantly to the energy supply.

Solar Photovoltaic Energy System. (1) A design using natural and architectural features to cool or heat a structure, or (2) a mechanical assembly that may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

Specific Plan. A City-adopted plan consisting of text, maps, and other documents regulating development within a defined area. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

Sphere of Influence. The probable ultimate physical boundary of the City as established by the Local Agency Formation Commission (LAFCO) in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). A sphere of influence contains unincorporated County land located outside the City's boundaries related to the City's planning efforts.

Stables and Corrals.

Stables and Corrals, commercial. Commercial establishments for donkeys, horses, and/or mules, which are rented, used, or boarded for compensation, examples of which include boarding stables, riding schools and academies, horse ranches, horse exhibition facilities (for shows or other competitive events), and barns, corrals, paddocks, and stables accessory and incidental to these uses.

Stables and Corrals, private. An accessory structure(s) for the keeping of horses and/or ponies for the private use of the occupants of the premises, not for hire, remuneration, or sale, and subject to specified standards.

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

State. The State of California.

Storefront. The primary (front facade) structure entrance where access is taken from a public street, alley, public or private parking lot, or pedestrian mall/arcade or passage.

Story. The portion of a structure included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story is the portion of a structure included between the upper surface of the topmost floor and the ceiling above.

Street. A public or private right-of-way dedicated, conveyed, condemned, or otherwise acquired for use of a right-of-way which affords the principal means of access to abutting property.

Structure. Anything constructed or erected principally above ground, the use of which requires location on the ground or attachment to something having location on the ground, including a walled and roofed building, a gas or liquid storage tank, as well as a manufactured home, but not including a tent or vehicle. Includes "Building."

Structure, Attached. A structure connected to another structure by means of a wall, roof, stairway, atrium, breezeway, or other structural connection.

Structure, Detached. A structure without a wall or roof in common with another structure.

Structural Alteration. Any change in the supporting members of a structure (i.e., bearing walls, beams, columns, floor or roof joists, girders or rafters), or changes in roof or exterior lines.

Studio - Instructional. A small-scale facility accommodating one student or a group of students at a time, in no more than one instructional space. Examples include: instruction and training in art, dance, martial arts, gymnastics, photography and the processing of photographs produced only by users of the studio facilities; production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. May also include accessory retail sales of products related to the services provided.

Supportive Housing. Housing with no limit on length of stay, occupied by the target population and linked to on-site or off-site services to assist the supportive housing resident in retaining the housing, improving his/her health status, and maximizing his/her ability to live, and when possible, work in the community. Supportive housing units are residential uses subject to requirements and restrictions applicable to other residential uses of the same type in the same zone and the underlying zone's development standards, including density. For those zones in which residential uses are allowed only with approval of a discretionary land use permit, the permit shall first be obtained to allow the establishment of the supportive housing.

Swimming Pools/Spas. See "Accessory Structures and Uses".

"T" Definitions

Tattooing. Any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to contact, touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

Telecommuting. An employee foregoes a trip to the normal work site and instead works from home or from a satellite office near home.

Temporary Structure. A structure without any permanent foundation or footings, which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Uses. A stationary use, intended for limited duration, to be located in a zone not allowing that use by right, and not continuing a nonconforming use or structure.

Temporary Use Permit. A type of discretionary permit that allows a use to occupy a site for a limited period of time.

Top Soil. The immediate surface area of land, consisting either of topsoil or subsoil.

Top Soil Site. Premises from which any topsoil is removed or excavated for the purpose of disposition away from the immediate premises whether the disposition is immediate or in the future. Up to 25 cubic

yards of topsoil may be removed from a building site after a permit has been secured from for the construction of a permanent structure on the same site without the operation being construed to be topsoil site.

Townhouse. A structure designed for or used exclusively for residential purposes of one family. The structure is attached to similar structures in a linear arrangement and separated vertically by party walls. Each dwelling unit has a totally exposed front and rear wall used for direct ground-level access to the outdoors.

Trails, Public. A marked or beaten path, as through woods or wilderness, created and maintained for public use.

Transitional Housing. Residential structures configured as rental housing developments, but operated under program requirements which include the termination of assistance and recirculation of the assistive unit to another eligible program recipient at a predetermined future point in time not less than 180 days from the beginning of assistance. Transitional housing units are residential uses subject to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Transportation Demand Management (TDM). A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number of persons using buses, carpools, trains, vanpools, walking, and biking.

Trash Enclosure. A structure suitable for containing trash, garbage, and refuse for collection and/or recycling on a regular basis.

Two-Family Dwelling. A structure located on a single parcel and containing two dwelling units, each of which is for occupancy by one single housekeeping unit. Also includes factory-built, modular housing units, and mobile homes/manufactured housing units when placed on permanent foundation systems. Often referred to as a duplex.

“U” Definitions

Unenclosed. A structure that is not enclosed.

Uninhabitable. A structure or property that is not appropriate for human occupancy, as defined by the California Building Code (CBC).

Use. The purpose for which land or a structure is, arranged, designed, intended, maintained, or occupied.

Utilities, Minor and Major.

Utilities, Minor. Utility facilities necessary to support legally established uses and involve only minor structures (e.g., electrical distribution lines, underground water lines, underground sewer lines, etc.). Minor facilities generally have no significant effect on surrounding uses.

Utilities, Major. Utility facilities functioning as independent uses (e.g. generating plants, electrical substations, above-ground electrical transmission lines, lone switching structures, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.) Major facilities may have a more significant effect on surrounding uses.

“V” Definitions

Variance. A discretionary entitlement that allows the waiver or relaxation of specified development standards.

Vehicle. Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

Vehicle, Commercial. Any vehicle larger than a pickup truck, including semi-trucks and trailers, delivery vans. Does not include recreational vehicles regardless of gross vehicle weight rating.

Vehicle/Equipment Rentals.

General. Rental of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including on-site storage and incidental maintenance when conducted within a fully enclosed structure.

Limited (No outdoor repair or storage). Rental of mopeds, scooters, Segways, and similar sized vehicles with electric power or engines less than 100cc. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent but only when conducted within a fully enclosed structure.

Office only. Rental of automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles without on-site storage of or incidental maintenance of these vehicles.

Vehicle/Equipment Repair (All Operations Conducted in a Fully Enclosed Structure).

General. Major vehicle and equipment repair when conducted within a fully enclosed structure. Examples include body and fender shops, brake shops, full-service motor vehicle repair garages, machine shops, painting shops, tire sales and installation shops, towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Limited. Minor vehicle and equipment repair when conducted within a fully enclosed structure. Examples include brake adjustments and repairs, installation of electronic equipment (e.g., alarms, stereos, etc.), system servicing (cooling, electrical, fuel, and exhaust), oil and lube shops, wheel alignment and balancing.

Vehicle/Equipment Sales (New/Used).

General. Sale of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts. All maintenance and repair activities shall be conducted within a fully enclosed structure.

Limited. Sale of automobiles, including display, storage, minor maintenance, and incidental rental. Does not include maintenance and/or repair requiring pneumatic lifts. All maintenance activities shall be conducted within a fully enclosed structure.

Office Only. Sales limited to offering automobiles and light duty trucks. Does not include on-site inventory, display, storage, maintenance, or repair of these vehicles.

Vehicle/Equipment-Related Services.

Motor Vehicle Washing/Detailing. Establishments engaged in the washing, waxing, or cleaning/detailing of automobiles or similar light vehicles.

Full Service. A motor vehicle washing establishment where operating functions are performed entirely by the establishment's operator/owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator/owner.

Self Service or Accessory Use. A motor vehicle washing establishment where washing, drying, polishing, or vacuuming of the vehicles is done by the vehicle's driver or occupant.

Refueling/Service Stations. An establishment engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories, including incidental "minor" maintenance and repair of automobiles and light trucks, vans, or similar size vehicles. Does not include body and fender work or "heavy" repair of trucks or other motor vehicles. All maintenance and repair activities shall be conducted within a fully enclosed structure.

Vehicle Storage. Storage of operative or inoperative vehicles, including tow yards (i.e., outdoor storage facilities for the temporary storage of towed vehicles), impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. Does not include vehicle/equipment repair activities or vehicle dismantling or salvage.

Vehicles for Hire. The provision of vehicles with drivers to the general public for the purpose of transportation (e.g., taxi or limousine service). May also include business office and the maintenance, minor repair, and on-site storage of vehicles for hire. Does not include vehicle rental uses or a vehicle for hire office only use and does not include storage or maintenance of vehicles on-site. All maintenance and repair activities shall be conducted within a fully enclosed structure.

Visitor Accommodations.

Bed & Breakfast Inns. A dwelling unit offering guest rooms or suites for a fee for less than 30 days, with incidental eating and drinking service provided from a single kitchen for the exclusive use of guests only.

Hotel. An establishment providing guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation.

Motel. An establishment providing guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

Recreational Vehicle (RV) Park. A parcel upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a rental fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Short-Term Lodging. A dwelling unit rented or leased as a single housekeeping unit for a period of less than 30 days.

Time Share Project. A development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of an ownership interest in a

parcel, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and includes, but is not limited to time share estate, interval ownership, vacation license, vacation lease, club membership, time share use, hotel/condominium, or uses of a similar nature.

“W” Definitions

Wall. A physical barrier constructed largely of masonry, brick, concrete, stucco, concrete block, or any combination thereof and intended to mark a boundary.

Water Provider. The agency responsible for the administration of water resources, which may act through a third party. The developer must demonstrate sufficient water supply for the project.

Wireless Telecommunication Facilities. Wireless communication facilities are any co-located, ground-mounted, roof-mounted, or stealth device or system used for transmitting and/or receiving electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services and related technologies. Includes antennas, antenna structures, microwave dishes, parabolic structures; support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support operations.

Minor.

Satellite dish antennas up to and including 10 feet in diameter;

Building-mounted antennas and associated equipment rooms;

Co-located wireless antennas;

Public utility antennas and/or related facilities.

Major.

Satellite dish antennas that exceed 10 feet in diameter;

Support structure-mounted antennas and associated equipment rooms (i.e., monopoles, lattice towers, etc.), located in either an interior space in an adjacent existing structure or in a separate attached or detached exterior structure;

Any public or private utility antenna or antenna structure located on a City-owned site.

“X” Definitions

“Y” Definitions

Yard. The area between a parcel line and the side of a principal structure. An area of a yard may be smaller (if a nonconforming parcel), the same, or larger in size than a required setback area.

Yard Sale. The sale of goods, wares or merchandise on a residential property principally used as a residence on a temporary basis. Commonly known as a patio, yard, garage, and/or backyard sale.

“Z” Definitions

Zero Lot Line. When a structure is located on or very near the edge of the property line.

Zone. Any of the residential, commercial, industrial, mixed-use, special-purpose, or combing/overlay districts within which certain land uses are allowed or prohibited, and certain site planning and development standards are prescribed.

Zoning Clearance. A nondiscretionary administrative verification procedure used to determine a proposed land use, improvement, or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use, improvement, or structure.

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Title 18 – Development Code
Article 2 –
Zones, Allowable Uses, and Development Standards

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Chapter 18.10 – Residential Zones (R-LD, R-MD, R-HD, and R-UHD)

Sections:

- 18.10.010 – Purpose and Intent
- 18.10.020 – Land Use Regulations and Allowable Uses
- 18.10.030 – Development Standards
- 18.10.040 – Site Design and Architectural Standards

18.10.010 – Purpose and Intent

The purposes of each residential zone and the manner in which they are applied:

- A. R-LD – Single-Family Residential Zone.** This zone provides for the retention, maintenance, and development of existing traditional single-family residential neighborhoods. The overall character of each neighborhood varies, with some low density areas accommodating single homes on large parcels and some areas as more traditional suburban development with smaller parcel sizes. This zone allows accessory dwelling units. This zone implements the Low Density Residential (LDR) land use designation in the General Plan.
- B. R-MD – Multiple-Family Medium Density Residential Zone.** This zone provides for the development of a wide range of multiple-family residential opportunities, including duplexes, triples, quadplexes, rowhouses, townhouses, courtyard multiple-family buildings, and small scale multiple-family buildings. Cultural, education, and public assembly uses are conditionally allowed. This zone is intended to provide for an increase in housing units to meet affordability and other community goals. The zone is located throughout the City to provide a transition between higher density/intensity residential, mixed use, and commercial areas and low density residential neighborhoods. This zone implements the Medium Density Residential (MDR) land use designation in the General Plan. The R-MD zone further specifies two subzones: RMD-1 and RMD-2.
- C. R-HD – Multiple-Family High Density Residential Zone.** This zone provides for higher density multiple-family housing to meet the desire for a variety of housing types. This zone is located in areas containing a diverse mix of uses within walking distance of homes, as well as in neighborhoods that already exhibit a high degree of diversity in the type and density of residential housing. This zone allows for a variety of high density building types that are compatible in scale and character with existing structures and development standards. All new development shall be designed to create attractive frontages. A range of multiple-family housing types are allowed, from townhomes to multiple-family apartments at moderate to high densities. Cultural, education, and public assembly uses are conditionally allowed. This zone implements the High Density Residential (HDR) land use designation in the General Plan. The R-HD zone further specifies two subzones: RHD-3 and RHD-5.
- D. R-UHD – Multiple-Family Urban High Density Residential Zone.** This zone provides for the development of very high density housing. Mid-rise and high-rise residential development is encouraged, ideally supported by high-frequency public transit and located within walking distance of neighborhood services and amenities. Parking structures are to be designed so that they do not face the primary public streets. This zone allows for high-density multiple-family dwellings. Other uses may be allowed if they are compatible with and serve the needs of

residents living in the higher density dwellings. This zone implements the Urban Residential (UR) land use designation in the General Plan.

18.10.020 – Land Use Regulations and Allowable Uses

- A. Table 2-1.** Table 2-1 sets forth the uses allowed within each residential zone and any permits required to establish the use..
- B. Primary and Accessory Uses.** Residential uses represent the primary allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses. Accessory uses deemed appropriate may only be allowed when provided as a secondary use on property for which a legally allowed residential unit exists or is proposed in conjunction with establishment of the accessory use, except as may be otherwise allowed with regard to nonconforming uses.
- C. Land uses not listed in Table 2-1.** Land uses that are not listed in Table 2-1 or are not listed in another zone are prohibited..
- D. Additional Regulations.** Where the last column in Table 2-1 includes a cross-reference, the regulations in the cross-reference shall apply to the use. Provisions elsewhere in the Development Code may also apply.
- E. Design Review.** Design Review is required for new or modified construction activities.

Table 2-1 Allowed Uses and Permit Requirements	Residential Zones Permit Requirements				
	P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Term Permit (Chapter 18.94) ----- Prohibited				
Land Use <small>See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.</small>	R-LD	R-MD	R-HD	R-UHD	Specific Use Regulations
Residential Uses					
Guest Houses	P	P	P	P	Section 18.48.090
Home Businesses	HOP	HOP	HOP	HOP	Section 18.48.100
Multi-Family Dwellings	—	P	P	P	
Residential Model Homes	AUP	AUP	AUP	AUP	
Accessory Dwelling Units	P	P	P	P	
Single-Family Dwellings, Attached	P	P	P	P	
Single-Family Dwellings, Detached	P	—	—	—	
Single Room Occupancy Facilities (SROs)	P	P	P	P	
Supportive Housing	P	P	P	P	

Two-Family Dwellings	—	P	P	P	
Transitional Housing (six or less occupants)	P	P	P	P	
Visitor Accommodations, Residential					
Bed & Breakfast Inns	----	CUP	CUP	CUP	
Short Term Lodging	----	CUP	CUP	CUP	
Care Uses					
Adult Day Care					
Small (6 or fewer)	P	P	P	P	
Large (7 to 14)	AUP	AUP	AUP	AUP	
Child Day Care					
Small (8 or fewer)	P	P	P	P	
Large (9 to 14)	AUP	AUP	AUP	AUP	Section 18.48.050
Commercial (14 or more)	CUP	CUP	CUP	CUP	
Cooperatives	P	P	P	P	Section 18.48.050
Convalescent Facilities	----	----	----	----	
Residential Care Facilities					
Limited (6 or fewer)	P	P	P	P	
General (7 or more)	AUP	AUP	AUP	AUP	
Other Uses					
Accessory Structures and Uses	P	P	P	P	Section 18.48.010
Agricultural Uses – Limited to Community Gardens Only	P	P	P	P	
Animal Keeping	P	P	P	P	Section 18.48.040
Charitable Organizations and Institutions	CUP	CUP	CUP	CUP	
Cultural Institutions	CUP	CUP	CUP	CUP	
Institutional and Community Facilities	CUP	CUP	CUP	CUP	
Neighborhood Service Uses	----	----	CUP	CUP	Section 18.10.030
Public Assembly/Meeting Facilities	----	CUP	CUP	CUP	
Public Buildings, Facilities, and Uses	----	----	----	----	
Schools, Public and Private	CUP	CUP	CUP	----	
Special Events	Municipal Code Chapter 12.08				
Temporary Uses	TUP	TUP	TUP	TUP	Chapter 18.94
Utilities, Minor	P	P	P	P	
Utilities, Major	----	CUP	CUP	CUP	

Wireless Telecommunication Facilities	See Chapter 18.42
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18.10.030 – Development Standards

- A. **General.** New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-2 and 2-3. Standards for accessory structures are specified in Chapter 18.30.
- B. **Prohibition on Structures in Front Setback Area.** Portions of any habitable structure and/or accessory structure shall not occupy any portion of a required front setback area, except as provided in Section 18.22.060.C.
- C. **Schools.** New schools must be on sites that are at least 1 acre in size. Additionally, new schools must be 1,000 feet from another school, or day care.
- D. **Substantial Change.** If more than 50 percent of the exterior walls of a residential unit are removed, it is considered to be a new home requiring design review. The Director has the authority to have the Planning Commission review a Substantial Change.
- E. **Second Curb Cuts Prohibited.** Except for projects with parking areas originally designed with more than one curb cut for ingress and egress, second curb cuts are not allowed. Single family homes are restricted to one curb cut.
- F. **Neighborhood Service Uses.** Appropriately scaled clusters of retail no greater than 2,000 square feet in size oriented to and built close to the street, separated from each other by at least 500 feet. Retail uses within the RHD and RUHD zones may be appropriate in area where a more compact urban development pattern exists or where a neighborhood compatible commercial district exhibiting a pedestrian scale and character is established. Such locations may include the peninsula and arterials and intersections with an existing urban or neighborhood-oriented building pattern. Residential units shall not be displaced by neighborhood service uses.

**Table 2-2
Development Standards for Residential Zones**

Development Feature (minimum unless otherwise indicated)	R-LD	R-MD	R-HD	R-UHD	Additional Requirements
Parcel Dimensions – Minimum dimensions required for each NEWLY CREATED parcel.					
Parcel Area	5,000 sq. ft.	5,000 sq. ft.	12,000 sq. ft.	12,000 sq. ft.	
Parcel Width	50 ft.	50 ft.	50 ft.	50 ft.	
Parcel Depth		100 ft.	240 ft.	240 ft.	
Density/Intensity	0 to 12 du/acre	R-MD-1: 12 to 15 du/acre R-MD-2: 12 to 22 du/acre	22 to 43 du/acre	43 to 86 du/acre	
Setbacks ^{1 and 2}					
Front Living Area	10 ft.	20 ft.	15 ft.	20 ft.	
Garage Face	23 ft.				
Corner Vision Triangle	12 ft.	12 ft.	12 ft.	12 ft.	
Side/Street Side	5 ft.	10 ft.	10 ft./15 ft.	10 ft./15ft.	
Rear 1st Story	10 ft.	20 ft.	20 ft.	20 ft.	R-LD zone: The 10-foot rear setback requires a minimum of 750 sq. ft. of usable rear yard area; if not, development is not allowed.
2nd Story (see footnote 1 for structures above 18 feet)	10 ft.	30 ft.			
Site Coverage	50%	60%	70%	70%	
Floor Area Ratio	.55	.65	----	----	
Height	Dwelling: 2 stories or 26 ft., whichever is greater Accessory Structure: 15 ft.	R-MD-1: 2½ stories or 30 ft., whichever is greater	R-HD-3: 3 stories or 36 ft., whichever is greater	7 stories or 75 ft., whichever is greater	

**Table 2-2
Development Standards for Residential Zones**

Development Feature (minimum unless otherwise indicated)	R-LD	R-MD	R-HD	R-UHD	Additional Requirements
		R-MD-2: 3 stories or 36 ft., whichever is greater	R-HD-5: 5 stories or 60 ft., whichever is greater		
Open Space – Minimum sq. ft. of open space required for each dwelling unit. All open space areas shall be landscaped in compliance with Chapter 18.28					
	750 sq. ft. in rear of property, usable and open, no permanent hardscape				
Common Open Space Must be usable and provide amenities. Setbacks may count toward open space requirement if all provisions are met.	N/A	250 sq. ft. (minimum dimension [length/width] shall be 15 feet)	100 sq. ft. (minimum dimension [length/width] shall be six feet)	50 sq. ft. (minimum dimension [length/width] shall be six feet)	Common and Private Open Space may be aggregated on a parcel in R-MD, R-HD and R-UHD zones; (minimum dimension [length/width] shall be 20 feet). Aggregation of open space shall be done in accordance with Article 5 (Subdivisions) Chapter 18.62
Private Open Space					
Ground Floor Units	N/A	200 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 -100 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 sq. ft. (The minimum dimension [length/width] shall be six feet)	
Upper Floor Units	N/A	100 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 sq. ft. (The minimum dimension [length/width] shall be six feet)	
Fencing	Chapter 18.26				

**Table 2-2
Development Standards for Residential Zones**

Development Feature (minimum unless otherwise indicated)	R-LD	R-MD	R-HD	R-UHD	Additional Requirements
Landscaping	Chapter 18.28				
Lighting	Section 18.34.110				
Parking	Chapter 18.30				
Satellite Antennae	Chapter 18.42				
Signs	Chapter 18.32				
Water Efficient Landscape	Municipal Code Chapter 17.06				

NOTES:

1. **Front and Side Setback Increase Over 18 Feet in Height For Single Family Dwellings.** Where a new structure or an addition to an existing single family structure will exceed 18 feet in height, the required setback from the front and side property lines of the site shall be increased by one foot for each two feet of structure height in excess of 18 feet; the increased setbacks to be imposed only with respect to that portion of the new structure or addition that exceeds 18 feet in height. Up to 50 percent of the proposed structure can utilize the single-story side setback for a structure; provided that the area where the addition will occur will not reduce air, light, and privacy to adjoining properties. The Commission, as part of the Design Review process, may allow more than 50 percent of the proposed structure to utilize the single-story setback if the proposal exhibits exceptional design.

2. **Setbacks for Narrow Parcels.** Side setbacks for existing, legally subdivided parcels which do not meet current minimum standards with respect to parcel width may be reduced to no less than 10 percent of the parcel width or three feet, whichever is greater. This provision applies only to portions of the structure under 18 feet in height. Where a new structure or an addition to an existing structure will exceed 18 feet in height, the required setback from each property line of the site shall be increased by one foot for each two feet of structure height in excess of 18 feet, the increased setbacks to be imposed only with respect to that portion of the new structure or addition that exceeds 18 feet in height.

18.10.040 – Site Design and Architectural Standards

- A. **Purpose and Applicability.** Site design and architectural standards are established consistent with General Plan policy to promote quality design of new residential structures and additions. The City recognizes that quality design promotes longer life of structures, improves the appearance and maintenance of neighborhoods, and increases value in the housing stock. . In addition to the standards specified as applicable to all zones and the regulations for specific land uses and activities,, the following site design and architectural standards shall apply to all new residential structures and additions to existing residential structures.

- B. **All New Residences and Residential Additions.** All new residences and residential additions shall be reviewed for consistency with the following minimum design standards. The Director may refer applications which conflict with these minimum design standards to the Commission for a determination.

1. All new residences or residential additions shall be designed to respect or complement the existing development pattern and massing as viewed from the street.
2. Use of exterior materials shall be consistent with or compliment the use of exterior materials in the neighborhood.
3. All second story additions shall be designed as a series of segments as opposed to a single massive structure. If the architectural style warrants a large wall plane, the plane shall be articulated with bay window extensions, trellis features, recessed doors or windows, or other architectural elements.
4. Second story additions shall step back from the street and front of the dwelling to reduce the mass of the structure. The use of eaves, dormers, intersecting hips or gables, or other roof features are encouraged to add visual interest and break up the mass of the structure.
5. Roof style and pitch shall be consistent with the style and pitch of roofs in the vicinity.
6. New residences and residential additions shall be designed to preserve privacy, light and air to adjoining properties to the extent feasible. Window and balcony placement shall be sensitive to the existing arrangement of windows and outdoor living spaces on adjoining properties.
7. The use of vegetation to screen and soften views of a new residence or residential addition may be required as a condition of approval.
8. All additions to existing single-family residences shall be architecturally consistent with the existing residence with respect to roof pitch and tie-in, exterior materials and colors. The addition shall be designed so that it appears to be part of the original structure.

C. Single-Family and Two-Family Structures.

1. **Site Design and Structure Orientation.**
 - a. Front entries shall be clearly identifiable and generally oriented toward the street.
 - b. Driveways shall be placed in a manner that avoids conflict with pedestrian access from the sidewalk.
2. **Scale and Mass.**
 - a. The bulk and mass of new single-family and two-family residential structures and additions shall match the scale of existing structures in the immediate neighborhood.
 - b. Garages shall not be designed or located in a manner that presents the garage as the prominent form of the front façade.
 - c. Second-story balconies, decks, window fenestrations, and similar features shall be used on front and street side facades to provide articulation and further reduce massing effects.

3. **Architecture.**
 - a. All facades visible from a public right-of-way shall incorporate features that eliminate blank, unarticulated walls; add visual interest; avoid clutter; and display a distinctive architectural style.
 - b. Additions to residential structures shall be designed and constructed to match the architectural style and building form of the structure to which they are added.
 - c. Rooflines and roofing materials shall be compatible with the architectural style of the existing residential structure. Use of varying, uncoordinated rooflines and roofing materials shall be avoided.
 - d. Window and door design and placement shall be consistent with the overall architectural style of the structure.
 - e. Materials and finishes shall be of a consistent theme, shall match the style of the existing residential structure, and shall be consistently applied to all facades.
 - f. Roof-mounted equipment, where allowed, shall be screened from view from public rights-of-way and adjacent properties by materials architecturally compatible with the structure they serve.
4. **Open Space – Common and Private.** All common and private open spaces shall comply with the requirements of the applicable zone.
5. **Landscaping.**
 - a. Front yard landscaping shall be provided consistent with landscaping requirements.
 - b. Where possible, existing mature, healthy trees shall be preserved in association with any remodeling or addition projects, as required by the Director.
6. **Sustainable Building Practices.**
 - a. Where possible, pervious or semi-pervious surfacing materials shall be used for pedestrian paths and driveways.
 - b. To the maximum extent possible, orientation of structures and windows shall take advantage of natural light and wind patterns for natural heating and cooling.
7. **Reduction of side or rear requirements.** Where Design Review approval is requested for three or more single-family dwellings to be constructed upon contiguous parcels within the same subdivision, the Commission shall have the authority to reduce any of the side or rear requirements without the granting of a Minor Variance, if the Commission first finds and determines that the reduction will enable a more advantageous placement of the dwelling on the site in terms of increasing useable open space, or minimizing privacy impacts, or enhancing the aesthetic appearance of the dwelling in relation to other structures on adjacent sites.

D. Multiple-Family Structures.**1. Site Design, Structure Orientation, and Access.**

- a. The main entry to the multiple-family development shall be clearly delineated and identifiable, and shall be easily accessible for pedestrians from the public street.
- b. Entrances to individual residential units shall be accessible from the street, enclosed corridors or from common open space areas within the development.
- c. Driveways shall be placed in a manner to avoid conflict with pedestrian access from the sidewalk. Common driveways shall be encouraged.
- d. Common parking areas shall be located to minimize their visibility from public rights-of-way and to be easily accessible to all residents of the development.
- e. Windows, balconies, and similar openings shall be oriented to preserve privacy of individual units within the development.
- f. Interior pedestrian paths shall be provided to individual units and to link units to common open space areas and parking areas.
- g. Loading and solid waste/recycling collection areas shall be centrally located so as to provide easy direct access to all residents, collection vehicles, and to minimize noise impacts on residents.

2. Scale, Mass, and Architecture.

- a. The bulk and mass of new multiple-family structures and additions to existing structures shall be sensitive to the scale of structures in the immediate neighborhood.
- b. All facades visible from a public right-of-way shall incorporate features that eliminate blank, unarticulated walls; add visual interest; avoid clutter; and display a distinctive architectural style.
- c. Additions to existing residential structures shall be designed and constructed to match the architectural style and building form of the structure(s) to which they are added.
- d. Rooflines and roofing materials shall be compatible with the architectural style of the existing residential structures. Use of varying, uncoordinated rooflines and roofing materials shall be avoided.
- e. Materials and finishes shall be of a consistent theme, shall match the style of the existing residential structure, and shall be consistently applied to all facades.
- f. Exterior lighting shall be provided for safety purposes, and the lighting shall be compatible with the overall style of the development.
- g. Balconies, where provided, shall utilize railing or similar materials compatible with the overall architectural style of the development.

3. **Open Space – Common and Private.** All common and private open space areas shall comply with the requirements of the applicable zone.

4. Landscaping.

- a. Front yard landscaping shall be provided consistent with landscaping requirements.
- b. Where possible, existing mature, healthy trees shall be preserved in association with any remodeling or addition projects, as required by the Director.
- c. Common open space areas shall be landscaped appropriate to their function.

5. Sustainable Building Practices.

- a. Where possible, pervious or semi-pervious surfacing materials shall be used for pedestrian paths and driveways.
- b. To the maximum extent possible, orientation of structures and windows shall take advantage of natural light and wind patterns for natural heating and cooling.

6. Other Requirements.

- a. Common laundry facilities shall be centrally located and easily accessible to all residents.
- b. Roof-mounted and ground-mounted equipment, where allowed, shall be screened from view from public rights-of-way and adjacent properties by materials architecturally compatible with the structure they serve.

Chapter 18.12 – Mixed Use Zones (MUC, MUL, and MUH)

Sections:

- 18.12.010 – Purpose and Intent
- 18.12.020 – Land Use Regulations and Allowable Uses
- 18.12.030 – Development Standards
- 18.12.040 – Site Design and Architectural Standards

18.12.010 – Purpose and Intent

The purposes of each mixed use zone and the manner in which they are applied are:

- A. MUC - Mixed Use Corridor Zone.** This zone provides for vertical and horizontal mixed use developments along arterial roads and other high-activity areas. The zone supports structures with different uses (i.e., office, retail, service, and residential) or other compatible uses. Structures located on individual parcels should contain a vertical mix of uses. In certain locations, ground floor retail or other active ground floor uses are required for a portion of the structure's frontage in order to activate the public realm. Structures in this zone are required to front the primary roadway and shall be designed to create an attractive pedestrian environment, regardless of the ground floor use. Mixed-use projects located along corridors shall be developed in a manner that protects and preserves the adjacent residential neighborhoods by stepping down in density or height, and/or by providing appropriate buffer areas between the structure and the adjacent neighborhood. This zone implements the Corridor (MUC) land use designation in the General Plan. The MUC zone further specifies two subzones: MUC-1 and MUC-2
- B. MUL - Mixed Use Low Zone.** This zone provides for areas with a wide variety of existing residential and commercial uses. The intent is to provide for both additional housing and to expand neighborhood-serving commercial uses, where appropriate. Uses may be mixed either vertically or horizontally on a single parcel. The design of new structures shall be compatible with adjacent single-family areas and structure heights are limited to a maximum of three stories. Residential uses shall be small-scale multiple-family or attached single-family dwellings. Commercial uses shall serve the retail, shopping, and service needs of adjacent residential neighborhoods. Appropriate land uses include multiple-family residential, attached single-family residential, office, restaurant, retail, service, park/plaza/open space, cultural, education, public assembly, and public uses. This zone implements the Mixed Use Low (MUL) land use designation in the General Plan.
- C. MUH - Mixed Use High Zone.** This zone is intended to support new enlivened, thriving districts by accommodating multiple-story mixed-use structures. This zone provides for vertical and horizontal mixed use development at key locations. Residential only developments are not allowed; however, a horizontal mix of residential and non-residential uses within a single development is allowed. Appropriate land uses include multiple-family residential, attached single-family residential, office, research and development, retail, and service uses. This zone implements the Mixed Use High (MUH) land use designation in the General Plan.

18.12.020 – Land Use Regulations and Allowable Uses

- A. Vertical and Horizontal Mixed Use.** All of the mixed use zones provide for vertical and horizontal mixed use developments along arterial roads and other high-activity areas .

- B. Allowed Mix of Uses.** Structures located on individual parcels may contain a vertical mix of uses, or be either stand-alone residential or commercial uses.
- C. MUC – Mixed Use Corridor Subzones.** The MUC Zone further specifies two subzones:
 - 1. MUC-1:** The MUC-1 subzone allows residential uses only above the ground floor; (intended for central/northern part of University Ave corridor).
 - 2. MUC-2:** The MUC-2 subzone provides that the ground floor shall be reserved for retail uses; with no residential, office, or service uses allowed, generally located at specified corners. On all floors above the ground floor allowed uses include residential (intended for central/northern part of University Ave corridor).
- D. MUH – Mixed Use High Zone.** In the MUH Zone residential only developments are not allowed; however, there may be a horizontal mix of residential and non-residential uses within a single development. At least 35 percent of the ground floor space of each structure shall be retail space. In areas where retail is removed for the construction of new structures, the new retail space shall be greater than 85 percent of existing retail space.
- E. Table 2-3.** Table 2-3 sets forth the uses allowed within each mixed use zone and any permits required to establish the use. If a project obtains a Planned Development Permit, other individual permits are not required.
- F. Additional Regulations.** Where the last column in Table 2-3 includes a cross-reference, the regulations in the cross-reference shall apply to the use. Provisions elsewhere in the Development Code may also apply.
- G. Design Review.** Design Review is required for new or modified construction activities.

Table 2-3 Allowed Uses and Permit Requirements	Mixed-Use Zones Permit Requirements			
	P			
	P	Permitted By-Right		
	CUP	Conditional Use Permit (Chapter 18.88)		
	AUP	Administrative Use Permit (Chapter 18.88)		
	TUP	Temporary Use Permit (Chapter 18.94)		
	---	Prohibited		
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Industry, Manufacturing and Processing, Warehousing Uses				
Industry	---	---	---	
Research and Development	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	---	---	---	
Clubs	---	---	---	
Commercial Recreation and Entertainment	---	---	---	
Cultural Institutions	CUP	CUP	CUP	
Institutional and Community Facilities	---	---	---	
Park/Plaza/Open Space	CUP	CUP	CUP	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	

<p>Table 2-3 Allowed Uses and Permit Requirements</p>	<p>Mixed-Use Zones Permit Requirements</p>			
	P	P	P	P
	CUP	CUP	CUP	CUP
	AUP	AUP	AUP	AUP
	TUP	TUP	TUP	TUP
	---	---	---	---
<p>Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.</p>	MUC	MUL	MUH	Specific Use Regulations
Schools, Public and Private	---	---	---	
Residential Uses				
Multiple-Family Dwellings				
Located on 1 st floor	P	---	---	
Located above 1 st floor	P	P	P	
Single-Family Dwellings – Attached Only				
Located on 1st floor	P	---	---	
Located above 1st floor	P	P	P	
Supportive Housing	---	---	---	
Two-Family Dwellings – Attached Only				
Located on 1 st floor	CUP	CUP	CUP	
Located above 1 st floor	P	P	P	
Transitional Housing	---	---	---	
Home Businesses	HBP	HBP	HBP	Section 18.48.100
Live-work Units	CUP	CUP	CUP	Not allowed on 1 st floor
Care Uses				
Adult Day Care				
Small (6 or fewer)	---	---	---	
Child Day Care				
Small (8 or fewer)	---	---	---	
Large (9 to 14)	---	---	---	Section 18.48.050
Cooperatives	---	---	---	
Day Care, General	---	---	---	
Retail Trade Uses				
Alcohol Sales (offsite-sale)	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (offsite-sale), Accessory Use	CUP	CUP	CUP	Section 18.480.030
Alcohol Sales (onsite-sale)	CUP	CUP	CUP	Section 18.48.030
Retail Sales	P	P	P	
Retail Sales (Used Merchandise) - General	P	P	P	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	AUP	AUP	Municipal Code Chapter 5.40

<p>Table 2-3 Allowed Uses and Permit Requirements</p>	<p>Mixed-Use Zones Permit Requirements</p>			
	P	P	P	
<p>Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.</p>	MUC	MUL	MUH	Specific Use Regulations
Service Uses – Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	CUP	CUP	CUP	
Financial Institutions and Related Services, Non-Chartered	---	---	---	Section 18.48.080
Offices - Business	P	P	P	
Offices - Medical and Dental	CUP	CUP	P	
Offices - Professional	CUP	CUP	P	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Animal Sales and Services				
Animal Grooming	---	---	---	
Animal Retail Sales	---	---	---	
Veterinary Services	---	---	---	
Artists Studios	CUP	CUP	CUP	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast food, or late hours)	P	P	P	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast food, or late hours)	CUP	CUP	CUP	
Health/Fitness Facilities				
Small – Less than 2,000 sq. ft.	P	P	P	
Large – 2,000 sq. ft. or greater	AUP	AUP	AUP	
Laboratories	CUP	CUP	CUP	No Hazardous Materials
Maintenance and Repair Services	CUP	CUP	CUP	
Personal Services				
Massage Establishments	CUP	---	---	
Massage Services, Accessory	CUP	---	---	

Table 2-3 Allowed Uses and Permit Requirements	Mixed-Use Zones Permit Requirements			
	P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Permit (Chapter 18.94) --- Prohibited			
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Nail Salons	AUP	AUP	AUP	
Personal Services - General	CUP	CUP	CUP	
Personal Services - Restricted	CUP	CUP	CUP	
Personal Storage (Mini Storage)	CUP	CUP	---	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	AUP	AUP	AUP	
Smoking Lounges	---	---	---	
Visitor Accommodations				
Hotels, Motels, and Time Shares	CUP	CUP	CUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications, and Infrastructure Uses				
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale, and Service Uses				
Vehicle/Equipment Rentals				
Office Only	P	P	P	
Limited (no outdoor storage)	---	---	---	
Vehicle/Equipment Repair	---	---	---	
Vehicle Sales	CUP	CUP	CUP	
Vehicle Sales, Office Only	P	P	P	
Vehicle/Equipment Services				
Vehicle Washing	---	---	---	
Refueling/Service Stations	---	---	---	

Table 2-3 Allowed Uses and Permit Requirements	Mixed-Use Zones Permit Requirements			
	P	Permitted By-Right		
	CUP	Conditional Use Permit (Chapter 18.88)		
	AUP	Administrative Use Permit (Chapter 18.88)		
	TUP	Temporary Use Permit (Chapter 18.94)		
	---	Prohibited		
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Other Uses				
Accessory Structures and Uses	P	P	P	
Charitable Organizations and Institutions	CUP	CUP	CUP	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Personal Property Sales	---	---	---	
Public Buildings, Facilities, and Uses	CUP	CUP	CUP	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94

18.12.030 – Development Standards

**Table 2-4
Development Standards for Mixed-Use Zones**

Development Feature (minimum unless otherwise indicated)	MUC	MUL	MUH	Additional Regulations
Parcel Dimensions - Minimum dimensions required for each newly created parcel.				
Parcel Area	12,000 sq. ft.			
Parcel Width	100 ft.			
Parcel Depth	120 ft.			
Density Range	22 - 65 du/acre	0 - 22 du/acre	43 - 86 du/acre	
Floor Area Ratio (FAR) Mixed use development Commercial only Nonresidential only Residential only	1.75 FAR (No more than 0.5 FAR may be in office, retail, and/or service uses)	0.35 FAR 1.0 FAR	2.5 FAR	
Setbacks				
Front	None Required, but shall not exceed 10 ft.			

**Table 2-4
Development Standards for Mixed-Use Zones**

Development Feature (minimum unless otherwise indicated)	MUC	MUL	MUH	Additional Regulations
Parcel Dimensions - Minimum dimensions required for each newly created parcel.				
Side, Each	5 ft.			
Side Adjoining a residential district	20 ft.			
Rear	5 ft.			
Rear Adjoining residential district	20 ft.			
Height	5 stories or 60 ft., whichever is greater	3 stories or 36 ft., whichever is greater	8 stories or 100 ft., whichever is greater	
Open Space – Minimum sq. ft. of open space required for each dwelling unit within the mixed use development. See Table 2-2 for details of common and private open space requirements. All open space areas shall be landscaped in compliance with Chapter 18.28.				
Fencing	Chapter 18.26			
Landscaping	Chapter 18.28			
Lighting	Section 18.34.110			
Outdoor storage/display	Section 18.48.120			
Parking	Chapter 18.30			
Satellite Antennae	Chapter 18.42			
Signs	Chapter 18.32			
Water Efficient Landscape	Municipal Code Chapter 17.06			

18.12.040 – Site Design and Architectural Standards

In addition to the standards specified as applicable to all zones and the regulations for specific land uses and activities, site design and architectural standards apply to all new structures and additions to existing structures:

- A. Residential Component.** The residential component of a mixed use development shall comply with the site design and architectural standards for residential development.

- B. Non-Residential Component.** The non-residential component of a mixed use development shall comply with the site design and architectural standards for the type of non-residential development..

- C. Open Space – Common and Private.** All common and private open space areas shall comply with the requirements of the applicable zone

Chapter 18.14 – Commercial Zones (C-G, C-N, and C-O)

Sections:

- 18.14.010 – Purpose and Intent
- 18.14.020 – Land Use Regulations and Allowable Uses
- 18.14.030 – Development Standards
- 18.14.040 – Site Design and Architectural Standards

18.14.010 – Purpose and Intent

The purposes of each commercial zone and the manner in which they are applied:

- A. C-G – Commercial General Zone.** This zone is intended to accommodate developments that support regional and local retail uses due to the presence of a high volume of vehicle traffic. Commercial land uses serve broader regional market areas and generally include retail and commercial services, professional and business offices, and community facilities. Residential uses are not allowed in this zone as it is intended to promote and protect retail and service uses in order to diversify the City's tax base. Site development standards encourage large development projects and provide for appropriate landscaping, parking, setbacks, and buffering features from neighboring residential uses and other features that serve to create attractive, efficient, and well-designed developments. Appropriate land uses include hotel, office, retail, and service-oriented business activities serving a community-wide area and population or broader market. This zone implements the General Commercial (GC) land use designation in the General Plan.
- B. C-N – Commercial Neighborhood Zone.** This zone provides for a variety of business, office, professional, retail, service-oriented business activities, and community facilities serving a local community area and population. Other uses determined to be compatible with the primary uses are also allowed. Site development standards encourage smaller projects and are aimed at creating an attractive and pedestrian-oriented retail frontage with structures and entrances located immediately adjacent to the sidewalk. Parking shall be located on surface parking lots located at the rear or side of the structures they are designed to serve and the City may grant reductions for parking requirements as the parcel sizes are generally small. This zone implements the Neighborhood Commercial (NC) land use designation in the General Plan.
- C. C-O – Commercial Office Zone.** This zone is intended to diversify the job and economic base of the City and to provide the opportunity for more residents to work in the City. This zone is applied to specific districts around the City. Site development standards serve to create urban office environments with minimal setbacks, pedestrian-oriented building massing, and building entrances facing the primary street. Parking shall be located within structures or surface parking lots located at the rear or side of the structures they are designed to serve. Appropriate land uses include single-tenant or multi-tenant offices that include administrative, corporate, financial, high-tech, legal, medical, professional, and general business offices, and research and development uses. Other supporting service type uses that together create concentrations of office employment or community activity are also allowed. Temporary lodging uses are also allowed. This zone implements the Office Commercial (OC) land use designation in the General Plan.

18.14.020 – Land Use Regulations and Allowable Uses

- A. Table 2-5.** Table 2-5 sets forth the uses allowed within each commercial zone and any permits required to establish the use.
- B. Additional Regulations.** Where the last column in Table 2-5 includes a cross-reference, the regulations in the cross-reference shall apply to the use. Provisions elsewhere in the Development Code may also apply.
- C. Design Review.** Design Review is required for new or modified construction activities.

Table 2-5 Allowed Uses and Permit Requirements	Commercial Zones				Specific Use Regulations
	Permit Requirements				
	P	Permitted By-Right			
	CUP	Conditional Use Permit (Chapter 18.88)			
	AUP	Administrative Use Permit (Chapter 18.88)			
	TUP	Temporary Use Permit (Chapter 18.94)			
	---	Prohibited			
Land Use					
See Article 1 for land use definitions.					
See Chapter 18.04 for unlisted uses.					
	C-G	C-N	C-O		
Industry, Manufacturing and Processing, and Warehousing Uses					
Handicraft Industry	P	P	---		
Industry					
Industry, Small (Less than 5,000 sq. ft.)	P	---	---		
Industry, Small (5,000 sq. ft. or greater)	AUP	---	---		
Personal Storage (Mini Storage)	CUP	---	---		
Recycling Facilities					
Small Collection Facilities	CUP	CUP	CUP		
Large Collection Facilities	---	---	---		
Research and Development, General	CUP	CUP	CUP		
Research and Development, Restricted	CUP	CUP	CUP		
Recreation, Education, and Public Assembly Uses					
Charitable Organizations and Institutions	---	---	---		
Clubs	CUP	---	CUP		
Commercial Recreation and Entertainment					
Indoor Facilities	P	AUP	---		
Outdoor Facilities	P	CUP	---		
Dance Academies and Halls	AUP	AUP	AUP		
Electronic Amusement Devices (Up to 5)	---	---	---		
Electronic Amusement Devices (6 or more)	---	---	---		
Cultural Institutions	CUP	---	CUP		
Institutional and Community Facilities	AUP	AUP	AUP		
Park/Plaza/Open Space	P	P	P		
Public Assembly/Meeting Facilities	CUP	CUP	CUP		
Schools, Public and Private (site must be one acre or more)	CUP	CUP	CUP		
Retail Trade Uses					
Alcohol Sales (off-site sale)	CUP	CUP	CUP	Section 18.48.030	
Alcohol Sales (off-site sale), Accessory Uses	CUP	CUP	CUP	Section 18.48.030	
Alcohol Sales (on-site sale)	CUP	CUP	CUP	Section 18.48.030	
Prescription Pharmacies, Medical Supplies	P	P	P		

Table 2-5 Allowed Uses and Permit Requirements	Commercial Zones Permit Requirements			
	P	CUP	AUP	TUP
	Permitted By-Right	Conditional Use Permit (Chapter 18.88)	Administrative Use Permit (Chapter 18.88)	Temporary Use Permit (Chapter 18.94)
	---	---	---	Prohibited
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	C-G	C-N	C-O	Specific Use Regulations
Retail Sales				
Retail Sales (less than 10,000 sq. ft.)	P	P	P	
Retail Sales (10,000 sq. ft. or greater)	AUP	AUP	AUP	
Retail Sales (Used Merchandise) – General	P	---	---	Section 18.48.170
Retail Sales (Used Merchandise) – Restricted	AUP	---	---	Municipal Code Chapter 5.40
Residential Uses				
Child Day Care				
Small (8 or fewer)	---	---	---	
Large (9 to 14)	---	---	---	Section 18.48.050
Small (8 or fewer), as an accessory use to a large commercial project,	CUP	CUP	CUP	
Large (9 to 14), as an accessory use to a large commercial project,	CUP	CUP	CUP	Section 18.48.050
Cooperatives	CUP	CUP	CUP	Section 18.48.050
Multi-Family Dwellings				
Located on 1 st Floor	---	---	---	
Located Above 1 st Floor	---	P	---	
Single-Family Dwellings – Attached Only				
Located on 1 st Floor	---	---	---	
Located Above 1 st Floor	---	P	---	
Two-Family Dwellings – Attached Only				
Located on 1 st Floor	---	---	---	
Located Above 1 st Floor	---	P	---	
Home Businesses	---	HOP	---	Section 18.48.100
Live-work Units	P	P	P	Not allowed on 1 st floor
Service Uses – Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Convalescent Facilities	AUP	AUP	---	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	P	P	P	
Financial Institutions and Related Services, Non-Chartered	CUP	CUP	---	Section 18.50.080
Hospitals, Rest Homes, and Sanitariums	CUP	---	CUP	
Offices – Business	P	P	P	
Offices – Corporate	P	P	P	
Offices – Financial Institutions	P	P	P	
Offices – Medical and Dental	P	P	P	
Offices – Professional	P	P	P	
Outpatient Surgery Facility	CUP	CUP	CUP	

<p>Table 2-5 Allowed Uses and Permit Requirements</p>	<p>Commercial Zones Permit Requirements</p>			
	P	CUP	AUP	TUP
<p>P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Permit (Chapter 18.94) --- Prohibited</p>				
<p>Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.</p>	C-G	C-N	C-O	Specific Use Regulations
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses – General				
Ambulance Services	CUP	CUP	CUP	
Animal Sales and Services (Small)				
Animal Boarding/Kennels	---	---	---	
Animal Grooming	---	---	---	
Animal Retail Sales	---	---	---	
Veterinary Services	CUP	CUP	CUP	
Catering Services	AUP	AUP	AUP	
Dry Cleaning Establishments (Retail Only)	AUP	CUP	---	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast food, or late hours)	P	P	P	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast food, or late hours)	CUP	CUP	CUP	
Funeral Homes and Mortuaries, No Crematorium	---	---	---	
Funeral Homes and Mortuaries, With Crematorium	---	---	---	
Health/Fitness Facilities				
Small – Less than 2,000 sq. ft.	P	P	P	
Large – 2,000 sq. ft. or greater	AUP	---	AUP	
Laboratories	P	---	AUP	
Maintenance and Repair Services	P	P	P	
Personal Services				
Massage Establishments	---	---	---	
Massage Services, Accessory	---	---	---	
Nail Salons	P	P	P	
Personal Services – General	P	P	P	
Personal Services – Restricted	AUP	AUP	AUP	
Studio	P	P	P	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	P	P	P	
Smoking Lounges	---	---	---	Prohibited throughout the City
Visitor Accommodations				
Hotels, Motels, and Time-Shares	AUP	CUP	AUP	
Bed and Breakfast Inns	CUP	CUP	CUP	

Table 2-5 Allowed Uses and Permit Requirements	Commercial Zones Permit Requirements			
	P	CUP	AUP	TUP
	Permitted By-Right	Conditional Use Permit (Chapter 18.88)	Administrative Use Permit (Chapter 18.88)	Temporary Use Permit (Chapter 18.94)
	---	---	---	Prohibited
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	C-G	C-N	C-O	Specific Use Regulations
Transportation, Communications, and Infrastructure Uses				
Communication Facilities	P	---	P	
Heliports and Helistops	---	---	---	
Parking Facilities for On-site Uses	P	P	P	
Parking Structures, Adjacent to Residential Zone	AUP	AUP	AUP	
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale, and Service Uses				
Vehicle Sales	CUP	CUP	CUP	
Other Uses				
Accessory Structures and Uses	P	P	P	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Outdoor Advertising Structures/Signs	---	---	---	Chapter 18.32
Outdoor Storage and Display	---	---	---	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94

18.14.030 – Development Standards

Table 2-6
Development Standards for Commercial Zones

Development Feature (minimum unless otherwise indicated)	C-G	C-N	C-O	Additional Requirements
Parcel Dimensions – Minimum dimensions required for each newly created parcel.				
Parcel Area	5000			
Parcel Width	None			
Parcel Depth	None			
Setbacks				
Front	None			
Side (Interior, Each)				
Abutting nonresidential	None	None	None	
Abutting residential	10 ft.	10 ft.	10 ft.	

**Table 2-6
Development Standards for Commercial Zones**

Development Feature (minimum unless otherwise indicated)	C-G	C-N	C-O	Additional Requirements
Parcel Dimensions – Minimum dimensions required for each newly created parcel.				
Side (Street side)	None			
Rear Abutting nonresidential Abutting residential	None 20ft.	None 20 ft.	None 20 ft.	
Density	---	0 – 22 du/acre	---	
Floor Area Ratio	2.0 FAR	2.0 FAR 0.35 FAR for ground floor commercial uses	3.0 FAR	
Height	3 stories or 75 ft., whichever is greater	3 stories or 36 ft., whichever is greater	8 stories or 100 ft., whichever is greater.	Structures over 30 feet abutting residential properties. may require additional setback at the discretion of the Director to reduce the impact to neighborhoods.
Fencing	Chapter 18.26			
Landscaping	Chapter 18.28			
Lighting	Section 18.34.110			
Outdoor storage/display	Section 18.48.120			
Parking	Chapter 18.30			
Signs	Chapter 18.32			
Water Efficient Landscape	Municipal Code Chapter 17.06			

18.14.040 – Site Design and Architectural Standards

In addition to the standards specified in the regulations applicable to all and the regulations for specific land uses and activities, all of the following site design and architectural standards shall be applicable in the commercial zones:

A. Access, Circulation, and Loading Areas.

1. The minimum driveway width shall be 20 feet.

2. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the street and the parking lot to the main door of the businesses served shall be designed to avoid conflict with vehicular traffic. Pedestrian paths shall be clearly delineated with pavement materials and/or markings and signage.
3. Dead-end parking aisles shall be avoided.
4. Wherever possible, reciprocal parking area access between adjacent non-residential uses should be provided, subject to the approval of the Review Authority.
5. Loading areas shall be designed and located to avoid conflicts with interior pedestrian and vehicular circulation, and to minimize noise and other impacts on adjacent uses.

B. Commercial Shopping Centers – Site Design and Design Treatments.

1. Structures shall be oriented as close to the street as possible, with parking toward the rear of the site.
2. Shopping centers shall be identified by monument signs and may include a logo. Landmark monuments (i.e., bell towers, clock towers, water features, etc.) are encouraged. Any signs and monuments provided shall be designed and integrated into the architectural theme of the respective complexes.
3. A unified architectural theme shall be applied to all structures within the center and associated signs.
4. Changes in paving texture and color shall be use to distinguish the entry area.
5. Plant materials shall be used to accentuate and distinguish the center from the adjacent streetscape. The planting of annual or perennial color shall be used to distinguish the entries.

C. Scale and Massing.

1. The scale and massing of structures shall achieve a street-level environment accommodating to pedestrians.
2. Structures shall be designed to avoid long, monotonous, plain facades. Appropriate techniques (i.e., staggered building planes, variation of facades, recessed entries) and arcades shall be used to create variety and interest.
3. Commercial structures adjacent to residential uses shall incorporate sensitive transitions in scale and massing. For example, structure mass shall be broken down using height step-backs, articulated sub-volumes, and horizontal and vertical façade articulation.

D. Architectural Treatment.

1. A unified architectural and design theme shall be applied to all structures within a development.
2. Roof lines and materials shall be compatible with the architectural style of the structures.
3. Quality and definable treatment shall be applied to all facades exposed to public view. Blank end walls shall be avoided. Treatments shall include architectural features, landscaping, or art elements that tie into the overall design theme.

4. Particular consideration to color and material shall be given to the design and treatment of roofs due to their potential visual impact. Roof flashing, rain gutters, down spouts, vents, and other roof protrusions shall be screened from view or finished to match adjacent materials and/or colors of the structure.
5. Additions to existing structures shall be designed to match the roofline, style, and colors of the original structure. Where the original structure has limited design quality, the addition shall work to enhance the overall appearance of the site.

E. Walls and Fences.

1. Wall and fencing materials and patterns shall be in compliance with standard requirements and compatible with the style and themes of the structures. Precision block walls are specifically prohibited.
2. Where walls are erected in locations visible from a public right-of-way, the use of full dimension caps, pilasters, and changes in wall surfaces (staggering) shall be applied.
3. In locations where walls might invite vandalism or graffiti, landscaping shall be provided immediately adjacent to the walls.
4. In addition, where walls might invite vandalism or graffiti, an anti-graffiti coating shall be applied.

Chapter 18.16 – Special Purpose Zones (PI, PR, and RM)

Sections:

- 18.16.010 – Purpose and Intent
- 18.16.020 – Land Use Regulations and Allowable Uses
- 18.16.030 – Development Standards

18.16.010 – Purpose and Intent

The purposes of each special purpose zone and the manner in which they are applied:

- A. PI - Public Institutional Zone.** This zone provides for public uses. The zone also allows for a variety of support uses. Appropriate land uses include City buildings, City corporation yards, public schools, fire stations, police stations, and other public uses. Intensity of use is not regulated. . This zone implements the Public/Institutional (PI) land use designation in the General Plan.
- B. PR - Parks and Recreation Zone.** This zone provides for public parks. Trails, community gardens, and other similar uses providing open space and conservation resources and opportunities to surrounding neighborhoods, communities, and the region are allowed. Recreation facilities with an emphasis on outdoor use are also allowed. This zone is encouraged throughout the City. Appropriate land uses include public recreational uses, including public parkland, open space, and associated recreational activities. Other uses determined to be compatible with the primary uses may also be allowed. The allowable intensity is variable, but shall be compatible with surrounding uses. This zone implements the Parks/Recreation/Conservation (PRC) land use designation in the General Plan.
- C. RM - Resource Management Zone.** This zone provides for the conservation and preservation of environmentally sensitive open space lands in a natural condition. This zone applies to the baylands, creeks, and other protected wetlands. Appropriate land uses include only those required for the maintenance and security of the natural landscape Intensity of use is not regulated. This zone implements the Resource Management (RM) land use designation in the General Plan.

18.16.020 – Land Use Regulations and Allowable Uses

- A. Table 2-7.** Table 2-7 sets forth the uses allowed within each special purpose zone and any permits required to establish the use.
- B. Additional Regulations.** Where the last column in Table 2-7 includes cross-reference, the regulations in the cross-reference shall apply to the use. Provisions elsewhere in the Development Code may also apply.
- C. Design Review.** Design Review is required for new or modified construction activities.

Table 2-7 Allowed Uses and Permit Requirements	Special Purpose Zones Permit Requirements			
	P CUP AUP TUP ---	Permitted By-Right Conditional Use Permit (Chapter 18.88) Administrative Use Permit (Chapter 18.88) Temporary Use Permit (Chapter 18.94) Prohibited		
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	PI	PR	RM	Specific Use Regulations
Recreation, Education, and Public Assembly Uses				
Colleges	CUP	---	---	
Commercial Recreation and Entertainment	---	CUP	---	
Community Gardens	---	P	P	
Cultural Institutions	---	---	---	
Open Space and Conservation Resources	P	P	P	
Parks and Recreational Facilities, Commercial				
Active	AUP	AUP	AUP	
Passive	P	P	P	
Parks and Recreational Facilities, Public	P	P	AUP	
Public Assembly/Meeting Facilities	---	---	---	
Schools, Private	---	---	---	
Schools, Public	CUP	---	---	
Trails, Public	---	P	P	
Care Uses				
Congregate Care Homes	---	---	---	
Convalescent Facilities	---	---	---	
Day Care, General	---	---	---	
Emergency Health Care Facility/Urgent Care	---	---	---	
Hospitals	---	---	---	
Residential Care, Accessory Use Only	---	---	---	
Retail Trade Uses				
Alcohol Sales (onsite), Accessory Only	---	---	---	
Retail Sales				
Retail Sales (less than 10,000 sq. ft.)	---	---	---	
Retail Sales (10,000 sq. ft. or greater)	---	---	---	
Service Uses - General				
ATMs	---	---	---	
Dry Cleaning Establishments (Retail Only)	---	---	---	
Eating and Drinking Establishments				

Table 2-7 Allowed Uses and Permit Requirements	Special Purpose Zones Permit Requirements			
	P	CUP	AUP	TUP
	Permitted By-Right	Conditional Use Permit (Chapter 18.88)	Administrative Use Permit (Chapter 18.88)	Temporary Use Permit (Chapter 18.94)
	---	---	---	Prohibited
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	PI	PR	RM	Specific Use Regulations
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast food, or late hours)	AUP	AUP	---	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast food, or late hours)	---	---	---	
Personal Services				
Massage Establishments	---	---	---	
Massage Services, Accessory	---	---	---	
Nail Salons	---	---	---	
Personal Services, General	---	---	---	
Personal Services, Restricted	---	---	---	
Health/Fitness Facilities				
Small – Less than 2,000 sq. ft.	---	---	---	
Large - 2,000 sq. ft. or greater	---	---	---	
Transportation, Communications, and Infrastructure				
Heliports and Helistops	---	---	---	
Parking Facilities, Accessory Only	P	P	---	
Utilities, Minor	AUP	AUP	AUP	
Utilities, Major	AUP	AUP	AUP	
Water Storage Facilities	---	---	---	
Wireless Telecommunication Facilities	See Section 18.46.020			
Other Uses				
Accessory Structures and Uses	P	P	P	
Agricultural Uses – Limited to Community Gardens Only	---	---	CUP	
Caretaker Dwelling Unit	---	---	---	
Charitable Organizations and Institutions	---	---	---	
Residential Dwelling Unit	---	---	---	
Special Events	Municipal Code Chapter 12.08			

Table 2-7 Allowed Uses and Permit Requirements	Special Purpose Zones Permit Requirements			
	P	Permitted By-Right		
	CUP	Conditional Use Permit (Chapter 18.88)		
	AUP	Administrative Use Permit (Chapter 18.88)		
	TUP	Temporary Use Permit (Chapter 18.94)		
	---	Prohibited		
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	PI	PR	RM	Specific Use Regulations
Temporary Uses	TUP	TUP	TUP	Chapter 18.94

18.16.030 – Development Standards

**Table 2-8
Development Standards for Special Purpose Zones**

Development Feature	PI	PR	RM	Additional Requirements
Parcel Dimensions - Minimum dimensions required for each newly created parcel.				
Parcel Area	None	None	2 acres	
Parcel Coverage	30%	10%	10%	
Parcel Width	None			
Parcel Depth	None			
Setbacks				
Front	20 ft.	20 ft.	50 ft.	
Side (Interior, Each)	10 ft.	10 ft.	20 ft.	
Rear	20 ft.	20 ft.	50 ft.	
Floor Area Ratio	None			
Height	2 stories or 26 feet, whichever is greater	1 story or 16 feet, whichever is greater	1 story or 16 feet, whichever is greater	
Fencing	Chapter 18.28			
Landscaping	Chapter 18.28			
Lighting	Section 18.34.110			
Outdoor storage/display	Section 18.34.120			
Parking	Chapter 18.30			
Signs	Chapter 18.32			
Water Efficient Landscape	Municipal Code Chapter 17.06			

Chapter 18.18 – Specific Plans

Sections:

18.18.010 – Purpose and Intent

18.18.020 – Ravenswood Specific Plan

18.18.010 – Purpose and Intent

- A. Purpose.** The purpose of this chapter is to identify the specific plans adopted by the City.
- B. Applicability.**
1. The specific plans identified are detailed in the Council-adopted specific plan for the designated area(s).
 2. In order to maintain the uniqueness, accuracy, character, and integrity of each specific plan, the contents of each Council-adopted specific plan shall govern the purpose, allowable land uses, specific development standards, architectural guidelines, and all other regulatory requirements for each specific plan.
 3. This chapter serves as a reference to each Council-adopted specific plan; the regulations that govern land use in the specific plan area(s) are contained in the relevant specific plan, incorporated for enforcement purposes by this reference, and may be further elaborated in the Development Code as necessary. For matters not detailed in the relevant specific plan or this Code, the general provisions of the Development Code apply.

18.18.020 – Ravenswood Specific Plan

A. Ravenswood Specific Plan Overlay District

The RSP Overlay District, as shown on the official City of East Palo Alto zoning plan, zoning district map on file in the office of the city clerk and incorporated by reference, is established to implement the Ravenswood Specific Plan (RSP). The RSP is a comprehensive, long term planning document for the RSP area, and includes architectural and design guidelines, site development standards, public facility improvement plans, and an environmental mitigation monitoring program to be implemented through zoning and subdivision regulations, development standards, and public and private improvements. The Council makes the following findings:

- (1) Implementation of the RSP will diversify and strengthen the economic opportunities and fiscal health of the city.
- (2) Implementation of the RSP will contribute positively to the city's regional prominence and community character.
- (3) Implementation of the RSP is in accordance with the city's goal to promote smart growth and sustainable development.

B. Ravenswood Specific Plan Overlay Subdistricts

The Ravenswood Specific Plan Overlay District is divided into subdistricts to further refine development requirements within the RSP area. These subdistricts are reflected on Figure 6-1 of the RSP:

1. 4 Corners Gateway (4C), primarily intended to support an enlivened, thriving “downtown” for East Palo Alto, focused around the intersection of University Avenue and Bay Road, accommodating multi-story mixed use buildings with retail stores or community facilities on the ground floor and apartments or condominiums on the upper floors.
2. Bay Road Central (BRC), intended to make Bay Road a lively, inviting corridor creating a strong connection between 4 Corners and Cooley Landing, accommodating multi-story mixed-use buildings with retail store or storefront-type offices on the ground floor and apartments or condominiums on the upper floors, as well as nonprofit uses and performing arts centers. This subdistrict encourages integrated mixed uses with pedestrian friendly and transit supportive development and design features.
3. Ravenswood—Employment Center (R-EC), intended to support the development of a variety of job-creating uses, including high quality research and development (R&D) facilities, as detailed more extensively in the RSP. This subdistrict also allows for nonprofit uses and performing arts centers, as well as businesses that produce goods, distribute merchandise or repair equipment, provided that they do not negatively affect surrounding uses or properties.
4. Industrial Transition (IT), intended to accommodate light industrial uses and live-work units in areas that are near large clusters of single-family homes, while ensuring that the light industrial uses do not adversely affect nearby homes. This subdistrict also allows low-intensity manufacturing and repair businesses that do not attract large amounts of traffic.
5. Waterfront Office (WO), intended to support the construction of Class A offices within the Plan Area, including professional offices and limited supporting retail or other uses.
6. Urban Residential (UR), intended to provide opportunities for the development of single-family and multi-family homes at a moderate density. This subdistrict anticipates a mix of small-lot detached single-family homes; attached single family homes such as townhomes; duplexes, triplexes, and four-plexes; and multiple-family apartments or condominiums.
7. University Village (UV), intended to maintain and enhance the University Village neighborhood, which is a well-defined portion of the Plan Area, encompassing single-family homes along with related public uses, such as schools and parks.
8. Ravenswood---Open Space (R-OS), intended to be placed on those parcels dedicated to conservation of existing open space and development of traditional parks, linear parks and other “public” spaces within the Specific Plan Area.
9. Ravenswood---Flex Overlay (R-FO), provides the developer with options intended to accommodate high-quality office buildings, along with a limited range of manufacturing and repair businesses that do not adversely affect the offices’ surroundings. This subdistrict accommodates professional offices, along with low-intensity manufacturing and repair businesses that do not attract large amounts of traffic.

C. Continuation And Expiration Of Existing Use Permits.

Existing Interim Use Permits, other than for automobile dismantlers, shall automatically expire on October 16, 2022. If the business or nonprofit is in operation at its existing location on July 1, 2022, the owner/operator shall apply for a one year Special Use Permit, which may be granted at the discretion of the Director. Additional yearly extensions may be applied for.

Nothing in this subsection precludes the filing of an Administrative Use Permit or Conditional Use Permit where the use is listed in Table 6-1 of the Ravenswood Specific Plan; or from requesting approval as a New Interim Use.

D. Determination Of New Interim Use.

1. Uses not specifically listed in Table 6-1 of the RSP may be deemed a New Interim Use by the Commission subject to the following:
 - a. The use is proposed to be located within an existing building constructed prior to adoption of the RSP;
 - b. The use does not require the construction of a new building or covered structure or expansion of an existing building or covered structure;
 - c. The Commission has received a written request and has subsequently deemed the use an appropriate interim use based on all the following findings:
 - (1) The use will not be detrimental to the long term success of the implementation of the RSP; and
 - (2) The use will provide employment, services or other public benefits to the City and its residents; and
 - (3) The use does not require the construction or expansion of a building or covered structure; and
 - (4) The use, by its nature, will not be detrimental to the public health, safety and welfare and/or contradictory to the goals and objectives of the General Plan and RSP.
2. A New Interim Use shall not be established or commenced without first obtaining a Special Use Permit (SUP). The initial term of the SUP shall be three (3) years and no time extension shall exceed a total of two (2) years.

E. Submission For New Interim Use Determination.

1. Any applicant requesting consideration by the Commission for a New Interim Use shall file a written request to the Commission on a form provided by the Department.
2. The applicant shall, in addition to the application form, submit the following:
 - a. A detailed description of the proposed use;
 - b. A description of any existing uses and structures on the site and the extent to which the same will be altered, improved or eliminated;
 - c. The period of time being requested for the interim use;

-
- d. Justification as to how the proposed use is consistent with the required findings;
 - e. Other information as may be deemed necessary by the Director.
3. The application shall be accompanied by the payment of a processing fee, in such amount as established from time to time by resolution of the Council.

Title 18 – Development Code
Article 3 –
Regulations Applicable to All Zones

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Chapter 18.22 – Site Planning and General Development Standards

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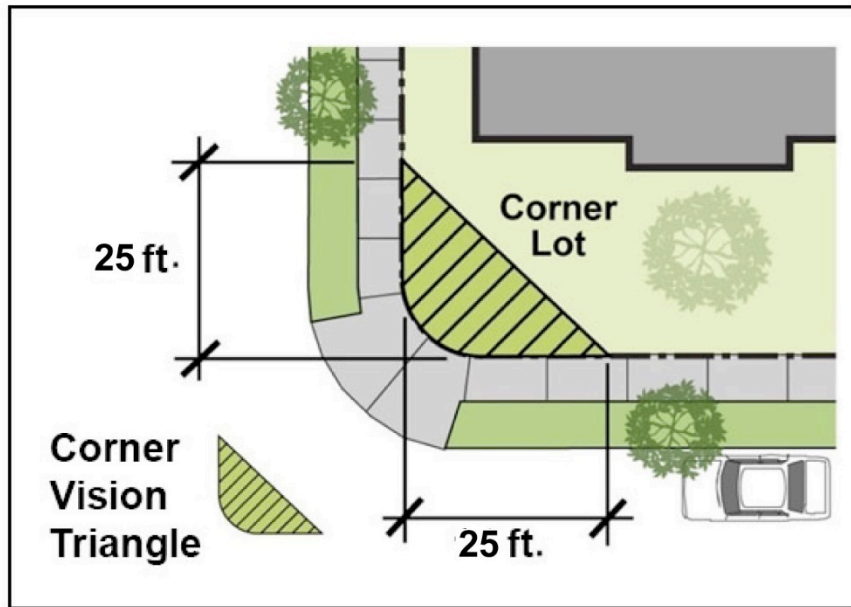
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18.22.010 – Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to ensure development is consistent with the General Plan, complies with all standards, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.
- B. Applicability.**
 - 1. The standards in this chapter apply to all zones.
 - 2. These standards shall be considered in combination with the standards and regulations for each zone and specific land use. Where there may be a conflict, the standards specific to the zone or specific land use shall override the general standards.
 - 3. All structures, additions to structures, and uses shall conform to the standards as determined applicable by the Director.

18.22.020– Corner Vision Triangle

- A. Visibility at Corners of Intersections Required.** Corner parcels shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways.
- B. Corner Vision Triangle Area Described.** The corner vision triangle area is a triangular-shaped area on a corner parcel formed by measuring the prescribed distance from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway and connecting the lines diagonally across the property making a 90-degree triangle. See Figure 3-1.



**Figure 3-1 –
Corner Vision Triangle**

- C. Area of Corner Vision Triangle.** The dimensions of a corner vision triangle are 25 feet from the intersection of two public or private street rights-of-way.
- D. Height Limit.** It is illegal to erect, place, plant, or allow to grow within the corner vision triangle area
1. Fences, walls, signs, accessory structures, mounds of earth, or other visual obstructions over 48 inches in height;
 2. Hedges, shrubbery, and vegetation over or with a growth characteristic over 48 inches in height; and
 3. Tree canopies maintained at a height less than seven feet above ground level, as measured from adjacent street curb elevation.

18.22.030 – Height Limits

A. Height of Structures and Measurement.

1. **Structure height established.** Structures shall not exceed the maximum allowable height for the zone in which the structure is located, except as provided in this section.
2. **Height measurement.** Height shall be measured as the vertical distance from the established grade of the pad to the highest part of the structure, including any protective guardrails and parapet walls. Structures with sloping roofs shall be measured to the peak of the roof. Structures with flat roofs shall be measured to the top of the roof, guardrail, or parapet wall.

B. Mechanical Equipment.

1. **Nonresidential zones.** In nonresidential and mixed use zones, roof-mounted mechanical equipment, not more than 30 percent of the total roof area, including required screening devices, shall be allowed to exceed the maximum height limit by up to five feet. Elevator housings may exceed the maximum allowed height limit by 10 feet.
2. **Residential zones.** In residential zones, roof-mounted equipment is not allowed to exceed the maximum height limit for the zone.

18.22.040 – Mechanical and Electrical Equipment Screening and Outdoor Storage

Multiple-family residential uses and nonresidential land uses shall comply with the standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas as set forth in this section.

A. Roof-Mounted and Ground-Mounted Mechanical Equipment.

1. **Screening required.** The screening of roof-mounted and ground-mounted mechanical equipment is required in all zones at the time of new installation or replacement. Roof-mounted and ground-mounted mechanical equipment other than solar collectors and related equipment shall be screened from public view.
2. **Roof-mounted mechanical equipment.**
 - a. **Screening.** Roof-mounted mechanical equipment shall not be visible from a point six feet above ground level in any direction (360 degrees) from a public right-of-way or adjacent residential property. Screening shall be compatible with the architectural style, materials, and color of the structure upon which the equipment is located, subject to Design Review approval
 - b. **Height limit.** Roof-mounted mechanical equipment and screening shall be subject to a 15 foot height limitation.
3. **Ground-mounted mechanical equipment.**
 - a. **Screening.** Ground-mounted mechanical equipment shall not be visible from a point six feet above ground level and shall be screened from public rights-of-way and/or public property.
 - b. **Setback required.** Ground-mounted mechanical equipment and screening, except landscaping, shall be subject to the setback requirements and any allowed encroachments.
 - c. **Screening methods.** Screening of ground-mounted mechanical equipment shall be accomplished with fences, walls, solid hedges, or other methods approved by the Director. Chain link fencing with or without slats is not allowed.
4. **Sound rating.** Roof-mounted and ground-mounted mechanical equipment shall be subject to the noise requirements.
5. **Mixed Use and commercial zones.** Mechanical equipment within mixed use or commercial zones shall be located so that the impact of noise on residential uses within the development and on adjacent residential uses is minimized to the greatest extent feasible.

6. **Maintenance required.** Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.
- B. Outdoor Storage and Display Areas.** Where equipment, material, or merchandise is allowed to be stored outdoors, these items shall be screened from view.
- C. Solid Waste Storage Areas.** Screening of solid waste storage areas and trash receptacles shall be provided.
- D. Screening and buffering between different zones.**
1. **Nonresidential use.** Where a nonresidential zone, including mixed use zones, abuts a residential zone, to provide appropriate screening and buffering, wall a minimum of six feet in height is required. The nonresidential property owner is responsible for the construction and maintenance of the wall.
 2. **Industrial use.** Where an industrial zone abuts a residential zone, a solid masonry wall a minimum of eight feet in height is required. The industrial property owner is responsible for the construction and maintenance of the wall.

18.22.050 – Outdoor Lighting

A. General Outdoor Lighting Standards.

1. Outdoor lighting shall not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce. All outdoor lighting shall be designed to curtail light pollution, reduce sky glow, help protect the natural environment from the adverse effects of night lighting from gas or electric sources and to conserve energy and resources to the greatest extent possible.
2. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to minimize adverse impacts on adjacent properties and to not produce glare onto adjacent properties or roadways. Parking area light fixtures and light fixtures on structures shall be full cut-off fixtures.
3. In parking areas, light fixture poles shall not be more than 30 feet in height and lamps shall be high pressure sodium (HPS), unless modified by the Review Authority.
4. Flashing, revolving, or intermittent exterior lighting visible from any property line or street is prohibited.

B. Outdoor Lighting Standards for Nonresidential Uses.

1. The average maintained lighting levels for nonresidential uses, including mixed uses, shall not exceed the following standards:
 - a. Five foot-candles for parking lots and other open areas measured at all property line boundaries, as applicable.
 - b. Ten foot-candles along fronts of structures and along main drive aisles within parking lots; and
 - c. Twenty foot-candles for high security areas (e.g., automated teller machines, motor vehicle display areas, and under vehicle fuel station canopies), but not

including parking areas. Lighting levels shall be reduced to a maximum of 10 foot-candles after the close of business.

2. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare;
3. Lighting levels shall not exceed 0.1 foot-candles at any common property line with property zoned, used as, or planned for residential uses, including residential uses in a mixed use zone; and
4. A photometric plan certified by a licensed lighting engineer may be required as part of a development application to determine compliance if it is determined that there is a potential for a significant negative impact on surrounding land uses, adjacent roadways, or sensitive habitat areas.

C. Outdoor Lighting Standards for Multiple-Family Uses. The average maintained lighting levels for multiple-family developments shall not exceed the following:

1. 0.1 foot candles at property line boundaries; and
2. Ten foot-candles at structures, parking lots, sports areas, or other similar areas at property line boundaries.

D. Outdoor Lighting Standards for Structures, Man-Made Objects, and Landscapes. Spotlighting or floodlighting used to illuminate structures, statues, signs, or any other objects mounted on a pole, pedestal, or platform, or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the subject feature with minimum light spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a structure shall be directed downward.

E. Lighting Zones. The City Council may designate areas as lighting zones, defined as follows, and impose specific requirements as necessary:

1. **No ambient lighting (LZ-0).** Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. User vision is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.
2. **Low ambient lighting (LZ-1).** Areas where lighting might adversely affect flora and fauna or disturb the character of the area. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. Most lighting should be extinguished or reduced as activity levels decline.
3. **Moderate ambient lighting (LZ-2).** Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. Lighting may be extinguished or reduced as activity levels decline.
4. **Moderately high ambient lighting (LZ-3).** Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. Lighting may be extinguished or reduced in most areas as activity levels decline.

5. **High ambient lighting (LZ-4).** Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. Lighting may be extinguished or reduced in some areas as activity levels decline.

F. Exemptions. All of the following are exempt from the requirements of this Section:

1. Airport lighting, lighting of the American flag, and lighting governed by state or federal law;
2. Street lighting installed within the public right of way;
3. Lighting required by the Building Code;
4. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less; and
5. Construction and emergency lighting used by construction workers, police, firefighting, or medical personnel, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring the lighting.

18.22.060 – Setback Regulations, Exemptions, and Encroachments

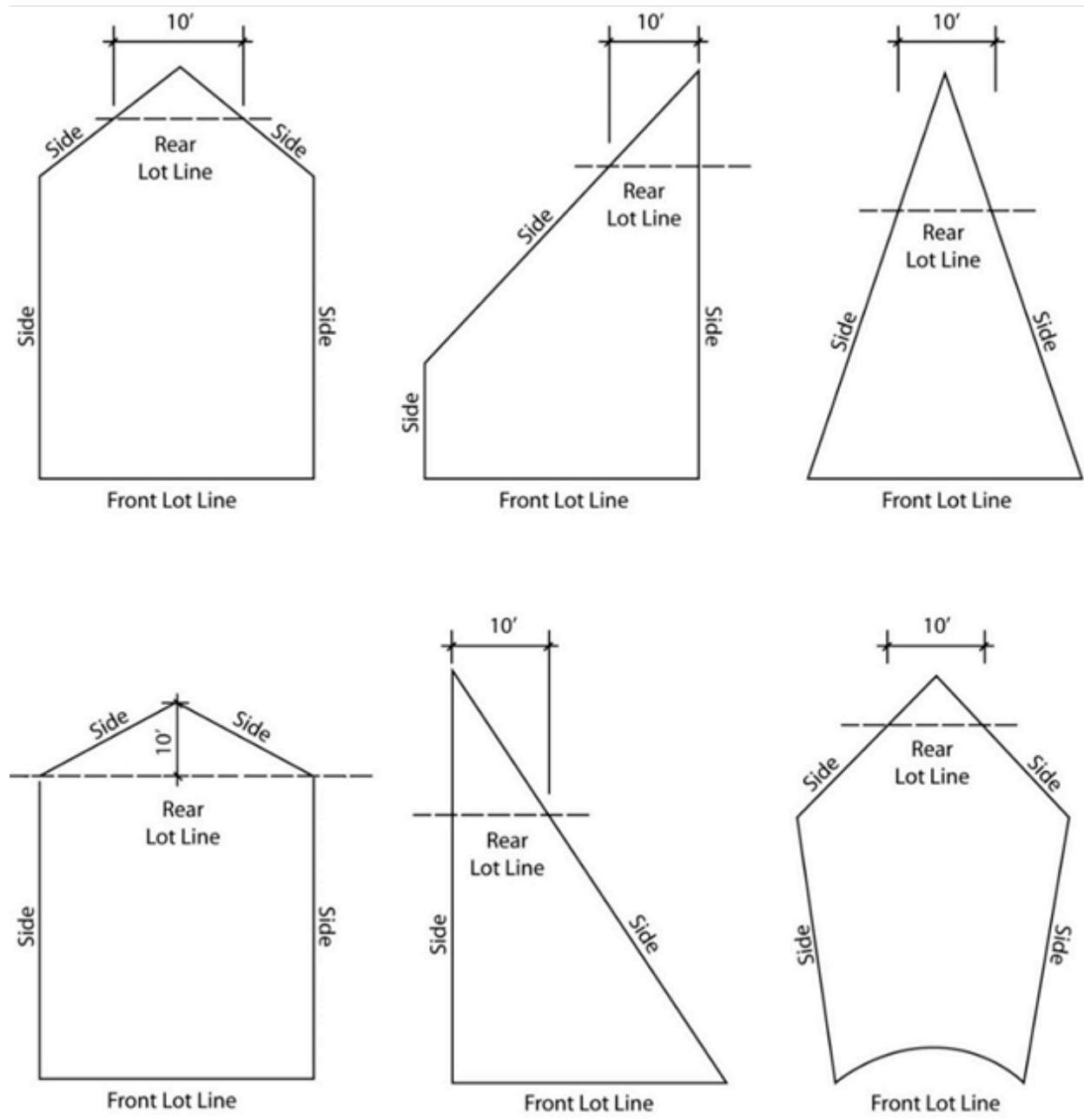
Setback standards are to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geologic hazards.

A. Setback Requirements.

1. **Principal structures.** Principal structures shall conform to the setback requirements established for each zone and any specific uses.
2. **Setback areas to be open.** Each required setback area shall be open and unobstructed from the ground upward, except as otherwise provided.

B. Location and Measurement of Setbacks. Setbacks shall be located and measured as follows:

1. **General.** The distance/depth of a setback area (i.e., front, side, or rear) shall be measured at right angles from the nearest property line establishing a setback area line parallel to that property line.
2. **Front setback area.**
 - a. **General.** The front setback area shall extend across the entire width of the parcel frontage. The Director shall have the discretion to identify the front setback based on the location of the nearest point of the front wall of the structure to the official plan line.
 - b. **Corner parcel.** The front setback area for a corner parcel is the required distance parallel to the shortest property line adjoining the street.



**Figure 3-2 –
Rear Setback Areas on Irregularly-Shaped Parcels**

C. Allowed Encroachments into Setback Areas. Encroachments into required setback areas are allowed in compliance with the following standards:

1. Awnings, canopies, chimneys, cornices, eaves, bay windows and greenhouse windows, or any other architectural features may extend into front, side, or rear setback areas a distance not exceeding two feet; provided that no architectural feature shall extend to within three feet of any side or rear parcel line.
2. Fire escapes may extend into a front, side, or rear setback a distance not exceeding four feet.
3. Stairways, landing places or uncovered porches may extend into a front setback a distance not exceeding six feet and may extend into a side or rear setback a distance not exceeding three feet provided that:
 - a. The landing place or uncovered porch shall have its floor no higher than the entrance floor of the adjacent structure;
 - b. A railing no higher than 42 inches may be placed around the landing place or uncovered porch;
 - c. The stairway, landing place, or porch is unroofed and unenclosed above and below;
 - d. The stairway, landing place, or uncovered porch shall not reduce the effective side setback clearance to a distance less than three feet; and
 - e. It can be demonstrated that the stairway, landing place or uncovered porch is required for access into the main structure as a reasonable accommodation through submission and approval of a Reasonable Accommodation Application.
4. A covered porch structure, one story in height, open on the street side and at least one other side may project five feet into the required setback. If a covered porch is incorporated into the design of a single-family residence so that a street facing attached garage wall/door is set back a minimum of five feet from the front of the porch, the street facing garage wall/door shall be set back a minimum of 23 feet from the front property line.
5. Fences, hedges, and walls may be established within required setback areas in compliance with the standard requirements.

18.22.070 – Solid Waste and Recyclable Materials Storage

Standards for the provision of solid waste (refuse) and recyclable material storage areas support the City's compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911) and apply to new multiple-family residential development, nonresidential development, and changes to existing multiple-family or nonresidential development which increase gross floor area by 30 percent or more. Recycling and solid waste facilities (including carts, bins, containers, and enclosures) shall be adequate in capacity, number, and distribution to serve the uses on-site as determined by the Review Authority.

A. General Requirements.

1. Any additions to nonresidential structures that equal or exceed 30 percent of the existing floor area of structures on a site shall require the property owner to provide adequate enclosures for the storage of recycling containers and solid waste containers.
2. Plans depicting the proposed design, materials, size and location of enclosures, and the number, size, type, and placement of bins and containers shall accompany each development application, which will in turn be reviewed by the City's solid waste franchise hauler to ensure design enables solid waste servicing. The Director may approve a development application, require modifications, or may impose additional requirements to ensure the safe and efficient collection of solid waste and recyclable materials.
3. Plans shall include an adequate number of bins and containers located within the enclosed storage areas to allow for the collection and loading of solid waste, green or organic waste, and recyclable materials generated by the development project.
4. The enclosure shall be adequate in size for garbage, recycling, green or organic waste and, if a restaurant or office building with kitchens, oil, fat and grease containers. The City's franchise waste hauler may assist with calculating the estimated waste generation, and the footprint of each bin or cart within the enclosure. There shall be enough space to allow each bin to be accessed easily by building occupants and service providers.
5. Each recycling and solid waste enclosure shall have four sides and meet the following minimum requirements:
 - A water-tight bermed area for bin storage at least four inches high to preclude spills and leaks from escaping into the surrounding area.
 - The enclosure must be at street level, or within 25 feet from a public street or a paved roadway that is at least 16 feet wide.
 - One side of the enclosure shall include a door or gate, unless the containers are stored inside a standard building.
 - The enclosure gates must open a minimum of 90 degrees (straight out or wider) and have "cane bolts" to secure them from moving while the bins/carts are being serviced.
 - Hinges and gate shall be flush with the enclosure wall in order to allow adequate maneuverability of the bins/carts in and out of the enclosure for service.
 - Enclosures shall be a minimum of six feet high and fully screen all materials and containers from public view.
 - The enclosure shall be completely covered with a solid roof with a minimum one-foot open clearance between enclosure walls and bins to allow for ventilation.
 - The enclosure shall contain bump stops to keep the bins/carts from hitting walls.
 - Each recycling and solid waste enclosure shall be connected to a sanitary sewer line, approved by the local sanitary district.
 - The enclosure shall be level or at a grade of less than 2 percent.
 - A vertical height clearance of 25 feet is required for accessing containers.
 - Two feet of space is required between the bins/carts and enclosure bump stops.
 - Permanent, weatherproof "No Parking Signs" shall be placed on the outside of the enclosure, and the property owner shall ensure enclosures are not blocked on service days.
 - Permanent, weatherproof educational signs shall be hung inside the enclosure to educate users on the garbage and recycling programs and appropriate disposal sorting.
6. Recycling and solid waste enclosures shall not be located in any parking, landscape, or setback areas, including any increased setbacks on commercial and industrial properties

as required by the Development Code, unless otherwise approved by the Review Authority.

7. The property owner is responsible for the maintenance and cleanup of recycling and solid waste enclosures and for preventing any materials from exiting the enclosure.
8. The recycling and solid waste contractors are responsible for ensuring proper maintenance of their respective bins and containers. Each refuse bin shall be covered with a lid at all times, and the bins shall be sized to ensure the lid forms a seal when closed.
9. A sign shall be permanently posted or painted on each container clearly identifying the name and telephone number of the company responsible for maintaining the containers.
10. In a development complex where driveways do not circulate from street to street, a turnaround area for the collection vehicle shall be provided. A truck turning radius of 40 feet is required. For backup distances of greater than 150 feet, a turnaround shall be provided.
11. Vehicle access to the enclosure shall be unobstructed and provide a minimum of 15 feet vertical clearance.
12. The loading area shall have a minimum 20 feet vertical clearance with a concrete stress apron extending eight feet from the enclosure opening engineered to withstand a 60,000 pound vehicle. A level concrete pad consisting of five inch aggregate base and six-inch Portland cement paving, or equivalent, as approved by the Director, shall be constructed in front of each enclosure for the collection vehicle.
13. Landscaping adjacent to the enclosure to screen the enclosure from view may be required by the Review Authority.
14. If used, each garbage chute installed on a property shall include two additional chutes (one for recycling and another for green organic waste) located within ten feet to assist the City in reaching landfill diversion goals.

B. Residential Development.

1. Single-family and multiple-family dwellings of three or fewer units shall store recycling, green or organic waste, and solid waste containers so they are either screened from public view from the public right-of-way or stored in the side yard of the premises behind the front of the dwelling. Containers may remain in public view during the 54-hour period commencing at 12:01 a.m. on the day preceding the day of scheduled pick-up and terminating at 6:00 a.m. on the day following the pick-up.
2. Multiple-family uses of four or more dwellings shall provide recycling and solid waste enclosures for storage of recyclable materials, solid waste, and refuse.
 - a. Enclosures shall be constructed of wood or masonry compatible with the main structure(s).
 - b. Enclosure doors shall be of solid steel or aluminum.
 - c. Enclosures shall be located within a maximum of 250 feet from any unit they are designed to serve, unless otherwise approved by the Review Authority.

C. Commercial/Office/Mixed Use/Public Facilities Uses.

1. Enclosures shall be constructed of masonry with exterior material that matches the main structure(s).
2. Enclosure doors shall be of solid steel.

D. Industrial Uses.

1. Enclosures shall be, at minimum, slatted chain link fencing. The Director may require enclosures to be constructed of wood or masonry to be compatible with the main structure(s) or to enhance the public view of the enclosure.
2. Fencing shall be a minimum of six feet in height.

E. Exemptions. All of the following are exempt from the requirements of this section:

1. Recycling bins not accessible to the general public used exclusively by a business for its recycling program.
2. Recycling centers approved by the City.

Chapter 18.24 – Accessory Structures

Sections:

- 18.24.010 – Purpose and Applicability
- 18.24.020 – Permit Requirements
- 18.24.030 – Standards for Accessory Structures

18.24.010 – Purpose and Applicability

- A. Purpose.** This chapter establishes standards for the development and use of accessory structures customarily incidental to an allowed primary use. The development standards are intended to ensure that accessory structures do not adversely impact either adjacent parcels or the surrounding neighborhood or uses, and are developed in a manner that protects the integrity of the zone.
- B. Applicability.** The provisions of this chapter apply to all accessory structures.

18.24.020 – Permit Requirements

- A. Permits.** The construction and/or relocation of detached accessory structures require a building permit to ensure compliance with the Development Code, unless specifically exempted.
- B. Exemptions for Residential Zones.** Storage sheds and other similar accessory structures that comply with the following regulations are required to receive a Zoning Clearance.
 1. The footprint of the structure is not more than 120 square feet and is less than 15 feet in total height;
 2. The structure does not occupy more than 25 percent of the rear setback area;
 3. The structure is located at least three feet from all property lines and at least three feet from any adjacent structures;
 4. The structure does not exceed the site coverage limitations for the zone in which it is located;
 5. The structure is constructed of materials that are visually appealing, painted or stained (unless natural wood will weather attractively), and if the structure has a pitched roof, the roof does not produce glare;
 6. The structure is built to the specifications of the California Building Code as well as any other applicable codes in force;
 7. If the structure is proposed on a corner parcel, it shall not encroach upon the exterior side setback; and
 8. The structure is not proposed in any setback other than the rear setback, unless approved by the Director.

18.24.030 – Standards for Accessory Structures

A. Residential Zones, Nonexempt Structures.

1. **Structures greater than 120 square feet.** A one-story detached accessory structure with a footprint greater than 120 square feet may be constructed after approval of a Zoning Clearance and obtaining building permits, if all of the following requirements are met.
 - a. The structure does not occupy more than 25 percent of the front or rear yard.
 - b. At least 750 square feet of useable rear yard area is maintained.
 - c. The structure has a height no greater than 15 feet.
 - d. The structure is located as follows:
 - a. At least six feet from the rear property line;
 - b. In the rear half of the lot.
 - c. At least three feet from side property lines; and
 - d. At least six feet from any adjacent structures.
 - e. The structure has a projected roof area of less than 1,000 square feet;
 - f. The structure does not exceed the site coverage limitations for the zone in which it is located;
 - g. The structure is constructed of a material that is visually appealing, painted or stained, fully enclosed, and with a hip or other approved roof that does not produce glare, and of a compatible exterior appearance with the principal structure on the premises;
 - h. The applicant has submitted plans to the Building Official and has received a building permit to proceed with construction; and
 - i. If the structure is proposed on a corner parcel, the structure does not encroach upon the exterior side setback.
2. **Additional location requirements.** Detached accessory structures in residential zones shall conform to all of the following additional location regulations within the parcel:
 - a. Accessory structures shall not be allowed in the front first half of a lot.
 - b. On an interior parcel abutting upon one street, a detached accessory structure shall not be erected or altered so as to encroach upon the front setback of the parcel;
 - c. On an interior parcel abutting upon two or more streets, a detached accessory structure shall not be erected or altered so as to encroach upon the one-fourth of the parcel nearest either street;

- d. On any corner parcel, a detached accessory structure shall not be erected or altered so as to be closer to any street side property line than a distance equal to the width of a side setback required for the parcel;
- e. No natural gas-fueled or electrical heating or air conditioning apparatus, pump, plumbing, or other mechanical equipment shall be installed within any accessory structure (with the exception of a single wash basin and/or plumbing required for a washing machine), unless otherwise approved by the Director.

B. Nonresidential Zones, Development Standards. All of the following regulations apply to all accessory structures in nonresidential and mixed use zones:

1. **Incidental to the primary structure or use.** The accessory structure shall serve occupants and/or patrons of the primary structure or use and shall not alter the character of the site or use;
2. **Height.** The height is limited to one story no greater than 15 feet in height;
3. **Setbacks.** All accessory structures shall meet the setback requirements for the zone in which they are located;
4. **Site coverage.** The total square footage of all accessory structures on a parcel, including any exempt structures, counts toward the calculation of total site coverage for the zone in which they are located; and
5. **Architectural consistency.** All accessory structures shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, roof materials, and architectural style, as determined by the Director.

C. Exemptions. Ancillary structured parking serving a building complex. The development standards applicable to ancillary structured parking shall be the same standards applied to the building complex, not the standards set forth in this chapter for accessory structures generally.

Chapter 18.26 – Fences, Hedges, and Walls

Sections:

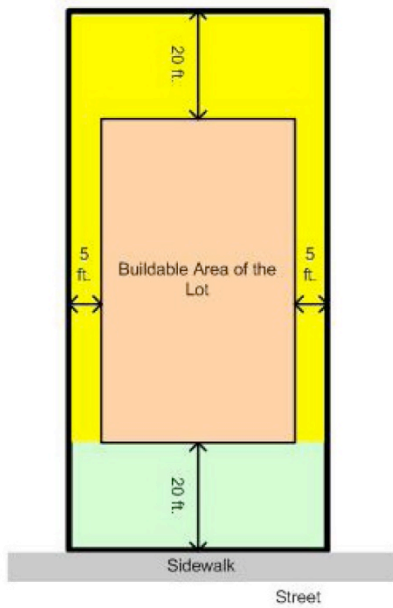
- 18.26.010 – Purpose and Applicability
- 18.26.020 – Location and Height
- 18.26.030 – Measurement of Fence or Wall Height

18.26.010 – Purpose and Applicability




- A. Purpose.** This chapter establishes standards for the construction and maintenance of fences and walls, and the planting and maintenance of hedges used for screening or buffering purposes. The standards are intended to ensure that all fences, hedges, and walls provide desired privacy and safety but do not create a public safety hazard or nuisance, and meet the City's standards for quality design and maintenance
- B. Applicability.** The regulations in this chapter apply to all fences, hedges, and walls in all zones.

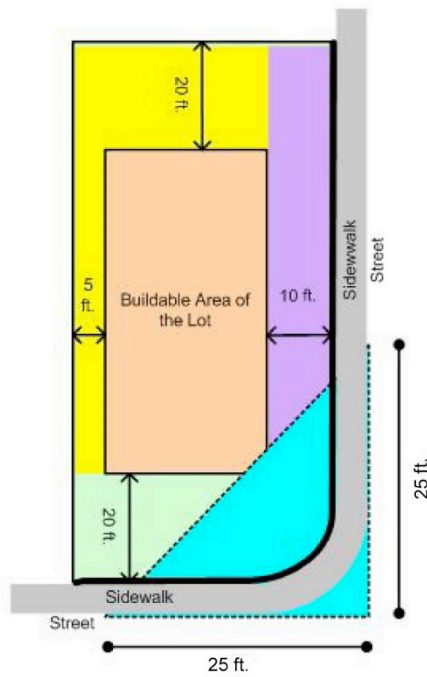
18.26.020 – Location and Height

- A. General.** Fences, hedges, and walls shall be subject to all of the following regulations, unless an exception applies.
 - 1. Fences, walls, and hedges not exceeding four feet in height may occupy any front setback area. See Figure 3-3.
 - 2. Fences, walls, and hedges not exceeding six feet in height may occupy any side or rear setback area, provided:
 - a. They do not extend into any required front setback; and
 - b. In the case of a corner parcel, they do not extend into the side setback area required along a side street or into that portion of the rear setback area abutting a side street that is equal to the width of the side setback required on the side street.
 - 3. The installation of fences, hedges or walls for the expressed purpose of creating a gated community is expressly prohibited by the City.



**Interior Lot
Fence Height Allowed:**

-  6 ft. in required rear and side yard
-  4 ft. in required front yard
-  Any height outside required yards (with building permit)



**Corner Lot
Fence Height Allowed:**

-  6 ft. in required rear and side yard
-  4 ft. in required front yard
-  4 ft. in 25 ft. vision triangle
-  Any height outside required yards (requires building permit if over 6 ft.)
-  4 ft. if street frontage is less than 100 feet OR 6 ft. if street frontage is more than 100 ft.

NOTE: All fences must be located within private property.

**Figure 3-3 –
Fence Height**

- B. Corner Vision Triangle.** All fences, hedges, and walls shall comply with the height limitations required for safe vision.
- C. Trees to be Trimmed.** Where trees are located within 25 feet on the intersected street lines, the main trunks of the trees shall be trimmed free of branches to a height of seven feet above the grade of the nearest street curb.
- D. Prohibited Fence Materials.** Barbed wire, electric fence, razor wire, and other similar materials are prohibited in all zones.

18.26.030 – Measurement of Fence or Wall Height

- A. Flat Elevation.** Fence height shall be measured as the vertical distance between the highest finished grade of the ground abutting the fence and the top edge of the fence material. Adjacent grades shall not be artificially elevated in order to allow for a fence or wall that is higher than the allowable maximum height.
- B. Uneven Grade.** Whenever there exists an abrupt shift in the height of the land at the boundary between two property owners the lower owner may erect a fence, wall or hedge on the boundary to the height limit, but in no event shall it be more than eight feet in height.

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Chapter 18.28 – Landscaping and Trees

Sections:

- 18.28.010 – Purpose
- 18.28.020 – Applicability
- 18.28.030 – Landscape Requirements
- 18.28.040 – Tree Regulations

18.28.010 – Purpose

- A. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- B. Establish a standard for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- C. Establish provisions for water conservation practices and water waste prevention for existing landscapes;
- D. Use water efficiently without waste by establishing regulations to reduce water use to the lowest practical amount;
- E. Preserve trees for the health, safety, and welfare of the community; and
- F. Use trees to preserve scenic beauty, prevent erosion of topsoil, protect against flood hazards, counteract pollutants in the air, maintain climatic balance, and decrease wind velocities.

18.28.020 – Applicability

- A. The provisions of this chapter apply to the following landscape projects and the removal of trees:
 - 1. All landscape projects identified in Chapter 17.06 of the Municipal Code;
 - 2. All new single family residential subdivisions; and
 - 3. Any proposed removal of a tree.

18.28.030 – Landscape Requirements

- A. **General.** All landscape projects for new construction of 500 square feet or more or rehabilitated landscapes of 1,000 square feet or more, shall comply with the provisions of the City's Water Conservation in Landscaping Ordinance, Municipal Code Chapter 17.06.
- B. **New Single Family Subdivisions.** For all new single family residential subdivisions there shall be a minimum of one tree for each parcel. If a parcel has frontage on more than one street there shall be a minimum of one tree for each street frontage. Trees shall be placed within the front yard area. This requirement is in addition to the 150 square feet of permanent private open space that is required for each parcel within a single family subdivision.

- C. **Other Subdivisions and Common Land.** For multiple family residential subdivisions, non-residential subdivisions, and common land there shall be a minimum ratio of one tree for every 50 feet of street frontage. This requirement is in addition to landscaping required within parking lots.
- D. **Tree Variety and Size.** Trees may be of the hardwood or softwood varieties. Each tree shall be at least one and one-half inches in caliper. Tree species must be appropriate for the site. A maximum of 40 percent of one species may be used to meet planting requirements within each subdivision.

18.28.040 – Tree Regulations

- A. **Applicability.** Every owner of real property within the City, and every person responsible for removing or damaging a tree, regardless of whether the person is engaged in a tree removal business, is subject to the tree regulations.

- B. **Definitions.**

1. **Tree.** "Tree" means a woody perennial plant characterized by having a main stem or trunk, or a multiple-stemmed trunk system, with a more or less definitely formed crown, and usually over 10 feet high at maturity. This definition does not include trees planted, grown, and held for sale by licensed nurseries or the first removal or transplanting of trees as part of the operation of a licensed nursery business.
2. **Protected tree.** "Protected tree" includes all of the following:
 - a. Any tree having a main stem or trunk that measures 24 inches or greater in circumference at a height of 40 inches above grade;
 - b. Any tree within a public street or public right-of-way, regardless of size;
 - c. Any tree that was required to be preserved as a condition of a development approval granted by the City;
 - d. Any tree required to be planted as a condition of a development approval granted by the City; and
 - e. Any tree required to be planted as a replacement for an unlawfully removed tree.

Protected trees are required to be preserved unless a removal permit is obtained. Any person who conducts grading, excavation, demolition or construction activity on a property is required to do so in a manner which does not threaten the health or viability of the tree, or cause the removal of any protected tree.

3. **Remove.** "Remove" includes any of the following:
 - a. Complete removal, such as cutting to the ground or extraction.
 - b. Taking any action foreseeably leading to the death of a tree or permanent damage to its health, including but not limited to: excessive pruning, cutting, girdling, poisoning, over-watering, under-watering, unauthorized relocation or transportation, or trenching, excavating, altering the grade, or paving within the dripline.
- C. **Tree Protection Plan.** No construction shall occur within the dripline of a tree. A protective fence shall be installed along the dripline of the tree for the duration of construction. Prior to

construction or grading commencing, the Planning Division will inspect the property to ensure the fence has been installed.

D. Removal of trees without permit. It is unlawful for any person to destroy, remove, cause to be destroyed, or removed any protected tree upon any private or public property in the City without first obtaining a Tree Removal Permit, unless an exemption applies.

E. Exemptions. Tree Removal Permits shall not be required for any of the following:

1. **Emergencies.** If the condition of a tree presents an immediate hazard to life or property, as defined by ANSI A300, it may be removed without a permit on order of the City Manager, Building Official, or the Director;
2. **Trees on public property.** Employees of the City may take action with regard to trees on City owned property as may be necessary to maintain safety;
3. **Public utilities.** Public utilities subject to the jurisdiction of the State Public Utilities Commission may, without a permit, take actions necessary to comply with the safety regulations of the Commission and as may be necessary to maintain safe operation of facilities. Where possible, trees shall be preserved;
4. **Project approval.** No Tree Removal Permit is required where the removal of trees has been authorized as part of a development approval granted by the City.

F. Application and Bond.

1. **Application.** An application for a Tree Removal Permit shall be made to the Director on the form provided. The application shall contain the number and location of each tree to be removed, the type and approximate size of the tree, the reason for removal, and any additional information required by the Director. The Director may refer the application to another department, or person for a report, and recommendation.
2. **Tree report.** The applicant shall submit a tree report prepared by a certified arborist. The report shall describe the general specifications (e.g. size, species, etc.) and health condition for the tree(s) requested to be removed. The arborist shall be selected by the applicant from a list of certified arborists maintained by the Department. Any expense associated with the preparation of the tree report shall be the responsibility of the applicant.
3. **Bond.** A bond or cash deposit shall be placed with the City for the true cost, including staff time, of replacement trees as mitigation for the removal of trees. The bond or cash deposit shall be removed upon proof of replacement of the required trees either through planting or payment of an in lieu impact fee.
4. **Notification.** The property owner shall be required to notify abutting property owners and tenants, if any, twice. First, upon submittal of the permit, and if approved, a second time at least 48 hours prior to removal. The notification shall be in a written form that demonstrates proof of delivery to abutting owners and tenants.

G. Criteria for Removal. Issuance of a Tree Removal Permit shall be determined on the basis of the following criteria:

1. The tree is dead or infected with a terminal disease;
2. The tree is structurally unsound and cannot be corrected or the risk cannot be significantly reduced by traditional pruning, cabling, or bracing; or

3. The tree is causing visible damage to property, which cannot be corrected without destroying the tree canopy or root system.
- H. Criteria Supporting Denial of Authorization to Remove.** Applications for a Tree Removal Permit may be denied for any of the following reasons:
1. The tree is an important asset to the community based on its service as part of a windbreak system, its assistance in stormwater drainage, the avoidance of soil erosion, mitigation of urban heat island effect, its service as a component of wildlife habitat, its role in maintaining the existing urban forest, or its contribution to reducing reflective glare from buildings and pavement;
 2. The tree contributes substantially to the aesthetic beauty of an area and its removal would adversely affect the appearance of the area. The tree's potential, or lack thereof, for a long life and for a substantial increase over time of its contribution to the City's urban forest shall be taken into consideration in making this determination; or
 3. The tree is a member of a group of trees mutually dependent on each other for survival, structural integrity, or aesthetics.
- I. Replacement of Trees or In Lieu Fee.** If a tree is allowed to be removed, the applicant shall be required to either plant replacement tree(s) of an equivalent value or pay an in lieu fee. Replacement tree(s) planted on-site are a priority. More than one replacement tree may be required to accomplish the goal of replacing the lost canopy. If replacement cannot be fully accomplished on-site, staff may authorize in-lieu fees. The value of the removed tree(s) shall be calculated in compliance with the latest edition of the Guide for Establishing Values of Trees and Other Plants, as prepared by the Council of Tree and Landscape Appraisers.
- J. Appeal Procedures.** An appeal of the decision of the Director regarding a Tree Removal Permit shall be processed in compliance with the standard appeal procedures.
- K. No Liability Upon City.** No liability shall be imposed upon the City or upon any of its officers or employees for damages related to an unsafe tree to relieve the owner or occupant of any private property from the duty to keep in safe condition any trees upon the property or adjacent to or overhanging the public right-of-way.
- L. Violations and Penalties.** The violation of a provision contained in this section is declared to be unlawful and shall constitute an infraction and a public nuisance, subject to enforcement as determined by the City. In addition, a person who intentionally removes or destroys a protected tree without approval of a Tree Removal Permit, or negligently causes the removal or destruction of a protected tree, shall be subject to
1. Replacing on-site each unlawfully removed tree with three new trees or a greater number of new trees as the Director may determine to be necessary to ensure the replacement of the lost canopy and to provide an aesthetic quality reasonably equivalent to the unlawfully removed tree within 10 to 15 years. The size, species, and condition of the replacement trees shall be subject to approval by the Director. All replacement trees shall be maintained by the property owner under a five-year maintenance agreement with the City.
 2. Where the Director determines that on-site replacement trees will not provide sufficient reasonably equivalent canopy cover and aesthetic quality, the Director shall determine the cost of the mitigation needed to remedy the effects of the removal based upon the value of the unlawfully removed tree(s) in compliance with the latest edition of the Guide for Establishing Values of Trees and Other Plants, as prepared by the Council of Tree and Landscape Appraisers, and the cost of planting replacement trees elsewhere. The

established value of the tree(s) shall be the civil penalty for violation of this section in addition to the penalty prescribed by law for the commission of an infraction offense.

3. A violation of any provision by a person of a tree removal, landscaping, construction, or other business in the City shall constitute grounds for revocation of the Business License issued to the person or business.

Chapter 18.30 – Off-Street Parking and Loading

Sections:

- 18.30.010 – Purpose
- 18.30.020 – Applicability
- 18.30.030 – Permit Requirements
- 18.30.040 – Exemptions
- 18.30.050 – Off-Street Parking Requirements
- 18.30.060 – Exception to Parking Requirements
- 18.30.070 – Compact Parking Spaces
- 18.30.080 – Parking Areas, Development, and Maintenance
- 18.30.090 – Parking Lot Design Standards
- 18.30.100 – Adjustments to Off-Street Parking Requirements
- 18.30.110 – Transportation Demand Management
- 18.30.120 – Bicycle Parking Requirements
- 18.30.130 – Off-Street Loading Requirements

18.30.010 – Purpose

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

- A. Provide for the general welfare and convenience of persons by ensuring sufficient parking facilities are available to meet the needs generated by specific uses and adequate parking is provided, to the extent feasible;
- B. Ensure accessible, attractive, secure, and well-maintained off-street parking and loading facilities;
- C. Increase public safety by reducing congestion on public streets and to minimize impacts to public street parking;
- D. Ensure access and maneuverability for emergency vehicles;
- E. Provide loading and delivery facilities in proportion to the needs of allowed uses; and
- F. Encourage the use of bicycle transportation by providing appropriate bicycle parking facilities.

18.30.020 – Applicability

- A. **Off-Street Parking Required.** Each use, including a change or expansion of a use or structure, shall have appropriately maintained off-street parking and loading areas. A use shall not be commenced and structures shall not be occupied until improvements required by this chapter are satisfactorily completed.
- B. **Change, Enlargement, or Intensification of Use.** Changes in use and enlargement or intensification of an existing use that creates a need for an increase of more than 10 percent in the number of off-street parking spaces shall require compliance with the off-street parking requirements, except as authorized for nonconforming uses, structures and parcels. If a change in use creates a need for an increase of less than five off-street parking spaces, no additional parking facilities shall be required.

18.30.030 – Permit Requirements

- A. **New Parking Facilities.** The design of new parking facilities not otherwise exempt from the parking requirements shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project which creates a need for additional parking. A site plan shall be submitted to the Director in conjunction with the required permit(s) and shall include sufficient detail to determine compliance.
- B. **Modification of Existing Parking Facilities.** Modification or improvement to an existing parking facility which changes the parking space layout, configuration, number of stalls, or landscaping shall first require Director review and approval.

18.30.040 – Exemptions

Parking facility improvements considered minor in nature exempt from permit requirements:

- A. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;
- B. Repair or replacement of damaged planters and curbs in the same location; and
- C. Repair of any defects in the surface of the parking area, including holes and cracks.

18.30.050 – Off-Street Parking Requirements

- A. **Parking Spaces Required by Type of Use.** Table 3-1 establishes the number of spaces and facilities required for off-street parking for the uses specified. These standards shall apply at the time a new structure is erected, when an existing structure is altered or enlarged, when a new land use is established, and/or when a use is intensified by the addition of floor space or seating capacity, unless otherwise specified in this chapter. The Director shall have the discretion to require a parking study, paid for by the applicant, for any project.
- B. **Uses Not Listed.** Where the parking requirements for a use are not specifically listed in Table 3-1, the parking requirements for the use shall be determined by the Director. The Director shall establish a parking standard based upon the requirements for similar uses or by utilizing the ITE Parking Generation Manual.
- C. **Calculation of Spaces Required.**
 1. **Gross floor area.** For the purpose of calculating parking spaces, "floor area" for offices, merchandising, or service types of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area does not include areas used principally for non-public purposes, including kitchens, storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or structures, toilet or restrooms, utilities, dressing rooms, or fitting or alteration rooms. The burden of proof is on the property owner or applicant to provide a site plan to the Director that clearly identifies gross floor area for parking purposes.
 2. **Fractional spaces.** Fractional parking space requirements shall be rounded up to the next whole space.

3. **Bench seating.** In stadiums, sports arenas, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.
4. **Spaces per maximum occupancy load.** References to spaces per occupant are to be calculated on the basis of maximum occupancy approved by the Fire District.

D. Mixed Use Development.

1. **General.** In the case of mixed uses or occupancies in a structure and/or on a parcel, the total number of off-street parking spaces shall be calculated for each use by applying the applicable parking standard for the principal use to each of the separate uses. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.
2. **Parking reduction.** In the event that a mixed use development includes uses that have different peaks in parking demand, (e.g., a mixed commercial and residential development) an alternative parking requirement may be established, as determined appropriate by the Director. The applicant shall be required to pay for a parking study to ensure mixed use development projects are adequately parked if the parking reduction request is being made.

E. Parking Required On-Site. All required parking shall be located on the same parcel or development site as the uses served, except for parking approved to be located off-site.

F. Permanent Availability Required. Each required parking and loading space shall be permanently available and maintained for parking purposes for the use it is intended to serve.

G. Maintenance. Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of dust, graffiti, and litter. Striping, paving, walls, light standards, and all other facilities shall be permanently maintained in good condition.

H. Nonconforming Parking and Loading. Land uses and structures that are nonconforming due solely to the lack of off-street parking or loading facilities required by this chapter, shall be subject to the provisions for nonconforming uses, structures and parcels).

I. Handicap Accessible Parking. Handicap accessible parking shall be provided in compliance with the requirements of the Building Code.

Table 3-1 – Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Animal Sales and Services	
Animal Boarding/Kennels	1 space per 400 sf of indoor and outdoor space devoted to the use
Animal Grooming	1 space per 400 sf
Animal Hospitals/Clinics	1 space per 300 sf
Animal Retail Sales	1 space per 250 sf
Care Uses	
Adult Day Care – Small (6 or fewer)	Spaces required for dwelling unit only
Adult Day Care - Large (7 or more)	2 spaces per site for drop-off and pick-up purposes (in addition to any spaces required for the dwelling unit)
Child Day Care – Small (8 or fewer)	Spaces required for dwelling unit only
Child Day Care - Large (9 to 14)	1 space per each employee, plus 2 spaces, plus 1 loading space for every 5 children the facility is licensed to serve, plus 1 space for each vehicle used in the operation of the center
Day Care Center – General or Nursery School (15 or more)	1 space per each employee, plus 2 spaces, plus 1 loading space for every 5 children the facility is licensed to serve, plus 1 space for each vehicle used in the operation of the center
Eating and Drinking Establishments	
Accessory Food Service	1 space per each 3 seats or 1 space per each 75 sf of public area, whichever is greater
Bars, Lounges, and Nightclubs	1 space per each 4 persons based on allowed occupancy load or as required by Conditional Use Permit
Fast Food Restaurant	1 space per 40 sf of gross structure area, plus 1 space per 100 sf of outdoor dining area
Sit-down Restaurant	1 space per 100 sf of structure area, plus spaces as required for any outdoor dining area
Take-Out Service Restaurant	1 space per 200 sf
Outdoor Dining - Accessory	For the first 100 sf of dining area, no additional parking shall be required. For area over 100 sf, 1 space per 50 sf of dining area
Health/Fitness Facilities	
Small - 2,000 sf or less	1 space per 200 sf
Large - Over 2,000 sf	1 space per 150 sf
Industry, Manufacturing and Processing, Warehousing Uses	
Food Processing	1 space per 2,000 sf
Industry	
Small - 5,000 sf or less	1 space per 1,000 sf
Large - Over 5,000 sf	1 space per 2,000 sf

Table 3-1 – Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Personal Storage	2 spaces for employees, plus 3 spaces for customers
Research and Development	1 space per 500 sf
Recreation and Public Assembly Uses	
Adult Oriented Businesses	1 space per 50 sf
Commercial Recreation and Entertainment	As required by Conditional Use Permit or Administrative Use Permit, based on parking study for use proposed
Public Assembly	1 space per 5 fixed seats or 1 space per 20 sf used for assembly purposes, or as required by Conditional Use Permit or Administrative Use Permit. Additional parking for associated uses shall be provided as is required for that specific use.
Recycling Facilities	
Collection Facility - Large	4 spaces minimum. More may be required by the Director
Collection Facility - Small	2 spaces minimum. More may be required by the Director
Residential– Attached or Detached	
0 to 1 bedroom	1 space per unit
2 to 4 bedrooms	2 spaces per unit
5 to 6 bedrooms	3 spaces per unit
More than 6 bedrooms	1 additional space for each bedroom above 6
Subdivisions (Guest Parking)	Guest parking spaces within a subdivision project shall be based a minimum of 1 guest parking space per unit. Additional spaces can be requested by the Director based on a parking study.
Accessory (Second) Dwelling Unit	1 uncovered space in addition to the spaces required for the main dwelling which can be tandem in the existing driveway.
Parking spaces for single-family units may be uncovered.	
Residential, Multiple-Unit Dwelling	
0 bedrooms or studio apartment	1 space per unit
1 bedroom	1.5 spaces per unit
2 bedrooms	1.8 spaces per unit
3 bedrooms or more	2 spaces per unit
Guest parking spaces within a multiple-family project shall be based a minimum of 0.2 guest parking space per unit. Additional spaces can be requested by the Director based on a parking study.	

Table 3-1 – Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Senior Housing	1 space per unit; may be modified if demonstrated through a parking study that fewer spaces will meet anticipated need
Affordable Housing – Density Bonus	Subject to the provisions of Chapter 18.32
Parolee-Probationer Home	As required for main dwelling
Supportive Housing	As required for main dwelling
Transitional Housing	As required for main dwelling
Retail Trade Uses	
Appliances, Building Materials, Home Electronics, Furniture, Nurseries, and Similar Large Warehouse-type Retail Sales and Bulk Merchandise Facilities	First 10,000 sf: 1 space per 300 sf, then for each additional 10,000 sf: 1 space per 500 sf In addition to the above, 1 space per 1,000 sf of outdoor merchandise areas
Food and Beverage Sales (for off-site consumption) As primary use Accessory to service station	1 space per 200 sf 1 space per 500 sf of store space, in addition to spaces provided at the pumps, plus as required below for service stations
Retail Sales - General	1 space per 250 sf
Multiple-Tenant Shopping Centers ⁽¹⁾	1 space per 250 sf
Schools, Private	
Elementary School	1 space per classroom plus 1 space per 240 sq. ft. of office, plus 1 space per 100 sf for multipurpose rooms, plus loading areas for buses and students.
Junior or Middle School	1 space per classroom, plus 1 space per 240 sq. ft. of office, plus 1 space per 100 sf for multipurpose rooms, plus loading areas for buses and students.
High School	1 space per classroom, plus 1 space per 240 sq. ft. of office, plus 1 space per five students at maximum enrollment capacity plus 1 space per 100 sf for multipurpose rooms, plus loading areas for buses and students.
College or University	3 spaces per 1,000 sf of classroom and assembly space, or as may otherwise be required by discretionary permit process. A parking study is required.
Trade or Technical School	1 space per employee, plus 1 space per student at maximum enrollment capacity. A parking study is required.
Dance School/Studio	1 space per 250 sf

Table 3-1 – Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Service Uses – Business, Financial, Medical, and Professional	
Convalescent Facilities	1 space per 5 beds or residents for which the facility is licensed, plus 1 space per vehicle associated with the facility
Financial Institutions and Related Services	1 space per 200 sf
Hospitals, Rest Homes, and Sanitariums	1 space per bed, plus 1 space per resident doctor and 1 space per employee on largest shift
Laboratories (medical, dental, and similar)	1 space per 500 sf
Offices - General	1 space per 300 sf. Large office project proposing less parking than required may be allowed to reduce parking with approval of a CUP and a TDM plan to reduce impacts at the discretion of the City Council.
Offices - Medical and Dental	1 space per 200 sf
Outpatient Surgery Facility	1 space per 200 sf
Urgent Care Facilities	1 space per 200 sf
Service Uses – General	
Ambulance Services	1 space per 500 sf, plus 1 space for each vehicle associated with the business
Business Support Services (Duplication, Computer Services, Postal Services, and the like)	1 space per 250 sf
Catering Services	1 space per 400 sf
Emergency Shelter	1 space per employee, plus 1 space for every 5 residents for which the facility is designed and/or licensed, plus 1 space per vehicle associated with the facility
Funeral Homes and Mortuaries	10 spaces for each chapel or slumber room, or parlor; or 1 space per 25 sf of assembly areas
Maintenance and Repair Services – Small equipment and appliances (excluding Vehicle Repair)	1 space per 500 sf
Personal Service – General	1 space per 250 sf
Personal Service – Restricted	1 space per 250 sf
Vehicle Rental, Sales, and Service Uses	
Office plus Vehicle Display or Storage	1 space per 500 sf, plus 1 space per 1,000 sf of outdoor display area
Vehicle/Equipment Repair	1 space per 300 sf or 5 spaces per service bay, whichever is more
Service Station	1 space per 300 sf or 5 per service bay whichever is more; minimum of 4; plus any required for permitted ancillary uses
Vehicle Washing - Full Service	1 space per employee on largest shift, plus adequate stacking and drying area as determined by discretionary permit process

Table 3-1 – Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Automobile Washing – Self Service and Drive-through	1 space, plus any additional spaces for use of facilities and equipment as determined by discretionary permit process
Service Station with Retail Sales (other than vehicle related)	1 space per 200 sf of office/retail area, plus 2 spaces per service bay, plus any required for other permitted ancillary uses (see Food and Beverage Sales)
Visitor Accommodations	
Bed and Breakfast Inns	1 space per guest room, plus 2 spaces
Motels	1 space per guest room, plus additional parking for assembly, restaurant, and other on-site ancillary facilities as specified in this table
Hotels	1 space for each guest rooms, plus additional parking for assembly, restaurant, and other on-site ancillary facilities as specified in this table
Transportation, Communications, and Infrastructure Uses	
Utilities and Communications Facilities	Determined by the Review Authority in conjunction with discretionary permit process. A parking study is required.
Other Uses	
Temporary Uses	As required by the Temporary Use Permit

18.30.060 – Exception to Parking Requirements

Hardship. In cases of practical difficulties and unusual circumstances, the Planning Commission may, after required hearings, recommend exceptions to the requirements for on-site parking, if supported by a parking study, consistent with the provisions of Section 18.030.100.

18.30.070 – Compact Parking Spaces

- A. **Maximum number.** For any commercial, office, industrial or multiple-family development, up to 40 percent of the required off-street parking spaces may consist of compact parking spaces.
- B. **Size.** Each compact parking space shall be not less than 16 feet in length and eight feet in width, exclusive of aisles and access drives.
- C. **Affordable housing.** For housing developments granted a density bonus, up to 50 percent of the required off-street parking spaces may consist of compact spaces.

18.30.080 – Parking Areas, Development, and Maintenance

A. Single-family residential zones.

1. **Recreational vehicle parking.** The parking of recreational vehicles is only allowed in the R-LD zone and shall be subject to all of the following standards:
 - a. The recreational vehicle shall be owned by the occupant of the residence at which the vehicle is parked;
 - b. The recreational vehicle shall be parked either on a legal driveway within the front yard area or on a paved surface within a side or rear yard area;
 - c. No recreational vehicle or portion thereof shall overhang any public right-of-way; and
 - d. No electrical, plumbing, or other similar hook-ups shall be extended and/or used by the recreational vehicle.
2. **Commercial vehicles.** It is unlawful to store and/or park on any parcel in any residential zone any commercial vehicle exceeding a one-ton rated carrying capacity as specified by the manufacturer.
3. **Parking in front yard area.** It is unlawful to park any vehicles in any front yard area of a single-family residential use other than the legal driveway.
4. **Paved areas in front yard.** Paved areas within the front yard, including the driveway and any walkways, shall not exceed 50 percent of the front yard area with the remaining area landscaped with live plant material. The use of pervious materials for driveways, walkways, patios, and outdoor living areas is strongly encouraged.
5. **Driveway.** Single family homes are prohibited from having more than one driveway entrance. All dwelling units must be served by the same driveway access to the street as the main dwelling. If an existing property has more than one driveway, any new

development permit, including but not limited to design review, grading, drainage, or tenant improvements, shall be conditioned to remove the additional driveway(s).

B. Multiple-family residential zones.

1. Parking spaces shall be provided in off-street parking areas located within 1,000 feet of the use they are intended to serve;
2. It is unlawful to rent, lease or otherwise convey to or allow use of a required parking space by any person who is not a tenant or visitor for whom the parking spaces are required.
3. For tenancies beginning after June 1, 2014, it is unlawful for any manager or owner of any residential unit to separately charge, require or receive a fee, rent or other remuneration from a resident for the use of the required off-street parking (other than from the consideration received for the rent or lease of the dwelling and its associated parking spaces). All required parking spaces are considered an inseparable part of the rented premises, unless the tenant elects to relinquish access to the off-street parking.
4. All on-site required parking spaces shall be available to the occupants of the property. For properties developed after June 1, 2014, the occupants of each unit shall have use of the parking developed for the unit, unless the tenant elects to relinquish access to the off-street parking. For properties developed before June 1, 2014, with less than two covered parking spaces per unit and where the property owner lives at the multiple-family property, the property owner may reserve for his or her personal use two legal parking spaces (uncovered or covered) which shall be contiguous, if possible. The remaining on-site legal parking spaces not utilized by the property owner shall be allocated among the other units.
5. If a landlord removes an on-site, off-street parking space from a tenancy in violation of these provisions
 - a. The tenant may apply for a rent decrease by an amount commensurate with the value of the removed parking space for the temporary period of time during which the space is removed;
 - b. The landlord shall be subject to criminal prosecution; and
 - c. The City may bring a civil action for injunctive relief.
6. Temporary removal of a parking space reasonably necessitated by required repair or maintenance does not give rise to a penalty.
7. A landlord and tenant are not prohibited from voluntarily agreeing to the substitution of one parking space for another at the same property.

C. Non-residential uses. Required parking facilities for all uses other than residential shall be provided as follows:

1. Parking spaces shall be provided in off-street parking areas located within 1,000 feet of the use they are intended to serve;
2. Parking spaces shall be permanently maintained and shall not be utilized for the storage of merchandise, materials, collection kiosks, or service vehicles specifically maintained for the business or for any other individual or business; and

3. Required parking spaces shall not be rented, leased or otherwise conveyed or used by any person who is not a tenant of, visitor to, or employee for who the parking spaces are required. No employee shall be restricted from using the parking spaces required for the use where he or she is employed. Parking spaces developed in excess of the minimum required for the use may be rented or leased to another business or use.

18.30.090 – Parking Lot Design Standards

- A. **Parking space and drive aisle dimensions.** Parking lots shall be designed and constructed as indicated in Table 3-2 and Figure 3-5

Table 3-2 – Minimum Off-Street Parking Dimensions				
Angle of Parking (in degrees) (A)	Space Width (in feet) (B)	Curb Length (per vehicle) (C)	Space Depth (from curb) (D)	Driveway Width (in feet) (E)
Parallel (0°)	9 ft	18 ft	9 ft	12 ft
45°	9 ft	18 in	19 ft	14 ft
60°	9 ft	18 in	20 ft	19 ft
90°	9 ft	18 ft	18 ft	24 ft

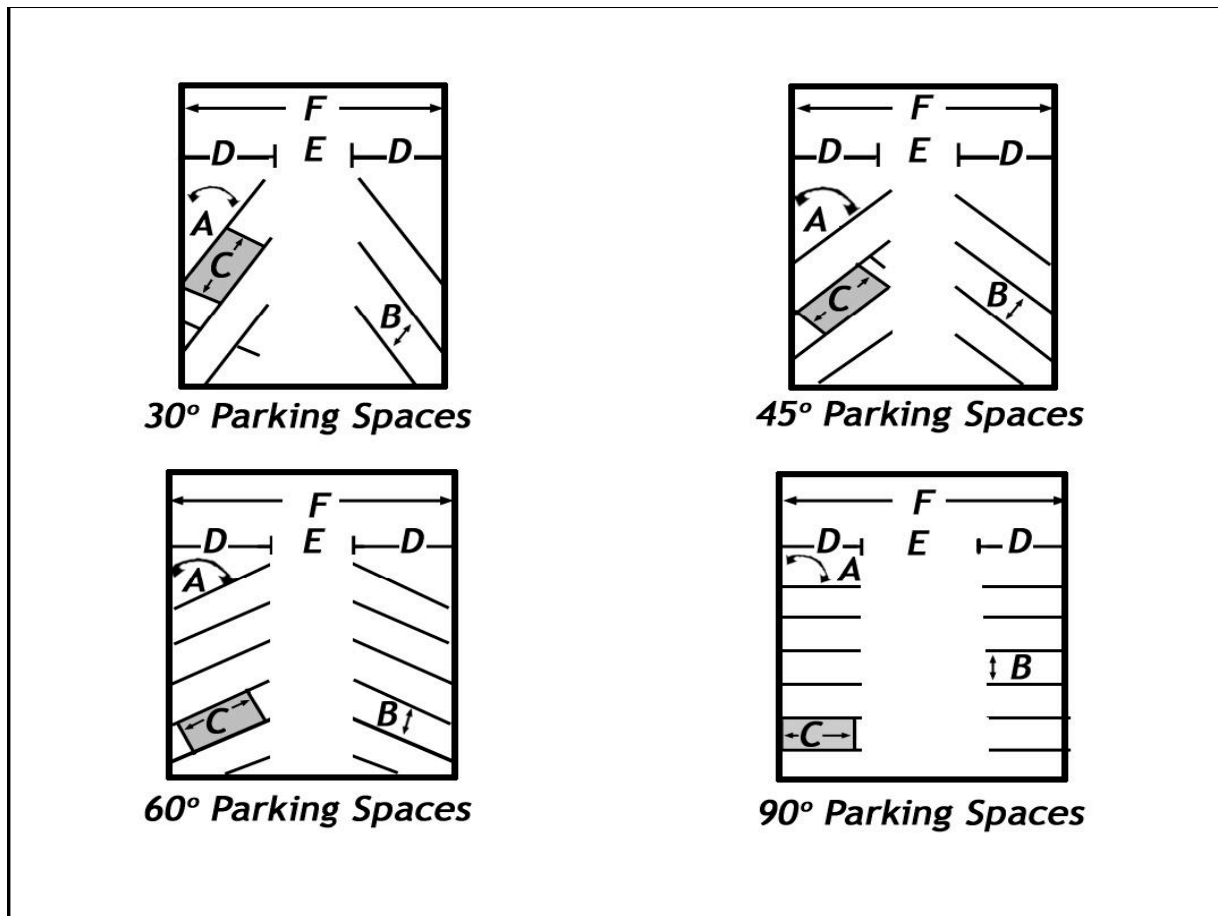


Figure 3-5 –
Off-Street Parking Lot Layout

- B. Covered parking.** Each covered off-street parking space shall have minimum inside dimensions of 10 feet by 20 feet. If parking is within a residential garage, and there is a minimum clear space of 20 feet in length and 10 feet in width, the parking space may be 18 feet in length and nine feet in width.
- C. Parking stall marking.** All parking spaces, except parallel spaces, shall be marked by appropriate stripes and the width of each space shall be measured from center to center of the stripes. This provision does not apply to single-family detached properties.
- D. Landscaping.**
1. **Landscaped buffer.** Any parking area not separated by a fence or wall from a street, alley, or other public right-of-way shall be provided with a minimum four-foot-wide landscape buffer between the parking area and the street, alley, or other public right-of-way, as measured from the edge of the right-of-way to the parking area. In addition, any area within the street right-of-way between the edge of the sidewalk and the outer edge of the right-of-way shall be developed as landscaped area in conjunction with the required four-foot area above, unless this requirement is waived by the City Engineer. Where a parking area has a capacity of more than 10 parking spaces, landscaped areas including the above four-foot street buffer strip shall not be less than five percent of the total parking lot area.
 2. **Landscape screen.** Landscaping, other than trees, shall be designed and maintained to establish a minimum screen of approximately 36 inches in height. Screening materials may include a combination of plant materials, earthen berms, raised planters, low walls, or other screening devices that meet the intent of this requirement, as approved by the Director. Not more than 30 percent of the landscaped area may be covered with hard surfaces (e.g., gravel, landscaping rock, concrete, or other impervious materials).
 3. **Landscape material.** Planting in parking areas shall consist of water-efficient evergreen shade trees, groundcover, low shrubs, flowering plants, and mulch to provide 100 percent coverage of required landscape areas. Landscaping fronting a street shall include a minimum of one tree for every 30 feet of frontage. Trees shall be a minimum of 15 gallons in size and six feet in height at the time of planting, and shall be of a variety that is fast growing and capable of providing maximum shade coverage. All landscaping shall be installed and maintained in compliance with Chapter 18.28.
 4. **Permanent irrigation system.** All planting areas shall be provided with a permanent water irrigation system in compliance with Chapter 18.28.
 5. **Concrete curb.** Each planting area shall be bound by a concrete curb having a minimum height and width of not less than six inches.
- E. Screening from residential zones.** Vehicle parking facilities for more than 10 vehicles shall be effectively screened by a wall on each side that adjoins or faces premises situated in residential zones. The wall shall not be less than six feet in height, except within required front setback areas and shall be maintained in good condition. Screen planting or wooden fences may be substituted for aesthetic reasons, or in cases of practical difficulties or unusual hardship, provided that the design and plant material is first approved by the Director. A bond to guarantee the installation and maintenance of the screen planting or fencing, for a period of three years, shall be posted with the Department.
- F. Surfacing and drainage.** Parking lot surfacing materials shall consist of sturdy, all-weather surfaces including, but not limited to concrete, asphalt, and any other material capable of

capturing, carrying, and disposing of surface water runoff. Pervious or partially pervious surfaces are acceptable to help achieve water quality goals and requirements, provided the proposed surfaces are approved by the City Engineer. All parking lots shall be designed to convey surface runoff to approved retention and/or drainage facilities. In no case shall a drainage course be allowed across the surface of a public sidewalk.

- G. Protective installations.** To ensure the proper maintenance and utilization of parking facilities, public parking areas shall be designed so a parked vehicle does not overhang sidewalks, planters, or landscaped areas. A permanent curb, bumper, wheel stop, or similar device shall be installed adequate to protect sidewalks, planters, landscaped areas, and structures from vehicular damage. If the protection is provided by means of a method designed to stop the wheel rather than the bumper of the vehicle, the stopping edge shall be placed no closer than two feet from the edges of the sidewalks, planter, or landscaped areas and from any structure. The Director may require other barrier curbs or wheel stops as deemed necessary to protect areas within or adjacent to the parking area from vehicular encroachment.
- H. Parking lot lighting.** All parking lots shall be provided with outdoor lighting. Lighting shall be installed and maintained in a manner that provides security for tenants and visitors, but does not impact surrounding uses. A parking lot lighting plan shall be provided for review and approval by the Director.
- I. Access and circulation.**
1. Each parking space shall be accessible from a street or alley, independent of any other parking space; provided, however, in the case of off-street parking for a single-family dwelling or a second unit, tandem parking spaces within a garage or carport or elsewhere on the site is allowed. In some circumstances, mechanical or lift parking may be approved by the City.
 2. Parking spaces within a parking lot or structure shall be designed and located so any required maneuvering into or out of the space will not interfere with vehicles entering or exiting the parking lot, and so vehicles can enter an abutting street in a forward direction.
 3. Within a parking lot or structure, the drive aisles shall be designed so that a vehicle is not required to enter a street to move from one drive aisle to another.
 4. Vehicle circulation shall be designed to avoid conflicts with pedestrian circulation within the parking lot.
 5. Within a parking structure, piers and pillars shall not encroach into parking stalls.
- J. Entrance and exit identification.** Whenever an entrance or exit to off-street parking facilities is provided from a street or alley, each entrance or exit shall be clearly marked and visually identified.

18.30.100 – Adjustments to Off-Street Parking Requirements

All new non-residential development of 15,000 or more square feet or 25 or more employees, and all new residential development of 10 or more units including residential components of mixed use developments, shall submit a Transportation Demand Management Plan. The required number of parking spaces may be reduced only in compliance with the following standards and procedures, unless a Transportation Demand Management program modifies the requirements. The Director shall have the authority to require a TDM for any development project if doing so is in the public interest.

- A. Parking reduction for density bonus units.** Residential units approved under the provisions of Chapter 18.36 shall be provided a reduction in the number of required parking spaces in compliance with that chapter.
- B. Parking reduction for senior housing.** Residential units approved under the provisions of Municipal Code Chapter 14.20 shall be provided a reduction in the number of required parking spaces in compliance with that chapter.
- C. ADA compliance.** The Director may administratively reduce parking requirements due to a loss of parking spaces to accommodate required ADA parking requirements associated with tenant improvements.
- D. Reduced parking demand.** Required off-street parking may be reduced with the approval of a Conditional Use Permit and with all of the following conditions:
1. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate parking demand will be less than the required number of spaces or that other parking is available; and
 2. A parking management plan shall be prepared.
- E. Joint use of parking facilities.** In the case of mixed use developments, the Director may grant an Administrative Use Permit to the cumulative off-street parking requirement which would normally apply if the individual activities within a single complex were considered separately. In no event shall an Administrative Use Permit be issued that reduces the overall off-street parking standard by more than 20 percent. To qualify for a reduction, a mixed use complex shall be under one management. The following types of mixed use developments shall be eligible for consideration:
1. Commercial office/multiple-family residential;
 2. Commercial office/retail and/or service commercial (applies to shopping centers only);
 3. Hotel or motel/retail or service commercial;
 4. Residential/retail or service commercial;
 5. Industrial/retail or service commercial.
- F. Parking management plan.** When a parking management plan is required to mitigate impacts associated with a reduction in the number of required parking spaces, the parking management plan shall include, but is not limited to, the following as required by the Review Authority:
1. Restricting land uses to hours or days of operation so the same parking spaces can be used by two or more uses without conflict;
 2. Restricting land uses with high parking demand characteristics;
 3. Securing additional off-site parking;
 4. Providing parking attendants and valet parking; and
 5. Other appropriate mitigation measures.

- G. Required data.** In reaching a decision to allow a reduction of required parking spaces, the Review Authority shall consider data submitted by the applicant or collected/prepared at the applicant's expense.
- H. Permit approval.** Approval of an Administrative Use Permit shall be required for a parking facility or any portion of required parking not located on the same site as the use it is intended to serve.
- I. Findings.** In order to approve an Administrative Use Permit for an off-site parking facility, the Review Authority shall make all of the following findings in addition to those required for the approval of an Administrative Use Permit:
1. The parking facility is located within 1,000 feet to the use it is intended to serve;
 2. On-street parking is not being counted towards meeting parking requirements;
 3. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and
 4. The parking facility will be permanently available and maintained for the use it is intended to serve.
- J. Parking agreement.** A parking agreement, which guarantees the long term availability of the parking facility for the use it is intended to serve, shall be recorded with the County Recorder's Office. The agreement shall be in a form approved by the City Attorney and the Director.
- K. Shared Parking.** If a parcel is located within 1,000 feet of the property proposed for shared parking, both property owners may enter into a shared parking agreement for a proposed use. The agreement must state the use depends on continuation of the agreement and the agreement shall be notarized and recorded with the County. The Shared Parking Agreement is subject to periodic review by the City.
- L. Loss of off-site parking.**
1. **Notification to City.** The owner or operator of a business that uses an approved off-site parking facility to satisfy the parking requirements shall immediately notify the Director of any change of ownership or use of the property where the spaces are located, or changes in the use the spaces are intended to serve, or of any termination or default of the agreement between the parties.
 2. **Effect of termination of agreement.** Upon notification the agreement for the required off-site parking has terminated, the Director shall establish a reasonable time in which one of the following shall occur:
 - a. Substitute parking acceptable to the Director is provided; or
 - b. The size or capacity of the use is reduced in proportion to the parking spaces lost.

18.30.110 – Transportation Demand Management

Any Transportation Demand Management program shall be as is set forth in Municipal Code Chapter 10.32.

18.30.120 – Bicycle Parking Requirements

Designated, safe, and secure bicycle parking facilities shall be provided for all applicable uses in compliance with the Santa Clara County Valley Transportation Authority, Bicycle Technical Guidelines, Section III, Bike Parking.

18.30.130 – Off-Street Loading Requirements

- A. Applicability.** Every commercial, industrial, civic, and institutional structure and/or use shall have and maintain loading space(s).
- B. Number and size of loading spaces required.** Table 3-3 provides the number and size of loading spaces required.
- C. Location of loading facilities.** Required loading facilities shall be located on the same lot or parcel of land with the use in which it is intended to serve. Loading facilities shall be located and designed in a manner that does not interfere with any required parking facilities or internal site circulation. Loading is not permitted in a public alley or street.

Table 3-3 – Number and Size of Loading Space Required				
Use/Total Leasable Floor Area	Loading Spaces for Equipment and Materials	Minimum Dimensions	Passenger Loading Spaces Required	Minimum Dimensions
Commercial – Retail and Service				
10,000 – 20,000 sf	1	10 ft. wide	N/A	N/A
21,001 – 50,000 sf	2	40 ft. long	N/A	N/A
50,001 sf or greater	3	14 ft. of vertical clear space	N/A	N/A
Industrial				
5,000 – 20,000 sf	1	10 ft. wide	N/A	N/A
21,001 – 50,000 sf	2	40 ft. long	N/A	N/A
Hospitals and institutions				
2,500 – 30,000 sf	1	10 ft. wide	As required by Conditional Use Permit or Administrative Use Permit	10 ft. wide
30,001 – 90,000 sf	2	40 ft. long		20 ft. long
90,001 sf or greater	3	14 ft. of vertical clear space		12 ft. of vertical clear space
Hotels and Offices				
5,000 – 40,000 sf	1	10 ft. wide	1	10 ft. wide
	2	40 ft. long	2	20 ft. long

Table 3-3 – Number and Size of Loading Space Required				
Use/Total Leasable Floor Area	Loading Spaces for Equipment and Materials	Minimum Dimensions	Passenger Loading Spaces Required	Minimum Dimensions
40,001 – 90,000 sf	3	14 ft. of vertical clear space	3	12 ft. of vertical clear space
90,001 sf or greater				

Chapter 18.32 – Signs

Sections:

- 18.32.010 – Purpose
- 18.32.020 – Applicability
- 18.32.030 – Sign Message Neutrality
- 18.32.040 – Substitution of Messages
- 18.32.050 – Sign Permit
- 18.32.060 – Exempt Signs
- 18.32.070 – Prohibited Signs
- 18.32.080 – General Provisions for All Signs
- 18.32.090 – Standards for Permanent Signs
- 18.32.100 – Standards for Specific Types of Permanent Signs
- 18.32.110 – Electronic Digital Display Billboards
- 18.32.120 – Standards for Temporary Signs
- 18.32.130 – Sign Permit Requirements
- 18.32.140 – Master Sign Plan Required
- 18.32.150 – Application for Sign Permit and Master Signage Plan
- 18.32.160 – Sign Design Criteria
- 18.32.170 – Nonconforming On-Premises Signs
- 18.32.180 – Replacement of Nonconforming Off-Site Advertising Structures
- 18.32.190 – Development Standards for Off-Site Advertising Structures
- 18.32.200 – Abandoned Signs
- 18.32.210 – Dangerous and/or Defective Signs
- 18.32.220 – Violations
- 18.32.230 – Enforcement and Remedies
- 18.32.240 – Chief Building Official Determination
- 18.32.250 – Appeal Procedure

18.32.010 – Purpose

This chapter establishes regulations for all types of signs intended to promote and support economic success in the community while protecting and enhancing aesthetic qualities in the business districts and residential neighborhoods; enhancing property values; promoting the use of signs complementary in scale, proportion, and style with the developments they support; minimizing visual clutter; and ensuring signs are designed and located in a manner that minimizes potential hazards to the safety and movement of vehicles and pedestrians.

18.32.020 – Applicability

It is unlawful to post, erect, re-erect, construct, enlarge, alter, repair, move, improve, remove, convert, or equip any sign or sign structure, or paint a new sign, or cause or allow the same to be done, contrary to or in violation of any of the provisions of this chapter. Properties located within an area governed by a specific plan are subject regulations of the specific plan. The provisions of this chapter shall apply only to the extent the specific plan does not regulate a particular sign or provide a standard or regulation and the provisions of this chapter are not in conflict with the provisions of the specific plan.

18.32.030 – Sign Message Neutrality

It is the City's policy and intent to regulate both commercial and noncommercial signs from a viewpoint-neutral and content-neutral manner. The message of the sign shall not be reviewed, except to determine the type category of the sign.

18.32.040 – Substitution of Messages

Authorized signs are allowed to display noncommercial messages in lieu of any other commercial or noncommercial messages. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.

18.32.050 – Sign Permit

A Sign Permit shall be required for all signs, except those specifically exempted. Signs requiring a Sign Permit shall be subject to approval by the Director or Commission according to the sign approval authority specified for the applicable sign permit.

18.32.060 – Exempt Signs

- A. Exceptions to Sign Permit.** The following signs are allowed without a Sign Permit in any zone and shall not be included in the determination of type, number, or area or signs allowed on each parcel. Exempted signs shall be required to adhere to the regulations established for each sign type. Signs erected without complying with the applicable regulations are considered illegal and may be removed.
1. Signs or notices incidental to a commercial establishment (e.g., hours of operation, credit card information, emergency contact information, etc.) provided the signs do not contain any commercial messages and in total do not exceed four square feet in area for all incidental signs;
 2. Commemorative plaques, tables, date of construction, and similar signs constructed of permanent material. Only one sign per building not to exceed two square feet in area;
 3. Bulletin boards on properties at which a public, charitable, or religious institution exists. Only one bulletin board not exceeding 24 square feet in area and six feet in height;
 4. Copy changes in approved changeable copy signs;
 5. Signs on a property providing guidance for pedestrian or vehicular traffic. Each sign not to exceed four square feet in area and four feet in height;
 6. A sign or flag erected by a governmental entity;
 7. Temporary signs and decorations pertaining to holidays and seasonal events when the signs contain no reference to the goods or services sold or provided by the establishment. All signs and/or decorations shall be removed within 10 days following the applicable holiday;

8. "No Trespassing" signs. Each sign is limited to one square foot in area. Signs may be placed at each corner and each entrance to a parcel and at intervals of not less than 50 feet or in compliance with legal requirements;
 9. Signs erected by a governmental entity and information signs and notices issued by any court, person, or officer in performance of a public duty, or any other sign required to be posted by any governmental agency;
 10. Signs placed by utilities or other publicly regulated service providers indicating location of underground facilities, danger, and aids to service or safety, including official advisory and signal flags;
 11. A sign at a restaurant indicating menu items not exceeding four square feet and attached to the building near the main entrance;
 12. Temporary signs warning of construction, excavation, or similar hazards, as long as the hazard exists;
 13. Temporary signs not exceeding four square feet total for each property located in residential zones and 10 square feet total for each parcel located in nonresidential zones; and
 14. Temporary signs indicating the parcel on which the sign is located is for sale, lease, or rent.
- B. Routine maintenance.** Painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign. No permit shall be required unless structural changes are to be made.
- C. Building Permit may be required.** Under certain circumstances, temporary signs and other exempt signs may require a building or electrical permit, as required by the uniform codes adopted by the City.

18.32.070 – Prohibited Signs

The following sign types and sign characteristics are prohibited, in addition to any sign not specifically allowed.

- A. Traffic interference.** Any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or which makes use of words, symbols, or characters in a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- B. Signs on public property.** Any sign, whether temporary or permanent placed upon any public property or within any public right-of-way, or upon or attached to any structure, pole, post, tree, shrub, wire, or other object located within any public right-of-way, except when placed by the public agency owning or in control of the property.
- C. Hazardous location.** Signs located in a manner so the sign or a portion of the sign or sign structure interferes with the free use of a fire escape, exit or standpipe, or obstruct a required door, stairway, ventilator, window, or public way or signs otherwise hazardous.
- D. Painted signs.** Signs painted on fences or roofs, except addresses.
- E. Signs with off-site commercial messages.** Signs advertising a business, accommodation, service, or activity not provided on the premises on which the sign is located, except those approved by the Commission.

- F. Residential care facility.** A sign for an adult care facility, child day care facility, or residential care facility located in any residential zone.
- G. Home business.** A sign for a home business located in a residential zone.
- H. Sign encroachment.** Private signs, other than allowed projecting signs or temporary signs, located on or extending over public property without a valid encroachment permit from the City.
- I. Property owner permission.** Any sign erected without the permission of the property owner, or authorized agent, of the parcel on which the sign is located.
- J. Portable sign.** Any sign designed to be transported by means of wheels.
- K. Vehicle sign.** Any sign placed or painted on a vehicle parked and visible from the public right-of-way, not including signs identifying the business painted on vehicles used in the normal day-to-day operations of the business.
- L. Roof sign.** Any sign, permanent or temporary, placed upon the roof of any structure.
- M. Temporary signs.** Any temporary sign, except those exempt or specifically allowed..
- N. Reflective or fluorescent material.** Signs made wholly or partially of highly reflective material, except energy saving reflective material, and fluorescent painted signs.
- O. Projected sign.** Signs projected by electronic means (e.g. video projector, movie projector, or similar device).
- P. Clearance from utilities.** Any sign not conforming with all of the clearance requirements from communications lines, utility lines, and power lines, including any restrictions adopted by the California Public Utilities Commission.
- Q. Animated signs.** Signs consisting of or containing any moving, rotating, flashing, or otherwise animated light or component, including changeable copy that is changed by incorporating video display, flip-disks, incandescent lamps, fluorescent lamps, fiber optics, light-emitting diodes, liquid crystal displays, plasma-displays, field emission displays, or any other mechanical or light-emitting matrix to convey changing copy or images with the exception of approved time and temperature displays and complying electronic message signs and electronic billboards.

Table 3-4 – Minimum Clearance of Signs from Conductors

Vertical Clearance	Less Than 750 Volts	Greater Than or Equal To 750 Volts
Above Sign	3 feet	8 feet
Below Sign	3 feet	Not allowed
Horizontal Clearance		
Above Sign	3 feet	6 feet
Below Sign	4 feet	6 feet

18.32.080 – General Provisions for All Signs

- A. Quality of materials and workmanship.** All signs shall be constructed in a workmanship manner of durable materials intended to provide long life, ease of maintenance, high quality appearance, and clearly legible information for the sign user and public. The Director and/or the

Commission shall retain the right to require a licensed sign contractor(s) design, build, and/or erect the sign if the value, location, and/or visual impact of the sign warrants this requirement.

- B. Signs to include identification label.** Each permanent sign shall have an identification label which includes an identifying number, name of the contractor or installer, the month and year of installation, and if illuminated, the voltage. The label shall be placed on the exterior surface of the sign body in a location where the information will be readily visible after installation.
- C. Computation of area for individual signs.** The area of a sign face (the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, logo, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or wall when the fence or wall otherwise meets Development Code regulations and is clearly incidental to the display itself.
- D. Computation of area of multi-faced signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical signs are placed back to back so both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of only one of the faces;

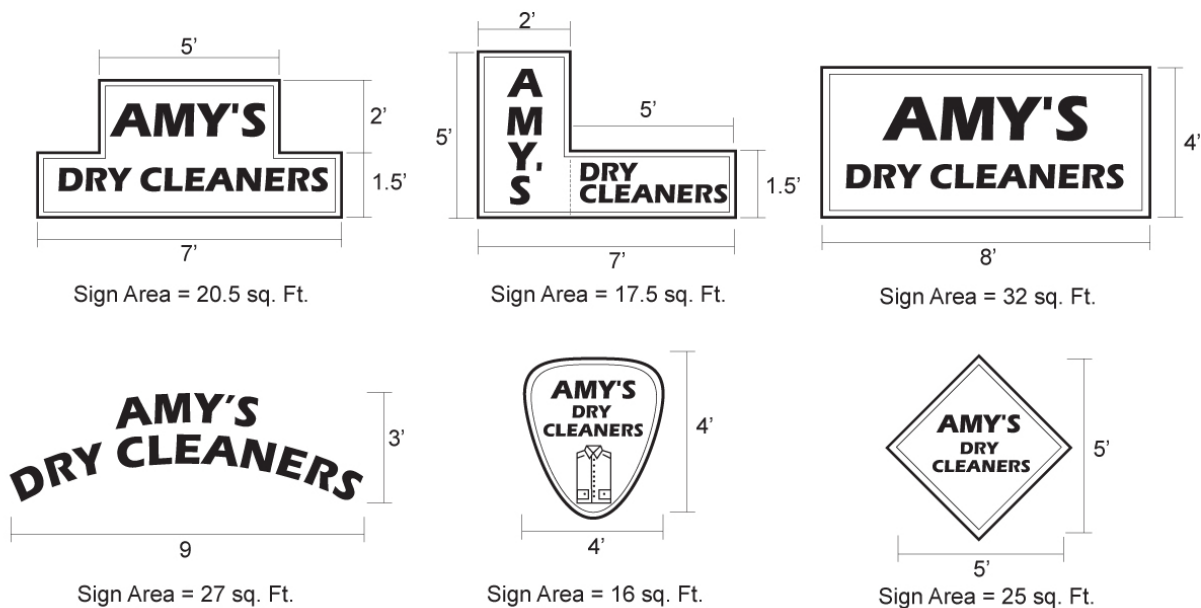


Figure 3-6 – Measurement of Sign Area

- E. Computation of maximum total sign area.** The allowed sum of the area of all individual signs on a parcel shall be computed by applying the formula for maximum total sign area to the parcel frontage, building frontage, or wall area, as appropriate, for the zone in which the property is located. Parcels fronting two or more streets are permitted the allowed sign area for each street frontage. The total sign area oriented toward a particular street shall not exceed the portion of

the parcel's total sign area allocation derived from the parcel, building, or wall area frontage on that street;

- F. **Computation of sign height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- G. **Computation for mixed use zones.** For purposes of calculating sign area or sign height for a sign within a mixed use zone, the standards for the C-O (Commercial Office) zone shall apply;
- H. **Sign removal or replacement.** When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the building by filling holes and painting; and
- I. **Maintenance and repair.** All signs shall be maintained in a safe, presentable, and sound structural condition at all times. The replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign shall be done in a timely manner. The Director shall require compliance with all standards. If the sign was not constructed or maintained in compliance with the requirements, the Director shall require its removal.

18.32.090 – Standards for Permanent Signs

- A. **Allowed sign types.** Signs are allowed on private property in compliance with the provisions of Sign Table A (Appendix 1). The letter "P" indicates the sign is allowed without prior Sign Permit approval. The letter "S" indicates the sign is allowed only with prior Sign Permit approval. Special conditions may apply in some cases and Commission approval may be required. The letter "N" indicates the sign is prohibited.
- B. **Allowed sign area.** A sign designated by an "S" or a "P" in Sign Table A is allowed only if the sum of the area of all building and freestanding signs on the parcel conforms with the maximum allowed sign area as determined by the formula for the zone in which the parcel is located as specified in Sign Table B (Appendix 1).
- C. **Allowed size, location, and number.** The size, location, and number of signs on the parcel shall conform with the requirements of Sign Table C (Appendix 1), which establishes allowed sign dimensions by sign type, and with any additional limitations listed in Sign Table A.
- D. **Sign characteristics.** The characteristics of the sign shall conform to the limitations of Sign Table D (Appendix 1) and with any additional limitations on characteristics listed in Sign Table A.
- E. **Standards subject to reasonable adjustment.** The standards contained within the Sign Tables (Appendix 1) are minimum standards and the Director shall have the discretion to make reasonable adjustments to those standards as particular circumstances and conditions related to the public health, safety, and welfare warrant. The Director shall have the discretion to have the Commission review the reasonable sign adjustment.

18.32.100 – Standards for Specific Types of Permanent Signs

- A. **Awning and canopy signs.** The following regulations apply to all signs placed on an awning or canopy attached to a building.
 1. Lettering, logos, symbols, and graphics are allowed on up to 50 percent of the area of a shed (slope) portion of the awning and valance portion of the awning. Signs shall be applied flat against the awning surface. In the case of a barrel shaped (curved) awning, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.

2. Only permanent signs that are an integral part of the awning are allowed. Temporary signs shall not be placed on awnings.
 3. Awning signs are allowed for first and second story commercial occupancies only.
 4. Awnings shall conform to the size and shape of the window or door they are located above. Overly large awnings and awnings with unusual shapes designed for the purpose of providing additional sign area are not allowed. The upper most part of an awning shall not be located more than two feet above a window or door.
 5. Awnings shall not be lighted from under the awning (back-lit awning) so the awning appears internally illuminated.
 6. A minimum of eight feet of clearance shall be provided between the lowest part of an awning and the grade below.
- B. Changeable copy signs.** A sign containing a changeable copy element, either manual or electronic/digital, may be approved by the Commission.
- C. Electronic message signs.** The following regulations apply to all changeable electronic/digital message signs, whether or not the changeable electronic message component incorporates the entire sign face or is a smaller component of the sign face.
1. **Standards.** Changeable electronic/digital message signs are allowed in compliance with Sign Tables A, B, C, and D (Appendix 1) and all of the additional standards set forth in this section.
 2. **Brightness.** Light produced by an electronic/digital message sign shall not exceed 0.3 foot-candles over ambient light levels. Additionally, signs shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn, as measured from the sign's face.
 3. **Brightness review.** Each electronic/digital message sign shall be subject to a 30-day review period during which time the Director may determine that a reduction in illumination, or turning off of the sign for certain evening hours, is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming of any illumination found to be excessively bright and may also order that any sign remain on a single static image without changing or be completely turned off. The Director's determination shall be made without regard to the message content of the sign.
 4. **Dimmer control.** Signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
 5. **Change of message.** Messages displayed on an electronic/digital message sign shall be complete within each message/display and without continuation in content to the next message or to any other sign. The message/display shall change instantaneously without any fading in/out, scrolling, dissolve, or similar animation.
 6. **Duration of message.** Messages displayed on an electronic/digital message sign shall be a static display without changes for a minimum duration of eight seconds, except for those messages where the hour-and-minute, date, or temperature/weather information is updated.

7. **Static display.** Any form of moving, animated, oscillating, or rotating images, or any other design intended to attract attention through movement or the semblance of movement on any part of the sign is prohibited at all times
8. **Hours of operation.** Electronic/digital message signs in residential zones shall be turned off daily from 9:00 p.m. to 6:00 a.m. of the following morning.
9. **Maintenance.** Signs shall be properly maintained in good working order at all times. Signs shall be designed and equipped to freeze the changeable message in one position or to go dark if a malfunction occurs. The sign owner shall immediately stop the electronic/digital display when notified by the City that it is malfunctioning or not complying with regulations.
10. **Nonconforming sign structure.** An existing sign or sign structure nonconforming as to location, size, height, or other regulation shall not be changed to a new electronic/digital message sign until all nonconformities have been eliminated to the satisfaction of the Director.

D. Freestanding signs.

1. **Standards.** Freestanding signs shall comply with the requirements provided in Sign Tables A, B, C, and D and the additional requirements provided below.
2. **Where allowed.** Freestanding signs shall be allowed only for parcels with at least 25 feet of frontage adjoining a public street. In addition, freestanding signs are only allowed when a building is set back from the front property line a minimum of 10 feet.
3. **Location.**
 - a. There shall be a minimum of 50 feet between freestanding signs on adjoining sites to ensure adequate visibility for all signs.
 - b. Freestanding pole or pylon signs shall be located a minimum of 50 feet from a lot line of any residentially zoned property.
 - c. Freestanding signs shall not project over any building, or over any on-site driveway or vehicle circulation area.
4. **Supporting structure.** The supporting structure of a pole or pylon sign shall be surrounded by a decorative cover architecturally compatible with the sign cabinet and subject to the approval of the Director.
5. **Minimum letter size.** To ensure the readability of freestanding signs, the minimum letter size allowed shall be six inches. Sign copy shall not be located closer than one half-letter height to the sign edge or other line of copy.
6. **Landscaping required.** Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the sign or 75 square feet, whichever is greater. For example, 40 sq. ft. of sign area = 80 sq. ft. of landscaped area. The Director may waive or modify this requirement on a case-by-case basis to take into account existing site conditions.
7. **Address required.** All freestanding signs shall contain an address plate identifying the subject property. Numbers shall be a minimum of six inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be counted against the allowed sign area.

E. Luminous tube signs. The use of luminous tubes (neon) for signs shall be allowed in commercial and mixed use zones only subject to all of the following requirements:

1. **Tube size.** Tubing shall not exceed one half inch in diameter;
2. **Brightness.** Luminous tube lighting adjacent to residential uses shall not exceed one half foot-candle measured at the property line where the sign is located;
3. **Color limitation.** No electric or luminous signs containing red or green colors shall be erected within 150 feet of an intersection containing stop lights without first securing a Conditional Use Permit
4. **No reflective materials.** Luminous tubes shall not be combined with any reflective materials (e.g., mirrors, polished metal, highly glazed tiles, or other similar materials); and
5. **Where not allowed.** Luminous tube lighting shall not be used to surround a window, door, or similar element except as part of an allowed sign.

F. Wall signs.

1. **Standards.** Wall signs shall comply with the requirements specified in Sign Tables A, B, C, and D and the additional requirements provided below.
2. **Location.** Signs shall be located only on a building frontage and shall not extend above an eave or parapet, or above or below a fascia on which they are located.
3. **Projection.** Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches.
4. **Middle of building.** Signs shall be located within the middle 50 percent of the building or tenant frontage measured from lease line to lease line. The Director may waive this requirement where it can be clearly demonstrated that it severely limits proper sign placement.

G. Window signs, permanent and temporary

1. **Location.**
 - a. Signs shall be allowed only on windows located on the ground floor and second story of either a primary or secondary building frontage. Window signs are not allowed above the second story.
 - b. Interior signs located within five feet of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.
2. **Size.** Window signs, whether permanent or temporary signs, shall not occupy more than 25 percent of each individual window on either a primary or secondary building frontage. For the purpose of this requirement, a window is any glazed area, including glass curtain walls.

18.32.110 – Electronic Digital Display Billboards

A. Applicability. The following regulations apply to all electronic digital display billboards and are intended to implement and be in compliance with the California Outdoor Advertising Act of 2014,

as related to outdoor advertising displays, and Section 131 of Title 23 of the United States Code, including any amendments as may be adopted from time to time.

- B. Permit requirements.** No electronic digital display billboard shall be erected or maintained until a Conditional Use Permit has first been approved in compliance with the Development Code and any other applicable federal and state statutes, including the California Department of Transportation Outdoor Advertising Permit Requirements.
- C. Conditions of approval.** Approval of a Conditional Use Permit to allow an electronic digital display billboard shall consider/include language addressing all of the following:
1. Fees and/or other public benefits to be conveyed to the City. The City's intent and objective in requiring the payment of fees is to compensate for the aesthetic impact on the community associated with the presence of off-site signs.
 2. Any allowed deviations from the development standards.
 3. The amount of time each day dedicated to public service announcements will be displayed, at no cost to the City.
 4. Terms requiring periodic review to ensure compliance with the development standards and conditions of approval. The City reserves the right to place additional conditions of approval at any time if doing so is in the public interest.
 5. For every one digital sign installed two non-digital signs must be permanently removed from the City.
- D. Required findings.** Approval of a Conditional Use Permit to allow an electronic digital display billboard shall be based on all of the following findings and any additional findings as may be required by the Department or the Commission:
1. The proposed electronic digital display billboard is to be located in an appropriate area;
 2. The proposed electronic digital display billboard is placed on its site in the least visually impacting manner;
 3. The Conditional Use Permit contains appropriate language addressing revenue for the City;
 4. The proposed electronic digital display billboard complies with all of the applicable operational standards, unless modified by the Commission, as well as all applicable federal and state laws;
 5. The placement of the proposed electronic digital display billboard will not adversely affect residential use of property; and
 6. The placement of the proposed electronic digital display billboard will not pose a traffic hazard.
- E. Development standards.**
1. **Sign face dimensions.** The electronic digital display billboard area shall not exceed 1,200 square feet, including border and trim, and excluding base or apron supports and other structural members. The overall length shall not exceed 60 feet.

2. **Height.** Unless allowed by the terms of the Conditional Use Permit, the maximum overall height of an electronic digital display billboard shall not exceed 25 feet, measured from the finished grade at the structure's base to the top of the billboard structure.
3. **Location.** No digital billboard shall be located within 1,500 feet of a parcel zoned residential or a residential dwelling.
4. **Separation.** No electronic digital display billboard shall be located closer than 1,500 linear feet of another electronic display billboard, as measured from the centerline of each support structure.
5. **Support structure.** All proposed electronic digital display billboards shall be designed to have a single cylindrical column support.
6. **Cutouts and attachments.** No cutouts or attachments shall be allowed, unless allowed in compliance with the conditions of the Conditional Use Permit.
7. **Double-faced signs.** Double-faced electronic digital display billboards shall be located on the same cylindrical column structure and shall be positioned back-to-back. At no point shall the distance between the two sign faces exceed eight feet. Double faced signs shall not be allowed when one portion of the sign is within 1,500 feet of a residential parcel.
8. **Mechanical screening.** Each sign structure shall include a facing of proper dimensions to conceal back bracing, framework, and structural members and/or any electrical equipment.
9. **Owner identification.** Owner identification signs shall be provided on all electronic digital display billboards.
10. **Undergrounding of utilities.** All utilities installed in connection with the electronic digital display billboard shall be underground.

F. Operational standards

1. **Brightness.** Light produced by an electronic/digital message sign shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face.
2. **Brightness review.** Each electronic display billboard shall be subject to a 30-day review period during which time the Director may determine a reduction in illumination, or turning off of the sign for certain evening hours, is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming of any illumination found to be excessively bright and may also order any sign remain on a single static image without changing or be completely turned off. The Director's determination shall be made without regard to the message content of the sign.
3. **Dimmer control.** Signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
4. **Change of message.** Messages displayed on an electronic digital display billboard shall be complete within each message/display and without continuation in content to the next message or to any other sign. The message/display shall change instantaneously without any fading in/out, scrolling, dissolve, or similar animation.

5. **Duration of message.** Messages displayed on an electronic digital display billboard shall be a static display without change for a minimum duration eight seconds except for those messages where the hour-and-minute, date, or temperature/weather information is updated.
6. **Static display.** Any form of moving, animated, oscillating, or rotating images, or any other design intended to attract attention through movement or the semblance of movement on any part of the sign is prohibited at all times.
7. **Maintenance.** Signs shall be properly maintained in good working order at all times. Signs shall be designed and equipped to freeze the changeable message in one position or to go dark if a malfunction occurs. The sign owner shall immediately stop the electronic/digital display when notified by the City that it is malfunctioning or not complying with regulations of this Section.
8. **Nonconforming sign structure.** An existing sign or sign structure nonconforming as to location, size, height, or other regulation shall not be changed to a new electronic display billboard until all nonconformities have been eliminated.
9. **Public service announcements.** All electronic display billboards shall be required to provide for public service announcements, including Amber Alerts, and other community service announcements in compliance with the terms of the Conditional Use Permit.

18.32.120 – Standards for Temporary Signs

- A. **Sign permit not required.** These regulations apply to temporary signs on private property. Approval of a Sign Permit is not required in compliance with Sign Tables A and B (Appendix 1), except as specifically identified.
- B. **General requirements.** It is unlawful to place, erect, install, or maintain a temporary sign in any zone, except as authorized and in compliance with Sign Tables A and B (Appendix 1) and all of the following requirements:
 1. No temporary sign shall be placed upon any private property without the prior consent of the property owner or the person in lawful possession of the property;
 2. No temporary sign shall be placed upon the roof of any structure;
 3. No temporary sign shall be illuminated;
 4. No temporary sign shall be erected to overhang any street, sidewalk, or other public property, unless an encroachment permit has been issued by the City;
 5. No temporary sign shall be erected in a manner or place that will obstruct a motorist's line of sight or otherwise constitute a safety hazard for vehicular or pedestrian traffic upon any street, sidewalk, or right-of-way; and
 6. Each temporary sign shall contain a legibly printed identification with the name, address, and telephone number of the sign owner who is responsible for the posting and removal of the sign.
- C. **Real estate signs.**

Where a Planned Development Permit is granted, as part of the permit the Commission may approve a Master Sign Plan for the entire project that includes a specification of the

number, size, design, location, period of time, and other requirements for the posting of temporary real estate signs within the development.

D. Subdivision signs.

1. A Sign Permit shall be required for subdivision flags or streamers. The permit may be issued at any time after recordation of the final subdivision map and shall be for a term not exceeding 12 months. All ornamental flags and streamers shall then be removed upon expiration of the permit, unless renewal of the permit for a period of not more than one additional 12-month period is approved by the Director;
2. One sign, not exceeding 24 square feet in area advertising a new subdivision, may be erected or displayed at each entrance to the subdivision;
3. No subdivision sign shall exceed four feet in height; and
4. In the case of a subdivision having five or more parcels, ornamental flags or streamers may be erected at each entrance to the subdivision and along the boundaries of the project adjacent to public streets, as determined by the Director. The height of the pole or other support structure for the ornamental flag or streamer shall not exceed the height limit for the zone in which the property is located.

E. Construction project signs. A temporary construction sign may be allowed in any zone in compliance with the general restrictions and all of the following regulations:

1. A Sign Permit shall be required for any temporary construction sign. The permit may be issued at any time on or after issuance of a building permit for the structure in question. The Sign Permit shall expire six months following the date on which the permit was issued or upon the sooner completion of construction. The sign shall be removed on expiration of the permit unless, prior to expiration, the permit is renewed on approval of the Director. The permit renewal shall not be for a period in excess of an additional six months. The permit shall not thereafter be further renewed; and
2. No more than one sign having an area not exceeding 16 square feet may be erected or displayed on the site of a construction project. Where the development consists of a residential subdivision where a temporary subdivision sign would be allowed, then no temporary construction sign shall be allowed.

F. Grand opening signs. In any commercial or mixed use zone, temporary grand opening signs or banners to announce the commencement of a new business establishment shall be allowed provided they conform to the general restrictions and all of the following regulations:

1. The grand opening sign or banner shall not exceed 20 square feet in area;
2. The grand opening sign or banner shall be erected on the same site as the business establishment; and
3. The grand opening sign or banner shall not be displayed for more than 30 days before, or more than 30 days from and after, the date on which the establishment opens for business.

G. Special event signs. The installation of temporary signs, banners, or other advertising pertaining to a community-wide civic event, activity, or observation conducted or sponsored by the City shall be allowed.

H. Window signs. Refer to standards for permanent and temporary window signs

- I. Noncommercial temporary signs.** Temporary noncommercial signs may be erected within any zone provided they conform to the general restrictions and all of the following regulations:
1. No freestanding sign shall exceed an area of 10 square feet and four feet in height; and
 2. A noncommercial sign that relates to a specific event shall be removed within five calendar days after the occurrence of the event.

18.32.130 – Sign Permit Requirements

- A. General.** Unless a sign is specifically exempt from obtaining a Sign Permit, any person, business, or property owner desiring to construct, maintain, or display a sign shall submit a Sign Permit application to the Department. The application shall include plans, drawings, and descriptive material sufficient to depict the sign proposal. Authorization of the property owner or the property owner's authorized agent is required as a prerequisite to the Department accepting the application as complete. Content of a commercial message shall be considered only to the extent required to determine whether the sign is an on-site or off-site sign.
- B. Signs requiring discretionary approval.** The following signs shall require discretionary approval by the Director or Commission:
1. **Illuminated signs.** Signs that incorporate exposed neon tubes or light bulbs shall require approval by the Commission;
 2. **Additional sign height or area.** Any individual sign or combination of all signs on a parcel that exceeds the height or area limitations by more than five percent shall require approval of a Minor Variance.
 3. **Off-premises signs.** Any new off-premises sign, including outdoor advertising structures (i.e., billboards) whether or not the sign is static or includes an electronic digital display shall require approval by the Commission; and
 4. **Other signs and devices.** Any other signs or visual devices that do not, in the discretion of the Director comply with the purpose of this chapter or the intended interpretation of these standards shall require approval by the Commission.

18.32.140 – Master Sign Plan Required

No Sign Permit shall be approved for any sign until a Master Signage Plan for the subject parcel(s) on which the sign(s) will be erected has been approved by the Director. The requirement for a Master Signage Plan shall apply to new commercial and mixed use developments consisting of one or more parcels, and to signs proposed on projects for which a Conditional Use Permit or other discretionary entitlement is required.

18.32.150 – Application for Sign Permit and Master Signage Plan

A Sign Permit application or application for a Master Signage Plan shall be submitted to the Department in compliance with all of the following provisions.

- A. Application contents.** For any parcel on which one or more signs are proposed which require a Sign Permit, the owner(s) shall submit a Master Signage Plan containing all of the following:
1. An accurate plot plan of the subject property, of a quality and at a scale as the Director may reasonably require;

2. Location of buildings, parking lots, driveways, curb cuts, and landscaped areas on the subject parcel and names of adjacent streets and other applicable uses;
 3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the subject property included in the proposed plan;
 4. Drawing(s) depicting the lettering or graphic style, lighting associated with, materials, and sign proportions (scaled) of each proposed sign; and
 5. An accurate indication on the plot plan of each present and proposed future sign of any type, as well as scaled elevations depicting the size, height, and location of each present and proposed future sign.
- B. Window signs to be shown on plans.** A Master Signage Plan including window signs shall indicate in plan elevation(s) the areas of the windows to be covered by window signs and the general type of window signs (e.g., paper affixed to window, painted, etched on glass, or other material hung inside window) and need not specify the exact dimension or nature of every window sign although a total window sign area shall be indicated for purposes of calculating total allowed sign area. The total proposed window sign area, including permanent and temporary signs, shall not exceed 25 percent of each individual window area of all windows facing a public street.
- C. Limit on number of freestanding signs.** The Master Signage Plan for all parcels with multiple uses or multiple users shall limit the number of freestanding signs to a total of one for each street on which the parcels included in the plan have frontage and shall provide for shared or common usage of the freestanding signs.
- D. Other provisions of Master Signage Plans.** The Master Signage Plan may contain other restrictions as the owner(s) of the parcel(s) may reasonably determine or the Director may reasonably require.
- E. Consent.** The Master Signage Plan shall be signed by all owners or their authorized agents in a form as the Director shall require.
- F. Procedures.** A Master Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development or Conditional Use Permit, and shall be processed simultaneously with other plans or permit applications.
- G. Amendment.** A Master Signage Plan may be amended by filing a new Master Signage Plan conforming to all requirements in effect at the time. Minor modifications to the MSP may be approved by the Director. Major Modifications shall require Commission review.
- H. Nonconforming existing signs.** If a new or amended Master Signage Plan is filed for a parcel(s) on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or the requirements in effect on the date of submission.
- I. Binding effect.** After approval of Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with the plan, and the plan may be enforced the same way as any provision of the Development Code. In the event of a conflict between the provisions of the plan and any other provision of this chapter, the provisions of this chapter shall control.

J. Time for Review.

1. **Director approval.** For signs subject to review by the Director, the Director shall review the application within the timeframes of the Permit Streamlining Act. The Director may impose only those conditions that will ensure compliance with the provisions of this chapter.
2. **Commission approval.** For those signs subject to review by the Commission, the Commission shall review the application within the timeframes identified in the Permit Streamlining Act.
3. **Other discretionary approval.** If a MSP is approved by the Director or Commission, and the project starts construction within the approved timeframes the MSP is vested.

K. Required Findings. The Director or Commission, as applicable, shall approve a Sign Permit or Master Signage Plan if all of the following findings can be made:

1. The sign plan meets the standards and sign design criteria specified in this chapter; and
2. The sign plan is compatible with development on the subject property and developments in the immediate vicinity of the subject property, and does not detract from the character or quality of surrounding properties.

L. Appeals. A decision by the Director or the Commission may be appealed.**18.32.160 – Sign Design Criteria**

The following criteria shall serve as design standards for all signs placed or erected in the City:

- A. Multiple signs.** When more than one sign is allowed for the same activity, all signs shall be coordinated with respect to color, letter style, illumination, and other graphic features;
- B. Multiple occupancies.** For a multiple owner/tenant occupancy, the various signs proposed for identification of different activities/businesses shall be coordinated with respect to placement on the building facade, legibility, and illumination. Signs allowed for one property or tenancy shall not adversely affect the identification and reasonable use of the neighboring parcel or tenancy;
- C. Monument signs.** Monument signs placed on parcels on street corners shall not impede adequate and safe view of motorists through and/or around the street corner;
- D. Coordination of signs.** All signs shall be considered an architectural and site plan feature of any existing and/or proposed building or development and shall be coordinated in size, height, color, illumination, location, graphic design, and finish detailing with the building(s), landscaping, area lighting, and vehicular and pedestrian circulation;
- E. Freestanding portable sign.** The product, price, or changeable copy area of a freestanding portable sign shall occupy no more than one-fourth the allowed sign area;
- F. Sign illumination.** All of the following standards shall apply to all internally or externally illuminated signs:
 1. Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face;

2. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property;
 3. Internal illumination is allowed for cabinet signs only if the sign background is opaque and the only portion of the sign appearing as illuminated is the actual lettering and/or a trademark or logo;
 4. Where signs are to be placed near a residential use, sign location and illumination shall be adjusted for minimum impact to the residential use. The Director shall retain the right to require reasonable adjustment for size and height to ensure minimum impact to the residential use; and
 5. Each illuminated sign shall be subject to a 30-day review period, during which time the Director may determine a reduction in illumination is necessary due to negative impacts on surrounding property.
- G. Negative impact on surroundings.** The distraction of motorist attention due to any moving, rotating, flashing, or otherwise animated light or component associated with a sign shall be minimized by requiring adequate separation between signs along a street frontage and at intersections. Signs may not be allowed should the review authority make the finding the sign as proposed is inappropriate for the site due to its proximity to the street, other similar signs, or a residential zone, or if the review authority makes the finding and determination (and citing its rationale in making the determination) the sign would have a negative aesthetic impact on the surrounding zone.

18.32.170 – Nonconforming On-Premises Signs

- A. Amortization time periods.** All existing signs legally allowed and authorized by the City or a preceding jurisdiction which do not meet the size, location, or similar measurement or placement or operational standard established by the Development Code are deemed legal, nonconforming and shall be required to comply with the amortization provisions during the following time periods:
1. Signs painted on buildings, walls or fences — Two years from July 1, 2011;
 2. All other signs — Seven years from July 1, 2011.
- B. Ravenswood/4 Corners Specific Plan.** All existing signs located in the Ravenswood/4 Corners Specific Plan Project Area that were legally installed between September 4, 2012 and November 1, 2013, but that do not comply with the size, location, or similar measurement or placement standard established by the Development Code are deemed legal, nonconforming signs and shall be required to comply with the amortization provisions during the following time periods:
1. Signs painted on buildings, walls or fences — Two years from February 7, 2014;
 2. All other signs — Seven years from February 7, 2014.
- C. No alteration.** Nonconforming signs shall not be altered, reconstructed, moved, or undergo a face change without complying with all requirements with this chapter. Normal maintenance or repair of any nonconforming sign, as determined by the chief building official or Director, is not prohibited.
- D. Billboards.** The amortization provisions are not intended to apply to billboards visible from a state highway.

18.32.180 – Replacement of Nonconforming Off-Site Advertising Structures

- A. Applicability.** Any legally nonconforming off-site sign (billboard) may be considered a candidate for removal and replacement on a two for one basis. Upon agreement between the sign owner and the City, the sign owner may remove two legally nonconforming off-site signs and replace them with one new off-site sign, subject to the provisions of this chapter.
- B. Commission may waive standards.** If a sign replacement/relocation request is made, the new sign shall comply with all standards of this chapter relating to off-site signs, except that compliance with location or spacing requirements may be waived by the Commission. In no instance shall spacing between any two off-site signs be less than 1,000 feet.
- C. Conditional Use Permit.** The replacement of signs shall require approval of a Conditional Use Permit. In considering an application, the Commission shall take into account all of the following:
1. Whether or not the area has excessive visual clutter;
 2. Whether or not the proposed new sign would be compatible with uses and structures on the proposed site and in the surrounding area;
 3. Whether or not the off-site sign would create a traffic or safety problem with regard to on-site access, circulation, or visibility;
 4. Whether or not the proposed sign would interfere with required on-site parking or landscaping, or other required facilities;
 5. Proximity to residential zones or residential housing;
 6. Proximity to other off-site signs;
 7. Field of vision shared with other off-site signs and on-site signs;
 8. Maintenance quality and appearance of the signs proposed for removal; and
 9. Aesthetic and visual problems caused in their existing locations by the signs proposed for removal.
- D. Timing of removal.** The signs to be removed shall be removed from their respective sites before commencement of construction or installation of the new sign. A building permit shall be required for removal.

18.32.190 – Development Standards for Off-Site Advertising Structures

- A. Maximum Height.** 25 feet, measured from the ground surface to the uppermost point of the sign. For freeway-oriented off-site signs, height shall be measured from the closest freeway grade to the uppermost point of the sign.
- B. Maximum Area.** 1,200 square feet for each sign face with a maximum length of 60 feet.
- C. Maximum number of sign faces.** Two.
- D. Minimum Distance from another off-site sign.** 1,000 feet.
- E. Minimum distance from freeway ramp or street intersection.** 375 feet.

- F. **Other standards.** All off-site advertising structures shall comply with the applicable regulations of the California Business and Professions Code, Section 5270 et seq.

18.32.200 – Abandoned Signs

Except as otherwise provided in this chapter, any on-premises sign remaining in place or not maintained for a period of 90 calendar days that no longer advertises or identifies an ongoing business, product or service available on the parcel where the display is located, or any sign that pertains to a time, event, or purpose that no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed or painted over by the owner of the sign, owner of the property, or the Director, at the expense of the owner of the sign or property.

18.32.210 – Dangerous and/or Defective Signs

It is unlawful for any business or property owner to maintain or permit to be maintained on any business or property any sign that is in a dangerous or defective condition. A sign shall be removed or repaired by the owner of the sign, owner of the property, or the Director, at the expense of the owner of the sign or property.

18.32.220 – Violations

Any of the following shall constitute a violation of this chapter and shall be subject to the enforcement remedies and penalties provided in the Development Code or state law:

- A. To install, create, erect, or maintain any sign in a way inconsistent with any plan or permit governing the sign or the zone on which the sign is located;
- B. To post, install, create, erect, and maintain any sign requiring a permit without a permit; and/or
- C. To fail to remove any sign installed, created, erected, or maintained in violation of this chapter, or for which the Sign Permit or other applicable permit has lapsed.

18.32.230 – Enforcement and Remedies

- A. The Director, Director of Public Works, any police officer, or code enforcement officer shall have concurrent authority to enforce the provisions of this chapter.
- B. If any sign is posted, installed, erected or maintained in violation of any standard or restriction contained in this chapter, any person having authority to enforce this chapter may remove the sign upon giving 24 hours prior notice of the violation and intended removal to the sign owner. If the sign owner cannot be determined or found, or if the sign constitutes an immediate hazard to the public health or safety, the sign may be summarily removed immediately.
- C. The sign owner shall be responsible for payment of all removal costs, or an administrative penalty to be established by resolution of the Council for each sign removed by the City. Any person desiring to contest the payment may request a hearing before the City Manager.
- D. Any sign removed under this section shall be retained for a period of five calendar days, during which time the sign owner may retrieve the sign upon payment of the removal costs or administrative penalty. Any sign not retrieved within the five-day period shall be deemed to have been abandoned by the owner and may be destroyed or otherwise disposed of by the City. Owners of signs painted on the exterior of a building or other structure and abated by the City shall not be entitled to any restitution, financial or otherwise.

18.32.240 – Chief Building Official Determination

Sign Permit applications shall be routed to the Chief Building Official. When it is determined a separate building, electrical, or other permit is required, the applicant shall be notified and the Sign Permit shall not be issued until other permits are obtained from the Chief Building Official. Nothing in this chapter shall infer that signs which do not require a Sign Permit are not required to have a building permit. It shall be the sole discretion of the Chief Building Official, utilizing the uniform codes adopted by the City, as to which signs require building permits.

18.32.250 – Appeal Procedure

Any appeal of the decision of the City Manager pertaining to the payment of removal costs or an administrative penalty shall follow the appeal procedure specified in Chapter 18.114.

APPENDIX 1. SIGN TABLES

SIGN TABLE A: PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

RESIDENTIAL ZONING DISTRICTS AND INSTITUTIONAL USES						
SIGN TYPE	R-LD	RMD	RHD	INS^a	UR	PR/RM/PI
Freestanding						
Residential ^b	S	S	S	N	S	N
Other	N	N	S	S	S	S
Incidental ^d	P	P	P	P	P	P
Building						
Banner ^m	N	N	N	S	N	S
Building Marker ^f	P	P	P	P	P	P
Canopy	N	N	N	N	N	N
Identification ^e	P	P	P	P	P	P
Incidental ^d	N	N	P	P	P	P
Marquee ^h	N	N	N	N	N	N
Projecting ^h	N	N	N	N	N	N
Residential ^b	P ^c	P ^c	S ^c	N	S ^c	N
Roof	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N
Suspended ^h	N	N	N	S	N	N
Temporary ⁱ	P	P	P	P	P	P
Wall ^l	S ^l	S ^l	S ^l	S	S ^l	S
Window ^j	N	N	N	N	N	N
Miscellaneous						
Banner ^m	N	N	N	S	N	S
Flag ^k	P	P	P	P	P	P
Portable	N	N	N	N	N	N

Table Key	
P	Allowed without a sign permit
S	Allowed only with a sign permit
N	Not allowed

Zoning District Key	
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-M	Multiple-Family Residential District
UR	Urban Residential. Intended to provide opportunities for the development of single-family and multiple-family homes at a moderate density. Accommodates small-lot detached single-family homes; attached single-family homes such as townhomes; duplexes, triplexes, and four-plexes; and multiple-family apartments or condominiums.
ROS	Ravenswood Open Space. Intended to be placed on those parcels dedicated to conservation of existing open space and development of traditional parks, linear parks and other "public" spaces within the Specific Plan Area.

Footnote Key	
a	This column does not represent a zoning district. It applies to institutional uses conditionally permitted under the zoning ordinance in residential zoning districts, such as churches, large day care facilities, and schools. It does not apply to any conditionally permitted residential care facility.
b	No commercial message allowed on sign.
c	May only include name of residential subdivision or name of apartment, duplex, condominium, or townhouse project, and may not be more than eight (8) square feet
d	No commercial message of any kind allowed on sign if such message is legible from any location off the property in which the sign is located.
e	Only address and name of occupant allowed on sign.
f	May include only building name, date of construction or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
g	Not used.
h	If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form as the Director of Community Development may reasonably determine necessary, provided that the amount of such liability insurance shall be not less than the amount established by resolution of the City Council.
i	The provisions of Section 18.32.120 shall apply.
j	The conditions of Section 18.32.160 shall apply.
k	Flags which, upon determination by the Director of Community Development, meet the definition of "flag" provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is not more than forty (40) feet in height. Any sign similar to a flag not meeting the definition of "flag" shall be considered a banner sign and shall be subject to regulation as such.
l	Allowable w/valid Home Occupation Permit, must not exceed 2.25 square feet.
m	Banner signs may only be displayed on a temporary basis. The maximum duration of display is specified in Section 18.32.120

COMMERCIAL, INDUSTRIAL AND MIXED-USE ZONING DISTRICTS								
SIGN TYPE	CG	CN	O	4C	BRC/MUL	REC	IT	WO
					MUC/MUH			
Freestanding								
Residential ^b	N	N	N	S	S	N	N	N
Other	S	S	S	S	S	S	S	S
Incidental ^d	P	P	P	P	P	P	P	P
Building								
Banner ^m	S	S	S	S	S	S	S	S
Building Marker ^f	P	P	P	P	P	P	P	P
Canopy	S	S	S	S	S	S	S	S
Identification ^e	P	P	P	P	P	P	P	P
Incidental ^d	P	P	P	P	P	P	P	P
Marquee ^h	S	S	S	S	S	S	S	S
Projecting ^h	S	S	S	S	S	S	S	S
Residential ^b	N	N	N	S ^c	S ^c	N	N	N
Roof	N	N	N	N	N	N	N	N
Roof, Integral	S	S	N	S	S	S	N	N
Suspended ^h	S	S	N	S	S	N	N	N
Temporary ^j	P	P	P	P	P	P	P	P
Wall ⁱ	S	S	S	S	S	S	S	S
Window ^j	P	P	P	P	P	P	P	P
Miscellaneous								
Banner ^m	S	S	S	S	S	S	S	S
Flag ^k	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N

Table Key	
P	Allowed without a sign permit
S	Allowed only with a sign permit
N	Not allowed

Zoning District Key	
C-1	Neighborhood Commercial District
C-2	General Commercial District
O&OR	Office District and Office/Residential Mixed Use District
4C	4 Corners. Intended to support an enlivened, thriving “downtown” focused around the intersection of University Avenue and Bay Road. Accommodates multiple-story mixed-use buildings that have retail stores or community facilities on the ground floor, with apartments or condominiums on upper floors.
BRC	Bay Road Central. Intended to make Bay Road a lively, inviting place that creates a strong connection between 4 Corners and Cooley Landing. Accommodates multiple-story mixed-use buildings that have either retail stores or storefront-type offices on the ground floor, with apartments, condominiums, or offices on upper floors.
REC	Ravenswood Employment Center. Intended to support the development of a variety of job-creating uses, including high-quality research and development (R&D) facilities. Also accommodates businesses that produce goods, distribute merchandise, or repair equipment, provided that they do not negatively affect surrounding uses or properties.

IT	Industrial Transition. Intended to accommodate light industrial uses in areas that are near large clusters of single-family homes, while ensuring that the light industrial uses do not adversely affect nearby homes. Accommodates low-intensity manufacturing and repair businesses that do not attract large amounts of traffic.
WO	Waterfront Office. Intended to support the construction of Class A offices within the Plan Area. Accommodates professional offices and limited supporting retail or other uses.
Footnote Key	
a	This column does not represent a zoning district. It applies to institutional uses conditionally permitted under the zoning ordinance in residential zoning districts, such as churches, large day care facilities, and schools. It does not apply to any conditionally permitted residential care facility.
b	No commercial message allowed on sign.
c	May only include name of residential subdivision or name of apartment, duplex, condominium, or townhouse project, and may not be more than eight (8) square feet (unless otherwise allowed in Section 18.32.120).
d	No commercial message of any kind allowed on sign if such message is legible from any location off the property in which the sign is located.
e	Only address and name of occupant allowed on sign.
f	May include only building name, date of construction or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
g	Not used.
h	If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form as the Director of Community Development may reasonably determine necessary, provided that the amount of such liability insurance shall be not less than the amount established by resolution of the City Council.
i	The provisions of Section 18.32.120 shall apply.
j	The conditions of Section 18.32.160 shall apply.
k	Flags which, upon determination by the Director of Community Development, meet the definition of "flag" provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is not more than forty (40) feet in height. Any sign similar to a flag not meeting the definition of "flag" shall be considered a banner sign and shall be subject to regulation as such.
l	Allowable w/valid Home Occupation Permit, must not exceed 2.25 square feet.
m	Banner signs may only be displayed on a temporary basis. The maximum duration of display is specified in Section 18.32.120.

SIGN TABLE B: MAXIMUM TOTAL SIGN AREA PARCEL BY ZONING DISTRICT

RESIDENTIAL ZONING DISTRICTS AND INSTITUTIONAL USES						
SIGN TYPE	RLD	RMD	RHD	INS^a	UR	PR/RM/PI
<i>The maximum total area of all signs on a parcel except incidental, building marker, identification signs, and flags^b shall not exceed the lesser of the following:</i>						
Maximum Number of Total Square Feet	4	8	16	16	16	32
Percentage of Ground Floor Area of Principal Building	NA	NA	NA	NA	NA	NA
Square Feet of Signage Per Linear Foot of Street Frontage	NA	NA	NA	0.2	NA	NA

COMMERCIAL, INDUSTRIAL AND MIXED-USE ZONING DISTRICTS								
SIGN TYPE	CG	CN	O	4C	BRC/ MUL. MUC/ MUH	REC	IT	WO
<i>The maximum total area of all signs on a parcel except incidental, building marker, identification signs, and flags^b shall not exceed the lesser of the following:</i>								
Maximum Number of Total Square Feet	250	400	200	250	250	500	250	300
Percentage of Ground Floor Area of Principal Building	10%	8%	2%	10%	10%	2%	2%	3%
Square Feet of Signage Per Linear Foot of Street Frontage	2	3.5	2	2	2	NA	2	3

Footnote Key	
a	This column does not represent a zoning district. It applies to institutional uses conditionally permitted under the zoning ordinance in residential zoning districts, such as churches, large day care facilities, and schools. It does not apply to any conditionally permitted residential care facility.
b	Flags which, upon determination by the Director of Planning, meet the definition of "flag" provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is not more than forty (40) feet in height Any sign similar to a flag not meeting the definition of "flag" shall be considered a banner sign and shall be subject to regulation as such.

Zoning District Key	
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-M	Multiple-Family Residential District
UR	Urban Residential. Intended to provide opportunities for the development of single-family and multi-family homes at a moderate density. Accommodates small-lot detached single-family homes; attached single-family homes such as townhomes; duplexes, triplexes, and four-plexes; and multiple-family apartments or condominiums.
ROS	Ravenswood Open Space. Intended to be placed on those parcels dedicated to conservation of existing open space and development of traditional parks, linear parks and other "public" spaces within the Specific Plan Area.
C-1	Neighborhood Commercial District
C-2	General Commercial District
O&OR	Office District and Office/Residential Mixed Use District
4C	4 Corners. Intended to support an enlivened, thriving "downtown" focused around the intersection of University Avenue and Bay Road. Accommodates multiple-story mixed-use buildings that have retail stores or community facilities on the ground floor, with apartments or condominiums on upper floors.
BRC	Bay Road Central. Intended to make Bay Road a lively, inviting place that creates a strong connection between 4 Corners and Cooley Landing. Accommodates multiple-story mixed-use buildings that have either retail stores or storefront-type offices on the ground floor, with apartments, condominiums, or offices on upper floors.
REC	Ravenswood Employment Center. Intended to support the development of a variety of job-creating uses, including high-quality research and development (R&D) facilities. Also accommodates businesses that produce goods, distribute merchandise, or repair equipment, provided that they do not negatively affect surrounding uses or properties.
IT	Industrial Transition. Intended to accommodate light industrial uses in areas that are near large clusters of single-family homes, while ensuring that the light industrial uses do not adversely affect nearby homes. Accommodates low-intensity manufacturing and repair businesses that do not attract large amounts of traffic.
WO	Waterfront Office. Intended to support the construction of Class A offices within the Plan Area. Accommodates professional offices and limited supporting retail or other uses.

SIGN TABLE C: NUMBER, DIMENSIONS, AND LOCATION OF SIGNS BY ZONING DISTRICT

RESIDENTIAL ZONING DISTRICTS AND INSTITUTIONAL USES						
SIGN TYPE	RLD	RMD	RHD	INS^a	UR	PR/RM/PI
<i>Individual signs shall not exceed the applicable maximum number, dimensions, or setbacks shown on this table</i>						
Freestanding (non-incidenta						
Area (sq. ft.)	4	8	16	16	16	16
Height (feet)	4	4	4	6 ^b	4	6 ^b
Setback (ft.) ^{cdh}	1	1	1	1	1	1
Number permitted per parcel	1	1	NA	NA	NA	NA
Number permitted per feet of frontage	NA	NA	1 per 100	1 per 100	1 per 100	NA
Building (non-incidenta						
Area (max. sq. ft.)	4	8	16	16	16	16
Wall Area (percent)	NA	NA	NA	10%	NA	10%
Number permitted per side of street frontage	1	1	1	1	1	1

COMMERCIAL, INDUSTRIAL AND MIXED-USE ZONING DISTRICTS								
SIGN TYPE	CG	CN	O	4C	BRC/MUL/ MUC/MUH	REC	ITⁱ	WO
<i>Individual signs shall not exceed the applicable maximum number, dimensions, or setbacks shown on this table</i>								
Freestanding (non-incidenta								
Area (sq. ft.)	40	80	60	40	40	80	25	60
Height (feet)	6 ^b	20	6	6 ^b	6 ^b	12 ^b	6 ^b	6
Setback (ft.) ^{cdh}	1	1	1	1	1 ^h	1	1	1 ^h
Number permitted per parcel	NA	NA	NA	NA	NA	NA	NA	NA
Number permitted per feet of frontage	1 per 100	1 per 100	1 per 50	1 per 100	1 per 100	1 per 100	1 per 100	1 per 50
Area (max. sq. ft.)	NA	NA	NA	NA	NA	NA	20	NA
Wall Area (percent)	10%	20%	5%	10%	10%	10%	NA	5%
Number permitted per side of street frontage	2 ^g	2 ^g	1	2 ^g	2 ^g	1	1	1

Zoning District Key	
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-M	Multiple-Family Residential District
UR	Urban Residential. Intended to provide opportunities for the development of single-family and multi-family homes at a moderate density. Accommodates small-lot detached single-family homes; attached single-family homes such as townhomes; duplexes, triplexes, and four-plexes; and multiple-family apartments or condominiums.
ROS	Ravenswood Open Space. Intended to be placed on those parcels dedicated to conservation of existing open space and development of traditional parks, linear parks and other “public” spaces within the Specific Plan Area.
C-1	Neighborhood Commercial District
C-2	General Commercial District
O&OR	Office District and Office/Residential Mixed Use District
4C	4 Corners. Intended to support an enlivened, thriving “downtown” focused around the intersection of University Avenue and Bay Road. Accommodates multiple-story mixed-use buildings that have retail stores or community facilities on the ground floor, with apartments or condominiums on upper floors.
BRC	Bay Road Central. Intended to make Bay Road a lively, inviting place that creates a strong connection between 4 Corners and Cooley Landing. Accommodates multiple-story mixed-use buildings that have either retail stores or storefront-type offices on the ground floor, with apartments, condominiums, or offices on upper floors.
REC	Ravenswood Employment Center. Intended to support the development of a variety of job-creating uses, including high-quality research and development (R&D) facilities. Also accommodates businesses that produce goods, distribute merchandise, or repair equipment, provided that they do not negatively affect surrounding uses or properties.
IT	Industrial Transition. Intended to accommodate light industrial uses in areas that are near large clusters of single-family homes, while ensuring that the light industrial uses do not adversely affect nearby homes. Accommodates low-intensity manufacturing and repair businesses that do not attract large amounts of traffic.
WO	Waterfront Office. Intended to support the construction of Class A offices within the Plan Area. Accommodates professional offices and limited supporting retail or other uses.

Footnote Key	
a	This column does not represent a zoning district. It applies to institutional uses conditionally permitted under the zoning ordinance in residential zoning districts, such as churches, large day care facilities, and schools. It does not apply to any conditionally permitted residential care facility.
b	Monument sign required.
c	Minimum setbacks are as listed; however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back six (6) feet from such a lot, it may be not more than six (6) feet high.
d	In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or entranceway.
e	Lots fronting two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one (1) street frontage.
f	The percentage figure here shall mean the percentage of area of the wall of which such a sign is a port or to which each such sign is most nearly parallel
g	For multi-tenant buildings, one (1) additional building sign is permitted for each tenant after the first.
h	The setback distance shall be measured from the public right-of-way or the public right-of-way plan line.
i	All signs in the Industrial Transition Zoning District must be oriented to face the street.

SIGN TABLE D: PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

RESIDENTIAL ZONING DISTRICTS AND INSTITUTIONAL USES						
SIGN TYPE	RLD	RMD	RHD	INS^a	UR	PR/RM/PI
Animated	N	N	N	N	N	N
Changeable, Copy	N	N	N	N	N	N
Illumination, Internal	N	N	N	N	N	N
Illumination, External	N	N	S ^c	S ^c	S ^c	S ^c
Illumination, Exposed bulbs or neon	N	N	N	N	N	N

COMMERCIAL, INDUSTRIAL AND MIXED-USE ZONING DISTRICTS								
SIGN TYPE	CG	CN	O	4C	BRC/MUL/MUC/MUH	REC	IT	WO
Animated	S ^b	S ^b	N	S ^b	S ^b	N	N	N
Changeable, Copy	S ^b	S ^b	N	S ^b	S ^b	N	N	N
Illumination, Internal	S ^c	S ^c	S	S ^c	S ^c	S ^c	S ^c	S
Illumination, External	S ^c	S ^c	S	S ^c	S ^c	S ^c	S ^c	S
Illumination, Exposed bulbs or neon	S ^b	S ^b	N	S ^b	S ^b	N	N	N

Table Key	
P	Allowed without a sign permit
S	Allowed only with a sign permit
N	Not allowed

Zoning District Key	
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-M	Multiple-Family Residential District
UR	Urban Residential. Intended to provide opportunities for the development of single-family and multi-family homes at a moderate density. Accommodates small-lot detached single-family homes; attached single-family homes such as townhomes; duplexes, triplexes, and four-plexes; and multiple-family apartments or condominiums.
ROS	Ravenswood Open Space. Intended to be placed on those parcels dedicated to conservation of existing open space and development of traditional parks, linear parks and other “public” spaces within the Specific Plan Area.
C-1	Neighborhood Commercial District
C-2	General Commercial District
O&OR	Office District and Office/Residential Mixed Use District
4C	4 Corners. Intended to support an enlivened, thriving “downtown” focused around the intersection of University Avenue and Bay Road. Accommodates multiple-story mixed-use buildings that have retail stores or community facilities on the ground floor, with apartments or condominiums on upper floors.

BRC	Bay Road Central. Intended to make Bay Road a lively, inviting place that creates a strong connection between 4 Corners and Cooley Landing. Accommodates multiple-story mixed-use buildings that have either retail stores or storefront-type offices on the ground floor, with apartments, condominiums, or offices on upper floors.
REC	Ravenswood Employment Center. Intended to support the development of a variety of job-creating uses, including high-quality research and development (R&D) facilities. Also accommodates businesses that produce goods, distribute merchandise, or repair equipment, provided that they do not negatively affect surrounding uses or properties.
IT	Industrial Transition. Intended to accommodate light industrial uses in areas that are near large clusters of single-family homes, while ensuring that the light industrial uses do not adversely affect nearby homes. Accommodates low-intensity manufacturing and repair businesses that do not attract large amounts of traffic.
WO	Waterfront Office. Intended to support the construction of Class A offices within the Plan Area. Accommodates professional offices and limited supporting retail or other uses.

Footnote Key	
a	This column does not represent a zoning district. It applies to institutional uses conditionally permitted under the zoning ordinance in residential zoning districts, such as churches, large day care facilities, and schools. It does not apply to any conditionally permitted residential care facility.
b	Planning Commission approval required.
c	No direct light or significant glare from the sign shall be cast into adjacent parcel that is zoned or used for residential purposes

Chapter 18.34 – Performance Standards

Sections:

- 18.34.010 – Purpose
- 18.34.020 – Applicability
- 18.34.030 – Address Assignments
- 18.34.040 – Air Quality, Dust, and Dirt
- 18.34.050 – Crime Prevention Design Review
- 18.34.060 – Hazardous Materials
- 18.34.070 – Heat and Cold
- 18.34.080 – Mechanical Devices
- 18.34.090 – Noise
- 18.34.100 – Odor
- 18.34.110 – Outdoor Light and Glare
- 18.34.120 – Outdoor Storage, Refuse Areas, and Service Areas
- 18.34.130 – Vibration
- 18.34.140 – Enforcement

18.34.010 – Purpose

The purpose of this chapter is to establish uniform performance standards for development to promote compatibility with surrounding areas and land uses.

18.34.020 – Applicability

The following provisions, standards, and specifications apply to all properties, structures, uses, and activities in all zones, unless an exception is specifically noted. The provisions of Municipal Code Chapter 8.08 with regard to nuisances also should be considered..

18.34.030 – Address Assignments

- A. New address assignment.** A new address is assigned when any of the following situations occurs:
1. Construction of a new building;
 2. Construction or legalizing a secondary dwelling unit;
 3. Current address is out of sequence or range;
 4. Existing entrance for a corner lot is on a different street;
 5. Existing duplicate address or street name;
 6. New address will facilitate better emergency response from the Police or Fire Departments; or
 7. A new parcel number is required to be issued for this project.

B. Submittal requirements for new address.

1. Submittal of the Department Application Form.
2. A letter explaining why the new address is required and how it complies with the City's Address Assignment criteria listed above.
3. Payment of two hours of staff time plus a five percent technology fee based on the City's adopted Master Fee Schedule.
4. A site plan or parcel map identifying the location of the new building or secondary dwelling unit, if applicable.
5. Location of the new mailbox.

C. Submittal procedures. The property owner or a designated representative shall submit the information listed above to the Department. Applications will be processed in accordance with the Permit Streamlining Act. Once addresses are assigned, an addressing notice will be prepared and sent to the Department's distribution list, including post office, county assessor, city departments, utility companies, and emergency services.

D. Limitations on address assignment.

1. Addresses are not assigned to empty lots or vacant land.
2. Addresses will only be assigned when new development or alteration work is proposed.
3. Multi-tenant buildings will have one street address with suite numbers for tenant spaces.

18.34.040 – Air Quality, Dust, and Dirt

A. Air quality. It is unlawful for operations or activities to cause the emission of any smoke, fly ash, dust, fumes, vapors, gases, or other forms of air pollution, beyond any boundary line of the parcel, which exceeds the requirements of any air quality plan, rule or regulation, or General Plan Air Quality Element. The requirements of the Bay Area Air Quality Management District shall be met for all development.

B. Grading. To ensure a dust free environment, appropriate grading procedures shall include, but are not limited to, the following:

1. Schedule all grading activities to ensure that repeated grading will not be required and implementation of the subsequent land use (e.g. planting, paving or construction) will occur as soon as possible after grading;
2. Disturb as little native vegetation as possible;
3. Comply with all provisions of Municipal Code Chapter 15.48; and
4. Re-vegetate graded areas as soon as possible.

18.34.050 – Crime Prevention Design Review

The Director shall determine which projects will require a crime prevention review in consultation with the Administrative Policies of the East Palo Alto Police Department.

18.34.060 – Hazardous Materials

- A. Fire and explosive hazards.** All activities involving and all storage of flammable and explosive materials shall be provided at all times with adequate safety devices, adequate firefighting and fire suppression equipment, and devices standard in the industry, except as otherwise provided by applicable fire codes.
- B. Radioactivity or electric disturbances.** Activities shall not emit dangerous radiation or create electrical disturbances that affect activities and operations on any other property. Radioactive emissions shall be further subject to applicable federal and state law and regulations. Existing or proposed uses generating electrical disturbances that may be considered hazardous or a nuisance shall be shielded, contained, or modified to prevent any disturbances.
- C. Hazardous materials.** All uses and activities shall comply with the requirements of Municipal Code Chapter 8.40.

18.34.070 – Heat and Cold

It is unlawful for operations or activities to emit heat or cold which would cause a temperature increase or decrease on any adjacent property in excess of five degrees Fahrenheit, whether the change is in the air, on the ground, or in any structure, or in any body of water.

18.34.080 – Mechanical Devices

Air conditioners, antennas, heating, cooling, ventilating equipment, swimming pool pumps, transformers, and all other mechanical devices shall be screened from surrounding properties and streets with a fence, architecturally compatible wall, landscaping, berming, or combination thereof, and shall be operated in a manner so that they do not disturb adjacent uses and activities.

18.34.090 – Noise

All uses and activities shall comply with the regulations specified in Municipal Code Chapter 8.52 .

18.34.100 – Odor

It is unlawful to emit odorous gases or other odorous matter in any quantity readily detectable beyond the property lines of the source. Any process that may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

18.34.110 – Outdoor Light and Glare

All outdoor lighting shall be arranged so as to keep light directed only on the subject property. It is unlawful to create illumination exceeding 0.1 foot-candles on any adjacent property. It is unlawful to create or allow direct glare, whether from floodlights or from high temperature processes (e.g. combustion, welding, etc.) visible at the property line in violation of Section 18.34.110.

18.34.120 – Outdoor Storage, Refuse Areas, and Service Areas

All allowed storage areas for maintenance equipment, vehicles, or refuse, and all collection areas and service areas, shall be enclosed or effectively screened from public view with a fence, wall, and landscaping.

18.34.130 – Vibration

It is unlawful to create or allow vibration that can be felt at or beyond the property line.

18.34.140 – Enforcement

- A. Enforcement of performance standards.** Enforcement of the provisions of this chapter shall be processed in compliance with the provisions of Chapter 18.116
- B. Measurement.** The determination of the existence of any objectionable elements shall be made at the location of the use creating the objectionable elements and at any points where the existence of the elements may be more apparent. The measurements necessary for enforcement of standards shall be taken at property line boundaries; unless the Director determines another location is more appropriate.
- C. Additional enforcement provisions.** Initial and continued compliance with performance standards is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Director against any use if there are reasonable grounds to believe that the standards are being violated.

Chapter 18.35 – Affordable Housing – Basic Provisions

Sections:

- 18.35.010 – Purpose and Intent
 - 0 – Definitions
- 18.35.030 – Requirement and Implementation
- 18.35.040 – Standards for Affordable Units
- 18.35.050 – Timing of Construction of Affordable Units
 - 0 – Initial Occupancy and Continued Affordability

18.35.010 – Purpose and Intent

Rental and owner-occupied housing in East Palo Alto has become steadily more expensive. Although East Palo Alto has historically provided much of the housing affordable to San Mateo County's workforce, in recent years housing costs have escalated sharply, increasing faster than incomes for many groups in the community. As a result, there is a severe shortage of adequate, affordable housing for extremely low, very low, lower, and moderate income households.

Because of the shortage of affordable housing in East Palo Alto, many households overpay for their housing. Providing decent housing at affordable costs allows households to utilize their resources for other necessary pursuits, such as education, food, investment, and saving for retirement.

It is the City Council's policy to enhance the public welfare by encouraging a variety of housing prices throughout the city to give households of all income levels, but particularly lower income households, the opportunity to find suitable housing. The City can achieve its goals of providing more affordable housing and achieving an economically balanced community only if part of the new housing built in the city is affordable to households with limited incomes.

The affordable requirements will substantially advance the City's legitimate interest in providing additional housing affordable to all income levels and dispersed throughout the city because affordable units required, including both rental and ownership units, must be affordable to either extremely low, very low, lower, and moderate income households.

The provisions in this chapter are being adopted pursuant to the City's police power authority to protect the public health, safety, and welfare. Requiring affordable units is consistent with the community's housing element goals of protecting the public welfare by fostering an adequate supply of housing for persons at all economic levels and maintaining both economic diversity and geographically dispersed affordable housing. Requiring builders of new developments to provide for housing affordable to extremely low, very low, lower, and moderate income households is also reasonably related to the impacts of their projects.

The purpose of this chapter is to enhance the public welfare by establishing policies related to the development of housing affordable to households of extremely low, very low, lower, and moderate incomes, meet the City's regional share of housing needs, and implement the goals and objectives of the general plan and housing element.

The adoption of a citywide affordable housing program also will assist in alleviating the use of available residential land solely for the benefit of households that are able to afford market rate housing because such market-rate development will be required to contribute to the provision of affordable housing for the

entire East Palo Alto community, and will assist in alleviating the impacts of the service needs of households in new market-rate residential development.

18.35.020 – Definitions

Affordable Housing Fund. A fund or account designated by the City to maintain and account for all monies received in compliance with affordable housing requirements.

Affordable Ownership Cost. The affordable ownership cost is the maximum purchase price that will be affordable to the specified household at the specified income level. The purchase price shall be considered affordable only if it is based on a reasonable down payment, and monthly housing payments, including mortgage loan principal and interest, any associated loan insurance and financing fees, property taxes and assessments, an allowance for property maintenance and repairs established by the City based on the initial cost and size of the home, homeowners insurance, a reasonable allowance for utilities based on the utility allowance applicable under Section 8 of the United States Housing Act of 1937 (not including telephone service), land rent (if the home is on rented land) and homeowners association dues, if any, which are equal to or less than one-twelfth of 30 percent of the maximum annual household income designated for an affordable unit, during the first calendar year of a household's occupancy. The maximum household income for an affordable unit shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter. Affordable ownership cost shall be calculated assuming a down payment equal to 10 percent of the total purchase price, and a conventional fixed-rate 30 year fully amortizing loan in the amount of the difference between the purchase price and the down payment.

Affordable Rent. Monthly rent, including a reasonable allowance for utilities based on the utility allowance applicable under Section 8 of the United States Housing Act of 1937, and all fees for housing services, equal to or less than one-twelfth of 30 percent of the maximum annual household income designated for an affordable unit. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053. Affordable rent shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter for rental target units reserved for very low income, lower income, or moderate income households, not exceeding the following calculations:

- Very low income: 50 percent of the area median income for San Mateo County, adjusted for household size, multiplied by 30 percent and divided by 12.
- Lower income: 60 percent of the area median income for San Mateo County, adjusted for household size, multiplied by 30 percent and divided by 12. In addition, for those lower income households with gross incomes which exceed 60 percent of the area median income adjusted for family size, the affordable rent may be established at a level not to exceed 30 percent of gross income of the household.
- Moderate income: 110 percent of the area median income for San Mateo County, adjusted for household size, multiplied by 30 percent and divided by 12.

Affordable Sales Price. A sales price at which lower income households, as defined in Health and Safety Code Section 50079.5, very low income households as defined in Health and Safety Code Section 50105, or moderate income households as defined in Health and Safety Code Section 50093, can qualify for the purchase of target units, as calculated by the Director.

Affordable Units. Dwelling units affordable to extremely low, very low, lower, or moderate income households.

Eligible Household. A household whose income does not exceed the maximum incomes for extremely low income, very low income, low-income or moderate income.

Extremely Low Income Household. Household whose income does not exceed the extremely low income limits applicable to San Mateo County, as published and periodically updated by the State Department of Housing and Community Development in compliance with Health and Safety Code Section 50106.

Household Income. The combined adjusted gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

Lower Income Household. Household whose income does not exceed the lower income limits applicable to San Mateo County, as published and periodically updated by the State Department Of Housing And Community Development in compliance with Health and Safety Code Section 50079.5.

Moderate Income Household. Household whose income does not exceed the moderate income limits applicable to San Mateo County, as published and periodically updated by the State Department Of Housing And Community Development in compliance with Health and Safety Code Section 50093.

Market Rate Unit. A unit in a housing development that has no affordability restrictions.

Median Income. The area median income, adjusted for household size, applicable to San Mateo County as published annually in compliance with Title 25 of the California Code of Regulations, Section 6932 (or its successor provisions) by the California Department of Housing and Community Development.

Qualifying Resident. Persons eligible to reside in a target unit.

Target Population. Persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services under federal or state law. May include adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Target Unit. A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable by very low, low, moderate income, senior, or qualifying resident households.

Very Low Income Household. Household whose income does not exceed the very low income limits applicable to San Mateo County, as published and periodically updated by the State Department Of Housing And Community Development in compliance with Health and Safety Code Section 50105.

18.35.030 – Requirement and Implementation

- A.** Exemptions from the requirements of this chapter include:
1. Housing developments exempted by California Government Code Section 66474.2 or 66498.1.
 2. Housing developments for which a planning permit has been approved by the City prior to the operative date of this chapter.
- B.** An applicant for a planning permit shall not avoid the requirements of this chapter by submitting piecemeal planning permit applications.
- C.** When a residential development includes both for-sale and rental dwelling units, the provisions of this chapter that apply to for-sale residential development shall apply to that portion of the

development that consists of for-sale dwelling units, while the provisions of this chapter that apply to rental residential development shall apply to that portion of the development that consists of rental dwelling units.

- D. The requirements of this chapter are minimum requirements and shall not preclude a residential development from providing additional affordable units or affordable units with lower rents or sales prices.

18.35.040 – Standards for Affordable Units

- A. Single-family detached affordable units shall be dispersed throughout the housing development. Townhouse, row-house, and multiple-family affordable units shall be located so as not to create a geographic concentration of affordable units within the housing development.
- B. The quality of exterior design and overall quality of construction of the affordable units shall be consistent with the exterior design of all market rate units in the housing development and meet all site, design, and construction standards of this Code, including but not limited to compliance with all design guidelines included in applicable specific plans or otherwise adopted, and the affordable housing guidelines. Affordable units shall have functionally equivalent parking.
- C. Affordable units may have different interior finishes and features than market rate units in the same housing development, so long as the finishes and features are functionally equivalent to the market rate units and are durable and of good quality and comply with the affordable housing guidelines.
- D. The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space and facilities in the housing development.
- E. The affordable units shall have the same proportion of unit types as the market rate units in the housing development except that single family detached housing projects may include single family attached affordable units and single-family detached affordable units may have smaller lots than single-family detached market rate units.
- F. The affordable units shall have a comparable square footage and the same or greater bedroom count and bedroom count ratio as the market rate units.

18.35.050 – Timing of Construction of Affordable Units

- A. All required affordable units shall be made available for occupancy concurrently with the market rate units.
- B. The city may not issue building permits for more than 90 percent of the market rate units within a construction phase in a residential development until it has issued building permits for all of the affordable units to be included in that construction phase. The city may also not approve final inspections for single-family detached homes, or certificates of occupancy for all other residences, for more than 90 percent of the market rate units within a construction phase until it has approved final inspections or certificates of occupancy, as appropriate, for all of the affordable units within that construction phase.

18.35.060 – Initial Occupancy and Continued Affordability

- A. Any household that occupies an affordable unit must occupy that unit as its principal residence.

- B.** No household may begin occupancy of an affordable unit until the household has been determined to be eligible to occupy that unit.
- C.** All affordable units shall remain affordable to the designated income group in perpetuity.

Chapter 18.36 – Affordable Housing - Density Bonus

Sections:

- 18.36.010 – Purpose and Intent
- 18.36.020 – Definitions
- 18.36.030 – Implementation
- 18.36.040 – Development Standards
- 18.36.050 – Development Incentives or Concessions
- 18.36.060 – Application Requirements and Review
- 18.36.070 – Density Bonus Housing Agreement

18.36.010 – Purpose and Intent

The purpose of this chapter is to provide a means for granting density bonuses, incentives, or concessions for the production of housing for very low income, lower income, moderate income households, or senior households, including condominium conversions, projects to substantially rehabilitate and convert commercial buildings to residential use, rehabilitate an existing multiple family dwelling to increase available residential units, and for child day care facilities in compliance with Government Code Sections 65915 et. seq. In enacting this chapter, it is the intent of the City to facilitate the development of affordable housing and child day care facilities and to implement the goals, objectives, and policies of the Housing Element of the General Plan. The regulations and procedures established in this chapter shall apply to all housing developments of five units or more. If there is a conflict between any provision of this chapter and state law, state law shall control.

18.36.020 – Definitions

In addition to the definitions in Article 1 of the Development Code, and the definitions in Chapter 18.35, the following definitions are applicable to this chapter.

Additional Incentives or Concessions. Incentives and concessions as specified in Government Code Section 65915 to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance or incentives, approval of mixed use zoning in conjunction with the housing development, or any other incentive that would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus for development incentives and concessions.

Child Day Care Facility. A facility certified and licensed in compliance with all applicable state licensing requirements for the provision of, and providing, non-medical daytime care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis, including, but not limited to, nursery schools, preschools, extended day care facilities, and employer-sponsored child care centers, but excluding family day care homes.

Density Bonus. An increase in the number of primary dwelling units on a property for qualifying projects in compliance with this chapter and with Government Code Sections 65915 et seq.

Density Bonus Housing Agreement. A legally binding agreement between a developer and the City to ensure the requirements of this chapter are satisfied .

Density Bonus Units. Residential units granted in compliance with the provisions of this chapter which exceed the maximum residential density for the development site.

Equivalent Financial Incentive. A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

- A density bonus and additional incentive(s); or
- A density bonus, where an additional incentive(s) is not requested or is determined to be unnecessary.

Maximum Residential Density. The maximum number of residential units permitted by the General Plan, excluding the provisions of this chapter, based upon compliance with the site area standards for the applicable residential zones. If the housing development is within a planned unit development, the maximum residential density shall be determined on the basis of the General Plan.

Senior Citizen Housing. A housing development consistent with the California Fair Employment And Housing Act (Government Code Section 12900 et seq.), designed to meet the physical and social needs of senior citizens, and which qualifies as housing for older persons as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations (24 CFR, part 100, subpart E), and in Civil Code Sections 51.2 and 51.3.

18.35.030 – Implementation

- A.** The City shall grant a density bonus and at least one additional incentive or concession to an applicant/developer of a housing development who agrees to provide, at a minimum, one of the following:
1. At least five percent of the total units of the housing development as target units affordable to very low income households; or
 2. At least 10 percent of the total units of the housing development as target units affordable to lower income households; or
 3. A senior citizen housing development as defined in Civil Code Sections 51.2 and 51.3, or mobile home park that limits residency based on age requirements for housing for older persons in compliance with Civil Code Sections 798.76 or 799.5; or
 4. At least 10 percent of the total units of a newly constructed common interest development project as target units affordable to moderate income households; or
 5. At least 10 percent of the total units of the housing development for transitional foster youth as defined in Education Code Section 66025.9, disabled veterans as defined in Section 18541 or homeless persons as defined in the federal McKenny-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) with a recorded affordability restriction of at least 55 years, provided at the same affordability level as very low income units; or
 6. A child day care facility containing at least the minimum square footage required by applicable state child care licensing requirements, provided affordable housing also is developed as required by Government Code Section 65915.
- B.** Consistent with and subject to the provisions of Government Code Section 65915.5, the City shall grant either a density bonus of 25 percent over the number of apartments/units to be provided within the existing structure(s) proposed for conversion, or other equivalent financial incentives if the applicant/developer agrees to provide 33 percent of the total units in a condominium

conversion project as target units affordable to low or moderate income households as defined in Health and Safety Code Section 50093, or 15 percent of the total units in a condominium conversion project as target units to lower income households as defined in Health and Safety Code Section 50079.5. The conversion of apartments to condominiums shall be in compliance with Municipal Code Chapter 14.24.

- C. Consistent with to the provisions of Government Code Section 65915(c)(3), an applicant/developer shall not be eligible for a density bonus or any other incentive or concession if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant or the City’s Just Cause for Eviction and Rent Stabilization Ordinance, subject to any other form of rent or price control or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies: (i) The proposed housing development, inclusive of the units replaced, contains affordable units; and (ii) Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.
- D. In determining the density bonus to be granted, the maximum residential density for the site shall be multiplied by the percentages set forth in the Government Code and replicated below. When calculating the number of allowed density bonus units, any fractions of whole units shall be rounded to the next larger whole number.

**Table 3-5 –
Very Low-Income**

Percentage of Base Units Proposed	Density Bonus Percentage
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

**Table 3-6 –
Low-Income**

Percentage of Base Units Proposed	Density Bonus Percentage
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32

19	33.5
20	35

**Table 3-7 –
Moderate-Income**

Percentage of Base Units Proposed	Density Bonus Percentage
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33

Percentage of Base Units Proposed	Density Bonus Percentage
39	34
40	35

1. A project qualifying for a density bonus for senior housing shall receive a density bonus of 20 percent.
 2. A project qualifying for a density bonus for child care facilities shall receive either an additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility or an additional concession or incentive that contributes to the economic feasibility of construction of the facility, so long as the requirements set forth in Government Code Section 65915(h)(2) are met.
 3. A project qualifying for a density bonus for condominium conversions shall receive a density bonus of 25 percent or other incentives or equivalent financial value.
- E. The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the required number of target units, any resulting decimal fraction shall be rounded to the next larger whole number.
 - F. In cases where a density increase of less than that allowed is requested, no reduction shall be allowed in the number of target units required. In cases where a density increase of more than that permitted is requested, the requested density increase, if granted, shall be considered an additional incentive
 - G. An applicant/developer who agrees to construct both 10 percent of the total units for lower income households and five percent of the total units for very low income households is entitled to only one density bonus; however, the applicant/developer is entitled to an additional incentive or concession.
 - H. Consistent with and subject to the provisions of Government Code Section 65917.5(b), the City may grant a density bonus and at least one additional incentive or concession to an applicant/developer of a commercial or industrial project containing at least 50,000 square feet of floor area, when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility.
 - I. In compliance with state law, the granting of a concession or incentive shall not be interpreted, in and of itself, to require of the applicant/developer a General Plan amendment, Zoning Map change, or other discretionary approval.
 - J. If the housing development has already received an incentive under the terms of the R-MD multiple-family zone density/intensity provisions, no similar incentive or concession will be granted; however, the applicant/developer may propose a different incentive or concession under the terms of this chapter.
 - K. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City, the applicant shall be entitled to a 15 percent increase above the maximum allowable residential density under the applicable residential zone and land use element of the General Plan for the entire development, as follows:

**Table 3-8 –
Very Low-Income**

Percentage of Base Units Proposed	Density Bonus Percentage
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

1. This increase shall be in addition to any increase in density mandated by this section, up to a maximum combined density increase of 35 percent if an applicant seeks both the increase required in compliance with this section and Section 18.36.050. All density calculations resulting in fractional whole units shall be rounded up to the next whole number.
2. Nothing in this section shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development. An applicant/developer donating land to the city shall be eligible for the increased density bonus as described in this section and consistent with Government Code Section 65915(g) if all of the following conditions are met:

- a. The applicant identifies the proposed source of funding, donates, and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development, zoned at a density required to meet the City's regional housing need share.
- c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the development may be subject to design review to the extent authorized Government Code Section 65583.2.
- d. The transferred land has all the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land not later than the date of the approval of the final subdivision map, parcel map, or residential development application, although the proposed development may be subject to design review if the design was not reviewed prior to the transfer.
- e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Government Code Section 65915, which shall be recorded on the property at the time of transfer.
- f. The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
- g. The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
- h. A proposed source of funding for the very low income units is identified no later than the date of approval of the final subdivision map, parcel map, or residential development application.

18.36.040 – Development Standards

- A. Development schedule.** Target units shall be constructed concurrently with market rate units, unless both the City and the applicant/developer agree within the density bonus housing agreement to an alternative schedule for development.
- B. Affordability restrictions.**
 1. An applicant/developer shall agree to the continued affordability of all very low and low-income rental units that qualified for the award of the density bonus for 55 years or a

longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

2. An applicant/developer shall agree that the initial occupant of all for sale units that qualify for the award of a density bonus are persons and families of very low, low, or moderate income and that the units are offered at an affordable housing cost. The equity sharing agreement shall comply with the provisions set forth in Government Code Section 65915(c)(2).

- C. Household and unit size.** In determining the maximum affordable rent or affordable sales price of target units the following household and unit size assumptions shall be used:

**Table 3-9 –
Very Low-Income**

UNIT SIZE	HOUSEHOLD
SRO unit (residential hotel)	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 persons.
2 bedroom	3 persons
3 bedroom	4 persons
4 bedroom	5 persons

- D. Location and mix of units.** Except where an agreement is reached between an applicant/developer and the City, target units shall be built on-site and shall be dispersed within the housing development. The number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units; except that the developer may include a higher proportion of target units with a greater number of bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development and design standards, except those that may be modified as provided by this chapter.
- E. Alternative site.** Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the applicant/developer and the City reach an agreement, the resulting linked developments shall be considered a single housing development for purposes of this chapter. Under these circumstances, the applicant/developer shall be subject to the same requirements for the target units to be provided on the alternative site.
- F. Decreased parking ratio.** At the request of the applicant/developer, the parking ratios required in Chapter 18.30 shall be reduced in compliance with Government Code Section 65915(p).
- G. Condition of other approvals.** A density bonus housing agreement shall be made a condition of a discretionary permit (e.g., tract maps, parcel maps, site plans, planned unit development) for all housing developments in compliance with this chapter. The agreement shall be recorded as a restriction on the parcel(s) on which the target units will be constructed.

18.36.050 – Development Incentives or Concessions

- A. Written request.** An applicant/developer shall submit a written proposal for the specific incentives or concessions the applicant/developer requests, and shall provide supporting documentation.
1. The City shall grant the concession or incentive requested by the applicant/developer, unless the City makes a written finding, based upon substantial evidence, of any of the factors set forth in Government Code Section 65915(d), such as the concession or incentive does not result in identifiable and actual cost reductions to provide affordable housing or targeted rents, the concession or incentive would have a specific adverse impact upon health and safety, the environment or a historic resource, or the concession or incentive would be contrary to state or federal law.
 2. The applicant/developer shall receive the following number of incentives or concessions:
 - a. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
 - b. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
 - c. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.
- B. Modification of standards.** An applicant/developer may seek a waiver or modification of development or zoning standards. The City shall not apply any development standard that will have the effect of physically precluding construction of a project that is eligible for the incentive or concession, unless the waiver would result in any specific adverse impact as specified in Government Code Section 65915. The seeking of the waiver or modification of development standards shall not count against the number of incentives or concessions that the developer is entitled to. The applicant/developer shall comply with all standard application requirements.
- C. Additional incentives.** The approval of additional incentives shall be determined on a case-by-case basis. The additional incentives may include, but are not limited to, any of the following:
1. A reduction of site development standards or a modification of Development Code or architectural design requirements that exceed the minimum building standards provided in Health and Safety Code Part 2.5, Division 13. These may include, but are not limited to, one or more of the following:
 - a. **Tier One:**
 - a. Reduced minimum parcel sizes and/or dimensions.
 - b. Reduced minimum parcel setbacks.
 - c. Reduced minimum outdoor and/or private outdoor open space.
 - d. Reduced minimum building separation requirements.

- b. **Tier Two:**
 - a. Increased maximum parcel coverage.
 - b. Reduced on-site parking standards, including the number or size of spaces, requirements for spaces to be covered, and restrictions on tandem parking formats.
 - c. **Tier Three:**
 - a. Increased maximum building height and/or stories.
 - b. Mixed use development as may be allowed.
 - c. Other regulatory incentives or concessions proposed by the applicant/developer that demonstrate actual cost reductions.
 - d. Deferred development impact fees (e.g. capital facilities, park land in-lieu, park facilities, fire, or traffic impact fees).
 - e. The City may offer an equivalent financial incentive in lieu of granting a density bonus and additional incentive(s). The value of the equivalent financial incentive shall at least equal the land cost per dwelling unit savings that would result from a density bonus and shall contribute significantly to the economic feasibility of providing the target units in compliance with this chapter. The City may recapture subsidies awarded and may recommit them to qualifying project(s) within five years of the initial award.
2. Concessions granted under Tier One and Tier Two may be handled administratively by the Director. At the Director's discretion, the Director may refer Tier Two concessions to the Commission. Tier Three concessions shall be considered by the Commission.

18.36.060 – Application Requirements and Review

- A. **Concurrent processing.** An application in compliance with this chapter shall be processed concurrently with any other application(s) required for the proposed housing development. Approval or denial of an application shall be made by the Commission. An aggrieved party may file an appeal of this action.
- B. **Preliminary application.** An applicant/developer proposing a housing development in compliance with this chapter may submit a preliminary application before the submittal of a formal request for approval of a housing development, including a preliminary application for prospective additional incentives. A preliminary application shall include all of the following information:
 - 1. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;
 - 2. The zoning and General Plan designations and assessor's parcel number(s) of the project site;
 - 3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout; and

4. If an additional incentive(s) is requested, the application shall describe why the additional incentive(s) is necessary to provide the target units. The applicant/developer may provide financial information, including a pro-forma that demonstrates a detailed breakdown of project costs as well as unit sale prices based on current market conditions, for the City's review in determining qualification for development incentives or concessions). The applicant/developer shall bear all costs of preparation and any outside analysis of documents carried out for the purposes of incentives or concessions.
- C. Alternative incentives.** The Director shall inform the applicant/developer the requested additional incentive(s) will be recommended for consideration with the proposed housing development, or that alternative or modified additional incentive(s) will be recommended for consideration in lieu of the requested incentive(s). If alternative or modified incentive(s) are recommended by the Director, the recommendation shall establish how the alternative or modified incentive(s) affect affordability that is equivalent to the requested incentive(s).

18.36.070 – Density Bonus Housing Agreement

- A.** An applicant/developer requesting a density bonus shall agree to enter into a density bonus housing agreement with the City.
- B.** Following execution of the agreement by all parties, the completed agreement, or memorandum, shall be recorded and the conditions filed and recorded on the parcel(s) designated for the construction of target units. The approval and recordation shall take place before final map approval, or, where a map is not being processed, before issuance of building permits for the parcels or units. The density bonus housing agreement shall be binding on all future owners and successors in interest.
- C.** The density bonus housing agreement shall include at least all of the following:
1. The total number of units approved for the housing development, including the number of target units;
 2. A description of the household income group to be accommodated by the housing development and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
 3. The location, unit sizes in square feet, and number of bedrooms of all target units;
 4. Tenure of use restrictions for all target units ;
 5. A schedule for completion and occupancy of all target units;
 6. A description of the additional incentive(s) or equivalent financial incentive(s) being provided by the City;
 7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement); and
 8. Any other provisions to ensure implementation and compliance with this chapter.
- D.** In the case of for-sale housing developments, the density bonus housing agreement shall provide for the following conditions governing the sale and use of all target units during the applicable use restriction period:

1. Target units shall be sold to eligible very low, lower, or moderate income households at an affordable sales price and housing cost, or to qualified residents .
 2. Target units shall be owner-occupied by eligible very low or lower income households, or by qualified residents in the case of senior citizen housing, or by eligible moderate income households within condominium projects.
 3. The purchaser of each target unit shall execute an instrument or agreement approved by the City restricting the sale of the target unit during the applicable use restriction period. The instrument or agreement shall be recorded against the parcel containing the target unit and shall contain the provisions as the City may require to ensure continued compliance with the law.
- E.** In the case of rental housing developments, the density bonus housing agreement shall provide for the following conditions governing the use of all target units during the use restriction period:
1. The rules and procedures for qualifying households, establishing affordable rent, filling vacancies, and maintaining all target units for qualified tenants;
 2. Provisions requiring owners to verify household incomes and maintain books and records to demonstrate compliance; and
 3. Provisions requiring owners to submit an annual report to the City, that includes the name(s), address, and income of each household occupying target units and that identifies the bedroom size and monthly rent or cost of each target unit.
- F.** An agreement for partnered housing, consistent with and subject to Government Code Section 65915.7, between a commercial developer and a housing developer shall identify how the commercial developer will contribute to affordable housing and shall be subject to approval by the City.

Chapter 18.38 – Affordable Housing Impact Fee – Residential Development

Sections:

- 18.38.010 – Purpose and Applicability
- 18.38.020 – Nexus Study
- 18.38.030 – Definitions
- 18.38.040 – Basic Requirement
- 18.38.050 – Density Bonus
- 18.38.060 – Affordable Housing Plan
- 18.38.070 – Administrative Guidelines
- 18.38.080 – Use and Expenditure of Fees
- 18.38.090 – Exemptions
- 18.38.100 – Enforcement
- 18.38.110 – Waiver
- 18.38.120 – Appeal

18.38.010 – Purpose and Applicability

- A. **Purpose.** The housing impact fee authorized by this chapter serves the public necessity and general welfare and will promote the orderly development of the City. The fee will serve to implement California law by enabling the City to provide a share of the regional housing need, assist the City in meeting housing obligations and implement the Housing Element of the City's General Plan.
- B. **Applicability.** Each new market-rate unit in a residential project shall be subject to an Affordable Housing Impact Fee in compliance with the requirements of this chapter.

18.38.020 – Nexus Study

A Residential Nexus Study was prepared in 2013 and shall be periodically updated. The Nexus Study shall conform to the Mitigation Fee Act (Government Code Sections 66000-66025) by establishing an Affordable Housing Impact Fee Program that is roughly proportional to, and bears a reasonable relationship with the impact of new housing. Periodic updates to the Housing Impact Fee, and nexus study, will respond to market fluctuations, ensuring that the housing impact fee incorporates any changes in administration costs, rents, and sales prices.

18.38.030 – Definitions

In addition to the definitions in Article 1 of the Development Code, and the definitions in Chapter 18.35, the following definitions are applicable to this chapter.

Affordable Housing Impact Fee. A fee imposed upon certain dwelling units that reflects the reasonable costs to the City needed to mitigate the deleterious impacts of new development, which includes, but not limited to the costs the City has or will incur to fund the construction, acquisition, or financing of new or existing single- or multiple-family affordable housing projects.

New Construction. In addition to newly built units, new construction includes the voluntary removal and replacement of existing units but does not include the enlargement of existing units.

Residential Project.

- Any City land use approval, that authorizes two or more new dwelling units or live-work units or residential lots, or a combination of two or more residential lots, new dwelling units and live-work units; or
- Concurrent construction of two or more new dwelling units on a lot or adjacent lots not within the area of an approval, if, in the case of adjacent lots, there is evidence of overlapping ownership or control of the lot or lots in question. Construction shall be considered concurrent for all units for which, at any one time, a discretionary City land use approval, or building permit, or application for an approval or permit, is outstanding, and a certificate of occupancy has not yet been issued.

Residential Ownership Project. A residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes condominium and stock cooperative conversions.

Residential Rental Project. Any residential project that creates residential dwelling units that cannot be sold individually.

18.38.040 – Basic Requirement

- A. Affordable Housing Impact Fee.** Except as otherwise noted, each new market-rate unit in a residential project shall be subject to an Affordable Housing Impact Fee upon adoption of the fee by resolution in compliance with the latest adopted nexus study. To account for market fluctuations and to ensure that the impact fee stays current with the reasonable costs of providing affordable housing, the Affordable Housing Impact Fee will be adjusted effective the first day of each new calendar year, as follows:
1. **Ownership projects.** For ownership projects, the fee is to be adjusted annually based on the percentage change in the three-year trailing Freddie Mac San Francisco-Oakland-Fremont MSA House Price Index; and
 2. **Rental projects.** For rental projects, the fee shall be adjusted annually based on the annual percentage change in median rents by bedroom count in the City, averaged across unit sizes, as documented by the City's rent stabilization program.
- B. Inclusionary housing agreement.** In the event a developer, subject to the provisions of this chapter, proposes to construct affordable dwelling units or to deed restrict the rents or sale prices of existing market-rate units, the City shall consider the request in the context of an inclusionary housing agreement, which is a regulatory agreement that outlines the obligations of the developer and the City. In that instance, at least 20 percent of all market-rate units in residential ownership projects constructed in the City shall be provided at an affordable ownership cost and shall be constructed not later than the related market rate units in the same residential project. The inclusionary housing agreement shall specify all of the following.
1. **Number of units.** Number of units affordable to moderate-income, low-income, very low-income, and extremely low-income households;
 2. **Income restrictions.** The units shall be sold or rented to extremely low income, very low income, low-income or moderate income households at an affordable ownership cost or affordable rent, subject to the affordability restrictions;

3. **Agreement required.** When a unit is sold or rented, the purchaser or lessee of each unit shall execute an instrument or agreement approved by the City restricting the sale and prohibiting the sublease of the units in accordance with this chapter. The instrument or agreement shall be recorded against the parcel containing the unit and shall contain provisions, as the City may require, to ensure continued compliance with this chapter;
 4. **Additional conditions.** In the event of rental housing, an agreement shall additionally provide for the following conditions governing the use of the units during the restriction period, including:
 - a. The rules and procedures for qualifying households, establishing affordable rent, vacancies and maintaining units;
 - b. Provisions requiring owners to verify household incomes and maintain books and records to demonstrate compliance with this chapter; and
 - c. Provisions requiring owners to submit an annual report to the City, which includes the name(s), address and income of each household occupying the units, and that identifies the bedroom size and monthly rent or cost of each unit.
 5. **Location.** Location of the units, if not within the same site as the market-rate housing;
 6. **Bedrooms.** Number of bedrooms in each unit; and
 7. **Marketing.** Organization proposed to market the units, which shall be different than the developer, and shall have demonstrated experience in the sale or rental of the product type.
- C. Term of affordability for all units.** The City requires a minimum 59 year renewable term for ownership units, and a 99 year renewable term for rental housing.
- D. City subsidized rental projects.** Any residential rental project for which the applicant requests and receives direct City financial contribution, or any form of assistance specified in Government Code Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7, affordable housing may be required by the City in compliance with the terms of that assistance. If affordable housing is required, the City shall require, as a condition of City assistance, that the rental regulatory agreement include the applicant's agreement to any limitation on rents in consideration for the City's assistance, to ensure compliance with the Costa-Hawkins Act (Civil Code, Chapter 2.7 of Title 5 of Part 4 of Division 3).

18.38.050 – Density Bonus

- A. Applicability of fees.** Any market-rate units contained in a residential project utilizing the City's density bonus provisions in compliance with Chapter 18.36 shall also be subject to the Affordable Housing Impact Fee in compliance with the provisions of this chapter. However, the Affordable Housing Impact Fee shall not be assessed on those units built and awarded under the City's density bonus provisions.
- B. Administration.** Any affordable units constructed in compliance with Chapter 18.36 shall be jointly administered with the provisions of this chapter.

18.38.060 – Affordable Housing Plan

- A. Affordable housing plan and conditions of approval.**

1. **Application.** An application for the initial approval of a residential project shall include an affordable housing plan describing how the residential project will comply with the provisions of this chapter, including the anticipated fee (based upon net square footage of each unit).
 2. **Conditions.** Conditions shall be imposed upon the initial application to carry out the purposes of this chapter.
 3. **Additional conditions.** Additional conditions may be imposed on later City approvals or actions, including without limitation planned unit developments, subdivision approvals, conditional use permits, and building permits, to implement the purposes of this chapter.
- B. Issuance of building permits.** A building permit shall not be issued for any market-rate unit in a residential project until the developer has paid the applicable Affordable Housing Impact Fee in compliance with the requirements of this chapter.

18.38.070 – Administrative Guidelines

- A. Maximum sales price.** For a deed restricted ownership affordable unit the maximum sales price allowed on resale shall be the lowest of the following amounts:
1. **Purchase price plus allowed increase.** The seller's lawful purchase price increased by the percentage of increase in the median income from the date of the original purchase of the home by the seller to the date the City is notified of the seller's intent to sell the home; or
 2. **Fair market value.** Fair market value; provided, however, that in no event shall this chapter require a sales price lower than the seller's lawful purchase price, plus the seller's reasonable cost of sales and the value of capital improvements, to the extent authorized by resale restrictions entered into by the City and the owner.
- B. Household eligibility.** A household shall not be allowed to begin occupancy of a unit that is required to be affordable under this chapter unless the City or its designee has approved the household's eligibility. If the City maintains a list of eligible households, households newly occupying affordable units shall be selected first from that list to the extent provided in the regulatory agreement or resale restrictions. To the extent allowed by existing law, households in which at least one member has lived or worked in the City for at least one year shall have priority in receiving the opportunity to purchase or rent affordable units.
- C. Recorded restrictions.** Regulatory agreements and, if the affordable units are owner-occupied units, resale restrictions, deeds of trust or other documents, all consistent with the requirements of this chapter, shall be recorded against affordable owner-occupied units and residential projects containing affordable rental units. The documents recorded under this Subsection shall require that the affordable units be maintained as the purchaser's primary place of residence.
1. **Owner occupied units.** For owner occupied units, restrictions shall be effective for 59 years, and thereafter until payment of any funds due to the City under the applicable resale restrictions, and shall renew for a new term of 59 years upon any transfer during an existing fifty-nine-year term. The resale restrictions shall grant an option to the City or its designee to purchase any affordable owner-occupied unit at the maximum price that could be charged to a purchaser household, at any time the owner proposes sale.
 2. **Rental units.** For rental units, restrictions shall be effective for a term of 99 years and shall renew for a new term of 99 years upon any transfer during an existing ninety-nine-

year term, or for so long as the structures that make up the residential rental project remain in existence, whichever period is shorter.

3. **Approved forms.** The City Attorney shall approve model forms of the documents required and all major variances from those forms for specific residential projects.
- D. Comparability of units.** Affordable units shall be comparable to market-rate units in the same residential project in size, number of bedrooms, exterior appearance, interior features, overall quality of construction and all other respects, except for affordable multifamily units in a residential project in which all the market-rate units are detached housing, which need not be comparable in size or exterior appearance. Affordable units shall be dispersed throughout the residential project in a manner approved to the City.
- E. Guidelines/procedures.** The City may choose to adopt guidelines or procedures for implementing this chapter.
- F. Minimum requirements.** The requirements of this chapter are minimum requirements. The City may require additional affordable units or additional measures to further affordable housing goals to the extent it has authority to do so without respect to this chapter.

18.38.080 – Use and Expenditure of Fees

- A. Affordable housing fund.** All fees collected under this chapter shall be deposited into a separate account designated as the Affordable Housing Fund.
- B. Provision of affordable housing.**
1. **Use of fees.** The fees collected under this chapter and all earnings from investment of the fees shall be expended exclusively for provision of affordable units in the City through acquisition, construction, development assistance, rehabilitation, financing, rent or other subsidies, provision of supportive services, or other methods and for the costs of administering this chapter. Eligible use shall include funding a revolving reserve fund to be used to purchase resale-restricted affordable units for resale to another qualified buyer to minimize the loss of affordability of these units.
 2. **Housing type and cost.** The housing shall be of a type, or made affordable at a cost or rent, for which there is an unmet need in the City and that is not adequately supplied in the City by private housing development in the absence of public assistance by the City.
 3. **Administration.** Administration includes reviewing the compliance and administration of resale restrictions on existing affordable units to ensure that adequate provisions are made to minimize the loss of affordability of these units.

18.38.090 – Exemptions

The provisions of this chapter shall not apply to the following:

- A. Deed restricted units.** Units contained within a 100 percent deed restricted affordable project provided that the affordability is consistent with covenants and terms approved by the City;
- B. Density bonus units.** Affordable dwelling units built and awarded under Chapter 18.36; and
- C. Accessory dwelling units.** Accessory dwelling units approved in compliance with Chapter 18.96.

18.38.100 – Enforcement

- A. Misdemeanor.** It shall be a misdemeanor for any person to sell or rent an affordable unit under this chapter at a price or rent exceeding the maximum allowed or to a household not qualified under this chapter.
- B. Enforcement.** The City Attorney shall be authorized to enforce the provisions of this chapter and all regulatory agreements and resale controls placed on affordable units by civil action and any other proceeding or method allowed by law.
- C. Revocation.** The City may revoke, deny or suspend any permit or development approval for a residential project that has failed to comply with this chapter.
- D. Failure to fulfill requirements.** Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any applicant or owner from the requirements of this chapter.
- E. Cost recovery.** The City shall be entitled to recover all costs, including reasonable attorneys' fees incurred in enforcing this chapter.

18.38.110 – Waiver

- A. Suspension of requirements.** Notwithstanding any other provision of this chapter, the City Council may waive, limit or suspend the requirements of this chapter upon a finding and determination that doing so is in the best interests of the City, including without limitation the bases set forth below.
 - 1. **No deleterious impact finding.** Where the applicant establishes to the City's satisfaction that the proposed development project will not generate any additional need for affordable housing, the City Council may waive the requirements of this chapter.
 - 2. **Deprivation of constitutional rights.** The City shall not condition any permit in any manner that results in a deprivation of the applicant's constitutional rights.
 - 3. **Hardship.** The City may waive or limit the requirements of this Chapter if doing so would work an undue hardship on the applicant. It is entirely the burden of the applicant to show hardship and to produce evidence to support the following findings:
 - a. The imposition of the mitigation or fee otherwise required by this Chapter would make the development of the particular project infeasible; and
 - b. The benefits to the City from the particular development project outweigh its burdens in terms of increased demand for affordable housing and other deleterious impacts.
 - c. For purposes of this subsection, "infeasible" shall mean incapable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.
- B. Burden of proof.** The burden of establishing, by satisfactory factual proof, the applicability and elements of defenses shall be on the applicant.
- C. Finding.** No waiver or limit shall be granted in compliance with this section unless a finding is made, based on satisfactory factual proof provided by the applicant, that at least one of the requirements set forth in this section have been satisfied.

18.38.120 – Appeal

- A. Appeal to Commission.** The applicant for a residential project subject to the provisions of this chapter and aggrieved by any administrative decision of the City relating to the imposition of requirements of this chapter may appeal the decision to the Commission.
- B. Appeal to City Council.** The applicant for a residential project subject to the provisions of this chapter and aggrieved by any decision made by the Commission may appeal the decision to the Council.

Chapter 18.40 – Affordable Housing Impact Fee – Nonresidential Development

Sections:

- 18.40.010 – Authority and Applicability
- 18.40.020 – Purpose
- 18.40.030 – Definitions
- 18.40.040 – Housing Impact Fee - Nonresidential Development
- 18.40.050 – Exemptions from Housing Impact Fee
- 18.40.060 – Alternatives to Paying Housing Impact Fee
- 18.40.070 – Standards for Development of Affordable Housing
- 18.40.080 – Affordable Housing Fund
- 18.40.090 – Administrative Relief
- 18.40.100 – Enforcement

18.40 010 – Authority and Applicability

- A. Authority.** The fees established by this chapter are adopted under the authority of California Constitution Article XI, Section 7, which provides: “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws,” and in accordance with the findings specified in Ordinance 397, adopted July 19, 2016.
- B. Applicability.** This chapter shall apply to all nonresidential development projects the extent permitted by the statutes and laws of the state.

18.40.020 – Purpose

The purpose of this chapter is to:

- A.** Enhance the public welfare by imposing a nonresidential development project Housing Impact Fee whereby developers of nonresidential development projects will mitigate the impacts of their projects on the need for affordable housing by contributing to the supply of housing for households with very low, low, and moderate incomes; and
- B.** Implement the Housing Element by creating a mechanism to provide benefits to the community from new development in the form of affordable housing, thereby helping to meet the needs of all socioeconomic elements of the community as provided in the Housing Element.

18.40.030 – Definitions

In addition to the definitions in Article 1 of the Development Code, and the definitions in Chapter 18.35, the following definitions are applicable to this chapter.

Affordable Impact Fee-Nonresidential Development and Housing Fees- Nonresidential Development. The fee paid by developers of nonresidential development projects to mitigate the impacts that such developments have on the demand for affordable housing in the City.

Housing Impact Fee-Nonresidential Development. A fee paid by developers of nonresidential development projects to mitigate the impacts that the developments have on the demand for affordable housing in the City.

Nonresidential Development Project. An application for a planning permit or Building Permit that includes the new construction of gross square feet of nonresidential space or the conversion of a residential use to a nonresidential use.

18.40.040 – Housing Impact Fee - Nonresidential Development

- A. Imposition of Fee.** A Housing Impact Fee is imposed on all developers of nonresidential development projects. The amount of the Housing Impact Fee shall be established from time to time by resolution of the City Council. Housing impact fees shall not exceed the cost of mitigating the impact of nonresidential development projects on the need for affordable housing in the City.
- B. Payment of Fee.** Payment of the nonresidential development project Housing Impact Fee shall be due at the issuance of the first permit entitling the developer to complete the nonresidential development project. The fees shall be calculated based on the Master Fee Schedule in effect at the time the first permit is issued.

18.40.050 – Exemptions from Housing Impact Fee

- A. Additions Less Than 10,000 Square Feet.** The Housing Impact Fee shall not apply to developers of nonresidential development projects adding 10,000 square feet or less of new square footage. The Housing Impact Fee shall apply, however, to developers of more than one project when each project adds 10,000 or less net new square footage.
- B. Other Exemptions.** The Housing Impact Fee shall not apply to developers of nonresidential development projects in one or more of the following categories:
 1. Nonresidential development projects located on property owned by the state, the United States of America, or any of its agencies and used exclusively for governmental or educational purposes.
 2. Any structure proposed to repair or replace a building that was damaged or destroyed by fire or other calamity, so long as the square footage and use of the building remains the same, and construction of the replacement building begins within one year of the damage's occurrence.
 3. Nonresidential development projects that have received a vested right to proceed without payment of Housing Impact Fees in compliance with state law, including those that are the subject of development agreements currently in effect with the City, if the development agreements were approved prior to the effective date of Ordinance 397 (adopted July 19, 2016) and where the agreements expressly preclude the City from requiring payment of the Housing Impact Fee.
 4. Nonresidential development projects that have received all required building and planning permits prior to the effective date of Ordinance 397 (adopted July 19, 2016).
 5. Other uses that may be specified by resolution of the Council.

18.40.060 – Alternatives to Paying Housing Impact Fee

- A. Alternatives.** As an alternative to compliance with the basic provisions of this chapter, developers of nonresidential development projects may propose to mitigate the affordable housing impacts of nonresidential development through the construction of affordable units on site or through an alternative mitigation program proposed by the developer and the Review Authority, including the provision of off-site affordable units, donation of land for the construction of affordable units, or purchase of existing units for conversion to affordable units.
1. The City Council may adopt by resolution the percentage of affordable units needed to mitigate the impact of nonresidential development projects on the need for affordable housing.
 2. Any affordable rental or for-sale units proposed as an alternative to the payment of the Housing Impact Fee shall be subject to the basic requirements and administrative guidelines specified in with regard to the housing impact fee for residential development in Chapter 18.38.
 3. If a developer proposes to provide affordable rental units, then, to ensure compliance with the Costa-Hawkins Rental Housing Act (Chapter 2.7 of Title 5 of Part 4 of Division 3 of the Civil Code), the City may only approve a proposal if, as required by Civil Code Sections 1954.52(b) and 1954.53(a)(2), the developer agrees in a contract with the City to limit rents in compliance with the provisions related to the housing impact fee for residential development in Chapter 18.38 in consideration for a direct financial contribution from the City or a form of assistance specified in the Density Bonus Law (Chapter 4.3, commencing with Section 65915, of Division 1 of Title 7 of the Government Code). The developer may request that the City waive the Housing Impact Fee as a direct financial contribution to the rental residential development project.
- B. Affordable Housing Plan.** If the developer seeks an alternative to the payment of the Housing Impact Fee, then the application for the first approval of a nonresidential development project for which the alternative is sought shall include an affordable housing plan that describes how the alternative will comply with the provisions of this chapter and Chapter 18.38. No affordable housing plan is required if the developer proposes only to pay the Housing Impact Fee.
1. Nonresidential development projects requesting an alternative to payment of the Housing Impact Fee require that an affordable housing plan be submitted in compliance with this chapter prior to the application being deemed complete.
 2. The affordable housing plan shall be processed concurrently with all other permits required for the nonresidential development project. Before approving the Affordable housing plan, the Review Authority shall find that the affordable housing plan conforms to the requirements of this chapter. A condition shall be attached to the first approval of any nonresidential development project to require recordation of an affordable housing agreement, as described in this section, prior to the approval of any final or parcel map or building permit for the nonresidential development project.
 3. The approved affordable housing plan may be amended prior to issuance of any building permit for the nonresidential development project. A request for a minor modification of an approved affordable housing plan may be granted by the Review Authority if the modification is substantially in compliance with the original affordable housing plan and conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original plan.
 4. If required to ensure compliance with the approved affordable housing plan, affordable housing agreements acceptable to the Review Authority shall be recorded against the nonresidential development project prior to approval of any final or parcel map, or

issuance of any building permit, whichever occurs first. The affordable housing agreement shall specify the number, type, location, size, and phasing of all affordable units, provisions for income certification and screening of potential purchasers or renters of units, and resale control mechanisms, including the financing of ongoing administrative and monitoring costs, consistent with the approved affordable housing plan, as determined by the Review Authority.

- C. Findings.** The Review Authority may approve or conditionally approve an affordable housing plan that proposes on-site construction of affordable units if the Review Authority first determines, based on substantial evidence, that:
1. The proposed affordable units comply with the standards in Chapter 18.38, including the requirement that the affordable units be made available for occupancy concurrently with the market-rate units; and
 2. The affordable units will mitigate the impact of the project on the need for affordable housing.
- D. Off-Site Affordable Units.** If a developer proposes off-site affordable housing units or any other alternative in the affordable housing plan, the Review Authority may approve the proposal if it is able to make the findings and the proposal meets all of the following conditions:
1. Financing or a viable financing plan, which may include public funding sources, is in place for the proposed affordable housing units; and
 2. The proposed location is suitable for the proposed affordable housing unit, is consistent with the Housing Element, General Plan, and applicable zoning, and will not tend to cause residential segregation.

18.40.070 – Standards for Development of Affordable Housing

- A. Standards.** All affordable units provided shall meet the standards set forth in Chapter 18.35 and Chapter 18.36.
- B. Timing.** All affordable units provided shall be made available for occupancy concurrently with the market-rate units. For the purposes of this section, "concurrently" means that the City shall not issue building permits for more than 50 percent of the market-rate units until it has issued building permits for all of the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 50 percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the affordable units.
- C. Resale Restriction.** All affordable units provided shall be subject to a resale restriction, deed of trust, and/or regulatory agreement recorded against the property.

18.40.080 – Affordable Housing Fund

- A. Affordable Housing Fund.** All Housing Impact Fees or other funds collected under this chapter shall be deposited into the Affordable Housing Fund.
- B. Expenditure of Funds.** The monies in the Affordable Housing Fund and all earnings from investment of the moneys in the Fund shall be expended exclusively to provide housing affordable to extremely low income, very low income, lower income, and moderate income households in the City, consistent with the goals and policies contained in the Housing Element and the purposes for which the fees were collected, and for administration and compliance

monitoring of the affordable housing program. The Council may, from time to time, adopt guidelines for expenditure of monies in the Affordable Housing Fund.

18.40.090 – Administrative Relief

- A. Waiver or Modification of Fees.** As part of an application for the first approval of a nonresidential development project, a developer may request that the requirements of this chapter be waived or modified by the Review Authority, based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result, or because there is no reasonable relationship between the impact of the development and the need for affordable housing.
1. A request for a waiver or modification shall be submitted concurrently with the project application. The developer shall specify in detail the factual and legal basis for the claim, including all supporting technical documentation.
 2. A request for a waiver or modification shall be reviewed and considered at the same time as the project application. The Council may from time to time establish by resolution a processing fee for review of any request for a waiver or modification.
- B. Analysis.** The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, based upon legal advice provided by or at the recommendation of the City Attorney, after adoption of written findings, based on legal analysis and the evidence. If a waiver or modification is granted, any change in the project shall invalidate the waiver or modification, and a new application shall be required for a waiver or modification in compliance with this section.

18.40 100 – Enforcement

- A. Actions.** Payment of the Housing Impact Fee is the obligation of the developer for a nonresidential development project. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with the requirements of this chapter, including, but not limited to, actions to revoke, deny, or suspend any permit or development approval.
- B. Enforcement.** The City Attorney is authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, and all other covenants or restrictions placed on affordable units, by civil action and any other proceeding or method permitted by law.
- C. Failure to Enforce.** Failure of any official or agency to enforce the requirements of this chapter shall not excuse any developer or owner from the requirements of this chapter. No permit, license, map, or other approval or entitlement for a nonresidential development project shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this chapter have been satisfied.
- D. Remedies are Cumulative.** The remedies provided for in this section shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

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Chapter 18.42 – Wireless Communications Facilities

Sections:

- 18.42.010 – Purpose and Applicability
- 18.42.020 – Allowed Locations and Permit Requirements
- 18.42.030 – Application Approval for Eligible Facilities
- 18.42.040 – Application Requirements, New and Expanded Facilities
- 18.42.050 – Development Standards
- 18.42.060 – Special Findings
- 18.42.070 – Maintenance and Operation of Facilities
- 18.42.080 – Transfer of Ownership
- 18.42.090 – Exceptions
- 18.42.100 – Standards for Nonexempt Satellite Antennas
- 18.42.110 – Standards for Amateur Radio Antennas

18.42.010 – Purpose and Applicability

A. Purpose.

1. The purpose of this chapter is to regulate the installation, operation, and maintenance of wireless communications facilities in the City. The City recognizes that the unrestricted installation of redundant wireless communications facilities is contrary to the City's efforts to stabilize economic and social aspects of neighborhood environments, and to promote safety and aesthetic considerations, family environments, and a basic residential character within the City.
2. Protect the benefits derived by the City, its residents and the general public from access to wireless services while minimizing, to the greatest extent feasible, the redundancy of wireless telecommunications facilities, and balancing these goals by allowing the installation and operation of facilities where they are needed while reducing, to the greatest extent feasible, adverse economic, safety and aesthetic impacts on nearby properties and the community as a whole.
3. This chapter is intended to regulate all uses of wireless communications in the City, including uses by public utilities, to the extent of the City's power to regulate the use of land, but not to exceed the scope of the City's authority. This chapter shall not apply to any City-owned wireless communications facilities.
4. This chapter is intended to encourage the location of wireless communication facilities in those areas where adverse aesthetic impacts are minimized to the greatest extent possible, including the collation of antennas within existing facilities.
5. This chapter is intended to comply with applicable state and federal law, including the 1996 Telecommunications Act and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, applicable state laws, administrative and court decisions, and related determinations.
6. This chapter is intended to regulate wireless communications facilities within the public right-of-way consistent with the rights conferred on telephone corporations and municipalities under the California Public Utilities Code Sections 7901 and 7901.1, while

addressing the aesthetic and safety concerns due to the facility's highly visible location in the public right-of-way.

7. The regulations in this chapter are not intended to be applied to or interpreted to:
 - a. Confer any additional rights to construct or maintain wireless communications facilities, other than those rights or entitlements provided under applicable state or federal law;
 - b. Prohibit or effectively prohibit the provision of wireless communication services;
 - c. Unreasonably discriminate among functionally equivalent wireless communication service providers; or
 - d. Regulate wireless communications facilities and transmission equipment on the basis of the environmental or public health effects of the frequency exposure to the extent that the emissions comply with the standards established by the Federal Communications Commission.

B. Applicability.

1. **Covered facilities.** This chapter provides regulations for the location, development, design, and modification of all wireless communications facilities including broadcast, satellite, commercial mobile service, or other communications system that employ radio spectrum and require granting of licenses from the Federal Communications Commission (FCC) and/or the Public Utilities Commission (PUC).
2. **Exempt facilities.** The following facilities are exempt from the provisions of this chapter:
 - a. Any ground or building mounted antenna that receives broadcast radio or television signals for use only by occupants of the property on which the antenna is located and does not exceed one meter (39 inches) in diameter and does not exceed the maximum height limit for the zone in which it is located; and
 - b. Any antenna, including its support structure, used by an authorized amateur radio operator licensed by the FCC that is in compliance with the development standards established for amateur radio antennas. For the purpose of this chapter, amateur radio means the licensed noncommercial, nonprofessional, private use of designated radio bands for the purposes of private recreation including the noncommercial exchange of messages and emergency communication. This includes HAM radio and citizens band antenna.

18.42.020 – Allowed Locations and Permit Requirements

Unless the provisions of this chapter provide otherwise, before installation or modification of any wireless communications facility, the applicant shall obtain an Administrative Use Permit or Conditional Use Permit in compliance with the provisions of this section and Chapter 18.86 and in compliance with the allowed uses established in Article 2.

A. New wireless facilities. New wireless communication facilities may be allowed as follows:

1. Stealth wireless communication facilities are allowed in all zones subject to the approval of an Administrative Use Permit;

2. Camouflaged wireless communication facilities are allowed in all zones subject to the approval of a Conditional Use Permit;
 3. Observable wireless communication facilities are allowed in nonresidential zones subject to the approval of a Conditional Use Permit;
 4. Stealth wireless communication facilities and camouflaged wireless communication facilities where the non-antenna transmission equipment is also stealth are allowed in the public right-of-way subject to the approval of an Administrative Use Permit;
 5. Ground or building mounted satellite dish antenna which receives broadcast radio or television signals for use only by occupants of the property on which the antenna is located that exceeds one meter (39 inches) in diameter are allowed subject to the approval of an Administrative Use Permit; and
 6. Wireless communication facilities are prohibited on any property where the primary use of the property is residential, except those antennae exempt from the regulations of this chapter.
- B. Existing wireless facilities.** Existing wireless communication facilities may be expanded or modified as follows:
1. **Existing facilities not located in public right-of-way - No substantial change.** Collocations on or modifications to existing, approved wireless communication facilities, not in the public right-of-way, that do not constitute a substantial change and that meet the requirements of this chapter are allowed subject to the approval of a modification to the existing permit. In compliance with federal law (Title 47, United States Code, Section 1455 and implementing regulations) an eligible facility request for collocation on, or modification to existing facilities may not be denied and shall be approved if the modification does not substantially change the physical dimensions of a tower or base station. The law requires the City to approve or deny such an application within 60 days after application submission, unless tolled due to issuance of a notice of incomplete filing or by mutual agreement between applicant and City.
 2. **Existing facilities not located in public right-of-way - Substantial change.** Collocations on or modifications to existing wireless communication facilities, not in the public right-of-way, which constitute a substantial change are allowed subject to the approval of a modification to the existing permit.
 3. **Facilities located in public right-of-way.** Collocations on or modifications to existing wireless communication facilities in the public right-of-way are allowed subject to the approval of a modification to the existing permit.
- C. Eligible facility request.** For the purpose of implementing these provisions, the term “eligible facility request” means a request for modification of an existing wireless tower or base station that involves any of the following:
1. Collocation of new transmission equipment;
 2. Removal of transmission equipment; or
 3. Replacement of transmission equipment.
- D. Modifications constituting a “substantial change”.** For the purpose of implementing these provisions, the following definition of “substantial change” shall be applied to proposed collocation or modification to an existing wireless communication facility:

1. **Wireless tower located outside of the public right-of-way:**
 - a. **Height.** The proposed collocation or modification would increase the height more than 10 percent, or the height of one additional antenna array would be more than 20 feet above the height of the nearest existing antenna, whichever is greater; and
 - b. **Width.** The proposed collocation or modification would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the existing appurtenance, whichever is greater.
2. **Wireless tower located in the public right-of-way:**
 - a. **Height.** The proposed collocation or modification would increase the height more than 10 percent or 10 feet, whichever is greater, above the originally approved height.
 - b. **Width.** The proposed collocation or modification would protrude from the edge of the originally approved structure by more than six feet.
3. **Base station wherever located:**
 - a. **Height.** The proposed collocation or modification would increase the height of the base station more than 10 percent or 10 feet, whichever is greater, above the originally approved height.
 - b. **Width.** The proposed collocation or modification would protrude from the edge of the originally approved base station structure by more than six feet.
4. **Additional equipment cabinets.** The proposed collocation or modification would involve adding more than the standard number of new equipment cabinets for the technology involved, but in no event shall exceed four new equipment cabinets.
5. **Work outside existing boundaries.** A proposal that includes excavation or deployment of equipment outside the boundaries of the controlled, leased, or owned property surrounding the wireless tower and base station and any access or utility easements related to the site.
6. **Change in approved appearance.** A proposal to alter or expand the exterior of any wireless communication facility or base station that was originally approved as stealth or camouflaged that defeats the originally approved stealth or camouflaged design elements. For the purposes of this provision, the term "defeat" means to change a stealth or camouflaged wireless communication facility in a manner so that it shall no longer be considered stealth or camouflaged.
7. **Violation of condition of approval.** The proposed collocation or modification would violate an existing condition of approval, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, new excavation, or aesthetic change that does not exceed the corresponding "substantial change" thresholds with respect to a wireless tower or base station, or the condition is preempted by federal law.
8. **Site alterations.** A proposal that would alter required access, parking, or landscaping from that shown on the approved site plans.
9. **Replacement of facility.** A proposal to replace the wireless tower or foundation.

10. **Violation of regulations.** A proposal to alter the width, bulk, or arrangement of a wireless communication facility that may violate any law, rule, regulation, or other requirement intended to protect public health and safety.
- E. **Other permits.** In addition to any Administrative Use Permit or Conditional Use Permit or modification to a permit required under this chapter, an applicant for any proposed new, collocated, or modified wireless communication facilities shall also obtain any separate permits or approvals for the facility required by the City.

18.42.030 – Application Approval for Eligible Facilities

Within 60 business days of receiving an application that has been deemed complete, the Director shall approve an application for an eligible facility request that proposes collocation or modification of an existing wireless tower or base station if findings can be made consistent with this chapter that the collocation or modification does not substantially change the physical dimensions of the tower or base station. The Director may impose only the conditions necessary to ensure compliance with the provisions of this chapter

18.42.040 – Application Requirements, New and Expanded Facilities

- A. **Applications for new facilities not located in the public right-of-way.** Applicants for a new wireless communication facility shall submit the following, as applicable:
1. **Permits and fees.** The required permit application or other City authorizations along with appropriate application fees;
 2. **Deposit.** A cash deposit for any third party peer review determined by the Director to be necessary to ensure compliance with the requirements of the chapter;
 3. **Legal authority.** Evidence that the applicant has all of the required licenses and registrations from the FCC and CPUC to provide the wireless communication services being proposed;
 4. **Property owner consent.** Evidence that the applicant has the consent of the property owner to use the proposed property for the installation of wireless communications facilities;
 5. **Encroachment Permit.** An Encroachment Permit is required;
 6. **Statement of Purpose.** A written statement that includes: (a) a description of the technical objectives to be achieved; (b) an annotated topographical map that identifies the targeted service area to be benefitted; (c) the estimated number of users in the targeted service area; and (d) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites;
 7. **Least intrusive location.** Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in compliance with the location requirements, as well as an explanation of how the proposed design complies with the applicable design standards;
 8. **Site Plans.** A fully dimensioned site plan and elevation drawings prepared by a licensed engineer showing all existing on-site wireless communication facilities and other

improvements and the proposed facility with all transmission equipment and other improvements and the legal boundaries of the property surrounding the proposed facility and any access or utility easements related to the site.

9. **Photographs.** Photographs from surrounding areas with a locational map identifying where the photographs were taken;
10. **Visual simulations.** Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the Review Authority in assessing the visual impacts of the proposed facility and its compliance with the provisions of this chapter;
11. **Master plan.** A master plan that identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the City. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two years of submittal of the application. Applicants shall not file, and the City shall not accept, applications that are not consistent with the master plan for a period of two years from approval of applicable discretionary permit or authorization unless the following apply:
 - a. The applicant demonstrates materially changed conditions that could not have been reasonably anticipated to justify the need for a wireless communications facility site not shown on a master plan submitted to the City within the prior two years or;
 - b. The applicant establishes before the applicable Review Authority that a new wireless communications facility is necessary to close a significant gap in the applicant's communications service, and the proposed new installation is the least intrusive means to do so;
12. **Alternative siting analysis.** A map depicting existing wireless communication facilities within a one mile radius of the proposed facility and an explanation of why collation on these existing facilities is not feasible. The explanation shall include necessary technical information to document the reasons why collation is not a viable option;
13. **Height Certification.** A certification prepared by a licensed engineer that provides technical data sufficient to justify the proposed height of any new monopole or building mounted facility;
14. **Collation statement.** A written statement of the willingness to allow other carriers to co-locate when technically and economically feasible and aesthetically desirable, or a statement of why future collation is not technically feasible;
15. **FCC compliance.** An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to radio frequency (RF) levels exceeding the levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" shall be submitted:
 - a. Appendix A, titled "Operational Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application;
 - b. All planned radio frequency emissions on all frequency bands shall be shown on the Appendix A form(s) attached to the application; and

- c. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of “effective radiated power”;
16. **Noise study.** A noise study, prepared by a qualified engineer, for the proposed wireless communications facility including, but not limited to, equipment (i.e., air conditioning units and back-up generators);
 17. **Color samples.** Color samples and materials of any visible portion of the facility, including any stealth or camouflage concealing structure;
 18. **Landscape plan.** A conceptual landscape plan for any ground mounted facilities;
 19. **Statement of accuracy.** A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application;
 20. **As-built photographs.** As-built photographs of the facility shall be submitted within 90 days of installation of the facility, detailing the installed equipment; and
 21. **Additional information.** Other information as the Director may determine necessary, or to respond to changes in law or technology.
- B. Applications for collocations and modifications not located in the public right-of-way.** Applicants seeking to expand or modify an existing wireless communication facility not in the public right-of-way or to collocate on an existing wireless communication facility not in the public right-of-way need only submit application items 1, 2, 3, 4, 8, 10, 15, 16, 17, 18, 19, 20 and 21, as applicable.
- C. Additional application requirements for facilities located in the public right-of-way.** Applicants for a new wireless communication facility proposed to be located in a public right-of-way or modifications to or collocations on an existing facility in the public right-of-way shall submit the following additional items, as applicable:
1. A written justification for the applicant's claimed right to permanently install a facility in the public right-of-way. In cases where the applicant claims a right based on a franchise or a certificate of public convenience and necessity (CPCN) issued by the CPUC, a copy of the franchise agreement or CPCN shall be provided, including a copy of the certified environmental document from the CPUC covering the proposed wireless communication facilities within the City, including all mitigation measures as required by the CPUC in compliance with the required environmental analysis. Any applicant providing communication service before to 1996, under an administratively equivalent document issued by the CPUC, shall submit copies of that documentation in lieu of a CPCN;
 2. A complete application for an Encroachment Permit if any proposed facility may impact traffic;
 3. An executed right-of-way agreement or proof the applicant has previously entered into the right-of-way agreement and that the agreement remains valid;
 4. Written authorization from the appropriate utility company for the collocation on a streetlight pole, utility pole, or other utility apparatus;
 5. A fully dimensioned and scaled site plan illustrating all of the following information within 150 feet of the proposed wireless communication facility:

- a. The distances between all proposed and existing wireless communication facilities and all other infrastructure within the public right-of-way as other existing transmission equipment, utility poles, light poles, fire hydrants, bus stops, traffic signals and above and below ground utility equipment vaults;
 - b. The distance and location of adjoining property lines and easement boundaries abutting the public right-of-way, curbs, driveway approaches, easements, walls, existing utility substructures, and parkway trees from the wireless communication facility;
 - c. The immediate adjacent land uses and building locations;
 - d. The dedicated width of the public right-of-way; and
 - e. The location of all existing sidewalks and parkway landscape planters.
6. All conduit locations between the proposed wireless communication antennas and the infrastructure necessary to operate the antennas;
 7. Conceptual landscape and irrigation plans;
 8. An approved long-term landscape maintenance agreement with the private property owner;
 9. An analysis demonstrating the proposed equipment location and landscaping will not impede vehicular visibility at any adjacent intersection or driveway; and
 10. Other information as may be reasonably required by the Director or Public Works Director in order to demonstrate the proposed facility will not be detrimental to the public health, safety, or welfare.

D. Independent technical review. The Director is authorized to retain an independent technical expert to peer review any application for a wireless communication facility. The applicant shall pay for the cost of the review and shall provide a reasonable advance deposit of the estimated cost of the review with the City before the commencement of any work by the technical consultant. The review is intended to be a review of technical aspects of the proposed wireless communications facility or modification of an existing wireless communications facility and may address any or all of the following:

1. Whether the proposed wireless communications facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
2. The accuracy and completeness of submissions;
3. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
4. The applicability of analysis techniques and methodologies;
5. The viability of alternative sites and alternative designs; and
6. Any other specific technical issues designated by the City.

18.42.050 – Development Standards

Wireless communications facilities shall be located, developed, and maintained as follows:

- A. Preferred locations.** Wireless communications facilities, not within the public right-of-way, shall be located in the most appropriate location as specified in this section when doing so would not conflict with federal or state law. The following range of locations is organized from the most appropriate to the least appropriate:
1. Collocation on an existing stealth facility;
 2. Collocation on an existing camouflaged facility;
 3. Location or collocation on an existing utility or light pole;
 4. New stealth facility;
 5. A new utility pole or light pole with a camouflaged facility;
 6. Location on a new structure in a commercial or mixed use zone or Ravenswood Specific Plan zone; and
 7. Location on a new structure in a public institutional or parks and recreation zone.
- B. Alternative location.** No new facility shall be placed in a less appropriate location unless the applicant demonstrates to the satisfaction of the applicable Review Authority that no more appropriate location can feasibly serve the area that the proposed facility is intended to serve. The applicable Review Authority may approve a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.
- C. General development standards.** All of the following development standards apply to wireless communication facilities in all zones and are subject to the approval of the Director.
1. Stealth wireless facilities are preferred over camouflage wireless facilities, particularly where existing structures are available or new structures could be constructed to accommodate a stealth wireless facility;
 2. The overall development footprint of each wireless communication facility shall be as small as technically feasible and accessory buildings, structures, shelters, cabinets, underground vaults and other ground mounted equipment shall be grouped together to the maximum extent feasible;
 3. There shall be no net loss of required parking or landscaping when siting a wireless communication facility;
 4. Paint colors shall be selected to minimize visual impacts by blending with the surrounding environment and buildings;
 5. The exterior surfaces shall be constructed of non-reflective materials;
 6. Wireless communication facilities shall not be lighted or marked unless required by the FCC or the Federal Aviation Administration;
 7. No signs, flags, banners, or any form of advertising shall be attached to a wireless communication facility except for government-required certifications, warnings, or other

required seals or signs, or except as expressly provided by other provisions of the Development Code;

8. The height shall not exceed the maximum structure height in the applicable zone, unless supported by a technical study that clearly demonstrates the need to exceed the height limitation; and
9. A facility shall not encroach into any applicable setback for structures in the applicable zone.

D. Building and roof mounted standards. All of the following development standards apply to building and roof mounted wireless communication facilities in all zones:

1. Facilities shall be architecturally integrated into the applicable building design so that it matches the proportion, style, and quality of exterior design of the building and surrounding visual environment and is otherwise as unobtrusive as possible;
2. Roof mounted wireless communication facilities shall be screened from public view using screening devices that are compatible with the existing architecture, color, texture, and materials of the building; and
3. Cable trays and runs on a roof deck shall be mounted below or otherwise screened by the parapet wall or other screening device.

E. Ground mounted standards. All of the following additional development standards apply to ground mounted wireless communication facilities:

1. Facilities shall be designed and situated in a manner that utilizes existing natural or man-made features including, but not limited to, topography, vegetation, buildings, or other structures to visually screen the wireless communication facility to the greatest extent feasible;
2. Attempts to replicate trees or other natural objects may be used where allowed if deemed compatible to existing trees or natural objects in the immediate vicinity;
3. No guy wires or other diagonal or horizontal support structures shall be utilized;
4. Cable trays and runs shall be located inside the pole and underground; and
5. A facility shall be set back a distance of at least 150 percent of the height of the facility from the nearest property line of any residentially zoned or occupied parcel.

F. Public right-of-way standards. The following additional design and development standards for wireless communication facilities apply to facilities located in the public right-of-way:

1. To minimize aesthetic and visual impacts, wireless communication facilities located in the public right-of-way shall be designed and located according to the following preferences, ordered from most preferred to least preferred, to the maximum extent feasible:
 - a. Collocation on an existing stealth facility;
 - b. Collocation on an existing camouflaged wireless tower or base station;
 - c. Location or collocation on an existing utility or light pole with a camouflaged facility;

- d. A new stealth facility; and
 - e. A new utility pole or light pole with a camouflaged facility.
2. Wireless communication facilities are prohibited in all center street medians.
 3. No wireless communication facility shall be located or constructed in a manner that would unreasonably interfere with the use of City property or the public right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic or parking on City property or within the public right-of-way, interference with public utilities, interference with visibility along the public right-of-way, and any other activities that would present a hazard to public health, safety, or welfare when alternative locations or methods of construction would result in less disruption.
 4. All wireless communication facilities shall be built in compliance with the Americans with Disabilities Act (ADA), including but not limited to the provision of adequate surface access and pedestrian traffic movement in and around wireless towers and base stations.
 5. All facilities shall have subdued colors and non-reflective materials that blend with the surrounding area.
 6. Conduits shall be concealed within the support pole to the maximum extent feasible.
 7. **Utility and light poles:**
 - a. Pole-mounted transmission equipment or any portion of a wireless communication facility shall not exceed six feet above the pole tip height unless supported by a technical study that clearly demonstrates the need to exceed the height limitation;
 - b. No portion of the antenna or transmission equipment mounted on a pole shall be less than 16 feet above any road surface;
 - c. Pole-mounted equipment, other than the antenna, shall not exceed a total of 8.5 cubic feet in area and shall be compatible in structure, scale, and proportion to the existing streetlight or utility pole equipment;
 - d. No new poles shall be installed on a public right-of-way except as replacements for existing poles or where there are presently no overhead utility facilities unless the CPUC has authorized the applicant to install the facilities and the applicant demonstrates that no other feasible options exist; and
 - e. All wireless communication facilities mounted on a utility pole shall comply with CPUC General Order 95, as it may be amended.
 8. **Non-antenna transmission equipment:**
 - a. Non-antenna transmission equipment, including electric meter pedestals, shall be placed underground to the maximum extent feasible.
 - b. Non-antenna transmission equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise inconvenience public use of the right-of-way, or create safety hazards to pedestrians or motorists.

- c. Non-antenna transmission equipment and underground vaults require an Excavation Permit and a valid right-of-way agreement.
 - d. All ground-mounted non-antenna transmission equipment installed above ground shall be screened from public view with landscaping or other decorative features to the satisfaction of the Director.
- G. Collocation and modification standards.** The following additional development and design standards apply to collocations and modifications to existing wireless communication facilities:
- 1. The collocated or modified facility shall comply with all applicable approvals and conditions of the permit for the host wireless communication facility;
 - 2. Related equipment for collocated facilities shall be located within the lease-hold or existing equipment enclosure, or if not possible, then the equipment shall be located as close as possible to the existing equipment enclosure; and
 - 3. The stealth or camouflage techniques approved and used for the existing wireless communication facility shall be extended to all proposed new transmission equipment.

18.42.060 – Special Findings

A Conditional Use Permit or Administrative Use Permit for a new wireless communication facility or an administrative modification to an existing permit may be granted only if all of the following findings are made by the Review Authority, in addition to any findings specified under Chapter 18.86.

- A.** The new or substantially modified wireless facility is necessary to close a significant gap in wireless service coverage, as evidenced by call testing of existing facilities with the area the applicant contends is a significant gap in coverage to be served by the facility.
- B.** No feasible alternative site exists that would close a significant gap in wireless service coverage which alternative site is a more appropriate location for the facility.
- C.** The facility complies with all design standards and other requirements of this chapter.
- D.** The proposed wireless communication facility has been designed to achieve compatibility with the surrounding community to the maximum extent reasonably feasible in compliance with the provisions of this chapter.
- E.** The proposed wireless communication facility constitutes the least intrusive means to reasonably achieve the applicant's stated technical objectives and will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of pedestrians and vehicles.

18.42.070 – Maintenance and Operation of Facilities

- A. Radio frequency report.** Within 60 days of commencement of operations, the permittee of a new wireless communication facility shall provide the Department with a report, prepared by a qualified engineer acceptable to the Director, indicating that the actual radio frequency (RF) emissions of the facility, measured at the property line or nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with all applicable FCC safety standards. This report shall include RF emissions from all collocation facilities, if any, at the site. The permittee shall also provide an updated report within 60 days after completion of any change in design, number of antennas, operation, or other significant change in

circumstances, or when a report is otherwise required by the FCC, to the satisfaction of the Director.

- B. State and Federal regulations.** All wireless communication facilities shall comply with all standards and regulations of the FCC, and any other state or federal agency with the authority to regulate wireless communication facilities.
- C. Maintenance.** The site and the wireless communication facility, including all landscaping, fencing, and related transmission equipment shall be maintained in a neat and clean manner and in compliance with all approved plans. All graffiti on wireless communication facilities shall be removed at the sole expense of the permittee within 48 hours of notification by the Director.
- D. Noise.** No transmission equipment or any other associated equipment shall emit noise that exceeds the applicable limits established in Section 18.34.090.
- E. Interference with public right-of-way.** A wireless communication facility located in the public right-of-way shall not unreasonably interfere with the use of any City property or the public right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic, and interference with any other City or public utilities.
- F. Revocation notice.** If any FCC, CPUC or other required license or approval to provide communication services is revoked, the permittee shall inform the Director of the revocation within 10 days of receiving notice of the revocation.
- G. Removal after revocation.** A wireless communication facility and all equipment associated with the use shall be removed in its entirety by the permittee, at the permittee's sole expense, within 180 days of a FCC or CPUC license or registration revocation, or if any applicable City permit or approval is revoked, and the permittee shall immediately cease all transmitting and receiving operations at the applicable facility or facilities. Following the removal of a facility, the site shall be restored to its reasonable pre-installation condition or better as determined by the Director and, where necessary, revegetated to blend in with the surrounding area. In the case of building mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment shall be removed. Restoration and revegetation of the site shall be completed within two months of removal of the facility.
- H. Performance bond.** The City may require posting of a performance bond to cover the applicant's or owner/operator of the facility's obligation to restore the site to its reasonable pre-installation condition. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations, and landscaping obligations. The amount of the performance bond shall be set by the Director on a case-specific basis and in an amount reasonably related to the obligations required and in compliance with Government Code Section 65964(b).

18.42.080 – Transfer of Ownership

Upon transfer of an approved wireless communication facility or any rights under the applicable permit or approval, the permittee of the facility shall within 30 days of the transfer provide written notification to the Director of the date of the transfer and the identity of the transferee. The Director may require submission of any supporting materials or documentation necessary to determine that the facility is in compliance with the existing permit or approval and all of its conditions including, but not limited to, statements, photographs, plans, drawings, and analysis by a qualified engineer demonstrating compliance with all applicable regulations and standards of the City, FCC, and CPUC.

18.42.090 – Exceptions

- A. **Evidence for exception.** An exception to the standards or requirements of this chapter may be granted if an applicable standard or requirement would prohibit or have the effect of prohibiting the provision of wireless communication services by the applicant. The Review Authority may grant an exception to terms deemed appropriate in cases where approval of the exception is necessary to comply with any state or federal law or regulation and where the applicant shows by clear and convincing evidence that no other location or combination of locations or type of facility can provide comparable wireless communication services.
- B. **Written explanation.** An applicant seeking an exception shall submit to the Director a written explanation specifying clear and convincing evidence that the location(s) and the design of the proposed facility is necessary to close a significant gap in service coverage, that there is no feasible alternate location(s), or design, that would close a significant gap or to reduce it to less than significant, and that the proposed facility is the least intrusive means to close a significant gap in service coverage or to reduce the gap to less than significant.
- C. **Review Authority review.** All exceptions are subject to the review and approval of the Review Authority. The burden shall be on the applicant to prove that a significant gap in service coverage exists and that the exception requested for the proposed facility is the least intrusive means to close the identified service coverage gap or to reduce the gap to less than significant.

18.42.100 – Standards for Nonexempt Satellite Antennas

Satellite antennas, including portable units and dish antennas, shall be designed, installed, and maintained in compliance with the regulations of the FCC. Satellite antennas with diameters larger than one meter in residential zones and two meters in nonresidential zones shall comply with all of the following requirements provided these provisions do not conflict with applicable state and federal regulations.

- A. **Application and plans.** Plans for satellite antennas shall be submitted with an application for a Zoning Clearance and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening;
- B. **Location.** No satellite antenna shall be located within any required front yard or street side yard setbacks in any zone. In addition, no portion of a satellite antenna shall extend beyond a property line;
- C. **Color.** A satellite antenna and its supporting structure shall be painted a single, neutral, nonglossy color (e.g., earth tone, gray, or black); and
- D. **Wiring.** All wiring shall be placed underground, whenever possible.
- E. **Residential Zones.** In any residential zone, satellite antennas shall be subject to all of the following standards:
 1. Satellite antennas shall not exceed 15 feet in height, as measured from the finished grade or other surface on which the antenna is placed. Roof-mounted antennas shall not exceed the height of roof line
 2. Only one satellite antenna shall be allowed on any single-family residential site;
 3. Only one antenna shall be allowed for each group of attached dwelling units on a multi-family residential site;

4. A satellite antenna shall be separated from adjacent properties by at least a six-foot- high solid wall or fence or by trees or other plants of equal minimum height;
5. Any satellite antenna that is taller than an adjacent property-line fence shall be located away from the side or rear property line a distance equal to or greater than the height of the antenna;
6. The diameter of a satellite antenna shall not exceed two meters. This requirement may be modified by the Director if the applicant provides a sufficient technical study prepared by a qualified engineer demonstrating to the Director's satisfaction that strict compliance would result in no satellite reception; and
7. A satellite antenna shall be used for private, noncommercial purposes only.

F. Nonresidential Zones. In any nonresidential zone, including mixed use zones, satellite antennas may be roof- mounted or ground-mounted subject to all of the following standards:

1. If roof-mounted, satellite antennas shall be screened from ground view by a parapet or other screening device approved by the Director. The minimum height and design of a parapet, wall, or other screening shall be subject to the approval of the Director;
2. If ground-mounted, satellite antennas shall not be located between a structure and an adjacent street, and shall be screened from public view and neighboring properties subject to the approval of the Director;
3. The location and height of satellite antennas shall comply with all requirements of the underlying zone; and
4. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna and screened from view subject to the approval of the Director.

18.42.110 – Standards for Amateur Radio Antennas

A. Standards. Amateur radio antennas shall be designed, constructed, and maintained as follows:

1. The maximum extended height of any part of the antenna shall not exceed 40 feet, measured from finished grade immediately adjacent to the base of the antenna;
2. Any fixed boom that is part of an extendable antenna shall not exceed 25 feet in height;
3. Antennas may be roof- or ground-mounted; and
4. Antennas shall not be located in any front or side yard areas.

B. Modification of standards. The above standards may be modified or waived by the Director on a case-by-case basis where required to comply with FCC PRB-1 and Government Code Section 65850.3 and where the modification or waiver is based on sufficient technical information provided in writing by the applicant.

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Title 18 – Development Code

Article 4 –

Regulations for Specific Land Uses and Activities

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Chapter 18.48 – Regulations for Specific Land Uses and Activities

Sections:

- 18.48.010 – Purpose and Applicability
- 18.48.020 – Accessory Uses
- 18.48.030 – Adult Oriented Businesses
- 18.48.040 – Alcohol Sales
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- 18.48.200 – Water Wells
- 18.48.220 – Merger, Demolition or Elimination of Affordable Dwelling Units

18.48.010 – Purpose and Applicability

- A. Purpose.** This chapter provides locational, site planning, developmental, and/or operational standards for certain land uses allowed within individual or multiple zones, and for activities which require special standards to mitigate their potential adverse impacts.
- B. Applicable standards.**
1. **Where allowed.** Each use shall be located only as allowed by Article 2.
 2. **Developmental standards.** The standards for specific uses specified in this chapter are required in addition to all other applicable provisions of the Development Code.
 - a. The land use tables in Article 2 and the specific characteristics of the use determine when the standards of this chapter apply to a specific land use.
 - b. In the event of any conflict between the requirements of this chapter and those of Article 2 or Article 3, the requirements of this chapter shall control

18.48.020 – Accessory Uses

- A. Applicability.** This section provides locational, developmental, and/or operational standards for accessory uses. The provisions shall apply to accessory uses where allowed in compliance with the following standards.
- B. Standards.**
1. **Secondary to a primary use.** An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a primary use or structure to which it relates under the same regulations as the primary use in any zone.
 2. **Specific standards.** These regulations are found in the use regulations tables in Article 2 and may be subject to specific standards specified in this chapter or the standards established for each zone, as specified in the Article 2 land use tables.

18.48.030 – Adult Oriented Businesses

- A. Applicability.** The provisions in this section apply to all adult oriented uses where allowed in compliance with all of the following standards.
- B. Location restrictions.** Adult oriented businesses shall maintain the following separation requirements
1. No adult oriented business shall be located within 1,000 feet of any other adult oriented business;
 2. No adult oriented business shall be located within 2,000 feet of any nursery school, elementary school, junior high school, high school, public park/playground, or religious institution; and
 3. No adult oriented business shall be located within 1,000 feet of any residential zone or use, or within 300 feet of any residential zone or use in any adjacent jurisdiction.
- C. Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the parcel on which the adult-oriented business is located to the closest residential zone boundary or property line of the parcel upon which is located another adult-oriented business, residential zone, residential use, religious institution, park/playground, or any school. If the proposed adult oriented business or residential use, religious institution, park/playground, or any school is located on the same parcel as the adult oriented business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.

18.48.040 – Alcohol Sales

- A. Applicability.** The provisions in this section apply to all alcohol sales uses whether for on-site or off-site consumption where allowed in compliance with all of the following standards.
- B. Operation and maintenance plan required.** In addition to the documents required to be submitted as part of an application for the required discretionary permit, the permit application to allow the sale of alcoholic beverages also shall be accompanied by an operation and maintenance plan describing the manner in which the applicant intends to conduct the business. The information provided shall include all of the following:

1. Days of the week and hours of the day during which the establishment will be open for business;
 2. Hours of the day during which alcoholic beverages will be sold, if different from the hours of the day during which the establishment will be open for business;
 3. Measures to be taken by the applicant to ensure alcoholic beverages will not be sold to minors;
 4. Arrangements made by the applicant for clean-up and removal of trash from the premises and from any adjacent public sidewalks, streets, parking areas, or other rights-of-way; and
 5. Security arrangements made by the applicant to prevent loitering and consumption of alcoholic beverages outside of the premises.
- C. Permit approval.** No permit to engage in the sale of alcoholic beverages shall be approved unless the Review Authority first finds and determines the proposed location for the sale of alcoholic beverages and the conditions under which the activity will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or other uses in the vicinity.
- D. Conditions of approval.** The Review Authority may impose conditions upon the issuance of the permit it deems appropriate, necessary, and reasonable, under the circumstances, including, but not limited to, the following:
1. Approve the initial permit for a period not to exceed three years, with annual reviews;
 2. Limitation upon the hours of the day during which alcoholic beverages can be sold;
 3. Requirement for special trash collection service; and/or
 4. Requirement for special security arrangements; provided however, the cost shall not impose an unreasonable economic hardship upon the proprietor of the establishment.
- E. Determinations of Public Convenience or Necessity (PCN).** Determinations within the jurisdiction of the Council in compliance with Section 23958.4 of the Business and Professions Code as to whether the public convenience or necessity (PCN) would be served by the issuance of an ABC license are delegated to the Commission.
1. **Application and hearing.** The Commission shall conduct a public hearing upon an application for a determination of public convenience or necessity. The Commission shall consider all of the following:
 - a. Whether the issuance of an ABC license involves an existing business with a license that is being transferred to a new location, or a business requesting a new license, would result in an increase in the total number of off-sale or on-sale retail liquor licenses in the City, or in the census tract in which the business would be located;
 - b. Will the proposed establishment promote the City's economic health consistent with the General Plan, any applicable specific plan, or any similar policies that have been adopted by the Council;
 - c. Whether the business will serve a specific need or specialty that is not currently available in the area;

- d. To what extent is the sale of alcohol is essential to the primary purpose of the business? What percentage of the business's sales is anticipated to be alcohol sales;
 - e. Whether the proposed establishment is likely to increase crime in the area or an unreasonable burden on Police Department services based on the following:
 - (1) The extent to which reported crime in the subject site district exceeds the average for crime reporting districts subject to the jurisdiction of the Police Department;
 - (2) The number of Police calls for service at or in the vicinity of the proposed location;
 - (3) The potential for increased burden on City resources within a reasonable time period; and
 - (4) Whether the applicant has been convicted of a felony;
 - f. Is the application for a premises where a prior license has been revoked within the previous one-year period;
 - g. Is there a residential neighborhood, school, church, day care center, homeless shelter, alcohol rehabilitation center, facility designed and operated to serve minors, park or other incompatible facility or land use within 600 feet of the property for which a public convenience or necessity determination is requested? If so, will permitting an additional license disproportionately impact adjacent areas;
 - h. What evidence and/or arguments has the applicant provided showing the public convenience or necessity will be served by the issuance of the license; and
 - i. What operational measures does the applicant propose to eliminate or limit any potential negative impacts from the sale of alcoholic beverages.
2. **Consideration of application.** In considering a PCN application, a negative finding regarding any one of the above guidelines may be sufficient grounds for denial of the application. Each application shall be judged on an individual basis and any one criteria or combination of criteria may be waived as the result of imposed conditions.
 3. **Notice of public hearing.** Notice of the public hearing shall be given in compliance with Chapter 18.114. All interested persons shall be allowed to provide oral and documentary evidence to the Commission prior to the determination by the Commission. The decision of the Commission shall be final in the absence of a timely appeal or request to review the decision.
 4. **Filing Fees.** Filing fees for the processing of a PCN determination application shall be required in compliance with the Master Fee Schedule and shall be paid upon submittal of an application for the determination. If a PCN determination is processed concurrently with a Conditional Use Permit application, the fees for the PCN determination shall be waived.
 5. **Appeals.** Any determination by the Commission may be appealed or called for review .

6. **Separate zoning action.**
- a. The PCN determination shall be a separate determination from any discretionary zoning decision; however, a determination on a PCN application may be made by the Commission at the same time as any discretionary zoning decision provided the notice and hearing requirements, have been met.
 - b. An approval of a zoning entitlement for the subject use shall not constitute, nor be deemed to require, a determination that the PCN would be served by the issuance of a license by the ABC for the use.
7. **Concurrent processing.** A PCN application shall be processed concurrently with any required discretionary zoning decision, to the extent that concurrent processing is reasonably feasible.
8. **Role of Police Department.** The Chief of Police, or designee, shall provide information or data to the Director for provision to the Commission for its consideration of the PCN application. The Chief of Police, or designee, may provide recommendations or conditions to the Commission regarding any PCN determination.
9. **License violations.** Nothing contained in this section shall be deemed to prohibit any official, officer or employee of the Police Department from monitoring and investigating the activities of establishments licensed by the ABC for possible license violations and to file complaints with the ABC relating to license violations.
- F. **Periodic review of permit.** A permit for the sale of alcoholic beverages may be subject to periodic review for the purpose of determining whether the permit holder has complied with all of the conditions and requirements of the permit. The Review Authority may initiate a review of the permit at any time.
- G. **Modification of permit.** The Review Authority may at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose any new conditions if it determines that the action is necessary in order to preserve the public health, safety, or welfare, or to prevent the creation or continuance of a public nuisance.
- H. **Revocation of permit.** The permit may be revoked upon a determination by the Review Authority that the holder of the permit has failed to comply with any condition after being afforded a reasonable opportunity to do so, as set forth in Chapter 18.118 .

18.48.050 – Animal Keeping

- A. **Applicability.** This section provides standards to ensure that the raising and maintenance of animals does not create an adverse impact on adjacent properties by reason of dust, noise, visual blight, odor, fumes, bright lights, or insect infestations. The keeping of a reasonable number of domestic dogs, cats or other small mammals, birds, fish and small reptiles for private use shall be subject to the restrictions and standards of this section.
- B. **Standards.** The keeping of domestic animals shall be in compliance with Municipal Code Title 6 and all of the following standards:
1. All animals shall be kept as pets only, and not for sale, experimental, or commercial purposes;
 2. Animals shall at all times be confined to the owner's property, unless restrained or caged in direct control of the owner or person having custody of the animal; and

3. No animals shall be allowed that are vicious, poisonous, wild, or dangerous, or that cause any raucous outcry or other noise disturbing to the peace and quiet of the neighborhood, or otherwise constitute a hazard to the public health, safety, or welfare. All vicious, poisonous, wild, or dangerous animals are hereby declared to be a public nuisance;
4. The factors to be considered in determining whether the number of animals upon a site is reasonable shall include all of the following:
 - a. The size of the site or portion on which the animals are kept;
 - b. The type of animals and extent of potential noise;
 - c. Potential odor or other adverse impacts upon the occupants of neighboring properties;
 - d. The proximity of other dwelling units;
 - e. The manner in which the animals are confined upon the site; and
 - f. The propensity of the animals to cause injury or damage to persons or property.

18.48.060 – Child Day Care

A. Applicability. The provisions in this section apply to child day care facilities where allowed

B. Permit and license required.

1. No person shall establish or operate a large family day care home, as defined in Health and Safety Code Section 1596.78(a), in any residential zone, unless the applicable license or permit is approved by the Review Authority. The operator of a large family day care home also shall obtain a license from the California Department of Social Services.
2. The requirement for a discretionary permit shall not apply to any large family day care home licensed by the State before October 19, 1992 and designated as an allowed use in compliance with Article 2.
3. Permit or license required: 1-8 children requires a business license; 9-14 children requires an Administrative Use Permit; 15 or more children requires a Conditional Use Permit.

C. Permit application. An application for a discretionary permit shall be filed with the Department and shall include all of the following information:

1. A scale drawing of any structural alterations or improvements being made to the premises for the purpose of operating the day care facility;
2. A drawing of the site and the residential structure, showing the size, dimensions, and location of the interior and exterior areas to be utilized for operation of the day care facility, including the location and number of on-site parking spaces and the street access for drop-off and pick-up of children. The drawing shall have a reasonable degree of accuracy and shall contain details as may be required by the Director;
3. Color photographs of the premises, showing all interior and exterior areas to be itemized for operation of the day care facility;

4. A general description of the manner in which the day care facility will be operated, including the maximum number and range of ages of children for whom day care will be provided, the days of the week and hours of the day during which the facility will be operated, the number of persons providing day care services, and designation as to whether the persons are residents of the home; and
 5. Any additional information or exhibits as may be required by the Director in order to evaluate the application and the potential impact of the facility upon the neighborhood.
- D. Inspection of premises.** After the application has been deemed to be complete, the Director shall cause an inspection of the premises to determine whether the facility complies with applicable Building Code requirements for single-family residences and any special fire and life safety standards for large family day care homes as may be adopted by the State Fire Marshal in compliance with Health and Safety Code Section 1597.46(d).
- E. Standards.** Large family day care homes shall comply with all of the following:
1. **Care provider occupancy.** The single-family dwelling in which each large family day care home is located shall be the principal residence of the care provider, and the use shall be clearly residential in character, and shall be accessory to the use of the property as a residence;
 2. **Separation requirement.** A large family day care home within a residential zone or mixed use zone shall not be located within 500 feet of another large child day care facility;
 3. **Drop-off/pick-up area.** A minimum of two off-street parking spaces as a drop-off and pick-up area shall be provided, in addition to the spaces required for the dwelling unit. A driveway may be used to provide the required parking spaces; and
 4. **Noise.** In order to protect residents in adjacent dwellings from noise impacts, a facility within a residential zone or mixed use zone shall only operate a maximum of 14 hours each day between the hours of 6:00 a.m. and 8:00 p.m. and shall only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
- F. Findings.** The Review Authority may grant a discretionary permit for a large family day care home only if it first finds and determines that:
1. The facility will not create adverse traffic or noise impacts upon the neighborhood; and
 2. The facility will comply with all applicable building, fire, and life safety requirements and regulations.
- G. Action by Review Authority.**
1. The Review Authority may approve, approve with conditions, or deny the application for a discretionary permit, and If approved, the permit shall be subject to all imposed conditions; and
 2. Every approved discretionary permit shall be subject to the express condition that the permit shall not become effective until the applicant is licensed by the State in compliance with Health and Safety Code Division 2, Chapter 3.6 (commencing with Section 1597.30) to operate a large family day care home at the subject property. The holder of the discretionary permit shall furnish to the Director a copy of the application submitted to the State and a copy of the final determination made by the State. If the

application is denied by the State, the discretionary permit approved in compliance with this Section is void.

H. Expiration, extension, and review of permit.

1. A discretionary permit approved in compliance with this section shall expire 12 months from the date on which the approval of the permit became effective unless, before the expiration date, the day care facility is established and operating on the approved site.
2. The established expiration date may be extended by the Review Authority for a period(s) of time not exceeding a total of 24 months. Application for extension shall be filed before the expiration date. No fees or costs shall be imposed for the filing and processing of the application. A public hearing shall be conducted on the application for extension. Extension of a discretionary permit is not a matter of right and the application may be denied or approved subject to conditions.
3. The Review Authority may, at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose new conditions if the Review Authority first determines that the action is necessary in order to mitigate any adverse impacts that may be created from the operation of the day care facility.

18.48.070 – Electronic Amusement Devices

A. Applicability. The provisions in this section apply to all establishments with six or more electronic amusement devices/games where allowed in compliance with all of the following standards.

B. Locational and operational standards.

1. **Separation requirements.**
 - a. No establishment with six or more electronic games shall be located within a 1,000-foot radius of another establishment with six or more electronic games, public or private school, or any sensitive use.
 - b. The distance between an establishment with six or more electronic games and a school, sensitive use, or another establishment with six or more electronic games shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or a portion of the structure, in which the establishment with six or more electronic games is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another establishment with six or more electronic games occurs or is located.
2. **Containment of game areas.** The area in which electronic games are located shall be clearly defined and shall be totally contained within a structure.
3. **Management requirements.** The operator shall provide full-time adult attendants or supervisors, 21 years of age or older, at a ratio of one attendant/supervisor for each 10 machines, plus one security guard for each 20 machines or fraction thereof or as otherwise directed by the Police Department.
4. **Conditions.** Reasonable conditions pertaining to both the construction of the facility and its maintenance shall be considered in order to minimize the effect of congregation,

noise, parking, and other factors generated by the use, which may be detrimental to the public health, safety, and welfare of the surrounding community.

5. **Adequate lighting required.** Adequate lighting shall be maintained inside the business and parking areas. An interior and exterior lighting plan may be required and reviewed by the Director before occupancy.
6. **Window treatment restrictions.** No window treatment(s) shall be installed or maintained that would prohibit the view of the interior during normal business hours.
7. **Minors utilizing the facilities.** No minor shall enter the facility during those times the school district in which the facility is located is conducting its regular education program. Minors shall be accompanied by a parent or legal guardian after 10:00 p.m. The hours of operation shall be posted in a conspicuous place to the satisfaction of the Director.
8. **Proof of age requirements.** Patrons who appear under the age of 21 shall present proper identification to verify their age before using the facility, unless they are accompanied by a parent or legal guardian. Notice of this prohibition shall be posted at the entrance to the satisfaction of the Director.
9. **Waiting area requirements.** Establishments with internet access consisting of 25 percent or more of the gross floor area shall provide a waiting area with seating equal to one seat for every four computer stations. In addition, the following requirements shall also apply:
 - a. No waiting list may be maintained beyond the seating capacity of the waiting area; and
 - b. No outside waiting (loitering) or seating area shall be allowed and signs shall be posted stating this prohibition to the satisfaction of the Director.
10. **Floor Plan approval.** The applicant shall submit and receive an approved floor plan from the Police Department.
11. **Security plan required.** A security plan shall be subject to the review and approval of the Police Department.
12. **Security requirements.** Conditions of approval may include security measures that include, but are not limited to, additional security guards, background investigations of the business applicants, and surveillance video equipment.

18.48.080 – Emergency Shelters

- A. **Applicability.** This section provides locational, developmental, and operational standards for emergency shelters. The provisions in this section apply to emergency shelters where allowed in compliance with the following standards.
- B. **Standards.** Each emergency shelter shall comply with all of the following development standards and with the applicable standards for the zone in which they are located.
 1. **Maximum number of persons/beds.** Emergency shelters may contain a maximum of 60 beds and may serve no more than 60 homeless persons.
 2. **Off-street parking.** See Chapter 18.30 for shelter parking ratios.

3. **Waiting areas.** Shelters shall provide a minimum of 10 square feet of interior waiting and client intake space per bed. In addition, there shall be one office cubicle for each 20 beds.
4. **Private outdoor open space.** A patio or other private gathering area for employees and/or shelter residents shall be provided. The space shall be screened from public view to the satisfaction of the Director.
5. **Proximity to other shelters.** No shelter shall be located within 300 feet of another shelter.
6. **Length of stay.** Temporary shelter shall be provided for no more than 60 consecutive days. Extensions up to a total stay of 180 consecutive days may be provided if no alternative housing is available. Extensions shall be recommended by a physician or a qualified representative.
7. **Exterior lighting.** The applicant shall submit a lighting plan showing all parking lot and exterior building lighting, including details on standard design, coverage, and intensity for review and approval by the Department prior to issuance of any building permits.
8. **Security plan.** A security plan shall be submitted to the Department. The plan will be reviewed by the Police Department to ensure crime prevention through environmental design (CPTED) principles are incorporated into the project.
9. **Management plan.** A management plan shall be submitted to the Department for review.
10. **Location.** Emergency Shelters are allowed within the Industrial Transition zone (IT) as identified within the Four Corners Ravenswood Specific Plan.

18.48.090 – Financial Institutions – Unchartered

- A. **Applicability.** The provisions in this section shall apply to unchartered financial institutions where allowed in compliance with all of the following standards.
- B. **Separation standards.**
 1. **Separation requirement.** Unchartered financial institutions shall be separated from a residential zone or residentially used property by at least 500 feet and by at least 1,000 feet from any religious institution, school, day care center, bar, or liquor store, or another unchartered financial institution.
 2. **Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the parcel on which the unchartered financial institution is located to the closest property line of the parcel upon which is located another unchartered financial institution, residential use, religious institution, day care center, bar, liquor store, and any school, or the boundary line of a residential zone. If the residential use, religious institution, day care center, bar, liquor store, or a school is located on the same parcel as the unchartered financial institution, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.

18.48.100 – Guest Houses

- A. Applicability.** Guest houses provide an additional housing type, as encouraged by the Housing Element of the General Plan, which can assist in reducing overcrowding in the City. Guest houses are intended for permanent residential use, but not for rental purposes. The provisions in this section shall apply to all guest houses where allowed in compliance with all of the following standards.
- B. Permit and notice.** Approval of an Administrative Use Permit shall be required before establishment of a guest house. Upon submittal of an application for a guest house, a written notice of the application shall be sent to each of the adjacent property owners, as shown by the latest assessment roll of the County, for informational purposes only.
- C. Development standards**
1. A guest house shall be a permanent detached structure or an attached structure that does not have internal circulation with the primary dwelling. The guest house shall be clearly subordinate and incidental to a primary dwelling on the same building site. Subsequent subdivisions that divide the primary dwelling from a guest house shall be prohibited.
 2. The guest house shall be designed in a manner as to be visually consistent and compatible with the primary dwelling and other dwellings in the area subject to the satisfaction of the Director.
 3. Only one guest house shall be allowed on each parcel.
 4. Guest houses shall share the same utilities with the primary dwelling. No stubbing of gas, water, or sewer lines shall be allowed.
 5. Detached guest houses shall be located in close proximity to the principal dwelling subject to the satisfaction of the Director.
 6. The guest house shall be considered a bedroom and subject to the off-street parking requirements.
 7. Guest houses shall not exceed 700 square feet of gross floor area.
 8. Guest houses shall not exceed a height of 15 feet or be greater than one story.
 9. Guest houses may include a living and sleeping area, but shall not include a kitchen or any cooking facilities. The prohibition regarding kitchen and cooking facilities includes stoves, hot plates, microwave ovens, toaster ovens, utility or kitchen sinks, and garbage disposals,
 10. Guest houses may include bathrooms in compliance with the Building Code.
 11. There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
 12. Guest houses shall not be separately rented, let, or leased, either for direct or indirect compensation.
 13. Before the issuance of an Administrative Use Permit for guest house construction, or for use of an existing structure as a guest house, a deed restriction shall be recorded stating

the regulations applicable to the guest house, including that the guest house shall not be separately rented, let, or leased from the primary dwelling and shall not have cooking or kitchen facilities.

- D. Annual inspection.** An annual inspection of approved guest houses is required. The annual inspection requires payment of an hourly inspection fee in compliance with the master fee schedule. If it is determined that a kitchen or other modifications were made to an approved guest house in violation of this section, the applicant shall be assessed double fees for removal and repair related to the construction completed without required permits.

18.48.110 – Home Businesses (Home Occupation Permit)

- A. Applicability.** The standards in this section apply to business or commercial activities conducted within residential dwellings, including single-family attached or detached dwellings, duplexes, apartments, and mobile homes within residential and mixed use zones. The use shall be clearly incidental and secondary to the use of the structure for residential purposes, and not change the character of the dwelling, when conducted in compliance with the applicable locational and operational standards identified in this section. The intent is to preserve the residential character of neighborhoods; establish a system for review of home businesses; and eliminate home businesses in residential and mixed use zones except those that conform to the standards established in this section. This section does not apply to sales events on residential properties that are not part of a home business.
- B. Permits required.** Before the establishment of a home business, the operator of the home business shall first file an application for a Home Occupation Permit and receive approval and shall also obtain a business license issued in compliance with Municipal Code Chapter 5.04. It is the responsibility of the applicant to provide evidence to support the required findings. A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.
- C. Standards.** Home businesses are subject to the requirements of the base residential or mixed use zone where located, any conditions imposed on the Home Occupation Permit and all of the following standards:
1. A home business shall be conducted as an accessory use of a dwelling unit, conducted entirely within the dwelling unit, and carried on by one or more persons, all of whom reside in the dwelling unit, and where no persons are employed other than domestic help;
 2. A home business shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling or adversely affect the uses allowed in the residential or mixed use zone;
 3. The home business shall be operated in a manner so as to not cause a nuisance (e.g., noise, vibrations, dust, odors, glare, debris, smoke, television or radio interference, heat, radiation, or other nuisances) detectable outside the dwelling or through common walls of an attached dwelling;
 4. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be recognized as serving a nonresidential use (either by color, construction, dust, materials, odors, lighting, noise, signs, sounds, vibrations, etc. or that disturbs the peace). The existence of a home business shall not be apparent beyond the boundaries of the subject site.
 5. There shall be no signs allowed other than the address for the main dwelling. No exterior signage shall identify the business. There shall be no other advertising using the home

address, with the exception of advertising in the telephone directory or via the Internet. All advertising shall clearly state "by appointment only" if the residential address is used.

6. No more than 25 percent of the gross floor area of one floor of the residence or one room, whichever is less, shall be used for the purpose of home business. Use of space in a garage or accessory structure is prohibited;
7. The use shall not involve the storage of hazardous, flammable, or combustible liquids or materials, other than those customarily found in or of greater intensity and/or duration of those customarily associated with a residence;
8. Customers of the home business are allowed at the residence only between the hours of 9:00 a.m. and 8:00 p.m.;
9. The entrance to the space devoted to the home business shall be from within the primary dwelling unit and there shall be no internal or external alterations to the existing dwelling that would provide an entrance other than the same of the entire dwelling unit;
10. The home business shall be restricted to the interior of the dwelling unit and shall not take place on external areas of the subject property, the dwelling's garage, or in any accessory structure;
11. No more than 50 cubic feet of storage shall be devoted to the storage of inventory or products in any part of the dwelling. There shall be no storage of equipment or supplies within an accessory structure. Outdoor storage of any items related to the home business is prohibited;
12. No persons other than residents of the dwelling or domestic help shall work or report to work on the premises;
13. The use shall not generate pedestrian or vehicular traffic and/or parking needs beyond that determined by the Director to be normal for the zone or neighborhood in which it is located;
14. Only two clients shall be allowed in the dwelling at any one time. The home business shall be limited to no more than 12 visits in any one 24-hour day by those customers arriving by vehicle;
15. Delivery vehicles shall be limited to no more than once in a five-day work week (excluding normal package delivery by United States Mail, United Parcel Service, or other companies involved in small package delivery);
16. No items or products shall be displayed, sold, or offered for sale outside the dwelling unit;
17. An order may be filled on the premises if it is placed earlier by a customer through telephone, electronic means, mail order, or attendance at an event held at another location;
18. The home business shall not generate refuse, sewage, electrical, or water use in excess of what is normal for a similar residential dwelling not having a home business;
19. No mechanical or electrical equipment shall be installed or maintained other than that customarily incidental to a normal residential use; and
20. Commercial vehicles or trailers, except those normally incidental to residential use, shall not be kept on the site, and any need for commercial vehicle parking generated by the

home business shall be met off the street and other than in a required yard. No home based business-related vehicles shall be parked on the street. Off street parking for business-related vehicles may be provided at a secure facility.

D. Sales events not part of a home business. The following sales events are not considered part of a home business and do not require approval of a Home Occupation Permit subject to the following limitations:

1. **Yard sales.** Up to 10 yard/garage sales are allowed for each single-family or duplex residential property each year. Each event shall not last more than two consecutive days; and
2. **Special sales.** Twice-yearly special sales may be held at a single-family or duplex residential property for the purpose of selling hand-produced (craft) items involving limited use of mechanical tools. Special sales events shall be limited to invited guests only and shall comply with all of the following limitations:
 - a. Not more than three sales events shall be held in any calendar year;
 - b. No sale event shall be conducted for more than four consecutive days; and
 - c. All sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m.

E. Businesses and uses prohibited. All of the following uses and operations are prohibited as a home business within a residential dwelling:

1. Adult businesses;
2. Alcohol sales;
3. Ammunition, explosives, or fireworks, sales, use, or manufacturing;
4. Animal breeding beyond one litter per year of domestic animals;
5. Appliance repair; other than the repair of small household appliances, including computers;
6. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;
7. Carpentry (on-site) and cabinet making (not including wood-working hobby);
8. Dance club/night clubs;
9. Dance instruction to more than one individual at a time;
10. Dental or other medical offices, clinics and laboratories;
11. Firearms sales and services;
12. Food preparation or food catering, except for a cottage food operation, which is allowed in compliance with all requirements of Government Code Section 51035 et seq. related to cottage food operations.
13. Fortune telling (Psychic);

14. Hair and nail salons, unless by appointment only and limited to one individual at a time;
15. Repair of motorized garden tools and equipment;
16. Massage establishments and the business of arranging massages at an off-site location;
17. Mini storage;
18. Pest control;
19. Painting of vehicles, trailers, boats, and like vehicles/vessels;
20. Photo developing;
21. Plant nursery;
22. Real estate or brokerage offices;
23. Retail or wholesale sales of products stored at the residence;
24. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;
25. Tattoo parlors;
26. Television, radio, or large appliance repair;
27. Tobacco/hookah lounges/parlors;
28. Upholstery and furniture repair;
29. Vehicle-related uses including, but not limited to, the cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease, or rental, and towing of vehicles. The dispatching of vehicles is allowed as a home business, provided those vehicles do not regularly come into the vicinity of the subject residence; ("Mobile" minor repair or detailing at the customer's location is not prohibited);
30. Welding and machining;
31. Any uses that require a hazardous materials permit from the Menlo Park Fire Protection District; and
32. Any other uses as determined by the Director to be inappropriate as a home business.

F. Findings for a Home Occupation Permit.

1. The Director may require the applicant to submit additional information deemed necessary to make a determination on the permit application. If the information considered by the Director is later determined false or incorrect, the determination, at the option of the Director, shall be void and of no force or effect.
2. A Home Occupation Permit application may be approved, with or without conditions, only if all of the following findings are made:

- a. The proposed home business will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zone;
 - b. The proposed home business will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
 - c. The proposed home business will not interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.
 - d. The proposed home business will be operated in a manner that is in continual compliance with all of the locational, developmental, and operational standards specified.
3. No business license shall be issued for a home business and no use shall be established as a home business for five business days after a Home Occupation Permit has been approved or while an appeal is pending.
 4. The Director shall have the right at any time, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with the locational, developmental, and operational standards.

G. Permit Limitations

1. A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.
2. Home Occupation Permits shall immediately expire upon discontinuance of the home occupation.
3. A new Home Occupation Permit and business license, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home business.
4. A change in the type of home business activity conducted by the resident requires a new Home Occupation Permit and business license.

18.48.120 – Outdoor Dining

- A. Applicability.** The provisions in this section apply to restaurants with outdoor dining facilities where allowed in compliance with the following standards.
- B. Locational, developmental, and operational standards.** The following standards shall apply to all outdoor dining areas.
1. **Location.** Outdoor dining areas shall be allowed in required setback areas, but shall not encroach into required parking areas. They shall be allowed to encroach into a public right(s)-of-way with an approved Encroachment Permit issued by the City Engineer.
 2. **Located on same site.** Patron tables and other outdoor dining area components shall be located on the same site as the other facilities of the restaurant.

3. **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.
4. **Alcoholic beverage service.** A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State Department of Alcoholic Beverage Control (ABC). The dining area shall be:
 - a. Accessible from inside the restaurant only, unless the Director waives or modifies this requirement in circumstances where this is not feasible or practical;
 - b. Physically defined and clearly a part of the restaurant it serves; and
 - c. Supervised by restaurant employee(s) to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.
5. **Coordinated design scheme.** The design and appearance of improvements and furniture 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.
6. **Operating requirements.**
 - a. Appropriate barriers shall be placed between outdoor dining areas and parking, and between pedestrian and vehicular circulation areas. The design, construction, and placement of the barriers shall be subject to the prior approval of the Director. Barriers shall serve only to define the areas and shall not constitute a permanent all-weather enclosure.
 - b. Outdoor dining areas shall be continually cleaned by the removal of litter and food items which constitute a nuisance to public health, safety, and welfare.
 - c. Hours of operation for outdoor dining areas may be as long, but no longer, than those of the associated indoor restaurant.
 - d. Cooking within an outdoor dining area is prohibited, unless authorized by an Administrative Use Permit. The use of food warming facilities shall be allowed.
 - e. Amplified sound shall not be audible beyond the limits of the outdoor dining area.
 - f. No additional parking shall be required for outdoor dining area(s) that do not exceed a total of 800 square feet of gross floor area. For outdoor dining area(s) that exceed a total of 800 square feet of gross floor area, parking shall be calculated, designed, installed, and maintained in compliance with Chapter 18.36.

18.48.130 – Outdoor Storage and Display

- A. **Applicability.** This section provides standards for outdoor storage and display of materials, merchandise, and equipment on private property in nonresidential or mixed use zones, in an effort to ensure that areas used for outdoor storage or display are developed and maintained in a neat and orderly manner so as not to adversely impact surrounding properties and the community as a whole. Outdoor uses within the public right-of-way shall require an Encroachment Permit from the City Engineer.

- B. Outdoor storage.** The following standards apply all outdoor storage areas:
1. Outdoor storage of merchandise, material, and equipment is allowed only in nonresidential or mixed use zones and only when accessory to an allowed use located on the same premises;
 2. The storage area(s) shall be screened from view from any public right-of-way, public property, adjacent private property, or any residential use; and
 3. The height of stored merchandise, materials, or equipment shall not exceed the height of the screening element(s).
- C. Outdoor display.** The outdoor display of merchandise is allowed in nonresidential and mixed use zones subject to all of the following:
1. The display/sales area shall be on private property and shall not encroach on required parking areas or landscaped areas;
 2. The display/sales area shall be directly related to an allowed use occupying a principal structure on the same premises;
 3. Displayed merchandise shall not obstruct traffic sight areas; encroach upon landscaped areas, driveways, parking spaces, or pedestrian walkways, or otherwise create hazards for vehicle or pedestrian traffic;
 4. The outdoor display of merchandise shall only be allowed during regular hours of operation, except for vehicle and equipment sales/rentals, plant nurseries, and similar merchandise as determined by the Director;
 5. The display/sales area shall be screened from view on the side or rear of a parcel that abuts a residential zone or use; and
 6. Additional signs, beyond those normally allowed for the subject use, shall not be provided for the outdoor display/sales area.

18.48.140 – Recycling Facilities

- A. Applicability.** The provisions in this section apply to recycling facilities where allowed..
- B. Permit Requirements.** Recycling facilities are subject to permit review and approval and all of the standards in this section.
- C. Locational, developmental, and operational standards.** Recycling facilities shall comply with all of the following standards.
1. **Reverse vending machines.** Reverse vending machines are allowed subject to the following:
 - a. The machines shall be installed as an accessory use to an allowed primary use, and shall not require additional parking;
 - b. If located inside of a structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation;

- c. If located outside of a structure, the machines shall not occupy or block required parking spaces or drive aisles and shall be appropriately screened from view from the public right-of-way, subject to the approval of the Director;
- d. The machine(s) shall be set back at least 20 feet from any property line, and not obstruct vehicular circulation or pedestrian access in compliance with Americans with Disability (ADA) regulations;
- e. The machines shall not exceed a floor or ground area of 50 square feet total, including any protective enclosure, nor eight feet in height;
- f. The machines shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions; and
- g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.

2. Small Collection Facilities (up to 350 square feet).

- a. The facility shall not exceed a floor or ground area of 350 square feet, not including space required for periodic removal of materials or exchange of containers;
- b. The facility shall not use power-driven processing equipment, except for reverse vending machines;
- c. The facility shall not be located within 50 feet of any parcel zoned or occupied for residential use;
- d. The facility shall be set back at least 10 feet from any property line, and not obstruct vehicular or pedestrian circulation;
- e. The facility shall accept only glass, metal, or plastic containers, paper, and reusable items;
- f. All exterior stored materials shall be immediately stored in containers that:
 - (1) Are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material.
 - (2) Are of a capacity sufficient to accommodate materials collected and the collection schedule.
 - (3) Have lids that remain closed whenever materials are not being inserted or removed.
 - (4) Have lids that provide a seal that prevents stormwater intrusion and prevents materials from being dispersed or exposed to the outside environment.
- g. All collected items shall be stored in area that prevents any potential runoff, accidental or incidental, from reaching the storm drain system, with discharges permitted only through the sanitary district;
- h. Collection containers and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location;

- i. Signs may be provided as follows:
 - (1) Recycling facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
 - (2) Signs shall be both compatible and harmonious with the character of their location; and
 - (3) Directional signs without advertising messages may be installed subject to approval of the Director.
 - j. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the primary use;
 - k. 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
 - l. Use of parking spaces by patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use, unless the Director determines that existing capacity is not fully utilized during the time the recycling facility would be on the site.
3. **Large Collection Facilities (greater than 350 square feet).** Collection facilities larger than 350 square feet of floor or ground area, or located on a separate parcel not accessory to a primary use.
- a. The facility shall not abut a parcel zoned or occupied for residential use;
 - b. The facility shall be screened from public rights-of-way, by eight-foot high solid decorative masonry walls or located within an enclosed structure;
 - c. Structure setbacks and landscaping shall be provided as required for the applicable zone;
 - d. All exterior stored materials shall be immediately stored in containers that:
 - (1) Are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material.
 - (2) Are of a capacity sufficient to accommodate materials collected and the collection schedule.
 - (3) Have lids that remain closed whenever materials are not being inserted or removed.
 - (4) Have lids that provide a seal that prevents stormwater intrusion and prevents materials from being dispersed or exposed to the outside environment.
 - e. All collected items shall be stored in area that prevents any potential runoff, accidental or incidental, from reaching the storm drain system, with discharges permitted only through the sanitary district;

- f. 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;
- g. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials; and
- h. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
- i. Site shall be signed with visible “No Dumping” signage in both English and Spanish. There shall be a security plan to prevent or discourage illegal dumping and illicit activities; high definition, infrared cameras shall be included in the security plan and provide clear facial and license plate details in the event of an illegal dumping occurrence with photo documentation retained for no less than a two week period.

18.48.150 – Public Assembly Uses in Residential Zones

- A. **Applicability.** The provisions in this section apply to public assembly uses located in residential zones where allowed
- B. **Standards.** Except as specified in this section, the premises on which an assembly use is located shall comply with the regulations and restrictions applicable to the residential zone in which it is located. New assembly uses within residential zones shall comply with all of the following standards.
 - 1. **Parcel size.** The minimum parcel size shall be one acre (43,560 square feet).
 - 2. **Location.** An assembly use shall have frontage on a site with a minimum of two separate access points to secondary or larger roadways as designated in the General Plan.
 - 3. **Separation for residential uses.** The main assembly hall and all other on-site structures shall be separated from the nearest parcel used for residential purposes by a minimum of 25 feet.
 - 4. **Circulation.**
 - a. The location of the assembly use and the on-site improvements shall provide for safe and efficient pedestrian and vehicular circulation.
 - b. The applicable Review Authority may require the presence of one or more parking attendants and/or police officers to ensure the safe operation of parking facilities, pedestrian circulation, and traffic circulation on the public right-of-way.
 - 5. **Hours of operation.** The applicable Review Authority shall determine the allowable hours of operation for an assembly use, taking into consideration appropriate factors that include, but are not limited to: size of the proposed facility, number of anticipated attendees, number and scope of the specific activities to be conducted on the site, the circulation pattern of the adjoining residential neighborhood, potential vehicular and pedestrian congestion, and proximity to adjoining residences.

6. **Noise.**
 - a. Regardless of the decibel level any noise generated from an assembly use shall not unreasonably offend the senses or obstruct the free use and comfortable enjoyment of neighboring properties.
 - b. Mitigation measures may be required to minimize noise impacts.
 - c. All noise generated from an assembly use shall be in compliance with Municipal Code Chapter 8.52.
7. **Overconcentration.**
 - a. **Separation standards.** An assembly use shall not be located within a 300-foot radius of another assembly use, disregarding the corporate boundary of the City, unless the Review Authority grants an exception. The Review Authority, in granting an exception, shall first find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing in the neighborhood of the proposed use.
 - b. **Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the parcel on which the assembly use is located to the closest property line of the parcel upon which is located another assembly use is located.
8. **Parking.**
 - a. Parking and loading requirements shall be in compliance with Chapter 18.30.
 - b. Parking shall not be allowed within required front or street-side setback areas.
 - c. An area for the safe and acceptable means of drop-off and pick-up of persons using the facilities shall be provided.
9. **Signs.** Signs shall be in compliance with the requirements of Chapter 18.32.
10. **Wall required.** A six-foot high solid decorative masonry wall shall be constructed and properly maintained along all property lines abutting residential uses, except in the front setback area or within a corner cutoff intersection area.

18.48.160 – Residential Care Facilities - General

- A. **Applicability.** The provisions in this section apply to all existing and proposed residential care facilities - general where allowed in an effort to preserve the residential character of neighborhoods; preclude the over-concentration of residential care facilities - general within individual neighborhoods or within certain parts of the City; and provide reasonable accommodations for the needs of persons with various disabilities. This section does not apply to residential care facilities - limited consisting of six or fewer residents provided the facility is licensed by the appropriate State and/or City department.
- B. **Permit requirements and review.**
 1. **Permit required.** In all residential zones, a residential care facility - general may be allowed subject to the approval of a Conditional Use Permit. All residential care facilities shall be subject to all zoning, subdivision, housing, and building regulations in addition to

any building or housing regulations and codes expressly applicable to residential care facilities - general, particularly building and fire safety requirements. No privately created covenant, equitable servitude, or other contract or agreement shall be used as the basis to deny an application to operate a residential care facility - general that is in compliance with the requirements of this section.

2. **Applicant's review of records.** An application for a Conditional Use Permit for a residential care facility - general shall be accompanied by a signed statement to the effect that the applicant has reviewed the permit records of the City and either those records show no allowed residential care facilities within the separation distances required by this section or that the applicant is requesting a waiver of the distance requirement.
 3. **Request for waiver.** If the applicant requests a waiver of the distance requirement, the Director shall refer the request to the Review Authority for action. The Review Authority shall base its decision on the actual distances involved, the overall number of residential care facilities in the neighborhood, the anticipated needs of the residents of the existing and proposed facilities, and any other factors the Review Authority deems relevant.
 4. **Review of permit.** A Conditional Use Permit for a residential care facility - general may be subject to periodic review by the Review Authority for the purpose of determining whether the permit holder has complied with all the conditions and requirements of the permit. Nothing shall prevent the Review Authority from initiating a review of the permit at any time.
 5. **Modification of conditions.** The Review Authority may at any time, either on its own initiative or in response to a request to do so, modify or delete any conditions of the permit or impose any new condition(s) if the Review Authority determines that the action is necessary in order to preserve the public health, safety, or welfare, or to prevent the creation or continuance of public nuisance.
 6. **Revocation of permit.** The applicable discretionary permit may be revoked upon a determination of the Review Authority that the holder of the permit has failed to comply with any condition(s) after being afforded a reasonable opportunity to do so. A proposed revocation may be appealed.
- C. Standards for residential care facilities.** Residential care facilities - general shall be subject to the requirements of the base residential zone, as well as all of the following standards:
1. Applicable requirements of the California Building, Housing, and Fire Codes shall be met;
 2. No sign which calls attention to the fact that the property is a residential care facility shall be posted;
 3. A residential care facility - general shall not be allowed to locate within 500 feet of the boundaries of a parcel with a residential care facility - limited (whether licensed or unlicensed), with six or fewer residents; and
 4. A residential care facility - general shall not be located within 750 feet of the boundaries of a parcel with another residential care facility – general.
- D. Measurement.** The distance between a residential care facility and another residential care facility shall be made in a straight line, without regard to the intervening structures or objects, from the property line of the parcel on which the residential care facility is located, to the closest property line of the parcel on which another residential care facility is located.

18.48.170 – Secondhand Stores

- A. Applicability.** The provisions in this section apply to secondhand stores . For regulations pertaining to pawnbrokers, secondhand dealers, junk dealers, or junk collectors refer to Municipal Code Chapter 5.40.
- B. Standards.** A secondhand store shall comply with the regulations and restrictions applicable to the zone in which it is located and all of the following:
1. **Design quality.** A secondhand store shall be of an architectural and visual quality and character that harmonizes with, or where appropriate, enhances the surrounding area;
 2. **Store front appearance.** The store front of a secondhand store shall not be distinguishable from a store selling new merchandise other than by signs and merchandise displayed;
 3. **Display of merchandise.** All merchandise shall be displayed in a similar manner to that of a store selling new merchandise; and
 4. **Enclosed structure.** All merchandise shall be displayed, sold, and stored within a completely enclosed structure.

18.48.180 – Service Stations

- A. Applicability.** The provisions in this section apply to all vehicle service stations where allowed.
- B. Standards.** A vehicle service station use shall comply with the regulations and restrictions applicable to the zone in which it is located and all of the following:
1. **Parcel size.** The minimum parcel size shall be 16,000 square feet;
 2. **Minimum street frontage.** The minimum street frontage shall be 120 feet. If located on a corner, at least one street frontage shall measure at least 120 feet.
 3. **Allowed uses.** The primary use of a service station shall be the dispensing of motor fuels, lubricants, vehicle recharging, and the exchange of motor vehicle parts in kind. Limited vehicle/equipment repair shall be limited to the hours of 7:00 a.m. to 7:00 p.m., daily.
 4. **Prohibited uses.** The following uses and operations shall be prohibited:
 - a. Activities involving vehicle body work and painting, and general vehicle/equipment repair ; and
 - b. Products or merchandise, excluding service station equipment, stored outside of any structure.
 5. **Sale of alcoholic beverages.** The sale of alcoholic beverages or other items unrelated to the operation of motor vehicles are only allowed subject to the approval of a Conditional Use Permit.
 6. **Within enclosed structure.** All operations, except services rendered directly to the occupant of a motor vehicle shall be conducted in an entirely enclosed structure;
 7. **Landscaping.** A minimum of 10 percent of the total project site shall be landscaped.

8. **Mechanical equipment screening.** All exterior mechanical equipment, except for the fuel pumps, shall be properly screened from public view to the satisfaction of the Director;
9. **Solid waste and recyclable storage areas.** At least 72 square feet of solid waste and recyclable storage area(s) shall be provided and shall be properly enclosed to the satisfaction of the Director;
10. **Lighting.** Adequate on-site lighting shall be provided.
11. **Mixed uses.** When there is a mixture of uses on the premises, the following apply:
 - a. The Review Authority may allow a mixture of uses with the approval of a Conditional Use Permit or Administrative Use Permit, as applicable for the use; provided the proposed uses are allowed within the subject zone;
 - b. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately. Spaces located adjacent to fuel pumps shall not be counted toward meeting the off-street parking requirements; and
 - c. It shall be adequately demonstrated that each approved use/occupancy meets the applicable development standards and will not interfere with the independent operation of other occupancies or use(s) of land on the subject site.

18.48.190 – Vehicle Dismantling

- A. **Applicability.** The provisions in this section apply to all vehicle dismantling uses where allowed in compliance with the Ravenswood Specific Plan.
- B. **Permit required.** It is unlawful for any person to carry on the business of a vehicle dismantling establishment without first obtaining a conditional use permit.
- C. **Application for permit.**
 1. **Site plan.** The application shall be accompanied by an accurate site plan showing the exterior boundaries of the property and the location of all structures existing or proposed.
 2. **Contamination report.** The application shall also be accompanied by a report, prepared by an environmental engineer or other qualified person, showing the results of an investigation of the property to determine whether any portion of the site has been contaminated with toxic or hazardous materials. If any contamination is found, the report shall include the measures required to eliminate the contamination, including any clean-up plan or program within the jurisdiction of any other governmental agencies.
- D. **Permit approval and annual renewal.**
 1. **Findings.** The Review Authority may grant the Conditional Use Permit if it finds that the proposed vehicle dismantling use will not be detrimental to the public health, safety, or welfare, and will be conducted in compliance with the requirements of this section and any other applicable laws.
 2. **Duration of permit.** If approved, the permit shall be issued for an initial period of one year. Thereafter, the permit shall be reviewed annually by the Review Authority to determine whether the permittee has complied with all of the conditions and requirements of the permit and has otherwise complied with all applicable laws, rules, and regulations, including, but not limited to, regulations pertaining to the storage and disposal of

hazardous materials. If the Review Authority finds that the permittee has satisfactorily complied with all of the conditions and requirements the Review Authority may extend the permit for an additional one-year term.

3. **Nuisance Abatement Program.** Every permit shall require the vehicle dismantling establishment to participate in the City's nuisance abatement program for the removal of abandoned, wrecked, or dismantled vehicles, at no cost to the City. The participation in this program shall constitute a public benefit and aesthetic contribution to the community by those types of establishments that would otherwise be regarded as undesirable land uses.
4. **Clean-up of contamination.** If the site contains any area of contamination from toxic or hazardous materials, the permit shall contain a condition requiring a clean-up of the contamination within a specified period of time, in compliance with a clean-up plan approved by the Review Authority and any other governmental agency responsible for supervising the establishment and implementation of the clean-up plan.
5. **Review of permit.** The Review Authority may at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of a permit or impose any new conditions if it determines that the action is necessary in order to preserve the public health, safety, or welfare, or to prevent the creation or continuance of a public nuisance.
6. **Change of ownership.** In the event of any sale or other transfer of ownership of a vehicle dismantling establishment, or in the event any vehicle dismantling establishment discontinues the conduct of its business for 90 consecutive days, then all permits approved for the establishment shall automatically terminate and have no further force or effect.
7. **Appeals.** A decision of the Review Authority may be appealed.

18.48.200 – Water Wells

Property owners are expressly prohibited from drilling or installing new private water wells. All existing private water wells must be reviewed by the Public Works Department.

18.48.220 – Merger, Demolition or Elimination of Affordable Dwelling Units

- A. No dwelling unit(s), except for single family and two family dwellings, may be merged, demolished or eliminated except as authorized by the provisions of this section. Any application for merger, demolition or elimination is required to obtain a Conditional Use Permit. All such building applications shall be subject to notice and hearing procedures as required by other provisions of this Code. For the purposes of this section, merger means the combining of two or more dwelling units, resulting in a decrease in the number of dwelling units within a building, or the enlargement of one or more existing units while substantially reducing the size of others. The term "removal" encompasses merger, demolition and elimination.
- B. The Commission shall consider the following criteria, as appropriate, in the review of applications to merge, demolish, or eliminate dwelling units:
 1. Whether the housing has a history of serious, continuing Code violations;
 2. Whether the housing has been maintained in a decent, safe, and sanitary condition;

3. Whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;
 4. Whether the project converts rental housing to other forms of tenure or occupancy;
 5. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;
 6. Whether the project protects the relative affordability of existing housing or increases the number of affordable units;
 7. Whether the project increases the number of on-site bedrooms or dwelling units or increases the number of family-sized units on-site;
 8. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
 9. Whether the replacement project would maximize density on site;
 10. Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;
 11. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;
 12. Whether removal of the unit(s) is consistent with General Plan policies.
 13. Whether the proposed removal will control environmental effects such as dust and sound pollution.
 14. Whether all debris from the removal will be properly disposed of.
- C.** The Commission may approve a Conditional Use Permit for the merger, demolition or elimination of such dwelling units only if it makes all of the following findings:
1. The proposal will not be materially detrimental to the public interest of the affected neighborhood and the City.
 2. The proposal is consistent with the City's General Plan policies, Development Code requirements, and all other City rules and regulations.
 3. Whether the project is necessary to permit construction of special needs facilities such as, but not limited to: childcare centers and affordable housing developments that serve the greater good of the entire community.
- D.** When a project is approved, for each unit merged, demolished or eliminated, the developer shall be required to provide an affordable designated unit in the new project to a qualifying household in perpetuity or a unit subject to the Rent Stabilization and Just Cause for Eviction Ordinance of 2010. For designated units, the affordability level of the unit and the income level of the qualifying household shall be set by resolution of the City Council. The developer shall enter a regulatory agreement with the City to provide for the provision of any such units, and the regulatory agreement shall be recorded with the San Mateo County Recorder's Office.
- E.** In lieu of providing replacement unit(s), as determined by the City Council, the developer shall be required to pay a fee for each unit merged, demolished, or eliminated to mitigate the impact of

the loss of affordable housing in the City. The amount of the fee shall be set by resolution of the City Council. The in lieu fee is due prior to the issuance of a demolition permit.

- F.** If the units in a building to be merged, demolished, or eliminated are occupied, the provisions of Municipal Code Chapter 14.02 pertaining to tenant protections and Municipal Code Chapter 14.08 pertaining to the Ellis Act, shall be complied with, unless the units are in a building owned by a non-profit housing organization or the tenant elects to receive replacement housing. Nonprofits seeking to demolish affordable housing units must comply with the requirements of the California Relocation Act, any successor statute or if not state law, relocation requirements imposed by the City.
- G.** No permit to demolish a residential building in any zoning district shall be issued until a building permit for the replacement structure is approved and the time for filing an appeal or court action has lapsed with no appeal or court action filed, unless the building is determined to pose a serious and imminent hazard as defined in the Building Code. . In the event an appeal or court action is filed, a permit to demolish a residential building shall not be issued unless the appeal is resolved in favor of the demolition or the court action upholds the demolition.
- H.** Properties Withdrawn Pursuant to the Ellis Act (Government Code Section 7060 et. seq.)

A project on a site where the Ellis Act has been invoked is not subject to the provisions of this section prior to any evictions allowed pursuant to the Ellis Act. Furthermore, the project shall be exempt from the following requirements:

1. To demonstrate that the project is necessary to permit the construction of special needs facilities under subsection C.3.
2. To provide replacement housing under subsection D.
3. To pay an in-lieu fee under subsection E.

The developer is required to obtain a permit and pay the applicable fee for any demolition.

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Title 18 – Development Code
Article 5 –
Subdivisions

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Chapter 18.50 -- General Provisions

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18.50.010 – Purpose of Article

- A. Supplement and Implement the Act.** The provisions of this Article are intended to supplement, implement, and work with the State Subdivision Map Act, as specified in Government Code Section 66410 et seq., referred to in this Article as the Act, for the purpose of regulating the design and improvement of divisions of land within the City.
- B. Used in Conjunction with the Act.** This Article is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval or denial, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Article, and any rules, regulations, and specifications adopted in compliance with this Article, is to regulate the division of land and to promote the conservation, stabilization, and protection of property values through orderly growth and development, the provision of necessary public and private facilities, and generally, the public health, safety, and general welfare within the City and any lands as may be annexed or are proposed to be annexed to the City.
- D. Implement the General Plan.** The provisions of this Article are intended to implement the goals and policies of the General Plan and any adopted specific plans.
- E. Regional Housing Needs.** In carrying out the provisions of this Article, the City shall consider the effect of actions taken in compliance with these regulations on the housing needs of the region and balance these needs against the public service needs of residents and available fiscal and environmental resources.
- F. References to Other Laws.** Whenever reference is made to a City ordinance, provision of the Municipal Code or the Development Code or to a state statute, the reference applies to the requirements of the provision applicable on the date the application is determined to be complete and to the conditions of variances and permits granted.

18.50.020 – Title

This Article shall be known as the “City of East Palo Alto Subdivision Ordinance” and referred to as the City’s “Subdivision Ordinance.”

18.50.030 – Definitions

For the purpose of this Article, the following definitions apply unless the context clearly indicates or requires a different meaning. Other definitions are contained in Article 1.

Act. California Government Code Section 66410 et seq., also known as the Subdivision Map Act.

Advisory Agency. The person or Review Authority responsible for acting on an application.

Certificate of Compliance; Conditional Certificate of Compliance. A document issued by the City and recorded by the County Recorder certifying a specified real property complies with the provisions of the Subdivision Map Act and this Article. A Conditional Certificate of Compliance includes any conditions the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

Co-Operative Multiple Dwelling Building. Any multiple dwelling existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal ownership right or interest, including but not limited to shares, stock, or beneficial interest in trust, coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling building, and also means a condominium, as defined in California Civil Section 1350, and a community apartment project as defined in California Business and Professions Code Section 11004.

Dedication. The grant of real property for public use.

Design. Design includes all of the following: (1) street alignments, grades, and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades ; (3) location and size of all required casements and rights-of-way; (4) fire roads and firebreaks; (5) parcel size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park and/or recreational purposes; and (9) other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

Development Code. The Development Code of the City (Municipal Code Title 18).

Division of Land. See Subdivision. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of parcels . “Division of Land” shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

Drainage facility. Any drainage device or structure which may be used to control or direct the flow of water or alleviate a flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement, pumps, and pipes.

Emergency Vehicle Access Easement (EVAE). A permanent easement and a right-of-way for emergency access, with the right of ingress and egress of emergency vehicles (fire and police protection, ambulances and rescue services and other lawful governmental or private emergency services) for access to the property or to other adjacent lands for emergency purposes. When required, an EVAE shall be recorded.

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Final Map. A map showing a subdivision of parcels prepared in compliance with the provisions of this Article and the Act and in a manner to be filed in the office of the County Recorder.

Flood hazard. A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

Frontage. Portion of a parcel which abuts a public or private street or highway to which the parcel has the right of access.

Future Street or Alley. A street or alley necessary for the future division of land within a subdivision of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the Council determines the acceptance and construction of the street or alley is warranted.

Geologic Hazard. A hazard inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

Improvements. Street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the parcel owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the subject final map. Improvement also refers to other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination, is necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

Lot Line Adjustment. The adjustment of property lines between four or fewer legally created adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not created.

Lease. An oral or written agreement or contract, tenancy at will, month-to-month, or similar tenancy.

Ornamental Street Lighting. A system of street lighting composed of individual free-standing light standards.

Paper Subdivision. An undeveloped subdivision consisting of parcels only recognized on paper and, in most cases, without infrastructure, services, or structures.

Parcel on Cul-De-Sac Terminus. A parcel which has at least 50 percent of its front parcel line coterminus with the required diameter turn around on a cul-de-sac.

Parkway. Portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

Special Study Zone. The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist, as adopted by the City.

Street Types.

Principal Arterial Interstate. A freeway included as part of the interstate highway system. A controlled access, divided highway intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

Minor Arterial. An arterial roadway with less regional significance than a Principal Arterial roadway. It accommodates sub-regional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Minor Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets.

Collector. A street intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets generally have two travel lanes, although four lanes may be provided at certain locations.

Local. A low speed street primarily intended to provide direct access to the abutting properties. Local streets generally have two travel lanes with parking along both sides of the street.

Highway. A thoroughfare of primary importance in the City or State Highway system, other than a freeway, which is shown on the Circulation Element of the General Plan as a Major Arterial.

Subdivide. Dividing land or structures in compliance with Government Code Section 66410 et seq.

Subdivider. An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

Subdivision. The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined parcels, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities. "Subdivision" includes a condominium project, as defined in Section 4125 or 6542 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in of Section 4190 or 6566 of the Civil Code.

Subdivision Map Act. Government Code Section 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Article as the Act.

Tentative Map. A map prepared for the purpose of dividing a legal parcel into five or more parcels and prepared in compliance with the provisions of this Article, the Act , and in a manner to be recorded in the office of the County Recorder.

Tentative Parcel Map. A map prepared for the purpose of dividing a legal parcel into four or fewer parcels and prepared in compliance with the provisions of this Article, the Act and in a manner to be recorded in the office of the County Recorder.

Vesting Tentative or Tentative Parcel Map. A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in this Article, the Act and in a manner to be recorded in the office of the County Recorder.

Tract Map. Tract map refers to a subdivision of land to create five or more residential lots with full urban improvements, including paved streets, curbs, gutters and sidewalks, fire hydrants, street lights, comprehensive drainage systems, water and sewer service and other infrastructure found in urban areas.

18.50.040 – Authority

This Article is adopted in compliance with the Act as a "local ordinance". All provisions of the Act and future amendments to the Act not incorporated into this Article shall apply to all subdivision maps and proceedings under this Article.

18.50.050 – Applicability

A. Applicability of Article.

1. It is unlawful for any person to divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Article and/or the Act.
2. This Article applies to all divisions of land, except those exempted by Government Code Sections. 66411, 66412, 66412.1, 66412.2, and 66426.5
3. In the event of divisions of land not subject to this Article and/or the Act, a Certificate of Compliance shall be issued on a form prescribed by the Director.

- B. Subdivision Approval Required.** Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Article.
- C. Conflicts with the Act.** In the event of any conflicts between the provisions of this Article and the Act, the Act shall control.
- D. Compliance with Other Regulations Required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation specified in the Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.
- E. Compliance with Affordable Housing Provisions Required.** Compliance with all applicable requirements related to affordable housing is required. Prior to approval of a final map, the developer must execute an agreement providing that all applicable requirements related to affordable housing shall be complied with and that compliance shall occur prior to issuance of a certificate of occupancy. The final map must contain a notation regarding affordable housing requirements.

18.50.060 – Advisory Agency

A. Advisory Agency

1. The designated advisory agencies specified in this Article shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as set forth in Table 5-1.
3. Notwithstanding the provisions of this Article, any application filed in compliance with this Article that has an associated permit application made in compliance with the provisions of the Development Code, and subject to action by the Commission or Council, shall be subject to the same review and hearing requirements required for the associated permit application, as set forth in Table 7-1.
4. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action.

Table 5-1 Subdivision Review Authorities				
Type of Decision	Applicable Chapter or Section	Director	Commission	Council⁽³⁾
Amendments to Approved Tentative Maps	18.52.120	Decision	Appeal	Appeal
Certificates of Compliance	18.56.020	Decision	Appeal	Appeal
Condominiums				
Residential Condominiums	18.64		Recommend	Decision
Residential Condominium Conversions	18.66		Recommend	Decision
Non-Residential Condominium Conversions	18.68		Recommend	Decision
Correction and Amendments to Recorded Maps	18.54.060	Decision	Appeal	Appeal
Extensions of Time – Tentative Maps	18.52.020	Decision	Appeal	Appeal
Final Parcel Maps, Without Dedications	18.54.040	Recommend	Decision	Appeal
Final Parcel Maps, With Dedications*	18.54.040	Recommend	Decision	Appeal
Final Tract Maps, Vesting Tract Maps	18.54.040	Recommend	Decision	Appeal
Lot Line Adjustments	18.56.030	Decision	Appeal	Appeal
Parcel Mergers	18.56.040	Decision	Appeal	Appeal
Reversion to Acreage	18.56.050		Recommend	Decision
Subdivision Improvement Plans	18.58.040	Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	18.52.100	Recommend	Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	18.52.040	Recommend	Decision	Appeal
Tentative Parcel Maps, only when creating no more than one additional parcel, without dedications	18.52.040	Decision	Appeal	Appeal
Tentative Parcel Maps, with dedications*	18.52.040	Recommend	Decision	
Wavier of Parcel Maps	18.54.010	Decision	Appeal	Appeal
Subdivision Improvement Agreement	18.70.050	Decision	Appeal	Appeal

*When a request is made for the City to dedicate right-of-way, the City Council is the decision maker.

- B.** The City Engineer shall be responsible for all of the following.
1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
 2. Determining whether proposed subdivision improvements comply with the provisions of this Article and the Act.
 3. Inspecting subdivision improvements.
 4. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, parcel mergers, and tentative parcel maps without dedications,

C. Director. The Director shall be responsible for all of the following.

1. Accepting Certificate of Compliance, lot line adjustment, parcel map, reversion to acreage, tentative map, vesting tentative map, and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
2. Investigating tentative map applications for conformity to the General Plan, applicable specific plans, and the Development Code, and in consultation with other City departments, recommending action to the Commission.
3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) .
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review Authority on tentative parcel maps, but only when creating no more than one additional parcel, and without dedications.
6. Review Authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, and parcel mergers.

D. Commission. The Commission shall be responsible for all of the following.

1. Recommend approval, conditional approval, or denial of condominium maps, tentative tract map applications, and reversions to acreage maps to the Council.
2. Hearing appeals of decisions of the City Engineer and Director.
3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.

E. Council. The Council shall be responsible for all of the following.

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more parcels.
2. Review Authority on amendments to recorded maps, condominiums/conversions, tentative and final parcel maps with dedications, tentative and final tract maps, and reversions to acreage maps.
3. Taking action to approve, conditionally approve, or deny any application referred by another Review Authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of the Development Code.
4. Review and approval of maps when public right-of-way is being relinquished to another entity (public or private).

18.50.070 – Type of Subdivision Approvals Required

Any subdivision of an existing parcel into two or more parcels requires approval by the City. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a final parcel map (for a subdivision that results in four or fewer parcels) or a final map (for a subdivision

that results in five or more parcels) . The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Article, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents which detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

A. Tentative Map Requirements. The filing and approval of a tentative parcel and tentative tract maps is required for:

1. A subdivision or re-subdivision of four or fewer parcels, as authorized by Government Code Section 66428; and
2. A subdivision or re-subdivision of five or more parcels, and all other types of subdivisions required to have tentative map approval by Government Code Section 66426.

B. Final Map/Final Parcel Map Requirements. A final map or final parcel map is required as follows.

1. **Final Map.** For a subdivision of five or more parcels, except a subdivision otherwise required to have a final parcel map by Government Code Section 66426.
2. **Final Parcel Map.** For a subdivision creating four or fewer parcels, with or without a designated remainder, except for the following subdivisions:
 - a. **Public Agency or Utility Conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines, based on substantial evidence, that public policy necessitates a parcel map in an individual case, in compliance with Government Code Section 66428;
 - b. **Cemeteries.** Land dedicated for cemetery purposes in compliance with the Health and Safety Code; and
 - c. **Waived Parcel Map.** A subdivision granted a waiver of parcel map requirements.

C. Co-Operative Multiple Dwelling Buildings. A tentative map or tentative parcel map shall be required for a cooperative multiple dwelling building. A tentative tract map or tentative parcel map for a cooperative multiple dwelling building project shall not be approved unless at the time of approval it appears that the project complies with or will comply with the then existing Building Code and Development Code regulations and all applicable regulations of the Municipal Code, and unless a condition is imposed that a building permit shall not be issued for the project unless it so complies. Where minor variations from the Development Code with respect to the proposed conversion of an existing structure to a co-operative multiple dwelling building and full compliance with Development Code requirements presents practical difficulties, after report of the Commission, the Council may waive full compliance and approve the tentative map or tentative parcel map with the condition appropriately modified upon making a finding that the project is in substantial compliance with the applicable Development Code regulations and that the minor variation will not prevent compliance with the intent and purpose of the Development Code regulations.

D. Exemptions from Subdivision Approval Requirements. The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provision as not being subject to the requirements of the Act, and/or not being

considered to be divisions of land for the purposes of the Act, are exempt from the subdivision approval requirements.

- E. Exceptions from Map Preparation Requirements.** The types of subdivisions specified by Government Code Section 66426, or other applicable Act provisions as not requiring the preparation of a tentative map, parcel map, and/or a final map shall comply with Government Code Section 66426.
- F. Paper Subdivisions Prohibited.** All proposed and required on- and off-site improvements, including structures, shall be constructed and installed within a maximum period of 36 months following the date of final map recordation or such later time consistent with California Government Code section 66462 or California Government Code section 66411.1 or specified in any applicable Development Agreement. The Review Authority may extend the 36-month deadline for good cause shown and confirmed by the Review Authority. Failure to construct road and utility improvements within the designated time period may void subdivision approval following notice and public hearing by the Review Authority. Subdivision of property into large “master” lots for purposes limited to sale or financing in advance of future further subdivision of such master lots for actual development purposes is not prohibited by this provision.

18.50.080 – Subdivision Improvement Agreement

Subdivisions will not be approved without a Subdivision Improvement Agreement that identifies the specific timeframes for when public improvements, installation of utilities, grading, and drainage will be physically done to the subject property. In no case shall the City authorize paper subdivisions with no physical improvements to the land. All applicants shall be required to prepare the land with grading and infrastructure improvements within three years of approval of a tentative map, or parcel map or the site will revert back via a reversion to acreage as authorized by the Subdivision Map Act. Subdivision Improvement Agreements shall be prepared by the applicant and approved as to technical form by the Planning Director.

18.50.090 – Enforcement of Subdivision Regulations

Enforcement of subdivision regulations may be taken consistent with the provisions in this title and in Chapter 18.116.

18.50.100 – Applications Deemed Approved

- A. Subdivisions Deemed Approved by Law.** A subdivision application deemed approved in compliance with the Act, shall be subject to all applicable provisions of the Development Code, and any conditions imposed by the Review Authority, which shall be satisfied by the subdivider before a building or grading permit is issued.
- B. Subject to Mandatory Requirements.** Final maps filed for recordation after their tentative parcel or tract maps are deemed approved shall remain subject to all of the mandatory requirements of this Article and the Act.

18.50.110 – Processing Fees

- A. Council Shall Set Fees.** The Council, in the Master Fee Schedule, shall set reasonable fees in connection with this Article, including but not limited to fees and deposits for processing tentative tract and parcel maps and final and final parcel maps; fees for giving notice of public hearings; fees for copying and distributing written reports on tentative maps; fees for processing lot line

adjustments, mergers, and reversions to acreage; and fees and deposits related to the other procedures and requirements.

- B. Payable to the City.** All required fees and deposits are payable to the City.

18.50.120 – Exceptions to Subdivision Standards

- A. Exceptions to Standards.** An exception to a provision of related to subdivision design and improvements may be requested by a subdivider in compliance with Planned Development Permits and Variances.
- B. Not Used to Waive Act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Article which is duplicated or paraphrased from the Act.

Chapter 18.52 -- Tentative Map Filing and Processing

Sections:

- 18.52.010 – Purpose
- 18.52.020 – Tentative Map Preparation, Application Contents
- 18.52.030 – Tentative Map Filing, Initial Processing
- 18.52.040 – Staff Report and Recommendation
- 18.52.050 – Tentative Map Public Hearing and Action
- 18.52.060 – Tentative Map Approval or Denial
- 18.52.070 – Conditions of Approval
- 18.52.080 – Effective Date of Tentative Map Approval
- 18.52.090 – Completion of Subdivision Process
- 18.52.100 – Vesting Tentative Map
- 18.52.110 – Tentative Map Expiration and Extensions
- 18.52.120 – Amendments to Approved Tentative Maps and Conditions
- 18.52.130 – Post Decision Procedures

18.52.010 – Purpose

This chapter establishes requirements for the preparation, filing, approval or denial of tentative parcel and tentative tract maps (collectively referred to as tentative maps).

18.52.020 – Tentative Map Preparation, Application Contents

A. When Required.

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tentative tract map is required.
2. The requirements specified in this chapter shall apply to all applications for tentative parcel and tentative tract maps.

B. Application and Filing Fees Required.

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis.
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete.

18.52.030 – Tentative Map Filing, Initial Processing**A. Submission of Tentative Maps.**

1. The subdivider is strongly encouraged to confer with the Director before preparing and submitting the tentative map.
2. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Section 65962.5.
 - a. In the event that the Director determines additional information is required for the preparation of environmental documents required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed filed until the additional information has been provided.
 - b. In the event that the Director determines an Environmental Impact Report (EIR) is required, the filing of the application for the tentative map shall not be deemed filed until the draft of the EIR has been prepared.
3. A tentative map shall be filed with the Director by one or more record owners of property or their authorized agents.
4. The subdivider shall file with the Director the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
5. Failure to submit all materials and statements required by this chapter shall constitute grounds for rejection of the application.

B. Prepared by Civil Engineer or Surveyor. Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

C. Maps to Shall Be Clearly Drawn. Tentative maps shall be clearly and legibly drawn to scale and shall be of such size and form as required by the Director. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to do so.

1. Map sheets should be no less than 18 inches by 26 inches. The Review Authority may approve a modification in map sheet size when necessary to adequately show the subdivision. A one-inch margin shall be left between the trim line and the borderline. The number of the particular sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
2. The maps shall be prepared at a readable scale, but in general in no case shall the scale be less than one inch equals 100 feet or a scale specified by the City.
3. All lettering shall be one-eighth-inch minimum. All linear dimensions shall be expressed in feet and decimals of a foot. All angular dimensions shall be expressed in degrees, minutes and seconds.

4. Tentative maps shall contain, at a minimum, all of the following information, as well as any additional information that may be specified in the application form:
 - a. A title, which shall contain the subdivision number, subdivision name, and type of subdivision.
 - b. Name(s) and address(es) of the legal owner(s), the subdivider, and civil engineer or land surveyor under whose direction the map was prepared, including registration or license number and telephone number.
 - c. A sufficient legal description to define the boundary of the proposed subdivision.
 - d. Date, north arrow, scale, contour interval, and source and date of existing contours.
 - e. Existing and proposed land use(s).
 - f. A vicinity map showing data sufficient to locate the proposed subdivision and show its relation to the community, including adjacent land, public streets and freeway, if any, as well as the names and/or numbers of adjacent subdivisions. If the subdivision is adjacent to the City boundary, the boundary shall be indicated.
 - g. Existing topography of the proposed site and at least 100 feet beyond its boundaries or covering the entire drainage area, whichever is greater, including but not limited to all of the following:
 - (1) Existing contours at one-foot intervals, or as specified by the City Engineer.
 - (2) The approximate location of all trees standing within the boundaries of the division of land and a clear indication as to which trees are to be removed. The location of all trees with a diameter greater than six inches, measured three feet above grade, shall be clearly indicated, and a statement on the existing ground cover shall also be submitted.
 - (3) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 - (4) The location of potentially dangerous areas within and adjacent to the proposed subdivision, including approximate location of all areas subject to inundation or stormwater overflow and the direction, location, and width of flow of each water course and flood control channel, culvert and all natural and man-made drainage devices.
 - (5) The grade, location, pavement and right-of-way width, and name of existing streets or highways.
 - (6) The identity, location, and widths of all existing easements.
 - (7) The location and size of existing wells, sanitary sewers, storm drains, and water mains and the approximate slope of existing sewers and storm drains shall be clearly indicated. The location of existing overhead and underground utility lines on peripheral streets shall be clearly indicated.

5. The tentative map also shall show, or be accompanied by the required number of copies of reports and written statements from the subdivider giving essential information regarding all of the following matters:
 - a. Evidence of an adequate source of water supply for the proposed development;
 - b. Identity of all utility providers that will serve the proposed development and copies of will-serve letters from each utility provider stating it will provide service;
 - c. Type of street improvements and utilities which the subdivider proposes to install;
 - d. Proposed method of sewage disposal;
 - e. Proposed stormwater sewer or other means of drainage (grade and size);
 - f. Protective covenants to be recorded;
 - g. Proposed tree planting;
 - h. A geological and/or soils report, if required by the City Engineer, prepared by a licensed geologist and/or registered civil engineer, stating the effect of geological or soil conditions on the proposed development;
 - i. An Environmental Initial Study and/or input for a Draft Environmental Impact Report, as determined by the Director; and
 - j. For all condominiums, stock cooperatives, and planned unit developments, a site plan shall be submitted with the tentative map. The site plan shall contain all of the information required for a Site Plan and Design Review.

D. Proposed Improvements. Proposed improvements required to be shown shall include, but not be limited to, all of the following:

1. The grade, location, centerline and curb return radii and arc length of curves, pavement, right-of-way width, and names of all proposed streets, whether public or private and any pedestrian or bicycle ways;
2. Typical cross-sections of all existing and proposed streets showing the proposed construction;
3. The location, nature, and width of all easements, whether private or public;
4. The approximate parcel layout and the approximate dimensions of each parcel and of each building site, and an identifying number on each parcel. Parcels shall be numbered and continue without omission on duplication throughout the subdivision. No prefix or suffix or combination of letter and number shall be used. Each parcel shall be shown entirely on one sheet unless such requirement is waived by the City Engineer. Engineering data shall show the approximate finished grade of each parcel;
5. Location and nature of all proposed recreation facilities and any proposed public areas, such as schools or park sites within the subdivision and on lands immediately adjacent;
6. Location and nature of all proposed common areas and areas to be dedicated for public open space or reserved for common private open space;

7. The elevation, location, and size of proposed sanitary sewers, storm drains, and water mains;
 8. Location and nature of all proposed slopes;
 9. Dimensions of setbacks for proposed structures; and
 10. Phasing lines for proposed developments.
- E. A Preliminary Soils and/or Geologic Report.** At the time of submission of the tentative map, the subdivider shall file a preliminary soils and/or geologic report, prepared by a certified engineering geologist and a civil engineer who is registered by the state, based upon adequate test borings or excavations. The report also shall consider any known or potential fault lines and other geologic conditions which could alter the proposed development. The preliminary soils and/or geologic report may be waived if the Department determines that, due to its knowledge of the soils qualities and geologic conditions of the subdivision, no preliminary analysis is necessary.
- F. Additional Data and Reports Required.** Tentative maps shall be accompanied, at a minimum, by the following data or reports, as well as any additional data and reports that may be required by the Director to facilitate review of the tentative map:
1. **Title Report.** A preliminary title report dated no older than within 60 days of the filing date of the tentative map.
 2. **Owner's Affidavit.**
 - a. Written verification that the fee owner(s) of the real property have consented to the filing of the tentative map.
 - b. A title guarantee by a title company doing business in the City, showing the names of all persons whose consent is necessary to file the final or parcel map and for any dedication to public use, and their respective interest in the property, certified for the benefit and protection of the City that the persons named are all of the persons necessary to give clear title to the streets and other easements to be offered for dedication.
- G. Letter of Certification from Water Provider.** The subdivider shall submit written certification to the City that adequate domestic water resources and facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.
- H. State, Federal or County Laws.** If federal, state, or county laws are modified or administrative policies of the City are amended, the subdivider shall be required to submit additional information as required by the Director.
- I. Referral to Affected Agencies.**
1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies expected to provide service to the proposed subdivision.
 2. **Anticipated Type of Response.** The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study.) which may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.

3. **Required Action in the Case of Waste Discharge Violations.** The City Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.
4. **Time Limits for Referral and Response.**
 - a. As required by Government Code Sections 66453 et seq., referral shall occur within five days of the tentative map application being determined to be complete.
 - b. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the tentative map application.

J. Environmental Review.

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report or Negative Declaration is required, the application shall not be deemed complete until sufficient information is submitted to allow the City to make the determination required by Public Resources Code Section 21080.1.

18.52.040 – Staff Report and Recommendation

A. Preparation of an Evaluation.

1. **Director Shall Prepare Evaluation.** The Director shall prepare an evaluation describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Evaluation.** Copies of the evaluation shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion) at least 10 days before any hearing or action on the tentative map by the Review Authority.

18.52.050 – Tentative Map Public Hearing and Action

A. Applicable Review Authority.

1. **Public Hearing Required.** The applicable Review Authority shall hold a noticed public hearing on a tentative parcel or tract map.
2. **Exception.** The only exception to the requirement for a public hearing shall be for the Director's decision on a tentative parcel map, when creating no more than one additional parcel, and without the requirement for dedications.

- B. Scheduling and Notice of the Public Hearing(s).** Not less than 10 days before the date of the public hearing, notice shall be given by publication once in a newspaper of general circulation published and circulated in the City and by mailing, postage prepaid, to the owners, as shown on the last available equalized assessment roll or ownership records of the City Clerk of property located within 300 feet of all parcels any portion of which is included within the boundaries of the proposed subdivision, and to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock

cooperative project. No error or omission or failure of any person to receive notice shall affect the validity of any action taken under this Article.

- C. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal, the decision of the Review Authority shall be final and conclusive.

18.52.060 – Tentative Map Approval or Denial

In order to approve or recommend the approval of a tentative parcel or tract map and conditions of approval, or to deny a tentative parcel or tract map, the Review Authority shall first make the all of the findings required. In determining whether to approve a tentative parcel or tract map, the City shall apply only the ordinances, policies, and standards in effect on the date the Department determined that the application was complete, except where the City has initiated General Plan, Specific Plan, or Development Code amendments, and provided public notice.

A. Required Findings for Approval.

1. **Mandatory Findings Required.** The Review Authority shall approve a tentative parcel or tract map only after first making all of the findings as required by the Act. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel specified as a designated remainder.
 - a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Article;
 - b. The site is physically suitable for the type and proposed density of development;
 - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
 - e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.
 - (8) This finding may also be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public.
 - (9) This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.
 - f. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board;
 - g. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and

- h. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.
2. **Additional Specific Findings Required.** If the proposed subdivision is a conversion of residential real property into a condominium, a community apartment project, or a stock cooperative, the Review Authority shall first make the additional finding that the proposed subdivision complies with the requirements of the Act before approving the proposed subdivision. The specific findings include all of the following:
 - a. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received written notification of intention to convert at least 60 days before the filing of a tentative map;
 - b. Each of the tenants, and each person applying for the rental of a unit in the residential real property, has, or will have, received all applicable notices and rights required; and
 - c. Each of the tenants received 10-day written notification that an application for a public report will be, or has been, submitted to the State Department of Real Estate, and that the report will be available on request.
 3. **CEQA Findings.** The Review Authority must make the required California Environmental Quality Act (CEQA) findings of fact for each project subject to the Subdivision Map Act.
- B. Supplemental Findings.** In addition to the mandatory and additional specific findings specified, the Review Authority shall not approve a tentative parcel or tract map unless it can also make the following supplemental findings, when they are applicable to the specific subdivision proposal.
1. **Construction of Improvements.** In the case of a tentative map for a subdivision that will require a subsequent parcel map, the construction of improvements for the subdivision within a specified time after the recordation of the parcel map is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area.
 2. **Waiver of Parcel Map.** The findings required if waiver of a parcel map has been requested with the tentative map application.
- C. Time Limits.** The time limits for acting and reporting on tentative parcel or tract maps and appeals may be extended in writing by mutual consent of the subdivider and the applicable Review Authority.
- D. Appeals.** The subdivider or any interested person adversely affected by a decision of the Review Authority with respect to a tentative parcel or tract map may appeal, in compliance with the applicable appeals procedures and as follows:
1. Any such appeal shall be filed with the applicable Review Authority within 15 days after the action of the Review Authority from which the appeal is being taken.
 2. Before accepting for filing of an appeal, the City shall charge and collect an appeal fee.
 3. Upon the filing of an appeal, the applicable Review Authority shall set the matter for a public hearing. The hearing shall be held within 60 days after the date of filing the appeal.
 4. The hearing shall be publicly noticed.

5. Within 15 days following the conclusion of the public hearing, the applicable Review Authority shall declare its findings based upon the testimony and documents produced before it. The Review Authority may sustain, modify, or overrule any recommendations or rulings of the previous Review Authority and may make the necessary findings

E. Modifications to the Tentative Map.

1. **Changes before Approval.** Modifications to the submitted tentative parcel or tract map may be made by the subdivider during the review and hearing process, and before approval, upon the approval of the Director or the applicable Review Authority. A tentative parcel or tract map modified before action by the applicable Review Authority need not be re-noticed for public hearing. If a tentative parcel or tract map has been appealed to the Council, that map shall not be modified and approved without first receiving a report from the previous Review Authority.
2. **Changes Following Approval.** Once a tentative parcel or tract map is approved, any changes shall be in compliance with the procedures for amendments.

18.52.070 – Conditions of Approval

In approving a tentative parcel or tract map, the Review Authority may impose any conditions of approval deemed reasonable and necessary to carry out the purposes of the Development Code; provided, all conditions are consistent with the requirements of this Article and the Act.

A. Dedications and Improvements.

1. As a condition of approval of a tentative parcel or tract map, the City may require dedications and improvements as necessary to ensure the parcels to be created:
 - a. Are provided with adequate public services and utilities, including any appropriate cable, electronic or wireless services, to meet the needs of future residents or users;
 - b. Are of adequate design in all respects in compliance with the Development Code;
 - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or by other means; and
 - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
2. All improvements shall comply with adopted City standards.

B. Access.

1. Except as provided below, parcels created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City Street Standards Manual, or shall be ensured of access to the City road system by an approved access which connects a parcel(s) to a maintained public street or state highway.
2. Private road easements may be approved for access to each parcel if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.

3. Road easements of record established before the effective date of this Article shall be recognized as legal access to each parcel of the proposed subdivision.
 4. Existing traveled roads for which a court has determined a prescriptive right by users exists for public use shall be recognized as legal access to each parcel of the proposed subdivision.
- C. Conditions Modifying Subdivision Design - Time for Compliance.** When modifications in design require a change in the conditions of approval of a tentative parcel or tract map, the subdivider shall, at least 60 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

18.52.080 – Effective Date of Tentative Map Approval

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 15 days following the date of decision by the applicable Review Authority if no appeal is filed.

18.52.090 – Completion of Subdivision Process

- A. Effect of Approval on Prior Approvals.** The approval or conditional approval by the Review Authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel or tract map, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans before constructing any required improvements.
- C. Parcel or Final Map Preparation, Filing, and Recordation.**
1. A parcel map for a subdivision of four or fewer parcels shall be prepared, filed, processed, and recorded to complete the subdivision, unless a parcel map has been waived.
 2. A final map for a subdivision of five or more parcels shall be prepared, filed, processed, and recorded to complete the subdivision.
 3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Article.

18.52.100 – Vesting Tentative Map

- A. Application Filing.**
1. Whenever a provision of this Article and the Act requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.
 2. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as is required of tentative maps, except as otherwise provided.

3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 4. At the time a vesting tentative map is filed a subdivider shall also supply all of the following information:
 - a. The height, location, and size of all existing and proposed structures;
 - b. Detailed information on the use(s) of all existing and proposed structures;
 - c. Architectural plans for tract development or design guidelines for custom subdivisions;
 - d. Detailed circulation information (existing and proposed). This information may include area wide traffic data sufficient for the City to determine future circulation needs;
 - e. Detailed grading plans;
 - f. Flood control information;
 - g. Hazardous materials - Level 1 Study;
 - h. Road, sewer, stormwater, and water details;
 - i. Soils report;
 - j. Any other studies the Director and/or City Engineer may require to thoroughly evaluate the project; and
 - k. The Director may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the vesting tentative map.
- B. Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this Article and/or the Act for the expiration of approved or conditionally approved tentative maps.
- C. Vesting on Approval of Vesting Tentative Map.**
1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.
 2. If Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved.
 3. The Review Authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
 - b. The condition or denial is required in order to comply with state or federal law.

4. The Review Authority may alter any condition(s) of a vesting tentative map through an amendment in order to protect against conditions dangerous to public health and safety or to comply with state or federal law.

D. Expiration of Vested Rights.

1. The vested rights shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.
2. If the final map is approved, the vested rights shall last for the following periods of time:
 - a. An initial time period of 12 months.
 - b. A subdivider may apply for a 12-month extension 30 days before expiration in.
 - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial.

18.52.110 – Tentative Map Expiration and Extensions

- A. Valid Timeframe.** An approved tentative map is valid for 24 months after its effective date, except as otherwise provided by the Act which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months, unless otherwise extended in compliance with the provisions of this Article and the Act, unless the requirements of Government Code Section 66452.6 are met.

B. Expiration of an Approved Map.

1. Expiration of an approved tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative map application is filed in compliance with this Article.

C. Filing of Extension Request.

1. The time limits for acting on maps and associated appeals may be extended by mutual consent of the subdivider and the applicable Review Authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee.

- D. Approval of First Extension — Director.** The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;
2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and

3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

E. Additional Extensions — Commission.

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified for an extension approval.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in the Act.

F. Appeal of Decision. If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension.

G. Filing of a Lawsuit.

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction over the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.
2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines the action concerns the validity of the tentative parcel or tract map approval.

18.52.120 – Amendments to Approved Tentative Maps and Conditions

A. Minor Changes to Approved Tentative Maps – Director. A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map. Changes to a parcel or final map after recordation are subject to the provisions pertaining to correction and amendment of recorded maps.

B. Minor Changes Defined. Minor changes or amendments to a tentative parcel or tract map which may be requested by a subdivider include minor adjustments to the location of proposed parcel lines and improvements, and reductions in the number of approved parcels.

C. Changes Other Than Minor Changes. All proposed changes or amendments not covered by this chapter shall require the filing and processing of a new tentative parcel or tract map.

D. Application for Changes. The subdivider shall file an application and filing fee, with the Department, using the forms furnished by the Department, together with the following additional information:

1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
2. Any additional information deemed appropriate by the Director.

E. Processing of Application. Proposed changes to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided.

- F. Review Authority.** The Director shall be the Review Authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. Required Findings for Approval.** The Director may approve changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first determines all of the following findings to be true, and that all of the applicable findings for map approval can still be made:
1. No parcels are added, deleted, or substantially altered;
 2. No proposed structure locations are substantially altered;
 3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
 4. There are no resulting violations of this Article, the Act, or other applicable laws.
- H. Effect of Changes on Time Limits.** Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the Director.

18.52.130 – Post Decision Procedures

The procedures and requirements related to appeals and public hearings apply to the decision on a tentative map application.

Chapter 18.54 -- Parcel Maps and Final Maps

Sections:

- 18.54.010 – Purpose
- 18.54.020 – Final Tract and Parcel Map Form and Content
- 18.54.030 – Filing and Processing of Final Tract and Parcel Maps
- 18.54.040 – Final Tract or Parcel Map Approval and Recordation
- 18.54.050 – Supplemental Information Sheets
- 18.54.060 – Correction and Amendment of Recorded Maps
- 18.54.070 – Post Decision Procedures

18.54.010 – Purpose

This chapter establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final tract and parcel maps, following approval of a tentative parcel or tract map, consistent with the requirements of this Article and the Act.

- A. Eligibility for waiver of Parcel Map.** The following projects shall be eligible for waiver of the requirements that a parcel map be filed, except where the tentative map of the subdivision, the conditions of approval, or the requirements of this Article or the Act provide for or require the provision of road, drainage, sewer, water, or other easements or the delineation of flood or geologic hazard, drainage ways, or building restrictions:
1. Lot line adjustments, or the distribution of all of an existing parcel(s) between adjacent parcels where the only conditions are conformance to the General Plan, an applicable Specific Plan, and all zoning and building provisions, and prepayment of any outstanding property taxes, or where necessary to facilitate the relocation of existing utilities, infrastructure or easements, when approved by resolution;
 2. A lease-project; or
 3. Subdivisions described in Government Code Section 66426.
- B. Requests for waiver.** Waiver requests shall be in writing on a standard form provided by the Department. The request shall include:
1. A request for waiver, signed and acknowledged by all owners of record of the land comprising the minor land division;
 2. A description of each proposed parcel;
 3. The Review Authority may require the submission of a plat map, showing sufficient ties, dimensions, and bearings to adequately establish the boundaries of the minor land division and of each proposed parcel. Record information, when available, may be utilized; and
 4. The Review Authority may require the submission of documentation (i.e., preliminary title report) as it deems necessary to verify the information presented in the request for waiver. All submissions shall be legible and readily reproducible. Before approval of a

request for waiver, the subdivider shall complete or guarantee completion of the conditions of approval as if a parcel map were to be filed.

- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee. The subdivider shall also pay a sum of money equal to the amount required by law for filing with the County Recorder a Certificate of Compliance for the parcels comprising the division.
- D. Eligibility for Waiver.** Within 20 days following the acceptance of a request for waiver or within any additional time as may be necessary, the Review Authority may waive the requirement that a parcel map be filed, if it first finds all of the following:
1. The design of each parcel described in the request for waiver is in substantial compliance with the tentative map, as approved; and
 2. The subdivision complies with all applicable requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this Article, the Act, and the Municipal Code. When a waiver is granted, within 30 days the Review Authority shall cause a Certificate of Compliance, describing each approved parcel, to be filed for record with the County Recorder. The Certificate of Compliance shall state that the requirement that a parcel map of the division of land be filed has been waived and that the parcels comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this chapter.

18.54.020 – Final Tract and Parcel Map Form and Content

- A. Form and Content.** The form and content of final tract and parcel maps shall be as required by the Act and this chapter. The final tract or parcel map shall contain all of the contents specified for a tentative map. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, the Development Code and all conditions of approval. The final tract or parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- B. Authorized Preparers.**
1. The final tract or parcel map shall be prepared by, or under the direction of, a licensed land surveyor or registered civil engineer whose registration dates prior to January 1, 1982.
 2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this chapter.
- C. Certificates and Acknowledgments.**
1. Before filing, the required certificates and acknowledgements shall appear on the map and may be combined where appropriate.
 2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.

3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.

D. Monuments. The location, number, and type of monuments shall be as specified in the Act and this chapter and shall be in compliance with the standards prescribed in the California Business & Professions Code Chapter 8771.

1. Each final map and each parcel map for which a survey is required shall show durable monuments found or set at or near each boundary corner and at intermediate points, approximately 1,000 feet apart, or at lesser distances as may be made necessary by topography or culture to ensure accuracy in the reestablishment of any point of the line without unreasonable difficulty. The precise position and the character of each monument shall be shown on the map. The durable monument shall be not less substantial than an iron pipe of a two inch outside diameter, not less than two and one-half feet in length, with plug and tack, and set at least two feet into the ground or of another character and stability as may be approved by the City Engineer. For the purposes of this chapter, a lead and tack set in permanent concrete or masonry shall be considered as a durable monument. The approximate elevation of the top of each monument with respect to the surface of the ground shall be shown on the map.
2. Center line monuments shall be set to mark intersections of streets or intersections of streets with the map boundary or to mark either the beginning or end of curves or the points of intersections of tangents or other intermediate points in the following manner:
 - a. In asphalted concrete or cement pavements a lead and tack or PK nail and washer.
 - b. In unsurpassed graveled or oiled surfaces a two-inch iron pipe set not less than 12 inches below the surface, or at a depth as may be approved by the City Engineer.
 - c. In bituminous macadam pavements a spike not less than six inches long.
 - d. For each center line monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the City Engineer a set of notes, clearly showing the ties between the monument and a sufficient number (normally four) of durable, distinctive reference points or monuments.
 - e. The reference points or monuments may be lead and brass tacks or PK nail and washer in a curb, or a substitute which appears to be not more likely to be disturbed.
 - f. Each set of notes submitted shall conform in all respects to the standardized office records of the City Engineer. All notes shall be indexed and filed by the City Engineer as a part of the permanent public records of the office.
3. All monuments set as required shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.
4. The City Engineer may require all or a portion of boundary monuments to be set before filing the final map or parcel map. Interior street centerline monuments may be set subsequent to filing of the final map or parcel map. The final map or parcel map shall show which monuments are in place and which are to be set. Before certification of the final map or parcel map by the City Engineer, the subdivider shall submit a written agreement in which the subdivider agrees that monuments deferred will be set before

final acceptance of the subdivision and that the notes required will be furnished within that specified time.

5. All monuments shall be subject to inspection and approval of the City Engineer.

E. Documentation Required for City Review and Approval.

1. **Map.** The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
2. **Other Documents.** The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the City Engineer, including but not limited to all of the following.
 - a. **Improvement Plans.** Improvement construction plans as required by the City Engineer.
 - b. **Soils Report.**
 - (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Title 15, shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.
 - (a) The soils report shall be prepared by a State-registered civil or soils engineer.
 - (b) The requirement of a preliminary soils report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.
 - (1) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.
 - c. **Title Report.** A title report prepared by a title insurer within 90 days from the filing of the final map.
 - d. **Improvement Cost Estimate.** An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.
 - e. **Deeds for Easements and Rights-of-way.**
 - (2) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
 - (3) The subdivider shall provide written evidence acceptable to the City Engineer in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform

- necessary construction work and allowing the maintenance of facilities, if required.
- (4) Any other maps, deeds and easements for the review of the map as required by the Director or City Engineer.
- f. **Traverse Closure Calculations.** Traverse closure calculations for the boundary blocks, easements, monument lines, parcels, and street centerlines.
- g. **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations.
- h. **Organization Documents.**
- (5) Any proposed declaration of covenants, conditions, and restrictions (CC&Rs) and all other organization documents for the subdivision in a form prescribed by the Civil Code
- (6) All documents shall be subject to review and approval by the Director and the City Attorney.
- i. **Letter of Certification for Water.** The subdivider shall submit written certification from the City that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.
- j. **Other Reports.** Any additional calculations, data, reports, or information specified by the City Engineer.

18.54.030 – Filing and Processing of Final Tract and Parcel Maps

A. Official and Timely Filing of Map.

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 30 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted together with the filing fee(s).
2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, including all conditions of approval, the Act, the Municipal Code, the Development Code, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

B. Review of Map.

1. After the issuance of a receipt for the map, the City Engineer and City Surveyor shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of this Article, the Act, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in the correct form, the matters shown on the map are sufficient, and the City Engineer and City

Surveyor are satisfied that all of the conditions of approval have been met, the City Engineer and City Surveyor shall endorse approval of the map.

3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this chapter.
4. The material shall be transmitted to the Council for its consideration of the map.

C. Time Limit for Filing Map. If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in the Act and this Article, following the effective date of tentative map approval by the Review Authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this event, an application for a new tentative map shall be filed and a new filing fee shall be paid.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, then at the time the map is filed with the local agency, the subdivider shall enter into an agreement with the City to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with the Act, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with the Code of Civil Procedure, including proceedings for immediate possession of the property.
3. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, at the time the City acquires an interest in the land which will allow the improvements to be made.
4. "Off-site improvements," do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

18.54.040 – Final Tract or Parcel Map Approval and Recordation

After determining the map is in compliance with this Article and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map and forward the map to the Review Authority for action.

A. Applicable Review Authority. The applicable Review Authority is specified in Table 5-1.

B. Review and Approval by the Review Authority.

1. **Timing of Review Authority's Review.** The Review Authority shall approve or deny the map after it receives the map from the City Engineer or, unless the applicable time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval.**
 - a. The Review Authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of the Development Code applicable at the time the tentative map application was deemed complete, and is in substantial compliance with the approved tentative map and all conditions of approval.

- b. If the map does not conform, the Review Authority shall not approve the map.
- c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of this Article and the Act. If the map(s) does not conform, it shall not be approved.

3. Action Not to Approve a Final Tract or Parcel Map.

- a. If a map is not approved, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
- b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Review Authority, does not materially affect the validity of the map.

C. Map with Dedications.

- 1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
- 2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with the Act.
- 3. Any termination of an offer of dedication shall be processed in compliance with the Act using the procedures specified in the Streets and Highway Code .

D. Map with Incomplete Improvements. If improvements required by the Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the Review Authority shall require the subdivider to enter into an improvement agreement with the City as a condition precedent to the approval of the map.

E. Recording of Final Tract and Parcel Maps.

- 1. After action by the Review Authority to approve the map, and after the required signatures and seals have been affixed, and the filing fee(s) paid, the City Clerk shall transmit the map back to the Director.
- 2. The Director shall establish an appointment with the County Recorder for filing.
- 3. The County Recorder shall oversee the recording of the map.

18.54.050 – Supplemental Information Sheets

In addition to the information required by this chapter to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map.

A. Preparation and Form.

- 1. The additional information required shall be presented in the form of an additional map sheet(s), unless the Director or City Engineer determines that the type of information

required would be more clearly and understandably presented in the form of a report or other document(s).

2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps.

B. Content of Information Sheets. Supplemental information sheets shall contain the following statements and information:

1. **Title.** A title, including the number assigned to the accompanying final or parcel map and the words "Supplemental Information Sheet;"
2. **Explanatory Statement.** A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. **Location Map.** A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the City;
4. **Areas Subject to Flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
5. **Soils or Geologic Hazards Reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. **Information Required by Conditions of Approval.** Any information required by the Review Authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

18.54.060 – Correction and Amendment of Recorded Maps

A recorded final tract or parcel map may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision.

A. Type of Corrections Allowed in Compliance with Government Code Chapter 66469.

1. **Filing of a Certificate of Correction or an Amending Map.** In the event errors in a map are discovered after recordation, or other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map.
2. **Error Defined.** Errors include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, parcel numbers, street names, and identification of adjacent record maps.
3. **Other Corrections.** Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or

showing the proper character or location of any monument that was incorrectly shown, or that has been changed.

4. **Review Authority.** The Director shall approve or deny corrections or amendments to recorded maps.
5. **Required Findings.** A map may be amended only if the Director first finds all of the following to be true:
 - a. The change(s) requested only involves a minor map annotation correction(s);
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with the Act.

B. Type of Corrections Allowed in Compliance with Government Code Chapter 66472.1. In the event there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. **Application and City's Review Process.** An application to amend a recorded map shall be filed with the Director
2. **Review Authority.** The Director shall be the Review Authority for reviewing and either approving or denying corrections to and amendments of recorded maps.
3. **Required Findings.** A map may be amended only if the Director first finds all of the following to be true:
 - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with the Act.

C. Recordation. After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.

D. Amendment of an Approved Subdivision – New Map Required. In the event a subdivider wishes to change or modify the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an improvement agreement, the subdivider shall file a new tentative, final, or parcel map or comply with the requirements of Government Code Section 66499.20.1 et seq.

18.54.070 – Post Decision Procedures

The procedures and requirements related to appeals and public hearings shall apply to the decision on a final tract or parcel map application.

Chapter 18.56 -- Additional Subdivision Procedures

Sections:

- 18.56.010 – Purpose
- 18.56.020 – Certificates of Compliance
- 18.56.030 – Lot Line Adjustments
- 18.56.040 – Parcel Mergers
- 18.56.050 – Reversions to Acreage
- 18.56.060 – Post Decision Procedures

18.56.010 – Purpose

This chapter establishes requirements consistent with the Act for Certificates of Compliance, lot line adjustments, parcel mergers, and reversions to acreage.

18.56.020 – Certificates of Compliance

A. General Provisions.

1. The City shall process and approve or deny applications for Certificates of Compliance in compliance with Government Code Sections 66499.34 and 66499.35, and this chapter.
2. Filing criteria and applicability – when required.
 - a. A recorded Certificate of Compliance may be requested by any person owning real property to have the Director determine whether the property complies with the provisions of this Article, the Act, and the Development Code.
 - b. A Certificate of Compliance may be required by the Department with the recordation of a Notice of Merger.
 - c. A recorded Certificate of Compliance shall be required for all lot line adjustments.
 - d. When contiguous deeds or surveys have ambiguities in which the property boundary cannot be clearly established, as determined by the Director, and an agreement is reached to establish the line by all parties, a boundary line agreement and a Certificate of Compliance shall be recorded.
 - e. When determined by the Director, a Certificate of Compliance may be required for the remainder parcel(s) on final or parcel maps.

B. Application.

1. An application for a Certificate of Compliance shall be filed with the Director and processed in compliance with the Development Code.
2. The applicant shall pay the processing fee specified and the sum of money equal to the amount required by law for filing with the County Recorder the Certificate of Compliance.

3. The Director may require the submission of supporting information as deemed necessary by the Director to determine compliance.
 4. All submissions shall be legible and readily reproducible.
- C. Review Authority.** The Director shall be the Review Authority for Certificates of Compliance.
- D. Review and Action.**
1. The Director shall review the completed application in light of public records and applicable law.
 2. If the Director is able to determine from this review that the parcel is clearly in compliance with the provisions of this Article and the Act, a Certificate of Compliance shall be issued by the Director and delivered to the County Recorder for recordation.
 3. If the Director is unable to determine from this review that the parcel is in compliance with the provisions of this Article and the Act, but can do so with appropriate conditions, a conditional Certificate of Compliance may be issued by the Director and delivered to the County Recorder for recordation.
 - a. The Director may impose conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which had been established at the time by the Act or local ordinance enacted in compliance with the Act.
 - b. Upon making a determination and establishing conditions, the Director shall cause a conditional Certificate of Compliance to be filed for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or a subsequent transferee or assignee of the property that fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property.
 4. If the Director is unable to determine from this review that the parcel is clearly in compliance, the procedures specified in the Act shall apply.

18.56.030 – Lot Line Adjustments

A. Conditions for Allowing Lot Line Adjustments.

1. **When Allowed.** An adjustment of the parcel lines between four or fewer existing adjoining parcels is allowed without a map:
 - a. Where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not created;
 - b. To consolidate two to four adjoining parcels under common ownership;
 - c. Where the resulting parcels shall be in compliance with applicable building regulations, the Development Code, and the General Plan. The City is authorized to condition the approval of a lot line adjustment to conform to the local general plan, any applicable specific plan, and adopted codes, to require the prepayment of real property taxes prior to approval, or upon the relocation of existing utilities, infrastructure, and/or easements; and

- d. Where a draft deed is submitted with a lot line adjustment application reflecting the proposed parcel configuration and legal description.
2. **Lawfully Created Parcels.**
 - a. Any parcel created by a tract map or parcel map is a lawfully created parcel.
 - b. Any parcel created before March 4, 1972 with a deed or record of survey shall be conclusively presumed to be a lawfully created parcel.
 3. **Compliance with Government Code Section 66412.** Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d).
 4. **Preparation of the Application.** An application for a lot line adjustment shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by the state.
 5. **Application Requirements.**
 - a. An application for a lot line adjustment shall be filed with the Director, shall include the signature(s) of all owner(s) of record of the properties involved.
 - b. The application shall include the most up-to-date information and materials specified in the Department handout for lot line adjustment applications, together with the required fee.
 - c. Incomplete applications shall not be accepted.
 - d. All completed applications shall be consecutively numbered, shall become part of the permanent official records of the City, and shall contain copies of all notices and actions pertaining to the application.
 - e. It is the responsibility of the applicant to provide evidence in support of the findings required to approve a lot line adjustment .
 6. **Survey May Be Required.** The Director may, at the Director's sole discretion, require a survey of the properties involved, if the Director finds the survey necessary in order to provide an adequate description of the subject properties. The property survey which may be required by the Director is not a record of survey as detailed in California Business and Professions Code Section 8762.
- B. Review Authority.** The Director shall be the Review Authority for lot line adjustments.
- C. Processing of Lot Line Adjustment Application - Findings Required for Approval.**
1. The Director may approve a lot line adjustment only after first making all of the following findings:
 - a. The lot line adjustment would not:
 - (1) Create any new parcels;
 - (2) Include any parcels created illegally;
 - (3) Involve more than four parcels; or

- (4) Involve parcels that are not adjoining.
 - b. No street or alley dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;
 - c. The parcels, as proposed by the lot line adjustment, will conform, in all respects, to the minimum provisions of this Article and of the Development Code;
 - d. A greater or lesser number of parcels than originally existed are not created;
 - e. The new lot line(s) is located in a manner so as not to substantially alter the size and shape of the existing parcels, with “substantially alter” defined to be not reducing the parcel size by more than 10 percent;
 - f. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and
 - g. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing date of the lot line adjustment application, is submitted.
2. Where the Director determines all of the required findings can be made, the Director shall approve the lot line adjustment, and the owner(s) of the parcels involved shall cause a map, in a form approved by the Director, to be recorded.
3. The Director may impose conditions of approval, to be satisfied before the recordation of the lot line adjustment, as the Director finds reasonable and necessary to ensure that the lot line adjustment fully complies with the Act, the Development Code, the General Plan, and all applicable building codes.
4. If the Director is unable to make any of the required findings, the lot line adjustment shall be denied.
 - a. The applicant shall be advised of the Director’s action.
 - b. In case of denial, the applicant shall have the option of:
 - (1) Appealing the decision to the Commission; or
 - (2) Filing a parcel or tract map.

D. Documentation.

1. Notice of the action on an application for a lot line adjustment shall be issued by the Director in writing to the applicant within five working days.
2. Approval of a lot line adjustment does not transfer title, adjust liens, mortgages or deeds of trust, nor does it adjust assessments.
3. At the conclusion of processing the lot line adjustment application, the applicant shall submit an amended deed of trust reflecting the revised legal descriptions of the affected parcels for any parcels encumbered by a deed of trust. The revised legal descriptions of affected parcels shall also be reflected in any mortgages and liens.

4. If all requirements for approval of a lot line adjustment are met, the City shall issue a Certificate of Compliance and the applicant shall record the Certificate of Compliance reflecting the adjustments

E. Appeal.

1. The applicant or any interested party may appeal an approval, conditional approval, or denial of an application for a lot line adjustment.
2. Appeals shall be made to the Commission
 - a. The appeal shall be made in writing and delivered to the Department within 15 days following the decision of the Director and shall be accompanied by the appeal fee.
 - b. Upon receipt in proper form of an appeal, the Director shall schedule a public hearing to be held within 60 working days.
 - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with standard hearing procedures.
3. After action on an appeal by the Commission, an appeal may be made to the Council.
 - a. The appeal shall be made in writing and delivered to the City Clerk within 15 days following the decision by the Commission and shall be accompanied by the appeal fee.
 - b. The public hearing shall be held within 60 working days following the date the appeal is filed.
 - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with standard hearing procedures.

- F. Completion of lot line adjustments.** Approval or conditional approval of a lot line adjustment shall not become effective until 10 calendar days after the issuance of the notice of the action on an application for a lot line adjustment, unless the lot line adjustment approval is appealed

G. Expiration, Extension, and Alterations.

1. In the event the approved lot line adjustment is not recorded with the County Recorder's office within 12 months following the effective date of the approval by the Director or an approved lot line adjustment has been altered, the lot line adjustment or lot consolidation, as may be applicable, shall be void and of no further force and effect and shall not be recorded with the County Recorder's office.
2. If the applicant still wishes to proceed with the lot line adjustment or consolidation, a new application shall first be submitted.

18.56.040 – Parcel Mergers

A. Purpose.

1. In compliance with Government Code Section 66451.10 et seq. the authority of the City to merge two or more parcels or units of land held by the same owner is established.

2. Parcel mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the City.
3. Parcels may also be merged in compliance with Government Code Section 66499.20.1 et seq. pertaining to the reversion to acreage.

B. Voluntary Merger of Contiguous Parcels.

1. **Intent.** Property owners may request a voluntary merger of contiguous parcels under the same ownership.
2. **Review Authority.** The Director shall be the Review Authority for parcel mergers.
3. **Process.**
 - a. The property owner shall file an application for a parcel merger.
 - b. The merger of the subject parcels become effective when the Director causes a notice of merger specifying the names of the record owners and a description of the real property to be filed for record with the County Recorder.
4. **Requirements.** A parcel may be voluntarily merged with one or more contiguous parcels held by the same owner: if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size or dimension specified by the applicable zone; if the property owner wishes to construct a structure across the property line(s) of two or more contiguous parcels; or, if at least one of the parcels meet one or more of the requirements specified in the Government Code Section 66451.11(b).

C. Where These Provision Do Not Apply.

1. These provisions shall not apply to the sale, lease, or financing of one or more contiguous parcels or units of land which have been created under the provisions of City ordinances regulating the division of real property and the Act., applicable at the time of their creation, or to parcels or units which were not subject to the provisions at the time of their creation, even though the contiguous parcels or units are held by the same owner.
2. If any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to allow use or development in compliance with the Development Code, then those parcels or units shall be merged.

D. Unmerged Parcels Prior to January 1, 1984. Any parcels or units which were deemed unmerged, before January 1, 1984, under the Act and which have not been merged subsequently shall be considered separate parcels or units.

E. Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership.

- Contiguous parcels or units of land held by the same owner on the date that notice of intention to determine status is filed shall be involuntarily merged if one of the parcels or units does not conform to the minimum parcel size to allow use or development in compliance with the Development Code, and if all of the following requirements are satisfied in compliance with the Act:
1. At least one of the affected parcels is not developed with any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit of land.

2. With respect to any affected parcel, one or more of the following conditions exists:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - c. Does not meet current standards for sewage disposal and domestic water supply;
 - d. Does not meet slope stability standards;
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
 - f. Its development would create health or safety hazards; or
 - g. Is not consistent with the applicable General Plan and any applicable specific plan, other than minimum parcel size or density standards.
3. Mandatory merger does not apply if any of the conditions specified in Government Code Section 66451.11(b)(7)(A), (B), (C), (D) or (E) exist.

F. Proceedings for Notice of Intention to Determine Status.

1. Whenever the Director has knowledge that real property has merged, the Director shall mail, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.
 - a. The notice of intention shall state that the affected parcels may be merged ; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).
 - b. Upon receipt of a request for a hearing, the Director shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.
 - c. The property owner(s) shall be notified of the hearing by certified mail.
 - d. After the hearing, the Commission shall determine whether the affected property has merged.
 - e. A determination of non-merger may be made whether or not the affected property meets the standards for merger.
 - f. The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five working days following the date of the hearing.
2. If the parcels have merged, the Director shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed.

- a. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.
 - b. If the parcels have not merged, the Director shall record a release of the notice of intention within 30 days following the date of the determination, and shall mail a copy of the release to the owner(s).
 - c. If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.
3. If the property owner(s) requested a hearing, the determination of the Commission may be appealed to the Council within 10 days following the date of mailing the notice of determination by filing a written appeal with the City Clerk.
- a. A appeal fee shall be paid at the time of filing the appeal.
 - b. Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.
 - c. If, after a hearing, the Council grants the appeal, the City Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.
 - d. If the appeal is denied, the City Clerk shall, within 30 days, record a notice of merger with the County Recorder.
 - e. A copy of either the release or the notice of merger shall be sent to the property owner(s).

G. Unmerger.

1. **Deemed Unmerged.** Any parcel or unit of land which merged in compliance with the provisions of any law before January 1, 1984, but for which a notice of merger was not recorded on or before that date are deemed unmerged, if on January 1, 1984, all of the criteria established by Government Code Section 66451.30(a) are met, and if none of the conditions specified in Government Code Section 66451.30(b) exist.
2. **Filing of a Certificate of Compliance.** Upon request of a property owner, the Director shall file a Certificate of Compliance whenever the Director determines that a parcel is unmerged.

H. Request for Determination of Merger.

1. **Director's Determination of Merged or Unmerged.**
 - a. A property owner may request that the Director determine whether property has merged or is deemed unmerged
 - b. A request for determination shall be made in writing and shall be accompanied by a fee.
2. **Determination of Merged.** Upon determination that property has merged, the Director shall issue to the property owner(s) and record with the County Recorder a notice of merger.

3. **Determination of Unmerged.** Upon determination that property is deemed unmerged, the Director shall issue to the property owner(s) and record with the County Recorder a Certificate of Compliance showing each parcel as a separate parcel.

18.56.050 – Reversions to Acreage

A. Purpose and Filing Provisions.

1. A procedure for the merger of separate parcels into one parcel, in compliance with Government Code Section 66499.11 et seq., is established.
2. A reversion to acreage shall be initiated, processed, reviewed, and approved or denied in compliance with the Act.
3. An application for reversion submitted by a property owner(s) shall include all information required by the Director, and shall include the fee required.
4. A parcel map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with the Act.

B. Review Authority. The Council shall be the Review Authority for reversions to acreage requests.

C. Processing Procedures and Public Hearing Required.

1. The Commission shall hold a public hearing on all petitions for, and Council initiations of, reversions to acreage.
2. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with standard hearing procedures.
3. The Commission shall render its decision in the form of a written recommendation to the Council.
4. The recommendation shall include the reasons for the recommendation and shall be transmitted to the Council.
5. Upon receipt of the recommendation of the Commission, the Council shall hold a public hearing.
6. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with standard hearing procedures.
7. The Council may approve a reversion to acreage only if it first makes all of the findings required.

D. Required Findings. The applicable Review Authority shall approve a reversion to acreage only after first making all of the following findings, as required by the Act:

1. Dedications or offers of dedication to be abandoned or vacated by the reversion to acreage are unnecessary for present or prospective public purposes; and
2. Either:
 - a. All owners of an interest in the real property within the subdivision have consented to the reversion;

- b. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
- c. No parcels shown on the final or parcel map have been sold within five years from the date the map was filed for record.

E. Recordation Procedures.

- 1. After the hearings before the Commission and the Council and approval of the reversion to acreage, the final or parcel map, as applicable, shall be delivered to the City Engineer.
- 2. The reversion to acreage shall be effective upon the final or parcel map being filed for recordation by the County Recorder.
- 3. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force or effect.

- F. Effect of Reversion.** The filing of a final or parcel map, as applicable, to complete a reversion to acreage shall also constitute the merger of the separate parcels into one parcel, in compliance with the Act.

18.56.060 – Post Decision Procedures

The procedures and requirements related to appeals and public hearings shall apply to the decision on any application filed.

Chapter 18.58 -- Subdivision Design and Improvements

Sections:

- 18.58.010 – Purpose
- 18.58.020 – Applicability of Design and Improvement Standards
- 18.58.030 – Subdivision Design Standards
- 18.58.040 – Subdivision Improvement Requirements
- 18.58.050 – Site Preparation and Grading for Subdivision Construction
- 18.58.060 – Improvement Plans
- 18.58.070 – Improvement Agreement Required
- 18.58.080 – Improvement Security
- 18.58.090 – Installation of Improvements
- 18.58.100 – Monuments
- 18.58.110 – Soils Reports

18.58.010 – Purpose

- A. Requirements for the Design and Layout.** This chapter establishes standards for the design and layout of subdivisions, and the design, construction, and installation of public improvements within subdivisions.
- B. Creation of New Usable Parcels.** The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable specific plan.

18.58.020 – Applicability of Design and Improvement Standards

- A. Extent of Required Improvements.**
 - 1. Each subdivision of four or fewer parcels, and each subdivision of five or more parcels, shall provide the improvements required by this chapter, and any additional improvements required by conditions of approval.
 - 2. Improvements required to be installed or agreed to be installed by a subdivider as a condition precedent to the filing of a final map or parcel map shall comply with the requirements of this chapter. The improvements shall be provided and developed in compliance with the conditions imposed as a condition of approval of the tentative map or tentative parcel map in compliance with any agreement or bond made or entered into by the subdivider for that purpose, and in compliance with the standards and specifications specified by administrative regulations and ordinances of the City applicable at the time of approval of the tentative map or tentative parcel map.
- B. Applicable Design Standards, Timing of Installation.**
 - 1. **Construction of Off-Site Improvements.** The subdivider shall construct all on- and off-site improvements in compliance with the standards approved by the City Engineer.

2. **Completion of Improvements.** No parcel or final map shall be presented to the Council for approval and no parcel map shall be presented to the City Engineer for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work.
3. **Improvements, Other Than Street Improvements.**
 - a. Plans, profiles, and specifications for improvements, other than street improvements, and grading and drainage plans, shall be submitted to the City Engineer not later than the time a final map or final parcel map is submitted for checking and certification. The plans shall show all details of the proposed improvements, grading, and drainage needed for approval of the plans by the City Engineer. The details may include requirements of other governmental agencies whose jurisdiction some portion of the plan may encompass. Final plans shall be submitted for approval by the City Engineer before a final map is transmitted to the Review Authority for approval or parcel map is certified for filing by the City Engineer if:
 - (1) The subdivider applies for a reimbursement agreement; or
 - (2) Another governmental agency, whose approval of plans is necessary, will not approve preliminary plans.
 - b. Preliminary plans may be submitted to the City Engineer when sufficient engineering data is furnished by the subdivider to demonstrate that the preliminary design meets the City's standards and specifications, is practicable from a maintenance standpoint, and is consistent with sound engineering practices and that the final plans will conform to the preliminary plans with only minor changes.
2. **Street Improvements.**
 - a. Plans, profiles, and specifications for all street improvements shall be subject to the approval of the City Engineer. The plans shall be furnished to the City Engineer no later than the time of submitting the final map or parcel map to the City Engineer for checking and shall be subject to the approval of the City Engineer before any map shall be certified by the City Engineer. The plans, profiles, and specifications shall show full details of the proposed improvements and shall be in compliance with the standards and specifications of the City Engineer. The plans shall also include the design grade for an existing highway or for a future street provided the City Engineer determines that the grade is necessary to properly locate slope and drainage easements, if any.
 - b. If streets or other public ways are to be dedicated on a final map or by separate instrument before filing a parcel map and the subdivider is required to grade, pave, or install curbs, gutters, or sidewalks within the easements, the subdivider shall provide a copy of the final map or parcel map, as applicable, which delineates all structures within the easements. The maps shall be submitted to the City Engineer when street improvement plans are submitted for approval.
 - c. Each street, whether public or private, shall be improved with full width grading, full height Portland cement concrete curbs and gutters, full width roadway paving, installation of incidental drainage facilities, street signs, sidewalks, street lights on public streets, and any other improvements for traffic and drainage needs as are required for the appropriate development of the division of land.

- d. If a portion of an existing street constitutes any portion of the boundary of the division of land and the street is unimproved, or the Review Authority determines that the improvements are insufficient for the general use of the parcel owners in the division of land and for local neighborhood traffic and drainage needs, the Review Authority may require the subdivider to improve or agree to improve the street.
- e. The Review Authority may require the remodeling of an existing street. The remodeling shall be in compliance with the improvement requirements specified.
- f. Except for full width grading, the subdivider shall not be required to improve streets shown on a final map or a parcel map as future streets.

3. **Other Improvement Requirements.**

- a. **Fencing of Watercourses or Drainage Facilities.** The subdivider shall provide a chain link fence or equivalent, not less than six feet high, along each side of any portion of a dedicated right-of-way for any watercourse or drainage facility within a proposed division of land if the Review Authority finds that the location, shape, slope, width, velocity of the water, or other characteristics of the watercourse or drainage facility makes the fencing of the right-of-way necessary for the protection of the general public. The fencing shall have an adequate number of gates to facilitate cleaning and maintenance and shall not contain openings below the fence in excess of four inches vertical.
- b. **Protective Improvements.** The Review Authority may require specified protective structures to be installed as are necessary for the proper functioning and maintenance of the improvements required to remove a flood or geological hazard and as are necessary for the protection of property adjacent to the division of land.
- c. **Sidewalks.** Sidewalks shall be installed in compliance with City standards, except when the Review Authority specifies otherwise.
- d. **Street Trees and Plants.** The subdivider shall pay the cost of trees in the parkway panels of streets and highways within or adjacent to a division of land. The type or species and location of the trees shall be determined by the City Engineer.
- e. **Temporary Improvements.** Temporary improvements may be required before, or concurrent with, permanent improvements. In these instances, the temporary improvements shall be installed in a manner approved by the City Engineer.
- f. **Public Safety Improvements.** All public improvements as specified by the Police Department and Fire Department shall be determined completed in accordance with city standards and the Review Authority.
- g. **Green Infrastructure Improvements.** Green infrastructure improvements shall be required for all subdivisions in accordance with the City's Green Infrastructure Plan, the Municipal Regional Stormwater NPDES Permit and the requirements of the California Regional Water Quality Control Board.

C. Subdivision Improvement Standards - Conditions of Approval.

1. The applicable subdivision improvement and dedication requirements of this chapter and any other improvements and dedications required by the Review Authority shall be described in conditions of approval adopted for each approved tentative map.
2. The design, construction, or installation of all subdivision improvements shall comply with the requirements of the City Engineer.

D. Oversizing of Improvements.

1. At the discretion of the Review Authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with the Act.
2. In the event that oversizing is required, the City shall comply with all applicable provisions of Government Code Section 66485 et seq., including the reimbursement provisions of Government Code Section 66486.
3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement before the recordation of the parcel or final map, or the issuance of a building permit for construction on the parcel, whichever occurs first.

E. Exceptions. Exceptions to the requirements of this chapter may be requested and considered.**18.58.030 – Subdivision Design Standards****A. Applicability.** Each subdivision shall be designed in compliance with the subdivision standards unless an exception is granted in.**B. Roads and Streets.** The layout, design, and construction of all proposed roads and streets shall comply with the General Plan, any applicable specific plan, and the City Street Standards Manual. Whenever the Development Code specifies the City Street Standards Manual, it shall mean the San Mateo County Road Standards Manual, maintained by the County Department of Public Works, or as approved by the City Engineer.**1. Street Alignment Plan.**

- a. If the General Plan or any applicable specific plan designates a general location of a proposed street and any portion of the street may be wholly or partially located within a proposed subdivision or may be affected by a proposed subdivision before the approval of the subdivision, a specific alignment plan shall be prepared and adopted.
- b. Each street shall conform in width and alignment with that shown or indicated on the General Plan or any applicable specific plan or any standards adopted in compliance with the General Plan or specific plan.
- c. As a condition of approval of the subdivision, the subdivider shall be required to make dedications and construct reasonable improvements as required by the specific alignment plan.

- d. The Review Authority may require that future streets and alleys be provided for the future division of parcels shown on the tentative or parcel map and for the development of adjoining property.
- e. These requirements may be waived by the Director upon recommendation of the City Engineer, if the proposed street is located upon a street line or its precise alignment cannot be otherwise determined.

2. **Circulation Standards.**

- a. **Streets and Street Layout.** The layout, design, and construction of proposed streets shall comply with the General Plan, applicable specific plan, the Development Code, and/or other requirements that may be deemed appropriate by the City Engineer and/or Director.
- a. **Subdivision Access.**
 - (1) Depending on the size of the subdivision and the length of the streets, the subdivision and each of its phases shall have a minimum of two points of vehicular ingress and egress from existing and surrounding streets.
 - (2) Where the subdivider provides evidence that this access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified by the City Engineer, after receiving a recommendation from the Fire District.

F. **Additional Standards.**

- 1. **Applicable Standards.** The following additional standards shall apply:
 - a. Freeways, limited access, and unlimited access state highways shall conform to the standards of the California Department of Transportation and where the same are involved in any subdivision, they shall receive special attention. The standards of the California Department of Transportation shall be deemed to be the minimum standards acceptable.
 - b. Street intersections shall be as follows:
 - (1) Where one or both intersecting streets serve residential development, their intersecting right-of-way lines shall be rounded with a curve having a radius of 15 feet, unless otherwise determined by the City Engineer.
 - (2) Where one or both intersecting streets serve commercial, industrial, mixed use development, their intersecting right-of-way lines shall be rounded with a curve having a radius of 25 feet, unless otherwise determined by the City Engineer.
 - (3) Where two alleys intersect, a cutoff of not less than 10 feet at the intersection of the right-of-way lines shall be provided.
 - c. Special local streets where freeways, grade separations, parkways, railroads, or other dominant factors are involved shall receive special attention.

- d. The alignment of streets shall provide the required frontage for each parcel in the proposed subdivision and, where necessary, to provide for the future development of adjacent properties.
 - e. Centerline jogs of 150 feet or more shall be avoided wherever practicable.
 - f. On any street, no centerline curve radius of less than 200 feet shall be provided.
 - g. Suitable tangents, when possible, shall be used between all curves.
 - h. The applicable Review Authority may require that an alley be provided at the rear of parcels which are intended for multi-family residential, commercial, industrial, and/or mixed use land uses.
 - i. In areas where no official plans exist, the layout of all improvements, including curbs, gutters, parkways, planting strips, sewer lines, sidewalks, streets, street lights, trees, and private water mains located within the public rights-of-way, shall be in compliance with adopted City standards, and where no standards have been adopted, the arrangements shall be subject to review and approval by the City Engineer.
2. **Interconnected Streets.** Streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision, as determined by the Review Authority to be appropriate.
 3. **Street Extensions and Stub Streets.**
 - a. **Street Extensions.** Where the subdivision adjoins unsubdivided land, streets in the subdivision shall be extended to the adjacent unsubdivided land, as prescribed by the Review Authority, to provide access to the unsubdivided land in the event of its future subdivision.
 - b. **Stub Street Improvements.**
 - (1) In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjacent property.
 - (2) Where required by the Review Authority, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
 4. **Right-of-Way and Roadway Widths.** The following right-of-way and roadway widths shall apply:
 - a. Streets and alleys shall have minimum right-of-way and roadway widths as shown in the City Street Standards Manual. Alternative cross street may be used where the applicable Review Authority finds that existing improvement patterns or neighborhood design warrant use of the alternative cross streets.
 - b. In the interest of good planning and the orderly development of the City, the applicable Review Authority may, at its sole discretion, permit variations of the above minimum cul-de-sac right-of-way widths, lengths, and alignments, for good cause.

5. **Dead-End and Cul-de-Sac Streets.**
 - a. Subdivision design shall not include dead-end streets (including cul-de-sacs), except where through streets cannot be provided because of existing development or an environmental feature requiring protection and/or preservation (e.g., a creek channel). The exception shall be subject to the approval of the applicable Review Authority.
 - b. Where a subdivision is allowed to include a dead-end street design, the street shall be designed to end in a cul-de-sac, rather than a hammer head, designed and constructed in compliance with adopted City standards.
 - c. The length of a dead-end street shall not exceed a distance of more than 500 feet, and as determined by the Fire District based on consideration of specific street conditions. The length shall be measured from the center of the closest intersection to the center of the cul-de-sac bulb. Dead-end streets shall provide a suitable turn-around designed with a minimum diameter of 96 feet between right-of-way lines, and as determined to be suitable on a case-by-case basis, in coordination with the Fire District and to the satisfaction of the City Engineer.
6. **Intersection Design.** All streets shall normally intersect as nearly as possible at right angles, except when it can be shown that any other street pattern will improve the design of the subdivision without hindering traffic safety to the satisfaction of the City Engineer.
7. **Street Grades.** Streets shall have a grade of not less than four tenths of one percent or more than 10 percent, except where the applicable Review Authority, upon the advice of the City Engineer, determines that a modification to the grade limitations is appropriate.
8. **Street Dedications.**
 - a. A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
 - b. Even a street that complies with all applicable City standards may not be accepted for dedication.
 - c. Acceptance of street dedication is subject to the recommendation(s) of the City Engineer and the approval of the Review Authority.
9. **Sidewalk Standards.** All sidewalks shall be designed, constructed, and continuously maintained in compliance with the City Standard Plans and Specifications, subject to approval by the City Engineer.
10. **Private Street Standards.** All private streets shall be designed, constructed, and continuously maintained in compliance with the City of East Palo Alto and Menlo Park Fire Protection District standards.
11. **Pedestrian Walkways Away from Street Frontages.**
 - a. As part of subdivision approval, the Review Authority may require dedicated and improved pedestrian walkways in locations away from street frontages where necessary to provide safe and convenient pedestrian access to a public facility or to otherwise provide convenient connections between existing pedestrian routes.
 - b. Where walkways are required, the City Engineer shall specify the standards for their design, location, and construction.

12. **Distance Between Driveways.** There shall be a minimum clear separation of 20 feet between all driveways, measured at the point where the outer edge of the driveway apron meets the street.
 13. **Guest Parking Standards.** Provisions for suitable off-street guest parking shall be designed, constructed, and continuously maintained.
 14. **Outdoor Lighting Standards.** Outdoor lighting shall be designed, constructed, and continuously maintained.
 15. **Sign Standards.** All signs, including the placement and maintenance of signs on private streets, shall be designed, constructed, and continuously maintained.
- G. Parcel Design.** The arrangement, shape, and size of proposed parcels shall comply with this Article, the Development Code, and with any General Plan policy, any specific plan requirement, or other Municipal Code provisions which apply to subdivisions.
1. **General Parcel Design Standards.**
 - a. Each proposed parcel shall be determined by the Review Authority to be “buildable” because it contains at least one building site that can accommodate a structure.
 - b. No parcel shall be created that is divided by a City, County, school district, or other taxing district boundary line.
 - c. If a proposed parcel is located in more than one zone classification, then the area, depth, and width of the parcel shall be in compliance with the minimum requirements of the most restrictive zone classification.
 - d. The parcel area, depth, and width requirements shall not apply to any parcel which the subdivider offers to deed or dedicate to the public.
 - e. Easements intended for vehicular access and parkways required by the City shall not be included in the determination of the area, depth, and width of the parcel.
 - f. No subdivision shall be approved which leaves unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area, within the boundaries of the subject development.
 2. **Parcel Area, Depth, and Width Requirements.**
 - a. **Compliance with Article 2 Required.** The minimum area, depth, and width for new parcels shall be as specified for the applicable zone, except as otherwise provided by this chapter.
 - b. **Minimum Parcel Area Requirements for Common Interest Projects.** The minimum parcel area requirements shall not apply to individual condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel(s) that is the location of the condominium or townhouse development.
 - c. **Planned Development Permit Projects.** Minimum parcel size requirements may be reduced below that required in order to permit greater density, if

additional open space, beyond that required by the Development Code is provided through the approval of a Planned Development Permit.

- d. **Modifications.** The Review Authority, in the exercise of sound reasonable judgment after proof of necessity has been presented and after a finding by a majority of the members of the Review Authority that a modification(s) to the requirements is necessary by reason of the size, shape, topography, or other conditions of the property within the subdivision or of adjacent property, may, by majority vote grant a modification(s) that is not prohibited by this Article, or the Act, and that is not inconsistent with the General Plan.
3. **Dimensions.** The dimensions of new parcels shall comply with the applicable provisions of Article 2 or as otherwise required by the Review Authority.
 4. **Lot Line Orientation.** Side lot lines shall be at right angles to the street on straight streets and shall be approximately radial on curved streets.
 5. **Parcel Configuration.** The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the parcel design provisions regarding energy conservation.
 - a. **Street Frontage Required.** Each proposed parcel shall have frontage on a public street. The frontage width shall be at least the minimum parcel width required by the applicable zone, except where a flag lot is approved by the applicable Review Authority.
 - b. **Double-Frontage Parcels**
 - (1) Newly proposed double-frontage parcels with streets located along both the front and rear parcel lines are prohibited.
 - (2) For existing double-frontage parcels, the Director shall determine which frontage(s) shall be considered as the "parcel front" or "parcel frontages" for the purposes of compliance with the minimum setback requirements.
 - c. **Flag Lots.**
 - (1) Flag lots are strongly discouraged and may be approved only where the Review Authority first determines that unusual depth or other characteristics of a parcel to be subdivided prevents one or more proposed parcels from having a frontage width equal to the minimum parcel width requirements.
 - (2) Where allowed, the "flag pole" portion of a flag lot shall have a minimum unobstructed width of 20 feet. The Review Authority may require additional width depending upon the length of the flag pole and traffic safety sight distance considerations.
 6. **Open Space Requirements.**
 - a. **Provision of Private Open Space.** Every parcel within a subdivision shall provide for a minimum of 150 square feet of dedicated permanent private open space located within the parcel. The measurement of the minimum private open space shall not include front or side setback areas. The Review Authority shall have the authority to modify this open space requirement.

- b. **Increase in Allowable Dwelling Unit Sizes with the Provision of Additional Open Space.** Maximum dwelling unit sizes may be increased if the subdivision proposes to offer a corresponding amount of additional permanent private open space beyond that required by the Development Code. For example, if an applicant/subdivider is only allowed 2,000 square feet of livable area, but wants 2,500 square feet, the City may grant the additional 500 square feet if a corresponding amount of additional usable private open space is provided within the project. The process to achieve this modification is the Planned Development Permit process.
- H. **Energy Conservation.** Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, and optimum solar energy orientation in compliance with Government Code Chapter 66473.1 and as follows.
1. **Street Layout.** The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.
 2. **Parcel and Building Site Design.** Proposed parcels shall be designed, where feasible, to provide building sites that allow the orientation of structures in an east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.
- I. **Environmental Health.** Lands to be subdivided for residential, park, playground, or land recreation purposes may be subject to environmental quality standards as established by ordinances and regulations of the different departments and agencies within the City.
- J. **Fire Protection.**
1. Subdivision design shall provide for safe and ready access for fire and other emergency vehicles and for routes of escape to safely handle evacuations. The design, construction, and continual maintenance of all on-site means of emergency vehicle access shall ensure suitable access, including properly sized turnaround areas, subject to the review and approval of the Fire District.
 2. The subdivision shall be served by water supplies for community fire protection in compliance with the standards established by the Fire District.
 3. In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in compliance with Fire District requirements. Where erosion is probable, the slopes shall be planted with fire resistive ground cover.
- K. **Exceptions.**
1. Conditional exceptions to the standards and regulations specified in this chapter may be authorized by the Review Authority, and only if exceptional or special circumstances apply to the subject property.
 2. The special circumstances may include extreme topographic elements, limited size, dominating drainage problems, unusual shape, or the impracticability of employing a comprehensive plan or layout by reason of the prior existing recorded subdivision of contiguous properties.

18.58.040 – Subdivision Improvement Requirements

- A. General Improvement Installation.** All culverts, curbs, drainage structures, fire hydrants, gutters, pavements, sanitary sewer lines, sidewalks, public or private streets, traffic signals, street lights, street name signs, and water mains shall be installed by and at the cost of the subdivider when not prohibited by the Act, and shall conform to grades and specifications established and approved by the City.
- B. Bicycle/Walking Paths and Hiking/Equestrian Trails.** The subdivider shall construct bicycle paths, multiple use trails, and/or access to multiple use trails within an approved subdivision in compliance with the Circulation, and Open Space, and Conservation Elements of the General Plan and any applicable specific plan.
- C. Bridges and Major Thoroughfares.** The City may assess and collect fees as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares in compliance with the Act and this Article, after the City has established a master plan for bridge crossings and major thoroughfares.
- D. Fire Hydrants.** The subdivider shall supply and install fire hydrants, along with their associated underground water pipes, of sizes and locations as required and approved by the City Engineer and Fire District, and in compliance with this chapter.
- E. Monuments.** The subdivider shall supply and install monuments in compliance with the requirements of the Act, the City Engineer, and this chapter.
- F. Private Facilities – Maintenance.** A subdivision with common area(s) or private streets shall have conditions, covenants, and restrictions (CC&Rs) approved by the applicable Review Authority, upon the review and recommendation of the Director and City Attorney, to provide for the proper maintenance of the common area(s) and/or private streets, and to establish standards for maintenance.
- G. Public Utilities.** Each approved parcel shall be provided connections to public utilities, including electricity, gas, sewer, telecommunications, and water services, which shall be installed as part of the subdivision improvements.
- 1. Underground Utilities Required.**
 - a. Utility lines, including communications, electric, telephone, and street lighting, located within or directly serving each subdivision, shall be placed underground.
 - b. The subdivider is responsible for complying with the requirements without expense to the City, and shall make necessary arrangements with the appropriate utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
 - c. Undergrounding requirements also apply to existing utility or common carrier routes in use at the time the subdivision is completed which do not provide service to the area being subdivided, except for high voltage transmission lines or other utilities with good cause as excepted on a case-by-case basis by the City Engineer.
 - d. The Review Authority, based on the recommendations of the City Engineer, may waive the undergrounding requirements if topographical, soil, or any other conditions make the underground installations unreasonable or impractical.

2. **Cable, Electronic and Wireless Systems.** If a local cable television system, electronic and/or wireless system (or comparable technology system provider) is available to serve the project, any subdivision for which a tentative map is required, or a parcel map for which a tentative map was not required, shall be designed to provide the appropriate system an opportunity to construct, install, and maintain on land reserved for cable, electronic or wireless service or by separate instrument, any equipment necessary to extend services to each residential parcel in the subdivision.
 - a. "Appropriate system," means those franchised or licensed to serve the geographical area in which the subdivision is located.
 - b. These provisions shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.
3. **Reimbursement for Relocation or Replacement.**
 - a. Whenever the City imposes as a condition of its approval of a tentative parcel or tract map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, common carrier, or other public utility, the developer or subdivider shall reimburse the appropriate facility provider for all costs for the replacement, undergrounding, or relocation.
 - b. All costs shall be paid as required by the responsible cable television system, common carrier, or other public utility.
 - c. Under no circumstances shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.

H. Sewage Disposal.

1. Each parcel within an approved subdivision shall be provided a connection to the City's sewage collection, treatment, and disposal system, in compliance with the requirements of the City Engineer and the outlet to be used for the sewers shall be designated by the City Engineer.
2. The subdivider shall also pay the required connection fee.
3. When sanitary sewer mains are existing, the subdivider shall pay for these improvements in compliance with the provisions of Municipal Code for the developed parcels.
4. All sanitary sewer mains, appurtenances, and service connections shall be constructed or laid to the line and grade established by the City Engineer and shall be of a design and size as designated.
5. Sewers shall not be installed in utility easements, except in special cases and circumstances, subject to the approval of the City Engineer.

I. Street Lighting.

1. The subdivider shall provide an ornamental street lighting system in each division of land of four parcels or more and one parcel condominium divisions of land. Plans for the installation of the system shall be submitted to the City Engineer for review and approval.

2. All proposed subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's adopted improvement standards and specifications.
3. The subdivider shall pay for street light maintenance on decorative fixture lighting as required by the City.

J. Street Signs and Street Names.

1. Street Names.

- a. All public and private streets located within a proposed subdivision shall have names in compliance with the procedures established by the City Engineer.
- b. It is the City's established policy to strongly encourage the use within subdivisions of prominent African American, Native American or other names that demonstrate the rich diverse history of the City.
- c. The duplication of an existing street name within the same area shall not be allowed in a new subdivision, unless the street is an obvious extension of and contiguous to an existing street.

2. Street Name Signs.

- a. The subdivider shall be responsible for the cost of materials, manufacturing, and installation of street name signs.
- b. One set of signs shall be installed at each intersecting street identifying each street name at a location(s) determined by the City Engineer.
- c. All street name signs shall be designed, ordered, and installed by the Director

K. Storm Drainage. Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system.

1. A subdivision that lies in the path of existing watercourses or overflows from existing watercourses, or natural drainage from upstream properties, shall not be approved unless adequate dedicated right(s)-of-way and improvements are provided as deemed satisfactory by the City Engineer.
2. When the City Engineer determines that a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, the subdivision shall not be approved unless drainage outlets are provided that will be adequate to render the City harmless from any damages caused by the increase or concentration of water.
3. The location, size, and type of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall comply with City standards or as required by the City Engineer.
4. When the City Engineer determines that drainage right(s)-of-way are necessary, the subdivider shall offer to dedicate upon the tentative, parcel, or final map of the subdivision the necessary right(s)-of-way for the drainage facilities.
5. Where dedication is offered or granted, the right(s)-of-way shall be shown as parcels lettered alphabetically on the tentative, parcel, or final map. The offer of dedication or grant shall be made by an appropriate statement on the title sheet of the final map.

6. The subdivision shall incorporate the required C3/C6 storm drainage requirements, as adopted and implemented by the City of East Palo Alto. These requirements are incorporated by reference into this code.
 7. The subdivision shall incorporate the required green infrastructure improvements in accordance with the City's Green Infrastructure Plan, the Municipal Regional Stormwater NPDES Permit and the requirements of the California Regional Water Quality Control Board.
- L. Water Mains and Fire Hydrants.** The subdivider shall install, or agree to install, water mains and fire hydrants in the division of land for the general use of the parcel owners and for fire protection. The installation of the water mains and fire hydrants shall comply in all respects with all statutes, ordinances, rules, and regulations applicable to water mains and fire hydrants. In the absence of these statutes, ordinances, rules, and regulations, required domestic water flows shall be determined by the Water Manager and required fire flows, duration of required fire flows, and fire hydrant type and location shall be determined by the Fire District. Water mains and fire hydrants may be required on existing streets or highways adjacent to or within the division of land, provided the existing improvements are insufficient for the general use or fire protection of the parcel owners.
- M. Special Facilities.** Special facilities as required by the General Plan, any applicable specific plan, or as a special condition of the subject zone shall be provided.

18.58.050 – Site Preparation and Grading for Subdivision Construction

- A. Grading.** Before the issuance of a building permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to and approved by the City Engineer. Grading plans shall show the elevations of the natural ground at all parcel corners, the finished grade at corners, the finished pad elevation, finished floor elevations, rates and directions of all drainage swales, elevation height of all retaining or perimeter walls and finished sidewalk elevations at all front parcel lines, and existing topographic elevations and drainage direction a minimum of 100 feet outside the boundary of proposed project area and/or map or as required by the City Engineer.
1. **Minimum Slopes.** The minimum grade of all drainage swales on parcels shall be one-half of one percent, unless approved differently by the City Engineer.
 2. **Pad Elevation.** All building pad elevations shall be established in compliance with Municipal Code Title 15.
 3. **Drainage Plan.**
 - a. No inter-parcel or "cross drainage" shall be allowed.
 - b. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent parcel, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer.
 - c. No parcel shall drain water over the bank of a flood control channel.
 4. **Grading Practices.**
 - a. All grading within the City shall employ the best available management practices, as determined by the City Engineer, to minimize airborne dust, erosion, sedimentation, and unnecessary grading.

- b. Each building site shall be individually prepared.
 - c. No grading shall occur during the generally observed rainy season between October 15 and April 15, unless authorized by the City Engineer.
5. **Grading Exceptions.** Specific exceptions to the above grading requirements may be authorized at the discretion of the City Engineer.
6. **Bonding.**
- a. The City may require, as a condition of approval that a bond be secured before any grading.
 - b. This bond would be used to install landscaping and appropriate erosion control measures as needed, if the subdivider abandons the project after grading occurs.
 - c. All bonding shall be in compliance with provisions related to improvement agreements improvement security.
2. **As-Built Grading Plan.** Upon completion of grading operations the subdivider or individual parcel owner shall furnish to the City Engineer two prints and an electronic copy of an as-built grading plan prepared by the subdivider's or owner's engineer.
3. **Compliance with California Building Code Required.** Every map approved in compliance with the provisions of this Article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damages to off-site property, in compliance with California Building Code Appendix Chapter 70, as adopted and amended from time to time by the City.
4. **Retaining Walls.**
- a. Retaining walls shall be required at grade differences of one foot or more, unless a recorded slope easement is obtained.
 - b. Retaining walls shall be constructed in compliance with the Development Code and any other adopted City standards.
 - c. Retaining walls one foot or more in height shall be constructed of masonry or concrete, and shall be engineered to City standards.
- B. Erosion and Sediment Control.** A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures.

18.58.060 – Improvement Plans

After the approval of a tentative map and before the construction of any improvements or recording of the final map, the subdivider shall submit plans to the City in the following manner:

- A. Preparation and Content.** Improvement plans shall be prepared by a California registered professional engineer and shall include all of the following information:
- 1. All calculations, design reports, drawings, specifications, and other information required by the City Engineer;

1. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
 2. The improvement plan/specification checking and construction inspection fees required.
- B. Submittal of Plans.** Improvement plans shall be submitted to the City Engineer and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City.
1. **Street and Drainage Plans and Profiles.** Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the City Engineer, checked and approved before presentation of the final map to the Review Authority for acceptance. These plans and profiles shall show full details of the proposed improvements in compliance with City standards.
 2. **Water Systems Plans.** Plans, specifications, and all necessary details of the proposed water system shall be submitted to the City Engineer for review; provided, the water purveyor, if different from the City, has certified that it has reviewed and approved all of the plans, specifications, and all necessary details of the proposed water system and is willing and able to supply water upon request.
 - a. **Connections.** The subdivider shall install an approved water connection to the property line of each parcel within the subdivided area and pay the applicable water connection fees.
 - b. **Mains.** Water mains and related systems and services shall be constructed to serve each parcel within the subdivided area and shall be of a size and design as established by the City Engineer.
 3. **Sanitary Sewer Plans.** Plans, profiles, specifications, and all necessary details of the sanitary sewers to be installed shall be submitted to the City Engineer for review and approval; provided, that before submitting the plans, they shall have been approved by the entity that will serve the subdivision.
- C. Review and Approval.** Improvement plans shall be reviewed and approved by the applicable agency within the time limits specified by state law.
- D. Effect of Approval.**
4. The final approval of improvement plans shall be required before approval of a parcel or final map.
 5. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.
- E. As-Built Plans.** Upon completion of all improvements, the subdivider or individual parcel owner shall furnish to the City Engineer two prints and electronic copy of an as-built improvements prepared by the subdivider's or owner's engineer.

18.58.070 – Improvement Agreement Required

- A. Agreement in Compliance with Government Code Section 66462 Required.** If all required improvements, engineering, and inspections are not satisfactorily completed before a parcel or final map is approved, the subdivider shall, before the approval of the parcel or final map, enter

into an improvement agreement with the City where in consideration of the acceptance by the Review Authority of the streets, easements, and any other land offered for dedication, the subdivider and the subdivider's contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement.

- B. Structure Improvements to be Completed Within 36 Months.** All subdivision improvement agreements shall contain a detailed schedule to ensure that all public improvements and private structures and improvements shall be completed within 36 months following recordation of the final map. Completion shall not be considered accomplished until the subdivider receives final inspection and approvals from the City Engineer and Chief Building Official.
- C. Director May Grant One Extension to the 24 Month Deadline.** The Director shall have the authority to grant one additional 24 month extension to the deadline specified in the subdivision improvement agreement, but only upon the submittal of the written application for extension by the subdivider at least 60 days before expiration of the original deadline.

18.58.080 – Improvement Security

- A. Security Required.** To ensure that the work covered by the improvement agreement will be completed, improvement security shall be furnished, in an amount, form, and manner consistent with the Act and/or as approved by the Review Authority based on a recommendation(s) of the City Engineer, to guarantee the faithful performance of any act or agreement.
- B. Forfeiture on Failure to Complete.** If the owners, subdividers, or sellers neglect or fail for any reason to complete any improvements and work within 36 months from the date the agreement is executed, the Review Authority may, upon notice in writing served by registered mail addressed to the last known address of the owners, subdividers, or sellers signing the contract, determine that the improvement work or any part of the work is uncompleted and may cause to be forfeited to the City, the sum of money or bond(s) given for the faithful performance of the work as may be necessary to complete the work.
- C. Exoneration of Improvement Security.**
 - 1. **Duty of City Engineer.** It shall be the duty of the City Engineer to inspect or receive certificates of completion of all improvements installed as to their compliance with this chapter and City standards.
 - 2. **Release of security.** The security furnished by the owners, subdividers, or sellers may be released in the following manner.
 - a. Security given for faithful performance of any act or agreement shall be released upon the performance of the act subject to a 10 percent withholding until final completion and acceptance of the required work.
 - b. Security guaranteeing the payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are required to be recorded in compliance with Civil Code Title 14 and other acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice of the claims given in writing to the Review Authority, and if no claims have been recorded, the security shall be released in full.
 - c. The release of security shall not apply to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the City for the

guarantee and warranty period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.

- d. Maintenance security necessary for guarantee and warranty of the work for a period of 12 months following completion and acceptance of the work against any defective work or labor completed, or defective materials furnished, shall be released if no claims of defective work have been filed with the Review Authority.
- e. In the event of defective work, the security shall be held until all work is considered satisfactory and acceptable by the City Engineer.

18.58.090 – Installation of Improvements

All subdivision improvements required as conditions of approval of a tentative map approved in compliance with this Article shall be installed as specified in this section.

A. Timing of Improvements. Required improvements shall be constructed or otherwise installed only after the approval of improvement plans and before the approval of a parcel or final map, except where:

- 1. Improvements are deferred as provided for in Government Code Section 66462 or Section 66411.1; or
- 2. To avoid breaking up street paving, underground utility, or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys.
- 3. In the event that the development of the subdivision requires the utility company to perform utility construction work, the subdivider shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation.
- 4. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.

B. Inspection of Improvements. The inspection of the construction and installation of required subdivision improvements shall occur in the following manner.

- 1. **Authorized Representative.**
 - a. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City.
 - b. The designated representative shall be present at the work site at all times while work is in progress.
 - c. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.

2. Inspection Procedures.**a. Inspections Required.**

- (1) The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans.
- (2) Where required by the City, the subdivider shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by that agency.

b. Access to Site and Materials. The agency that has required a specific action shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.

c. Authority for Approval.

- (1) The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action.
- (2) The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

d. Improper Work or Materials.

- (1) Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the agency that has required a specific action.
- (2) In the event that the appropriate agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work.
- (3) Any work done after issuance of a stop work order shall be a violation of this Article.

2. Notification.

- a. The subdivider shall notify the City Engineer as part of condition compliance upon the completion of each stage of construction.
- b. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

18.58.100 – Monuments

The location, number, and type of monuments shall be as specified in the Act in compliance with the standards specified in California Business and Professions Code, and to the satisfaction of the City Engineer.

18.58.110 – Soils Reports

- A. Preliminary Soils Report.** A preliminary soils report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision for which a final map is required or when required as a condition of development when soils conditions warrant the investigation and report. The preliminary soils report shall be submitted with the tentative map application.
1. **Form of Preliminary Soils Report.** A preliminary soils report may be divided into two parts (i.e., soils reconnaissance and soils investigation and report) in the following manner:
 - a. **Soils Reconnaissance.**
 - (1) The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters.
 - (2) The soils matters reviewed shall include erosion, settlement, stability, feasibility of construction of the proposed improvements, description of soils related hazards and problems, and proposed methods of eliminating or reducing these hazards and problems.
 - b. **Soils Investigation and Report.** This soils investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling, and other earthwork, foundation design, pavement design, and subsurface drainage.
 - (1) The report shall recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the parcels.
 - (2) The report shall recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.
 - (3) The report shall review any geologic conditions for the purpose of preventing structural damage to the subdivision improvements and the structures to be constructed on the parcels.
 - (4) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects or environmental impacts, a subsequent soils investigation of each parcel in the subdivision may be required and shall be submitted to and approved by the Building Inspection Department and the City Engineer before approval of a parcel or final map.
 3. **Preliminary Soils Report Waiver.** A preliminary soils report shall not normally be waived. The preliminary soils report may be waived only if the City Engineer determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.
- B. Final Soils Report.** A final soils report prepared by a registered civil engineer shall be required where a preliminary soils report was required, unless the final report is waived by the City Engineer.

1. **Filing of Report.** The final soils investigation and report shall be filed with the improvement plans.
 2. **Content of Report.**
 - a. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.
 - b. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions, or modifications not shown on the approved plans.
- C. Geologic Investigation and Report.** If the City Engineer determines that conditions warrant, a geologic investigation and report may also be required.

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Chapter 18.60 -- Dedications, Reservations, and Exactions

Sections:

- 18.60.010 – Purpose
- 18.60.020 – Dedications
- 18.60.030 – Reservations

18.60.010 – Purpose

This chapter establishes requirements for the for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

18.60.020 – Dedications

A. Dedications Required. Required dedications and easements shall include all of the following.

1. **Bicycle Paths.** As a condition of approval of a tentative map, whenever a subdivider is required to dedicate roadways to the public, the subdivider may be required to dedicate and improve additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision. Alternatively, the subdivider can meet this requirement by paying a bicycle in lieu fee.
 - a. **Sufficient Size, Location, and Type.** Dedications and improvements for bicycle paths shall be of sufficient size, location, and type as necessary to serve the subdivision. In all cases, the requirements for dedications and improvements shall be consistent with the General Plan, particularly the City Bikeways Plan, and any applicable area plan.
2. **Major Thoroughfares.** As a condition of approval of a final map or the issuance of a building permit, the subdivider may be required to pay a fee to defray the actual or estimated costs of constructing or maintaining major thoroughfares within the City.
3. **Groundwater Recharge Facilities.** As a condition of approval of a final or parcel map or the issuance of a building permit, the subdivider may be required to pay a fee to defray the actual or estimated cost of constructing recharge facilities for the replenishment of the underground water supply.
4. **Park and Recreational Purposes.** Dedications for park and recreational purposes shall be in compliance with Chapter 18.62 .
5. **Public Facilities.** As a condition of approval of a tentative map the subdivider may be required to reserve all land within the subdivision that is needed for public facilities including, but not limited to, fire stations, libraries, parks, and other public uses and facilities.
 - a. **Sufficient Size, Location, and Type.** Reservations for public facilities shall be of sufficient size, location, and type as needed to meet their intended purpose. In all cases, the location of a public use for which the land is dedicated or reserved

shall be supported by and consistent with the policies and standards of the General Plan and any applicable area plan.

- b. **Responsible Organization or Agency.** Requirements for the amount and location of the land to be reserved shall be further determined by consultation with the organization or agency that is responsible for the operation of the public facility in question. For example, if land is to be set aside for a fire station, the Fire District shall be consulted.
- c. **Development in an Orderly and Efficient Manner.** Reserved areas shall be of a size and shape as to permit the balance of property within which they are located to develop in an orderly and efficient manner. The land to be reserved shall also be designed so as to permit an efficient division and development of the reserved area in the event that it is not acquired by the organization or agency.
- d. **Procedure for Reservation of Land for Public Facilities.**
 - (1) At the time of final map or parcel map approval, the City or other public organization or agency for whose benefit an area has been reserved shall enter into a binding agreement with the subdivider to acquire the reserved area within two years following completion and acceptance of all improvements, unless this period of time is extended by mutual agreement.
 - (2) The purchase price shall be the market value of the land and any improvements at the time of the filing of the tentative map plus the taxes against the reserved area from the date of reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.
 - (3) If the public organization or agency for whose benefit an area has been reserved does not enter into a binding agreement to acquire the reserved area within two years following the completion and acceptance of all improvements, the reservation of the area shall automatically terminate.
2. **Restricted Use Areas.** The right to restrict the erection of structures within those portions of parcels which are shown as being subject to flood hazard, inundation, or geological hazard on a tentative parcel or tract map shall be dedicated.
3. **Reversion to Acreage.** The Review Authority may require dedications as a condition precedent to filing a map for the purpose of reverting to acreage land previously subdivided.
4. **Sewers and Drains.** If sewers or drains or both are required for the general use of parcel owners in a division of land and the sewers or drains are not to be installed within public highways, streets, or alleys, the necessary easements shall be granted.
5. **School Sites.**
 - a. **Land Dedication for Schools.** The City requires any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which the subdivision(s) is to be located, land as the Review Authority shall deem to be necessary for the purpose of constructing an elementary school(s) necessary to ensure the residents of the subdivision

adequate public school service, in compliance with Government Code Sections 66455.9 and 66478.

- b. **Exception.** This requirement for school site dedication shall not apply to a subdivider who has owned the property being subdivided for more than 10 years before the filing of the tentative map.
- c. **Land Specifications.** Dedication of land for an elementary school(s) shall be of suitable location, size, and type as necessary to meet the elementary school needs of the subdivision. This dedication requirement shall also take into account anticipated growth in the area which can reasonably be expected to increase demand for school services in the future. The elementary school site dedication requirements will be determined by the Review Authority in consultation with the school district providing elementary school service in the area of the subdivision.
- d. **Offer and Acceptance of Dedication.** This dedication requirement shall be imposed at the time of tentative map approval.
 - (1) **If the school district does not offer.** If within 30 days following the date this requirement of dedication is imposed by the City the school district does not offer, in writing, to enter into a binding commitment with the subdivider to accept the dedication, this dedication requirement shall be automatically terminated.
 - (2) **If the school district does offer.** If the school district does offer, in writing, to enter into a binding commitment, the required dedication may be accepted any time before, concurrently with, or up to 60 days following the recording of the final map on any portion of the subdivision.
- e. **Repayment to Subdivider.** The school district will, if it accepts the dedication, repay to the subdivider or successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:
 - (1) The cost of any improvements made by the subdivider to the dedicated land since acquisition by the subdivider;
 - (2) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
 - (3) Any other costs incurred by the subdivider in maintenance of the dedicated land, including interest costs incurred on any loan covering the land.
- f. **Certificate to be Recorded.**
 - (1) The school district to which the property is dedicated shall record a certificate with the County Recorder's Office. The certificate shall contain all of the following information:
 - (a) The name and address of the subdivider dedicating the property;
 - (b) A legal description of the real property being dedicated;

- (c) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years following dedication; and
- (d) Proof of the acceptance of the dedication by the school district and the date of the acceptance.
- (2) The certificate shall be recorded not more than 10 days following the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record the certificate, but until the certificate is recorded, any rights acquired by any third party dealing in good faith with the school district will not be impaired or otherwise affected by the option right of the subdivider.
- g. **Option to Repurchase.** If the school district accepts the dedication, but the land is not used by the school district as a school site within 10 years following dedication, the subdivider shall have the option to repurchase the property from the school district for the original amount paid.
- 6. **Storm Drainage and Sanitary Sewer Facilities.** As a condition of approval of a tentative map, the subdivider may be required to pay a fee to defray the actual or estimated costs of constructing storm drainage facilities and/or sanitary sewer facilities planned for local or neighborhood areas.
- 7. **Transit Facilities.** The City may require that the subdivider dedicate, or make an irrevocable offer of dedication, for all land within the subdivision needed for local transit facilities including, but not limited to, bus turnouts, benches, shelters, and similar items that directly benefit the residents of the subdivision. In addition, the subdivider may be required to install the required transit facilities. A transit facility in lieu fee can also be collected to meet this requirement.
 - a. **Availability of Transit Services.** Before imposing the requirement for the dedication of transit facilities, the City shall first find that transit services are or will be made available to the subdivision within a reasonable time period.
 - b. **Exemption.** The requirement for dedication and installation of transit facilities does not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building that is more than five years old, when no new dwelling units are added.
 - c. **Sufficient Size, Location, and Type.** Dedications and improvements for transit facilities shall be of sufficient size, location, and type as necessary to meet the transit needs of the subdivision. In all cases, the requirements for dedications and improvements will be consistent with the transit-related policies of the General Plan and any applicable area plan. The requirements will also be determined by consultation with SamTrans or other transit provider serving the area.

B. Dedications and Improvements.

- 1. **Offer for Dedication.** All streets, highways, and parcels of land shown on the final tract or parcel map and intended for any public use shall be offered for dedication for public use by certificate on the final map.

2. **Future Dedication.** Streets or portions of streets may be offered for future dedication where the immediate widening and improvement is not required, but where it is necessary to ensure that the City can later accept dedication when the streets are needed for the further development of the area or adjacent areas. The offers shall be made by certificate on the final map.
3. **Improvements Required.** The subdivider shall improve, or agree to improve, all land dedicated for streets, highways, public ways, and easements as a condition precedent to acceptance and approval of the final map when the areas of abutting parcels are one acre or less, and the improvements may be required if the areas of abutting parcels exceed one acre each. The improvements shall also include bridges, culverts, curbs, grading, gutters, sanitary sewers, sidewalks, storm drains, street lights, surfacing, and other structures or improvements as may be required by ordinance or deemed by the Review Authority to be necessary for the general use of the parcel owners in the subdivision and local neighborhood traffic and drainage needs.
4. **Grades.** All improvements shall be installed to grades approved by the City Engineer.
5. **Plans, Profiles, and Specifications.** Plans, profiles, and specifications of proposed improvements shall be furnished to the City Engineer at the time of submitting the final map, and be approved by the City Engineer before the final map is filed with the Review Authority. The plans and profiles shall show full details of the proposed improvements which shall be in compliance with all applicable City standards.

C. General Work and Improvements Required.

1. The minimum work and improvements which the subdivider shall be required to make, or enter into an agreement to make, for the subdivision before the acceptance and approval of the final tract map by the Review Authority, or approval of the final parcel map by the Review Authority shall include all of the following:
 - a. Adequate distribution lines for domestic water supply to each parcel;
 - b. Sewage collection system, unless the City determines that main lines of an adequate disposal system are not reasonably available;
 - c. Adequate drainage of the subdivision streets, highways, ways, and alleys;
 - d. Adequate grading and surfacing of streets, highways, ways, and alleys;
 - e. Curbs and gutters, crossgutters, and sidewalks; the sidewalks may be omitted in whole or part in the event the applicable Review Authority determines the omission of sidewalks is desirable or justified by reason of particular circumstances, which shall be specified in writing in the determination;
 - f. Monuments;
 - g. Fire hydrants at locations designated by the Fire District;
 - h. Street name signs; at least two for each intersection;
 - i. Necessary barricades and safety devices;
 - j. Street trees;

- k. An ornamental street lighting system, together with required underground conduit and wiring.
 - (1) The ornamental system shall be installed by the subdivider; the subdivider shall be liable for and pay all costs incurred in installing the entire system and all related appurtenances.
 - (2) Installation of street lighting shall be in compliance with the plans and specifications of, or approved by, the City Engineer.
 - (3) The system shall be installed subject to the inspection of the City Engineer and electrical provider;
- l. All new and preexisting lighting, power, cable, and telephone lines shall be undergrounded within all street rights-of-way adjacent to and within the subdivision boundaries and all utility lines leading from the poles to the new parcels shall also be undergrounded, all by and at the expense of the subdivider.
 - (1) If it is determined by the City Engineer that it is impractical for the subdivider to complete all undergrounding required, then a cash fee equal to the estimated cost of the undergrounding shall be deposited in the City's Underground Utility Fund in lieu of installation.
 - (2) The estimate of cost shall be prepared by a licensed civil engineer at the expense of the subdivider and reviewed and recommended for approval by the City Engineer before it is accepted by the City.
 - (3) Subject to review and approval by the City Engineer, high voltage transmission lines may be exempted.
- 2. All improvements shall conform to the standards and specifications established by the City.

D. Acceptance of Dedications.

- 1. **Review Authority Action and Certification.**
 - a. At the time the Review Authority approves a final map, it shall also accept, subject to improvement, or reject any offer of dedication.
 - b. The City Clerk shall certify on the map the action of the Review Authority.
- 2. **Deferred Acceptance.**
 - a. If at the time the final map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected as set forth in Code of Civil Procedure Chapter 771.010, the offer of dedication shall remain open and the Review Authority may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use.
 - b. The acceptance shall be recorded in the office of the County Recorder.

18.60.030 – Reservations

The subdivider, as a condition of approval of a tentative map, may be required to reserve areas of real property for fire stations, libraries, parks, or other public uses, in compliance with Government Code Sections 66479 and 66480.

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Chapter 18.62 -- Dedication of Land for Park and Recreational Purposes

Sections:

- 18.62.010 – Purpose
- 18.62.020 – Applicability
- 18.62.030 – Standards and Formula for Land Dedication
- 18.62.040 – Fees in Lieu of Land Dedication
- 18.62.050 – Use of Fees
- 18.62.060 – Requirement of Both Dedication and Fees
- 18.62.070 – Credit for Private Open Space
- 18.62.080 – Credit for Park Improvements and Equipment
- 18.62.090 – Amendments to the Act

18.62.010 – Purpose

It is the purpose of this chapter to require the dedication of a portion of land or payment of a fee in lieu thereof, or a combination of both, when a subdivision occurs to provide park and recreational facilities reasonably related to serving the development and in compliance with the standards and provisions specified in this chapter. The provisions of this chapter are enacted in compliance with Government Code Section 66477.

18.62.020 – Applicability

- A. Subdividers Shall Provide Park and Recreational Facilities.** Every subdivider who subdivides land shall dedicate a portion of the land, pay a fee, or do both, as specified in this chapter for the purpose of providing park and recreational facilities to serve future residents of the subdivision.
- B. Application – Exceptions.** The provisions of this chapter shall apply to all subdivisions, as that phrase is defined in Government Code Section 66410 et seq., except for any of the following:
1. Commercial or Industrial Subdivisions;
 2. Subdivisions containing less than five parcels and not used for residential purposes. It shall automatically be a condition of tentative map approval of any subdivision that if a building permit is requested for construction of a residential structure(s) on one or more of the parcels within four years following the date of final map recordation, the fee in lieu of dedication, as prescribed in this chapter, shall be paid by the owner of each of the parcels as a condition to the issuance of the building permit;
 3. Any condominium or community apartment project which consists of the subdivision of air space of an existing multiple-unit structure which is more than five years old, where no new dwelling units are added; or
 4. Any other exceptions as may be added to the Act.

18.62.030 – Standards and Formula for Land Dedication

- A. Three Acres for Each 1,000 Persons.** It is hereby found and determined that the public interest convenience, health, welfare, and safety require that three acres of real property for each 1,000 persons residing within the City be devoted to park and recreational purposes.
- B. Subdivider Shall Dedicate Land.** Where a park or recreational facility has been designated in the Recreational Element of the General Plan and is to be located in whole or in part within the proposed subdivision to serve the immediate or future needs of the residents of the subdivision, the subdivider shall dedicate land within the area of the subdivision for a local park consistent with the Recreational Element.
- C. Amount of Land to be Dedicated.** The amount of land (expressed in acreage) required to be dedicated shall be based upon the average number of persons per household, based upon the most recent available federal census, divided by 333.33 (one thousand persons per three acres).

18.62.040 – Fees in Lieu of Land Dedication

- A. Subdivider to Pay an in Lieu Fee to the City.** In the event there is no park or recreational facility designated in the Recreational Element to be located in whole or in part within the proposed subdivision, or in the event that the proposed subdivision contains 50 or less parcels, then the subdivider shall pay a fee to the City in lieu of dedicating land, which shall be in an amount equal to the fair market value of the amount of land which would otherwise be required to be dedicated .
- B. Fair Market Value.** Either the average estimated fair market value for all residentially zoned real property located in the City, or the fair market value of the land in the subdivision, based upon its then assessed value modified to equal current market value in compliance with the practices of the County Assessor and as determined by the Director, whichever amount shall be the greater.

18.62.050 – Use of Fees

All fees collected shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of purchase of necessary land or improving existing facilities, or both. Interest earned on the accumulated fees may be used for the maintenance of any existing parks in the City, so long as the use is allowed under the Act.

18.62.060 – Requirement of Both Dedication and Fees

Both dedication of a portion of land, together with the payment of fees may be required in compliance with all of the following criteria:

- A.** Where only a portion of the land to be subdivided or developed is proposed in the Recreation Element as a site for a local park or recreational area, the portion shall be dedicated for local park purposes and a fee shall be paid for any additional land that would have been required to be dedicated.
- B.** Where a major part of the local park or recreational area has already been acquired by the City and only a portion of land is needed from the subdivision or building site to complete the park, the remaining portion shall be dedicated and a fee computed in compliance with this chapter shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated for the balance thereof.

18.62.070– Credit for Private Open Space

- A.** Throughout the City in a proposed subdivision, or in conjunction with a development not involving a subdivision, a developer may aggregate up to 20 percent of the required per unit private open space within the project into communal park and active recreational open space to be owned and maintained by residents, and a credit not to exceed 20 percent may be given against the requirement of dedication for park and recreation purposes or payment of fees in-lieu thereof, provided the Council finds that it is in the public interest to do so. The common open space must have minimum length and width dimensions of 20 feet and must be usable and provide amenities. Required setbacks and yards may count toward the open space requirement if all provisions are met. Walkways shall not be included in the computation. All the following standards shall be met:
1. The private ownership and maintenance of the open space is adequately provided for by written agreement, conveyance, or restrictions;
 2. The use of the private open space is restricted for park and active recreational purposes by recorded covenants which run with the land in favor of the future owners of property located within the subdivision which cannot be defeated or eliminated without the consent of the Council;
 3. The proposed private open space is reasonably adaptable for use for park and active recreational purposes, taking into consideration the size, shape, topography, access, and location of the private open space land; and
 4. The facilities proposed for the open space are in substantial compliance with the provisions of the Recreational Element of the General Plan and are approved by the Council.
- B.** On the Westside, where a public open space for park and active recreational purposes is provided in a proposed subdivision, or in conjunction with a development not involving a subdivision, and the open space is off-site and is to be available to the general public and not exclusively to the residents of the development, up to 50 percent of the required private open space may be aggregated for the public open space and a credit not to exceed 50 percent may be given against the requirement of dedication for park and recreation purposes or payment of fees in-lieu thereof, provided the Council finds that it is in the public interest to do so. The public open space must be usable and provide amenities. Required setbacks and yards may count toward the open space requirement if all provisions are met. Walkways shall not be included in the computation. All the following standards shall be met:
1. The proposed public open space shall be a minimum of 10,000 square feet and be reasonably adaptable for use for park and active recreational purposes, taking into consideration its size, shape, topography, access, and location;
 2. The site is accessible and visible from the street;
 3. The developer shall design the park and obtain City approval prior to installation, and the developer shall provide funding for maintenance and insurance;
 4. The facilities proposed for the open space are in substantial compliance with the provisions of the Recreational Element of the General Plan and are approved by the Council; and
 5. The property is dedicated to and accepted by the City and appropriate signage pre-approved by the City is installed.

18.62.080 – Credit for Park Improvements and Equipment

- A.** A credit against the requirements for dedication of land or payment of fees shall be given in an amount equal to the value of any park and recreational improvements or equipment constructed or installed by the subdivider, with the prior consent of the City, either upon land dedicated to the City in connection with the project or upon existing park land located elsewhere within the City that will service the future occupants of the subdivision.

- B.** All improvements and equipment shall be constructed and/or installed in compliance with plans, specifications, or standards prepared or approved by the City.

18.62.090– Amendments to the Act

In the event the Act should in the future be amended to expand or change the allowed uses of land dedicated or in lieu fees paid, the purposes shall control and the limitations specified in this chapter to the extent they are inconsistent with the amended Act, shall no longer have any force or effect.

Chapter 18.64 -- Residential Condominiums

Sections:

- 18.64.010 – Purpose
- 18.64.020 – Condominium Defined
- 18.64.030 – Submittal Requirements
- 18.64.040 – Site Requirements
- 18.64.050 – Structural Requirements
- 18.64.060 – Other Requirements
- 18.64.070 – Inspection and Fees
- 18.64.080 – Post Decision Procedures

18.64.010 – Purpose

- A. Residential condominium projects differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual dwelling units and jointly held common areas.
- B. The purpose of this chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium dwelling units.

18.64.020 – Condominium Defined

- A. **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential structure located on the real property in compliance with Civil Code Section 783.
- B. **May also include.** A condominium may include, in addition, a separate interest in other portions of the real property.

18.64.030 – Submittal Requirements

In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved unless all of the following items have been submitted with the tentative map and approved by the City:

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium is treated as a subdivision subject to the provisions of the Act and this chapter.
- B. **Application, Fees, and Deposits Required.** The application shall include the information and materials specified in the most current Department handout for residential condominium applications, together with the required fee.
- C. **Development Plan.** A development plan of the project clearly displaying the location and sizes of structures, parking layout, access areas, and exterior elevations;

- D. Preliminary Landscaping Plan.** A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed by the state to prepare plans ;
- E. Preliminary Lighting Plan.** A preliminary lighting plan of the project clearly displaying the location and nature of the lighting and lighting fixtures in common areas;
- F. Proposed Condominium Documents.** The proposed condominium documents, including those portions of the covenants, conditions, and restrictions (CC&Rs) that apply to the conveyance of units, the assignment of parking, and the management and maintenance of common areas and improvements;
- G. Delineation of Shared Common Spaces.** All shared common spaces including shared access areas, utility corridors, shall be clearly delineated with bearings and distances; and
- H. Other Information.** Other information which the Director determines is necessary to evaluate the proposed project to ensure consistency with the General Plan, any applicable specific plan, the Development Code, this chapter, and any other applicable City regulations.

18.64.040 – Site Requirements

A condominium tentative map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to all of the following criteria.

- A. Architectural and Site Design.** Architectural evaluations shall include, but not be limited to, all of the following:
 - 1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
 - 2. The design of all exterior surfaces of the structures shall create an aesthetically pleasing project;
 - 3. Consideration shall be given to the appearance of garages when viewed from outside the subdivision; and
 - 4. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, walls, and similar elements have been designed to provide a desirable environment.
- B. Environmental Preservation.**
 - 1. The design, location, and orientation of all structures shall be arranged to preserve natural features by minimizing the disturbance to the physical environment.
 - 2. Natural features and historic landmarks shall be delineated in the development plan and considered when planning the location and orientation of structures, parking areas, paved areas, play areas, open spaces, underground services, walks, and finished grade elevations.

C. Landscaping.

1. All setback areas fronting on or visible from an adjacent public street, and all leisure, open space, and recreational areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas.
2. The provision of decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, walls, and similar elements) are strongly encouraged; provided, the elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
4. The landscaping shall be consistent with the zone in which the condominium project is proposed.

D. Lighting.

1. The subdivider shall install an on-site lighting system on all vehicular access ways and along pedestrian walkways.
2. The lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties.
3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.

E. Parcel Coverage. Parcel coverage shall conform to the Development Code requirements for the zone in which the condominium project is proposed.

F. Open Space – Common.

1. Common open space areas shall be designed and located within the project to afford use by all residents of the condominium project. These common areas may include, but are not limited to, game courts or rooms, garden roofs, play lots, putting greens, sauna baths, and/or swimming pools.
2. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement shall not be located within 15 feet of any door or window of a dwelling unit.

G. Parking. Off-street parking shall be provided in compliance with Development Code requirements for condominium and townhouse projects.

H. Solid Waste and Recycling Storage Areas. Solid waste and recyclable storage areas shall be in compliance with requirements.

I. Width of the Public Rights-of-Way and Roadways. The width of the public rights-of-way and roadways of the street(s) abutting the subject property shall conform to the minimum standards of the Circulation Element of the General Plan. The utilities within a subdivision shall conform to City standards and the policy direction of the General Plan.

18.64.050 – Structural Requirements

A condominium project shall be subject to the structural requirements specified in Municipal Code Title 15.

18.64.060 – Other Requirements

A. Storage Space – Private.

1. Where the proposed dwelling units are to be constructed with other than an attached garage, a minimum of 200 cubic feet of storage space shall be provided outside of the dwelling unit for the exclusive use of each condominium unit.
2. The storage space shall have a minimum horizontal surface area of 24 square feet of enclosed, lockable storage space.

B. Circuit Breaker Panels.

1. Each dwelling unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.
2. The breaker panels shall be accessible without leaving the unit, except for townhouse units.

18.64.070 – Inspection and Fees

A. Compliance with Title 15 Required. Building inspection and associated fees shall be in compliance with Municipal Code Title 15.

B. Compliance with Municipal Code Required. Inspection and associated fees for required public and private street and utility improvements shall be in compliance with applicable provisions of the Municipal Code.

18.64.080 – Post Decision Procedures

The procedures and requirements related to appeals and public hearings apply to the decision on a residential condominium application.

Chapter 18.66 -- Residential Condominium Conversions

Sections:

- 18.66.010 – Purpose
- 18.66.020 – Approvals Required
- 18.66.030 – Application Requirements
- 18.66.040 – Building Conditions/Inspections
- 18.66.050 – Required Amenities and Upgrades
- 18.66.060 – Public Hearing
- 18.66.070 – Review Standards
- 18.66.080 – Findings
- 18.66.090 – Special Conditions and Approvals
- 18.66.100 – Conditions, Covenants and Restrictions
- 18.66.110 – Tenant Rights to Purchase Units and Extended Leases
- 18.66.120 – Buyer Protection
- 18.66.130 – Appeal
- 18.66.140 – Time Limits

18.66.010 - Purpose.

The purpose of this chapter is to set forth the requirements for processing an application for conversion of an apartment building to a condominium, once the threshold requirements for a conversion, as set forth in Municipal Code Chapter 14.24, are met. The annual report on the vacancy rate for all housing units in the County must show there is a vacancy rate of at least six percent of the total housing inventory before an application for a conversion may be filed, and no application may be filed for any building containing less than four units.

18.66.020 - Approvals Required.

- A. Subdivision Procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act. A condominium conversion also is subject to the provisions of Municipal Code Chapter 14.24 and this chapter. A Use Permit and Tentative Map or Parcel Map approved by the Commission are required for all condominium conversion applications.
- B. Application.** The application shall include all of the information and materials specified in the most up-to-date Department handout for residential condominium conversions, together with the required fee in compliance with the Master Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Section 18.82.070.

18.66.030 - Application Requirements.

- A.** All condominium projects shall conform to the requirements of the residential zone in which the project is located. In addition, all projects, including conversion of multiple residential structures to condominiums, shall conform to the following standards, except as noted. In granting a Use Permit, the Commission may impose reasonable conditions to assure that a project complies with the required standards.

- B.** A site plan drawn to scale including, but not limited to, lot lines, property dimensions, easements, setbacks, and location of all structures, including streets and parking elements.
- C.** A landscape plan drawn to scale including, but not limited to trees and tree clusters, shrub groupings, lawn and groundcover areas, special paving, hardscape and site furnishings, and a description of the condition of various elements.
- D.** Building elevation drawings drawn to scale including, but not limited to, specifying all materials, details and features for all building sides.
- E.** A statement regarding the current ownership of all improvements and underlying land.
- F.** A property report prepared by a registered engineer or licensed qualified contractor, describing the physical condition and estimated remaining useful life of each of the various elements of the project proposed for conversion, including the following: building foundations, roofs, walls, sound insulation, mechanical, electrical and plumbing systems, onsite utilities, heating and air conditioning systems, earthquake and fire protection systems, together with recommendations in order to assure their continued useful life for a minimum of ten (10) years.
 - 1.** A description of the structural condition of each element of the property, including foundation, braced walls, roofing and roofing structure, electrical, plumbing, utilities, ceiling, windows, recreational facilities, mechanical equipment, parking facilities, and appliances.
 - 2.** Information when each element was constructed or installed, and/or last replaced, the approximate date when each element will require replacement, and the cost of replacing each element.
 - 3.** Identification of each known defective or unsafe element as well as proposed corrective measures to be employed.
- G.** A structural pest control report prepared within 60 days of the date of application by a licensed structural pest control operator, pursuant to California Business and Professions Code Section 8516 et seq., or successor section.
- H.** Information regarding any known soil and geologic conditions, including soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project, a statement regarding any known evidence of soils problems relating to each element, and reference to any previous soils report for the site with copy of same.
- I.** A qualified engineer's report on the condition of, and any repairs required to all paved areas and all drainage systems within the project.
- J.** Sound transmission control details that include sections of the types of wall, floor, and ceiling construction that would be used in both common and interior partition walls, and published data from a recognized and approved testing laboratory or a statement from a licensed acoustical engineer as to the STC (sound transmission class) and ISI (impact sound insulation) of the proposed type of construction. Prior to approval of the tentative or parcel map, a compliance statement signed by a certified sound engineer shall be submitted to the building division.
- K.** A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance, quality and safety.
- L.** A proposed budget for the maintenance and operation of common facilities, plus minimum reserves, including the estimated costs to the owner of each unit, projected over a five year period. The budget shall be reviewed or prepared by a professional management firm familiar

with the costs of similar properties, or by other qualified professional, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications.

- M.** A rental rate history report which shall include, but not be limited to:
1. Name, address, age and length of occupancy of every tenant and occupant, including children, in the project on the date of application.
 2. Current rents for each unit, along with the date and amount of prior rent increases for the preceding five-year period.
 3. The monthly vacancy rate for each month during the preceding two years.
 4. The turnover rate for all tenants during the preceding two years.
 5. The percentage annual increase in maintenance and taxes occurring over the preceding five years.
- N.** The approximate proposed sales price of each unit, and the pro forma budget proposed for submission to the California Real Estate Commissioner or similar estimate of projected annual operating and maintenance fees and assessments.
- O.** All organizational documents. The covenants, conditions and restrictions (CC&Rs) may be submitted after the approval of the use permit and tentative or parcel map, however they must be submitted and approved prior to the recording if the final or parcel map.
- P.** A copy of the application to the Department of Real Estate of the State of California for issuance of a final public report for the proposed conversion, including all attachments and exhibits required, pursuant to California Business and Professions Code Section 11011, or successor section.
- Q.** Evidence of service by mail that the written notice of intention to convert, pursuant to Government Code Section 66452.18, and as required by Municipal Code Chapter 14.24, was provided to each tenant at least 60 days prior to filing a formal application. All required written notices regarding the condominium conversion shall be issued in the language that the rental agreement was negotiated and may be issued in additional language(s).
- R.** Evidence of additional notification of the use permit application to all tenants who occupy the property following application filing. Such evidence shall demonstrate the subdivider has attached a clearly worded statement to the proposed deposit/rental agreement as well as a sign prominently displayed in the business office. This notice shall conform to the form and requirements contained in Government Code Section 66452.18 and as further detailed in Municipal Code Chapter 14.24
- S.** Any other information which, in the opinion of the Director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter. The Director may waive the submission of certain of the factual items if it is demonstrated that such information is not available and cannot be obtained.

18.66.040 – Building Conditions/Inspections.

- A.** As part of the application review process, the premises shall be inspected by the Building Official to evaluate the condition of the structure(s). All inspection costs shall be incurred by the project's owner or subdivider.

- B.** The Building Official shall inspect all structures and premises. The design, improvement, construction, and repair of all condominium conversions, including all common areas, shall conform to and be in accordance with the most currently adopted requirements of all California Model Building and Fire Codes, any adopted local modifications to these codes, and any other applicable ordinances, including, but not limited to:
1. Housing Code;
 2. Electrical Code;
 3. Fire Code;
 4. Plumbing Code;
 5. Mechanical Code;
 6. Swimming Pool, Spa and Hot Tub Code; and
 7. Building Security Code.

Deficiencies found shall be corrected at the project owner's or subdivider's expense as required by the Building Official. Any existing dangerous condition that is not specifically itemized shall be corrected to the satisfaction of the Building Official.

- C.** The Fire District shall inspect all structures and premises to determine the sufficiency of fire protection systems serving the structures and premises, report on any deficiencies, and indicate which deficiencies are required to be corrected by law. Deficiencies found shall be corrected at the project owner's or subdivider's expense as required by the Fire District.
- D.** The Director shall inspect all structures, improvements, and premises for compliance with Development Code requirements applicable to the project. Deficiencies found shall be corrected at the project owner's or subdivider's expense as required by the Director.

18.66.050 - Required Amenities and Upgrades.

- A. Facilities Required.** The project shall be required to provide all of the following:
1. **Units.** All units shall be brought into compliance with all provisions of this chapter prior to certificate of occupancy, and shall be duly inspected to ensure compliance.
 2. **Building Components and Systems.** Components and systems with a remaining life of five years or less shall be replaced
 3. **Utility Distribution Systems.** Utility system and equipment shall be in compliance with the adopted codes. All existing and proposed on-site utilities, including communication service and distribution facilities, and electricity service and boundary distribution lines of thirty-four and one-half (34½) kV or less, shall be placed underground to the nearest off-site pole, in a manner approved by the city engineer. All utility meters and other utility apparatus shall be concealed from public view.
 - a. Gas and electric service shall be separately metered and billed for each individual lot or unit.
 - b. In the case of a project in which units are not vertically separated by floor/ceiling assemblies, water service shall also be separately metered and billed for each

individual lot or unit, as well as for all common facilities, the latter being billed to the association.

- c. Provision shall be made for individual shutoff valves in accessible locations, and all units shall be provided with separate water shutoff valves. There may be a master valve for each unit, or separate valves for each fixture in the unit.
 - d. Electric panels shall be provided in accessible locations controlling the entire service to each unit.
4. **Fire Detection Systems.** Early-warning smoke detection systems and carbon monoxide detectors in the living quarters and fire protection appurtenances, as required by current state and local law, shall be required for all residential condominium conversions.
 5. **Fire Protection Systems.** Subdivider shall demonstrate that wall and floor/ceiling assemblies comply with fire wall separation standards, as specified in the California Building Code. Fire protection systems for individual units and for the project as a whole shall be provided as required by the Fire District and applicable City codes.
 6. **Landscaping and Irrigation Systems.** Street trees, all yard landscaping, and all irrigation systems required by Chapter 18.28 shall be provided.

B. Laundry Facilities.

1. Individual hookups shall be provided in each unit to accommodate washing machines and dryers, unless common facilities, including all new appliances, are provided on the basis of one washer and dryer for each five units or fraction thereof. Communal appliances which are determined to be a source or potential source of vibration or noise shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner to lessen the transmission of vibration or noise. All major appliances provided shall be guaranteed to operate properly for a period of one year.
2. In cases determined by the Director where the project's owner or subdivider can demonstrate that this standard cannot or should not reasonably be met, this requirement may be modified by the Director.

C. Private Storage Space.

1. Each unit shall have a minimum of 200 cubic feet of enclosed, weather-proofed and lockable private storage space, with no less than a horizontal surface area of 25 square feet, and an interior dimension of three and one-half feet. If the space is a reach-in type, it shall have an opening of three and one-half feet by six feet. If the space is a walk-in type, it shall have a minimum clear access opening of two and one-half feet by six and two-thirds feet. This storage space shall be in addition to guest, linen, food pantry, and clothes closets that are customarily provided in each unit.
2. The space shall be for the exclusive use of the unit's owner.
3. The space may be provided in any location, approved by the Director but shall not be divided into multiple locations. Location shall be in areas that are safe, convenient and unobtrusive to the functional and aesthetic qualities of the project. If located within common area, the association shall be responsible for the care and maintenance of the exterior surface of the space.

4. In cases determined by the Director where the project's owner or subdivider can demonstrate that this standard cannot or should not reasonably be met, this requirement may be modified by the Director.
- D. Parking.** All parking shall be provided in compliance with Chapter 18.30, including any requirement for covered and guest parking. Up to five percent of the resident and guest parking ratio requirement may be waived, based upon a finding of unique circumstances of the site, location, age or occupancy of the project. In no case shall requirements for assigned resident spaces be waived.
- E. Pest Control.** The project's owner or subdivider shall repair or replace any damaged or infested areas in need of repair or replacement, as shown in the structural pest control report, which shall be prepared by a state licensed structural pest control operator and shall be dated and filed at least 30 days, but not more than 60 days, before the submittal of the final map.
- F. Sewer.**
1. The sewer system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.
 2. If the apartment proposed for condominium conversion has not been levied a sanitary sewer line charge or other charges or fees required for ownership units, the project's owner or subdivider shall pay any charges required by the responsible sewer authority, and shall provide to the City proof of the payment.
- G. Sound Attenuation/Proofing.**
1. All floor-to-ceiling assemblies between separate units shall meet the standards for the sound transmission class specified in applicable Building and/or Health and Safety Codes for residential condominium units, including the sound insulation performance criteria promulgated in Title 25, California Code of Regulations, Section 1092 or its successor.
 2. The compliance shall be certified in the inspection report.
 3. Occupancy Permits shall not be issued without first meeting these sound attenuation/proofing compliance requirements.
- H. Street Improvements.**
1. The project's owner or subdivider shall improve or post security with the City guaranteeing the installation of required public right-of-way improvements to City standards in compliance with Chapter 18.100.070.
 2. These improvements may include, but shall not be limited to, curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and streetlights.
- I. Windows and Doors.**
1. All windows and doors shall meet applicable window and door emergency escape/rescue requirements.
 2. All locks shall be changed prior to the issuance of the certificate of occupancy so that no master key or other keys previously used will allow entry into any unit of the project after conversion.

- J. Energy Conservation.** Subdivider shall demonstrate that residential buildings conform to energy conservation standards promulgated in Title 24, Part 5, Article 1, California Code of Regulations, or its successor.
- K. Landscaping and Irrigation.** All landscaping and irrigation shall be restored or new landscaping and irrigation shall be installed to achieve a high degree of appearance and quality. Provisions shall be made for continuing maintenance of all landscaped areas.
- L. Open Space.** Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, common open space, or a combination of the two.
1. **Private open space.** This type of open space must:
 - a. Have minimum dimensions no less than six feet when a horizontal rectangle is inscribed within it;
 - b. Have at least two weather-proofed electrical outlets; and
 - c. Be at approximately the same level as, and immediately accessible from a room within the unit.
 2. **Common open space.** This type of open space must:
 - a. Have minimum dimensions of no less than 10 feet when a horizontal rectangle is inscribed within it;
 - b. Be open to the sky;
 - c. Be located at least fifteen (15) feet from any door or window of a dwelling unit; and
 - d. Not include driveways or parking areas.
 3. **Recreational open space.** In addition to the private and common open space requirements above, a project of 25 units or more shall provide at least one element of recreational open space. For projects of 100 or more units, a multi-purpose or recreation room shall be provided. Any recreational open space element must be located at least 15 feet from any door or window of a dwelling unit.
 4. **Modification of open space requirement.** The open space requirements above may be modified by a supermajority of the Commission based on findings that a project site is physically constrained, or that the quality of life accommodated by the project will not be compromised, or that residents will benefit from other amenities that are located in close proximity to the project site.
- M. Trash and recycling collection areas.** Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and shall comply with the specifications for trash enclosures.

18.66.060 – Public Hearing.

- A.** The Director shall present to the Commission a written report in connection with any map setting forth its compliance or noncompliance with this chapter, and any other matters affecting the subdivision and the City.

- B.** The Commission shall conduct at least one public hearing on any tentative or parcel map. Notice of the hearing shall be given to all owners and tenants in compliance with the Section 66427.1 of the Act and with Chapter 18.106. These notice requirements are in addition to the notices mandated by Municipal Code Chapter 14.24.

18.66.070 – Review Standards

In reviewing requests for conversion of existing apartments to condominiums, the Review Authority shall consider all of the following:

- A.** Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of the community;
- B.** The need and demand for lower cost home ownership opportunities which are increased by the conversion of apartments to condominiums; and
- C.** If the Review Authority determines vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

18.66.080 – Findings

The Review Authority may approve or conditionally approve a residential condominium conversion application only after first making all of the following findings:

- A.** All applicable provisions of the Act, this chapter, and the Development Code are met;
- B.** The proposed conversion is consistent with the General Plan and any applicable specific plan;
- C.** The proposed conversion will conform to all Municipal Code provisions in effect at the time of tentative map approval, except as otherwise provided in this chapter; and
- D.** The overall design and physical condition of the condominium conversion will achieve a high degree of appearance, quality, and safety and is appropriately conditioned to ensure this achievement.
- E.** The subdivider shall provide proof of the tenant notification set forth in Government Code Section 66427.1 so the required findings of that provision may be made.

18.66.090 – Special Conditions of Approval.

- A.** The subdivider shall supply the homeowners' association with copies of final approved building and site plans which shall show, among other things, the actual location of major utilities and services, such as irrigation pipes and controls, utility easements, and underground wiring, before the initial meeting of the association.
- B.** The subdivider shall provide to the homeowners' association the following minimum warranties from the date of final or parcel map approval, unless otherwise specified:
1. **Roof and exterior finish.** A 10 year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weather-proof conditions.
 2. **Moisture barriers.** A 10 year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.

3. **Paved areas.** A 10 year warranty of a useful life for all paved areas within the project.
 4. **Swimming pools.** A ten (10) year warranty of structural soundness.
 5. **Appliances.** A one year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
 6. **Condition of equipment owned in common.** A five year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working condition. The developer shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.
- B.** The subdivider shall establish the following minimum reserves prior to issuance of the first certificate of occupancy:
1. A fund in the name of the homeowners' association that shall be earmarked for long-term reserves for capital maintenance replacement, and shall be equal to two times the estimated monthly assessment for each dwelling unit.
 2. A fund, through cash deposit or bond, equal to \$1,000.00 for each dwelling unit in the project as minimum security for the various warranties required by this chapter. Such fund shall be maintained for the maximum period of the warranties.

18.66.100 – Covenants, Conditions, and Restrictions (CC&Rs).

- A.** Project covenants, conditions, and restrictions (CC&Rs) shall be developed, and shall be subject to review and approval by the City prior to approval of the final or parcel map. The CC&Rs shall reference by incorporation this chapter and the adopted conditions of approval, and shall be recorded in conjunction with the final or parcel map.
- B.** The declaration of restrictions shall prohibit the unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but not including attached camper bodies and motor homes not exceeding 18 feet in length, unless approved storage areas are provided.
1. The declaration of restrictions shall provide for approval by the City prior to any future modification of site plans, architectural elevations, exterior materials and colors or of any of the organizational documents.
 2. The declaration of restrictions shall require the designation of a project manager residing in the project or maintaining an office on-site to represent the association with full powers to enforce the various provisions of such document.

18.66.110 – Tenant Right to Purchase Units and Extended Leases.

- A.** As provided in Government Code Section 66427.1 or any successor statute, and as set forth in more detail in Municipal Code Chapter 14.24, the subdivider shall, as a condition of approval of the conversion and before offering the unit for sale to the general public, be required to provide tenants with an exclusive nontransferable right to contract for the purchase of the unit occupied by the tenant. The right shall run for a period of 90 days from the date of issuance of the subdivision public report pursuant to Business and Professions Code Section 11018, unless the tenant gives prior written notice of his or her intention not to exercise the right.

- B. Tenant purchase assistance for low and moderate income tenants shall be provided as set forth in Municipal Code Chapter 14.24
- C. Extended leases may be required as set forth more fully in Municipal Code Chapter 14.24

18.66.120 – Buyer Protection.

- A. The subdivider shall furnish each prospective purchaser of a unit a true copy of each of the following documents:
 - 1. The use permit and all project conditions of approval issued under the provisions of this chapter;
 - 2. Property report;
 - 3. Structural pest report;
 - 4. Building history report;
 - 5. Soils report; and
 - 6. Statement of compliance issued by the Real Estate Department of the State of California, or its successor document relating to operating and maintenance funds during startup.
- B. The subdivider shall make available the following information and documents to all potential and actual buyers of units in a condominium project:
 - 1. Copy of the approved proposed budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five-year period. The budget shall be reviewed or prepared by a professional management firm familiar with costs of similar properties, or by another qualified professional, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications;
 - 2. All organizational documents; and
 - 3. Any other information which the planning commission may require to be provided.
- C. The subdivider shall provide each purchaser with a copy of the reports required by this chapter in their final accepted form, except information that is personal and confidential in nature to any tenant, before the purchaser executes an agreement to purchase a unit in the project, and the subdivider shall give the purchaser sufficient time to review the reports. A copy of the reports shall be made available at all times at the sales office.
- D. Prohibition of discrimination against prospective buyers with children. Under no circumstances shall a project approved for conversion limit sales to families or individuals without children, unless it is demonstrated that the project as designed and built is not suitable for accommodation of children.

18.66.130 – Appeal.

Any person dissatisfied with the decision made by the Commission may appeal to the Council. The appeal shall be processed and heard pursuant to the procedure set forth in Government Code Section 66452.5.

18.66.140 – Time limits.

- A.** Withdrawal. If a tentative or preliminary parcel map for a subdivision to be created from a conversion is withdrawn before Commission review, a map for subdivision cannot be submitted again for one year after the date of withdrawal.
- B.** Expiration. If a tentative or preliminary parcel map for a subdivision to be created from a conversion which has been approved or conditionally approved by the City expires, pursuant to Government Code Section 66452.6, a map for subdivision cannot be submitted again for one year after the date of expiration.
- C.** Denial. If a tentative or preliminary parcel map for a subdivision to be created from a conversion is denied by the City, a map for subdivision cannot be submitted for one year after the date of denial.
- D.** Sale. All rental units approved for conversion shall be offered for sale within two years of the issuance of the Department of Real Estate report.

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Chapter 18.68 -- Non-Residential Condominiums

Sections:

- 18.68.010 – Purpose
- 18.68.020 – Definitions
- 18.68.030 – Submittal Requirements
- 18.68.040 – Procedures for Non-Residential Condominium Conversions
- 18.68.050 – Review Considerations for Conversions
- 18.68.060 – Standards for Condominium Conversions
- 18.68.070 – Findings
- 18.68.080 – Inspection and Fees
- 18.68.090 – Post Decision Procedures

18.68.010 – Purpose

- A. Commercial and industrial condominium projects differ from other commercial and industrial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas.
- B. The purpose of this chapter is to address the special attributes of commercial and industrial condominium projects and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This chapter applies to commercial, industrial, and mixed-use condominium projects, whether newly developed or conversions, in compliance with Government Code Section 66427.

18.68.020 – Definitions

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development in compliance with Civil Code Section 1351.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a commercial, industrial, or residential structure located on the real property (e.g., apartment, office, or store). A condominium may include, in addition, a separate interest in other portions of the real property in compliance with Civil Code Section 783.

Condominium Conversion. The conversion of an existing structure into separately owned commercial, industrial, or mixed-use units.

Declaration. The document (covenants, conditions, and restrictions [CC&Rs], however titled) which contains the restrictive covenants of the development, consistent with Civil Code Section 1353.

18.68.030 – Submittal Requirements

Under Government Code Section 66426, a condominium is treated as a subdivision. In addition to the other subdivision requirements and procedures, a commercial, industrial, or mixed-use condominium is

subject to the requirements specified in this chapter. An application for approval of a tentative map for the condominium subdivision shall be accompanied by all of the following items.

- A. Application, Fees, and Deposits Required.** An application for a non-residential condominium shall be filed and processed in compliance with standard application submittal requirements and this chapter. The application shall include the information and materials specified in the most current Department handout for non-residential condominium applications, together with the required fee.
- B. Development Plan.** A development plan of the proposed project clearly displaying the location and sizes of structures, parking layout, access areas, sewer, storm drains, water, and any other information required by the Director.
- C. Proposed Declaration.** A proposed declaration, as required by Civil Code Section 1353. The declaration shall include an agreement for common area maintenance, a clear designation of parking and sign rights, and a method for resolving differences.
- D. Allocation of Parking and Signs.** Each proposal shall include all of the following:
 1. Square footage of each unit, and the type of business for each existing tenant;
 2. An allocation of parking based on the parking requirements for commercial, industrial, and mixed use projects; and
 3. An allocation of signs based on the sign requirements for commercial, industrial, and mixed use projects and any existing master sign program.

18.68.040 – Procedures for Non-Residential Condominium Conversions

A. Tenant Notification.

The subdivider shall submit evidence to the Director that a certified letter of notification was sent to each tenant at least 30 days before the filing of an application for a subdivision in compliance with this chapter, with a statement that all tenants have been notified of all of the following information:

1. The name, address, and telephone number of the current project owner and/or applicant and of any person designated by the applicant as the person to be contacted for future information;
2. The approximate date on which the application for a subdivision is proposed to be filed;
3. The approximate date on which the unit is to be vacated by non-purchasing tenant(s);
4. The anticipated price range and terms of sale for each type of unit;
5. The proposed property owners' association fees;
6. A copy of the applicable condominium conversion regulations;
7. The address and telephone number of the City's Community and Economic Development Department for use in seeking additional information about the proposed conversion; and
8. Notification to tenants that, upon filing an application, the structure(s) subject to subdivision and selected units may be inspected by City representatives.

B. Acceptance of Reports – Copy to Buyers.

1. The final form of all of the submittal information required shall be as approved by the City.
2. The information in its final, accepted form shall remain on file with the Director for review by the public.
3. The subdivider shall provide each purchaser with a copy of the information in its final, accepted form.

C. Inspections and Associated Fees.

1. Before submitting the final map, the subdivider shall request an inspection of the premises be made by the Director.
2. A project inspection(s) shall be made by the Building Official, the City Engineer, and the Director.
3. The inspection shall include common areas, public improvements, site improvements, structures, and other related facilities.
4. A deficiency list shall be compiled during the inspection of all corrections required.
5. When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider.
6. All deficiencies shall be corrected to the satisfaction of the City before filing of the final map.
7. When plans for corrective work are required, they shall be as approved by the appropriate City official before filing of the final map.
8. The City shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the City) for the inspection and processing.
9. The subdivider shall post a cash deposit in an amount equal to the estimated cost of all inspection(s).
10. The deposit shall be applied towards the inspection fee with any refund or balance due to be resolved before the approval of the final map by the applicable Review Authority.
11. Any balance due to the City shall be paid before recordation of the final map.

18.68.050 – Review Considerations for Conversions

In reviewing requests for conversion of existing commercial, industrial, and/or mixed-use space to condominiums, the Review Authority shall consider all of the following:

- A.** Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of the community;
- B.** The need and demand for lower cost commercial, industrial, and/or mixed-use ownership opportunities which are increased by the conversion of commercial, industrial, and/or mixed-use space to condominiums; and

- C. If the Review Authority determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

18.68.060 – Standards for Condominium Conversions

The following standards apply to a condominium conversion. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the final map is approved.

- A. Building Regulations.** The project shall comply with the applicable standards of the City adopted Building Code in effect at the time the last building permit was issued, in compliance with Municipal Code Title 15.
- B. Fire Prevention.**
1. **Fire Warning Systems.** Each unit shall be provided with a fire warning system complying with the Building and Fire Code standards adopted by the City in type and locations.
 2. **Maintenance of Fire Protection Systems.** All fire alarm systems, fire hydrants, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times.
- C. Landscape Maintenance.**
1. All landscaping shall be restored or new landscaping shall be installed to achieve a high degree of appearance and quality .
 2. Appropriate provisions shall be made for continuing maintenance of all landscaped areas, subject to the review and approval of the Director.
 3. All existing and new landscaping is subject to review and approval by the Director.
- D. Parking.** Off-street parking and loading shall be provided in compliance with the Development Code for commercial, industrial, and mixed use projects.
- E. Refurbishing and Restoration.**
1. Each accessory structure, driveway, fence, landscaped area, main structure, sidewalk, utility, wall, and any additional element required by the Director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality, and safety.
 2. The refurbishing and restoration is subject to the review and approval by the Director.
- F. Sewer.**
1. The sewer system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.
 2. If the structure proposed for condominium conversion has not been levied a sanitary sewer line charge or other charges or fees required for ownership units, the project's owner or subdivider shall pay any charges required by the responsible sewerage authority, and shall provide to the City proof of the payment.

G. Sound Transmission.

1. **Vibration Transmission.** All permanent mechanical equipment (e.g., compactors, compressors, motors, and pumps) which is determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the Building Official.
2. **Noise Standards.**
 - a. The structures shall comply with all interior and exterior sound transmission standards of the State Administrative Code, Title 24, and the Building Code.
 - b. Where present noise standards cannot reasonably be met the Director may require the subdivider to notify potential buyers of the noise deficiency currently within the unit(s).

H. Utility Metering. Each unit shall be separately metered for electricity, gas, and water, unless the declaration provides for the association to take responsibility for these utilities.

I. Windows and Doors.

1. All windows and doors shall be inspected and brought up to current energy efficiency standards, subject to the approval of the Building Official.
2. All windows and doors shall meet applicable window and door emergency escape/rescue requirements.

J. Water.

1. The water system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.

18.68.070 – Findings

The Review Authority may approve or conditionally approve a commercial, industrial, or mixed use condominium application only after first making all of the following findings:

- A.** All provisions of the Act, this chapter, and all applicable provisions of the Development Code are met;
- B.** The proposal is consistent with the General Plan and any applicable specific plan;
- C.** The proposal will conform to all Municipal Code provisions in effect at the time of tentative map approval, except as otherwise provided in this chapter; and
- D.** The overall design and physical condition of the condominium will achieve a high degree of appearance, quality, and safety and is appropriately conditioned to ensure this achievement.

18.68.080 – Inspection and Fees

- A. Compliance with Title 15 Required.** Building inspection and associated fees shall be in compliance with Municipal Code Title 15.

- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with applicable provisions of the Municipal Code.

18.68.090 – Post Decision Procedures

The procedures and requirements related to appeals and public hearings apply to the decision on a non-residential condominium application.

Chapter 18.70 -- Enforcement

Sections:

- 18.70.010 – Purpose
- 18.70.020 – Violations
- 18.70.030 – Prohibitions and Falsifications
- 18.70.040 – Remedies

18.70.010 – Purpose

This chapter establishes provisions intended to ensure compliance with the requirements of this Article and the Development Code and any conditions of subdivision map approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

18.70.020 – Violations

Enforcement of the Subdivision Ordinance shall be as specified in the Act, in this chapter and in Chapter 18.118.

18.70.030 – Prohibitions and Falsifications

- A. Misdemeanor or Infraction.** Any person, firm, or corporation violating any of the provisions of this Article or the Act shall be prosecuted for either a misdemeanor or an infraction and upon conviction shall be punishable as provided in Development Code Chapter 18.118 and Municipal Code Chapter 1.12.
- B. Separate Offense.** Each person, firm, or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Article is permitted, continued, or committed by the person, firm, or corporation and any alley, parcel, street, or other feature made the subject of this Article maintained contrary to the provisions of this Article shall constitute a public nuisance.
- C. Transaction voidable.** Any deed of conveyance, mortgage, deed of trust, or other lien or lease or sale or contract to sell, mortgage, lien, or lease made contrary to the provisions of this Article is voidable at the sole option of the beneficiary, buyer, grantee, mortgagee, tenant, or person contracting to purchase or to accept a lien or mortgage or to lease as a tenant, their heirs, personal representative, or trustee in insolvency or bankruptcy within 12 months after the date of the execution of the deed of conveyance, mortgage, deed of trust, other lien, lease, or sale, or contract, but the deed of conveyance, sale, mortgage, deed of trust, lien, lease, or contract, is binding upon any assignee, or transferee of the grantee, beneficiary, buyer, mortgagee, tenant, or person contracting for the parcel, other than those specified above, and upon the grantor, landlord, mortgage, trust, vendor, or person so contracting, their assignee, devisee, or heir.
- D. Falsifications.** Fraudulent misrepresentation of pertinent information shall be sufficient reason to invalidate an approval obtained in compliance with this Article.

18.70.040 – Remedies

Remedies. The provisions of this chapter are not intended to prohibit any legal, equitable, or summary remedy to which the City or other political subdivision, or any person may otherwise be entitled, and the City or other political subdivision or person may file suit in a court of competent jurisdiction, to restrain or enjoin any attempted or proposed division of land in violation of this Article or the Act.

Title 18 – Development Code
Article 6 –
Nonconforming Uses, Structures, and Parcels

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Chapter 18.72 -- Nonconforming Uses, Structures, and Parcels

Sections:

- 18.72.010 – Purpose and Intent
- 18.72.020 – Definitions
- 18.72.030 – Proof of Legal Nonconformity
- 18.72.040 – Nonconforming Parking Provisions
- 18.72.050 – Nonconforming Adjustments

18.72.010 – Purpose and Intent

- A. Purpose.** This Article provides regulations for nonconforming land uses, structures, and parcels which were lawful before the adoption of the Development Code, but which are prohibited, regulated, or restricted differently under the terms of the Development Code or a subsequent amendment.
- B. Intent.**
1. In order to limit the number and extent of nonconformities created by adoption of the Development Code, it is the City's intent to generally allow nonconformities to continue until they are removed, but not to encourage their survival.
 2. It is further the intent that nonconformities shall not be altered, enlarged, expanded, extended, moved, reestablished, or changed to another nonconforming use after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this chapter.
 3. The intent is that nonconformities, including certain classes of nonconforming uses, nonconforming structures of nominal value, and certain uses not meeting screening, performance, or parking standards, are discontinued or become conforming.
 4. This Article shall not apply to any use or structure established in violation of the adopted Zoning Ordinance for the City, unless the use or structure presently conforms with the provisions of the Development Code.

18.72.020 – Definitions

- A. Cessation or Discontinuance.** Cessation or discontinuance of a nonconforming use shall be defined as an abandonment of the use, irrespective of the owner's or occupant's intent.
- B. Illegal Nonconformity.** A parcel or a sign, structure, or use that was illegally constructed, created, installed, or initiated without proper permits or approvals, does not comply with the provisions of the Development Code. An illegal nonconformity is not eligible for any of the protections provided by this chapter.
- C. Nonconforming Parcel.** A parcel legally created before the effective date of the Development Code, or subsequent amendment, which does not comply with the minimum area, depth, width, or other requirements.

- D. **Nonconforming Sign.** A sign legally existing before the effective date of the Development Code, or subsequent amendment, which does not comply with the sign regulations.
- E. **Nonconforming Structure.** A structure legally existing before the effective date of the Development Code, or subsequent amendment, which does not conform to the requirements of the zone in which it is located.
- F. **Nonconforming Use.** A use of land and/or a structure, whether conforming or nonconforming, legally existing before the effective date of the Development Code, or subsequent amendment, but which is no longer allowed in the zone in which it is located.

18.72.030 – Proof of Legal Nonconformity

The property owner has the burden to prove legal nonconformity and the related protected status that comes with legal nonconformity.

- A. **Property Owner's Responsibility.** The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property or use is a legal nonconformity.
- B. **City is Not Responsible.** It is not the responsibility of the City to prove the absence of legal nonconformity.
- C. **Director's Determination.**
 - 1. The process begins with the property owner submitting sufficient written evidence to the Director justifying that the nonconformity is legal and subject to the protected status.
 - 2. The Director may decide the matter favorably on the documentation provided. In the alternative, the Director shall conduct an administrative hearing and provide notice of the hearing to the property owner.
 - 3. The property owner shall have the opportunity to appear and provide oral testimony on the legality of the nonconformity.
 - 4. The Director shall consider the evidence and make a determination as to the legality of the nonconformity and the available protections.
 - 5. The Director's determination of legal nonconformity shall be appealable.

18.72.040 – Nonconforming Parking Provisions

Where off-street parking spaces are provided and maintained in connection with a structure or use at the time the Development Code became effective and later become insufficient to meet the requirements for the use with which it is associated, or where no parking spaces have been provided, the structure may be expanded only if off-street parking is provided for the existing structure or use as well as the expansion in compliance with the standards identified in Chapter 18.30. The Director shall have the discretion to waive this provision by submittal of a parking study per the Institute of Transportation Engineers (ITE Parking Manual) or similar material to demonstrate the intended use of the lot.

18.72.050 – Nonconforming Adjustments**A. Nonconforming Adjustments.**

1. Nonconforming adjustments provide a procedure for City review and decision on proposals to continue a legal nonconforming use, allow the substitution of one nonconforming use for another nonconforming use, or allow minor modifications of applicable Development Code standards to allow the expansion of the use or structure, when pertaining to existing uses or structures, and not the initiation or construction of new uses or structures.
2. Nonconforming Adjustments are subject to special findings.

B. Authority to Allow Adjustments.

1. A nonconforming adjustment application shall be reviewed, and approved or disapproved by the Director.
2. The action of the Director on a nonconforming Adjustment may be appealed.
3. Nonconforming adjustments can be made up to a maximum of 10 percent of the allowable design standard.

C. Special Findings for Nonconforming Adjustments. The Review Authority may approve an adjustment, with or without conditions, only if it first makes all of the following findings:

1. The nonconforming adjustment is necessary because the use or structure was legal when it was originally initiated or constructed, but changes in the Development Code or the applicable zone development standards caused the use or structure to become legal nonconforming;
2. Approving the nonconforming adjustment for the use or structure will not pose a serious hazard to the public health or safety of persons residing or working on or adjacent to the parcel; and
3. The location, size, and operating characteristics of the legal nonconforming use or structure are compatible with the existing and future land uses in the vicinity.
4. The modification does not increase the nonconforming situation or represent a significant increase of the nonconforming design standard.

Chapter 18.74 -- Nonconforming Uses

Sections:

- 18.74.010 – Continuation of Legal Nonconforming Uses
- 18.74.020 – Effect of Conditional/Minor Use Permit Requirements
- 18.74.030 – Modifications or Expansions of Legal Nonconforming Uses
- 18.74.040 – Discontinuance of Legal Nonconforming Uses

18.74.010– Continuation of Legal Nonconforming Uses

The continuance of a legal nonconforming use is allowed subject to all of the following:

- A. Change of Ownership.** Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided, the use and intensity of use, as determined by the Director, does not change.
- B. Additional Development.** Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with all of the applicable provisions of the Development Code.
- C. Conversion of a Nonconforming Use.** If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- D. Changes to a Nonconforming Use.** A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided in Section 18.72.050.

18.74.020– Effect of Conditional/Minor Use Permit Requirements

- A. Previous Conditional/Minor Use Permit in Effect.** A use authorized by a Conditional Use Permit or Minor Use Permit, but not allowed by the Development Code, may continue, but only in compliance with the original Conditional Use Permit or Minor Use Permit conditions of approval.

18.74.030 – Modifications or Expansions of Legal Nonconforming Uses

Any expansion or modification of a legal nonconforming use shall only be allowed in compliance with all applicable provisions of the Development Code.

18.74.040 – Discontinuance of Legal Nonconforming Uses

- A. Nonconforming Use.** If a nonconforming use ceases or is discontinued for a continuous period of 180 or more consecutive days, its legal nonconforming status is lost, and the continued use of the property shall be in compliance with all of the applicable provisions of the Development Code.
- B. Cessation or Discontinuance.** A nonconforming use or structure shall be considered ceased or discontinued when any of the following occur:

1. Voluntary (not compelled by government or act of nature) abandonment of the use, despite the owner's or occupant's intent;
2. Discontinuance of a use regardless of intent to resume the use;
3. The intent of the owner to cease or discontinue is apparent, as determined by the Director;
4. Where characteristic furnishings and equipment associated with the use are removed and not replaced with equivalent furnishings and equipment, and where normal occupancy and/or use is no longer evident; or
5. Where there are no business receipts or utility charges or payments for the 180-day period.

Chapter 18.76 -- Nonconforming Structures

Sections:

- 18.76.010 – Continuation of Legal Nonconforming Structures
- 18.76.020 – Destruction of Legal Nonconforming Structures
- 18.76.030 – Residential Exceptions

18.76.010 – Continuation of Legal Nonconforming Structures

- A. Continuation of a Legal Nonconforming Structure.** A legal nonconforming land use and the use of a legal nonconforming structure may be continued, including transfers of ownership; provided that continuation complies with the requirements of this section, or is exempt under Section 18.74.030.
- B. Nonconforming Structures.** A legal nonconforming structure may be maintained subject to the following.
1. **Ordinary Maintenance and Repairs.** A nonconforming structure may undergo ordinary maintenance and repairs.
 2. **Involuntary Damage to a Nonconforming Structure.** A nonconforming structure involuntarily damaged to an extent of 75 percent or more of its appraised value immediately before the damage may be restored only if made to conform to all applicable provisions of the Development Code. Any residential structure(s), including multi-family structures, in a residential zone destroyed by a manmade catastrophe or natural disaster (e.g., fire, earthquake, flood, windstorm) and any destruction covered by an official declaration of a state of emergency, may be reconstructed up to the original size, placement, and density. Reconstruction shall commence within 180 days after the date of the damage or catastrophe and shall be diligently pursued to completion.
 3. **Nonstructural Alterations to Residential Structure.** Necessary repairs and desired alterations that are not structural may be made to a nonconforming residential structure, including multiple-family structures, only if the Building Official first determines that the repairs are necessary for public safety purposes and the cost does not exceed 75 percent of the appraised value of the nonconforming structure.
 4. **Additions to Nonconforming Residential Structure.** Additions may be made to a residential structure that are nonconforming due to their placement on the parcel as long as the additions are in compliance with all of the applicable regulations of the Development Code.
 5. **Nonstructural Alterations to Commercial, Industrial, Mixed-Use, or Institutional Structure.** Structural elements may be modified or repaired only if the Building Official first determines that the modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure, or adjacent property and the cost does not exceed 75 percent of the appraised value of the nonconforming structure.
 6. **Interior Partitions or Other Nonstructural Improvements.** Changes to interior partitions or other nonstructural improvements and repairs may be made to a

nonconforming commercial, industrial, mixed-use, or institutional structure; provided that the cost of the desired improvement or repair shall not exceed 75 percent of the appraised value of the nonconforming structure over any consecutive five-year period.

7. **Development of a Parcel With a Nonconforming Structure.** Any additional development of a parcel with a nonconforming structure shall require that all new structures be in compliance with the Development Code.
8. **Appraised Values.** All appraised values referred to in this section shall be determined by a State licensed appraiser and the appraisal shall be submitted to the Building Official.
9. **Use of a Nonconforming Structure.** If the use of a nonconforming structure ceases or is discontinued for a continuous period of 180 or more consecutive days, its legal nonconforming status is lost, and the structure shall be removed or altered to conform to all of the applicable provisions of the Development Code.

18.76.010 – Destruction of Legal Nonconforming Structures

A. Termination by Destruction. Nonconforming status shall terminate if a nonconforming nonresidential structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of manmade catastrophe or natural disaster and except as follows:

1. **75 Percent or Less.** If the cost of repairing or replacing the damaged portion of the structure is 75 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within 180 days following the date of damage and is diligently pursued to completion.
2. **Exceeds 75 Percent.** If the cost of repairing or replacing the damaged portion of the structure exceeds 75 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full compliance with all of the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
3. **Appraised and Estimated Values.** All appraised values referred to in this section shall be determined by a State licensed appraiser and submitted to the Building Official. Estimates of repairing or replacing the damaged portion of the structure for purposes of this section shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the Building Code.

B. Physically Unsafe or Unlawful Structures.

1. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe due to lack of repairs or maintenance, and is declared by the Building Official to be unsafe by reason of physical conditions, pursuant to Municipal Code Chapter 8.08, it may be ordered demolished or rebuilt/repared and shall not be rebuilt, repaired, or restored except in full compliance with all of the applicable regulations of the zone in which it is located.
2. Nothing in this chapter shall be deemed to prevent the restoring or strengthening to a safe condition of any structure, or part of a structure, declared to be unsafe by the Building Official.

C. Termination by Operation of Law.

1. **Elimination of Nonconformities/Amortization.** Nonconforming uses and structures shall be discontinued and removed, altered to conform, or altered to decrease the degree of nonconformity, within the time specified in Table 7-1.

**Table 6-1
Amortization Schedule**

Description of Nonconformity	Length of Amortization ⁽¹⁾
Nonconforming uses. In any zone, removal of a nonconforming use that does not occupy a structure and does not have an approved site plan or a use occupying a structure having a value of less than \$5,000 as determined by the County Assessor’s Office.	Two years
Nonconforming structures. Removal or alteration of a nonconforming structure having a value of less than \$5,000 as determined by the County Assessor’s Office.	Two years
Off-Street Parking and Landscaping. Elimination of nonconformity of required amount of off-street parking, surfacing, and landscaping for all nonresidential uses.	10 years
Screening and Performance Standards. Elimination of nonconformity with screening requirements and performance standards in all commercial and industrial zones.	Two years
Signs. Any sign that is relocated, changed structurally, or receives new sign face shall be made to conform immediately	Five years
Nonconforming uses and structures.	
1. In a residential zone a use that is neither an allowed use nor a conditional use.	
2. In a commercial or industrial zone, a use that is neither an allowed use nor a conditional use.	
3. Structures over \$5,000 in valuation (except for dwellings in a nonresidential zone)	
Type I and Type II structures (fire resistive) ⁽²⁾	20 years
Type III (heavy timber construction and ordinary masonry construction). ⁽³⁾	15 years
Type IV and Type V structures (light incombustible frame and wood frame construction). ⁽²⁾	10 years

Notes.

- (1) Amortization shall be calculated from the effective date the Development Code or amendment establishing the nonconformity.
- (2) Type of construction, as defined in the Building Code.

2. **Exceptions to Provisions for Elimination of Nonconformities.** The following nonconforming uses need not be removed and under certain conditions may be expanded; provided they are subject to the applicable provisions of this Section.
 - a. In any zone, a residential use may be continued provided that the number of dwelling units is not increased.
 - b. In a residential zone, a nonresidential use that is an allowed use or a conditional use with a Conditional Use Permit may be continued. Landscaping, parking, and screening shall be required in compliance with Article 3.
 - c. In a commercial zone, a use that is an allowed use or a conditional use with a Conditional Use Permit may be continued. Expansion of the area occupied by

the use by no more than 10 percent may be approved with a Conditional Use Permit within any five-year period. Landscaping, parking, and screening shall be required in compliance with Article 3.

- d. In an industrial zone, a use that is an allowed use or a conditional use in an industrial zone may be continued; provided that nonconformity with screening, performance, parking, and landscaping requirements shall be eliminated. A Conditional Use Permit may be approved for the expansion of the floor area or the site area.
- e. Nothing in this chapter shall be construed or applied to require the cessation, discontinuance, removal, or termination or to prevent the alteration, maintenance, modernization, rebuilding, reconstruction, repair, or replacement and continued use of public utility structures, equipment, and facilities; provided that there is no change of use nor enlargement of those uses.
- f. A Conditional Use Permit may be approved to extend the life of nonconforming sign for no more than five additional years.

18.76.030– Residential Exceptions

- A. Reconstruction or Replacement – Single-Family Dwelling.** An involuntarily damaged or destroyed single-family nonconforming dwelling may be reconstructed or replaced with a new structure with the same footprint, in compliance with applicable Building and Fire Code requirements.
- B. Reconstruction or Replacement – Multi-Family Dwelling.** An involuntarily damaged or destroyed multi-family nonconforming dwelling unit or structure may be reconstructed or replaced with a new unit or structure with the same footprint, including preexisting nonconforming setbacks, height, and number of dwelling units, in compliance with applicable Building and Fire Code requirements and Government Code Section 65863.4.

Chapter 18.78 -- Nonconforming Parcels

Sections:

18.78.010 – Nonconforming Parcels – Legal Building Sites

18.78.020 – Subdivision of a Nonconforming Parcel

18.78.030 – Merger of Nonconforming Parcels

18.78.010– Nonconforming Parcels – Legal Building Sites

A single nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of the Development Code is a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

- A. **Approved Subdivision.** The parcel was created by a recorded subdivision;
- B. **Individual Parcel Legally Created by Deed.** The parcel is under single ownership and was legally created by a recorded deed before the effective date of the provision which made the parcel nonconforming;
- C. **Variance or Lot Line Adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or
- D. **Partial Government Acquisition.** The parcel was created in compliance with the provisions of the Development Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 75 percent

18.78.020 – Subdivision of a Nonconforming Parcel

No subdivision shall be approved which would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

18.78.030 – Merger of Nonconforming Parcels

Nonconforming contiguous parcels held by the same owner shall be involuntarily merged if one or more of the parcels does not conform to the minimum parcel size to allow use or development in compliance with the Development Code and in compliance with Section 18.56.040 and Government Code Section 66451.11.

Title 18 – Development Code
Article 7 –
Permit Processing Procedures

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Chapter 18.80 -- General Provisions

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- 18.80.020 – Discretionary Permits and Actions
- 18.80.030 – Additional Permits May Be Required
- 18.80.040 – Burden of Proof and Precedence

18.80.010 – Purpose and Intent

This Article identifies and describes the discretionary permits and other approvals required by the Development Code and establishes the overall application and review structure.

18.80.020 – Discretionary Permits and Actions

- A. Administrative Permits and Actions.** Permits and actions are generally limited to interpretation of policy or relatively minor adjustments of Development Code standards.
1. **Administrative Use Permits.** An administrative permit authorizing the operation of a specific use of land or a structure in a particular location.
 2. **Development Code Interpretations.** An administrative interpretation of provisions of the Development Code in an effort to resolve ambiguity in the regulations and to ensure their consistent application.
 3. **Minor Variances.** An administrative action granting exception to certain development standards in cases where strict compliance would result in a unique hardship.
 4. **Reasonable Accommodations.** An administrative permit authorizing limited modifications to residential properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards.
 5. **Sign-Related Permits.**
 - a. **Sign Permits.** An administrative permit authorizing a variety of signs, including individual signs for promotional advertising in compliance with specific provisions and conditions. Temporary signs may also be approved in conjunction with a Temporary Use Permit.
 - b. **Comprehensive Sign Programs.** A process through which permissible on-site signage is reviewed to provide for a coordinated, complementary program of signage within a single development project consisting of multiple tenant spaces, or a district.
 6. **Site Plan and Design Review.** An administrative review process providing for review of projects for compliance with the provisions of the Development Code and with any site plan or architectural design guidelines adopted by the City.

7. **Temporary Use Permits.** An administrative permit authorizing specific limited term uses in compliance with specified conditions and performance criteria.
 8. **Zoning Clearances.** An administrative plan check process of nonexempt uses and structures which do not otherwise require review to determine compliance with applicable provisions of the Development Code.
- B. Quasi-Judicial Permits and Actions.** Permits and actions which authorize a development activity after a public hearing and which require a written notice of decision reflecting the facts and standards on which the decision is based.
1. **Conditional Use Permits.** A permit authorizing the operation of a specific use of land or a structure in a particular location.
 2. **Planned Development Permits.** A permit authorizing the development of land that may not conform with the applicable zone-driven standards or related regulations, but which complies with the goals and policies of the General Plan and any applicable specific plan for a particular area. A Planned Development Permit may also allow for exceptions to development standards, but only when provisions for enhanced amenities can be demonstrated and the project site is at least one acre in size.
 3. **Variances.** An action granting exception to the development standards in cases where strict compliance would result in a unique hardship and strict state-mandated findings can be made.
 4. **Density Bonus for Affordable Housing.** An action authorizing a residential density bonus .
- C. Legislative Actions.** Actions adopting or amending comprehensive plans or land use planning documents or zoning ordinances.
1. **Development Agreements and Amendments.** An agreement between the City and a party with legal or equitable interest in the real property relating to the development of the property.
 2. **Development Code Text/Zoning Map Amendments.** An action authorizing either a text amendment to the Development Code or a map amendment changing the zoning designation of particular property.
 3. **General Plan Text/Map Amendments.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property.
- D. Subdivision Maps and Other Approvals.**
1. **Subdivision of Land.** Regulations governing the subdivision of land are set forth in Article 5.
 2. **Buildings and Construction.** Provisions for construction and building are set forth in Municipal Code Title 15.
- E. Housing Development Projects, Housing for Low, Very Low and Moderate Income Households, and Emergency Shelters**
1. **Density.** If a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review

standards, in effect at the time the application is determined to be complete, but the City proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the City shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- a. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
 - b. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.
2. **Inconsistency or Noncompliance.** If the proposed housing development project is deemed to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the City shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:
- a. 150 or fewer housing units: within 30 days of the date that the application for the housing development project is determined to be complete.
 - b. More than 150 units: within 60 days of the date that the application for the housing development project is determined to be complete.
3. **Failure to provide documentation.** The housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision for failure to provide the required documentation.
4. **Impact of density bonus.** Receipt of a density bonus pursuant to Government Code section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.
5. **Additional Findings Required.** In addition to the findings required by the type of approval or permit applied for under Article 5 or Article 7, in order to condition an approval in a manner that would make the project infeasible or to deny or disapprove a development for a housing development project, housing for low, very low or moderate income households or an emergency shelter, a written finding based upon a preponderance of evidence in the record of at least one of the following criteria must be made:
- a. The adopted housing element is in substantial compliance with requirements of the Government Code, and the City has met or exceeded its share of the regional housing need allocation for the planning period for the income category proposed for the housing development project or the need for emergency shelter.

- b. The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
- c. The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
- d. The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- e. The development project or emergency shelter is inconsistent with both the zoning ordinance and general plan land use designation as specified in any element of the general plan.

18.80.030 – Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of the Development Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in the Development Code shall eliminate the need to obtain any permits required by:

- A. Any other Municipal Code provisions, including building, grading, or other construction permits; a business license in compliance with Municipal Code Chapter 5.04, if required; or subdivision approval if required; or
- B. Any applicable county, district, regional, state, or federal regulations.

18.80.040 – Burden of Proof and Precedence

- A. **Burden of Proof.** The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval is the responsibility of the applicant.
- B. **Precedence.**
 - 1. Each permit shall be evaluated on a case-by-case basis.
 - 2. The granting of a prior permit either on the subject property or any other property within the City does not create a precedent and is not justification for the granting of a new permit.

Chapter 18.82 -- Application Processing Procedures

Sections:

- 18.82.010 – Purpose and Intent
- 18.82.020 – Authority for Land Use and Zoning Decisions
- 18.82.030 – Application Submittal
- 18.82.040 – Eligible Applicants
- 18.82.050 – Use of Department Handouts
- 18.82.060 – Filing Fees and Requirements
- 18.82.070 – Initial Application Completeness Review
- 18.82.080 – Environmental Assessment

18.82.010 – Purpose and Intent

This chapter provides procedures and requirements for the preparation, filing, and initial processing of permit applications.

18.82.020 – Authority for Land Use and Zoning Decisions

Table 7-1 identifies the Review Authority responsible for reviewing and making decisions on each type of application.

Table 7-1 Review Authority				
Type of Action	Applicable Code Citation	Role of Review Authority⁽¹⁾⁽²⁾		
		Director	Commission	Council
A. Administrative Permits and Actions				
Administrative Use Permits	Ch. 18.86	Decision	Appeal	Appeal
Development Code Interpretations	Ch. 18.12	Decision	Appeal	Appeal
Joint/Off-Site Parking Plans	Ch. 18.36	Decision	Appeal	Appeal
Minor Variances	Ch. 18.90	Decision	Appeal	Appeal
Reasonable Accommodations	Ch. 18.94	Decision	Appeal	Appeal
Sign Permits/Comprehensive Sign Programs	Ch. 18.38	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Site Plan and Design Reviews	Ch. 18.86	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Temporary Use Permits	Ch. 18.94	Decision	Appeal	Appeal
Zoning Clearances	Ch. 18.84	Issuance	Appeal	Appeal
B. Quasi-Judicial Permits and Actions				
Conditional Use Permits	Ch. 18.86		Decision	Appeal
Planned Development Permits	Ch. 18.92		Recommend	Decision
Variances	Ch. 18.90		Decision	Appeal
Density Bonus for Affordable Housing	Ch. 18.42		Recommend	Decision
C. Legislative Actions				
Development Agreements and Amendments	Ch. 18.116		Recommend	Decision
Development Code Text/Zoning Map Amendments	Ch. 18.108		Recommend	Decision
General Plan Text/Map Amendments	Ch. 18.108		Recommend	Decision
D. Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps		See Table 5-1		
Lot Line Adjustments, Mergers, and Approvals		See Table 5-1		

Notes:

1. "Decision" means the Review Authority makes the final decision on the matter; "Appeal" means the Review Authority may consider and decide upon appeals of the decision of a lower decision-making body; "Issuance" means the Review Authority may consider and grant the request; "Recommend" means the Review Authority should provide preliminary review and forward input to the decision-making Review Authority for consideration.
2. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action. In cases where the Council is specified as the Review Authority, the Council is the final level of review.
3. Responsibility for Site Plan and Design Review, as well as the review of Sign Permits and Comprehensive Sign Programs is shared by the Department staff, the Director, and the Commission. The specific Review Authority for these actions is further specified in Table 7-2.

18.82.030 – Application Submittal**A. Preliminary Application.**

The purpose of the Preliminary Application (Pre-App) is to allow the Planning Division to work with the applicant and coordinate an internal review of major and complex applications. This process is intended to provide feedback to the applicant early in the process by helping applicants understand the approval process, identifying potential issues to be addressed, and facilitating community outreach.

The Pre-App is not intended to be a comprehensive review of the project, does not result in any approvals, and is not subject to appeal. The outcome of the Pre-App process is a comprehensive letter describing the approval process, summarizing major planning concerns and issues noted during internal

review and a fee estimate. The fee estimate for the project application may differ from the Pre-App estimate.

1. A Pre-App is required for the following types of major and/or complex projects:
 - a. **Major Projects:**
 - (1) New Commercial Construction - Any structure greater than 50,000 square feet.
 - (2) New Residential Construction - Any project proposing twenty (20) or more new dwelling units.
 - (3) Existing Non Residential Structures - An addition to any structure greater than 25,000 square feet.
 - (4) Existing Structure - Rehabilitation, alteration, or addition to more than 25 percent of an existing multi-family structure with five (5) or more units.
 - (5) Existing Structure - Any project that seeks to remove one or more price controlled housing units covered under the City's Rent Stabilization and Just Cause for Eviction Ordinance.
 - (6) Existing Structure - Any project that would demolish a deed restricted affordable housing unit.
 - b. **Complex Projects:**
 - (1) Planned Development Permit
 - (2) Zoning Text Amendment
 - (3) Zoning Change
 - (4) General Plan Amendment
 - (5) Projects with Mandatory Environmental Impact Reports
 - (6) Schools
 - (7) Conditional Use Permit (subject to determination by the Director)
 - (8) ABC License new request and modification (notification shall be 600 feet from the project site)
 - c. **Director Discretion:** The Director, in the public interest, shall have the discretion to require a Major or Complex Pre-App process for any project and to require the applicant to prepare a fiscal impact analysis as part of the process
2. **Planning Commission Study Session and Community Meetings.**
 - a. All Pre-App projects are required to provide neighborhood notification and a minimum of one Commission study session to discuss the proposed project and to document community concerns.

- b. The Director has the discretion to require community meetings prior to the Commission Study Session. The Director may require additional meetings if additional meetings will be beneficial to the community.
- c. Within calendar 15 days of the Commission study session, any member of the Council may request a study session with the Council.

3. **Notice and Meeting Requirements.**

a. Notices:

- (1) All property owners within 300 feet of the project and community groups or organizations identified by the City as potentially interested in the project must be notified of the Pre-App by way of a written notice describing the project and inviting them to the Community Meeting, Planning Commission study session, and/or other community meetings to discuss the project. Notices must be published as an ad in the local daily newspaper and 8.5" x 11" notices posted on City bulletin boards. New alcohol sales or modifications to existing liquor licenses require in addition noticing within a 600 radius from the site.
- (2) The applicant is responsible for sending out the meeting notice based upon a mailing list and notice template provided by the City. Required notice shall include:
 - (a) Project site map;
 - (b) Project description; and
 - (c) Date, time, and location of the meeting(s).
- (3) In addition, the notice must be:
 - (a) Approved by Director or designee;
 - (b) Sent out, published, or posted according to Department guidelines, at least 14 days prior to the meeting; and
 - (c) Mailed by USPS using a Certificate of Mailing (Form 3788), or another form of registered mail with proof of mailing provided to staff.

b. Community Meeting:

- (1) The applicant is responsible for arranging the community meeting venue.
- (2) Attendees should be requested to sign in, and provide contact information, if further contact desired.
- (3) Applicant shall document questions from the community and the responses to the questions.
- (4) Meetings shall occur at a publicly accessible venue within the City, preferably at the project site or within a one mile radius of the site.
- (5) Weeknight meetings shall occur between 6:00 p.m. and 9:00 p.m.

- (6) Weekend meetings shall occur between 10:00 a.m. and 9:00 p.m.
- (7) The applicant is responsible for presenting the project to the community.
- (8) The Director may require additional meetings if additional meetings will be beneficial to the community.

4. Preliminary Application Letter and Formal Submittal.

- a. Within 30 days of outreach completion, the Department will send to the applicant a letter summarizing major project concerns, a description of the approval process, other issues noted during internal review, and a fee estimate.
- b. A formal project submittal will be accepted only after the Pre-App letter has been issued. The submittal should address the matters discussed in the Pre-App letter, as well as comply with all application submittal requirements.
- c. Comments in the letter, excluding the fee estimates, are in effect for one year from the date of the letter.
 - (1) If a formal application is not submitted within one year, a new Pre-App will be required before project submittal.
 - (2) The requirement for a new Pre-App may be waived by the Director on a case-by-case basis.
 - (3) A new Pre-App may be required by the Director within the one year period if it is determined that the formal submittal is significantly different from the Pre-App submittal.

B. Application Contents.

1. Each application for a permit, amendment, or other matter shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials pertinent to the application.
2. Applicants are encouraged to contact the Director or designated Department staff member before submitting an application to determine which materials and fees are necessary for application filing and/or to arrange for an appointment for submittal.
3. The applicant shall verify the contents of the application and the date of verification shall be noted on the application.
4. Upon submittal, a “Notice of Development Proposal” shall be placed on the property. The Notice of Development Proposal shall be 2 feet by 3 feet on weather resistant cardstock, must be within 5 feet of the public right of way and between 4-7 feet above the ground. The notice shall include a project description, the parcel information and the contact information for the applicant and property owner. City staff shall approve the notice prior to installation.

C. Application Filing Status.

1. If the Director determines an application cannot lawfully be approved by the City or the application constitutes a non-allowed resubmittal of a previously denied request, the Director shall not accept the application for processing and any collected fees shall be returned.

2. In cases where the Director determines the reasons and conditions specified in the application to be not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed and given an opportunity to revise or complete the application.
3. If the application is filed and the required fees are accepted, the application shall be signed by the applicant noting the applicant was informed of any identified concerns related to the submittal.
4. Acceptance of the application and/or fees does not constitute an indication of approval nor imply that the application is complete.

18.82.040 – Eligible Applicants

- A. **Filed by the Owner(s).** An application may only be filed by the owner(s) of the subject property or authorized agent of the property owner(s) with the written consent of the property owner(s).
- B. **Signature of Owner(s) Required.** The application shall be signed by the owner(s) of record or may be signed by an authorized agent of the property owner(s) if written authorization from the owner(s) of record is filed concurrently with the application.

18.82.050 – Use of Department Handouts

Each application shall include all of the information and materials specified in the most current Department handout for the specific type of application and/or as specified by the Director. The Director shall have the authority to modify or waive specified application content requirements on a case-by-case basis.

18.82.060 – Filing Fees and Requirements

- A. **Master Fee Schedule.**
 1. The Council shall establish a schedule of fees for the processing of the applications required by the Development Code, referred to as the Master Fee Schedule.
 2. The Master Fee Schedule is intended to allow recovery of all costs to the maximum extent allowed by law, incurred by the City in processing permit applications.
 3. The Master Fee Schedule may be amended as often as deemed necessary by the Council.
- B. **Timing of Payment**
 1. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid. Payment of required fees and/or deposits shall not deem the application complete.
 2. Failure to timely pay any additional fees due shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of the Development Code.

C. Refunds and Withdrawals.

1. Application fees cover City costs for public hearings, mailings, staff and consultant time, and the other activities involved in processing applications.
2. No refund due to denial shall be allowed.
3. In the situations where an application is withdrawn, the Director shall authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal, as set forth in the Master Fee Schedule

18.82.070– Initial Application Completeness Review

A. Review for Completeness. The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in any pre-application conference and/or during the initial application review period.

1. **Notification of Applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for filing and processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided. As provided for in Government Code Section 65957, an extension of the review period may be mutually agreed to by the City and an applicant for a period not to exceed 90 days.
2. **Submittal of Additional Information.**
 - a. When the Director determines an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
 - b. The additional specified information shall be submitted in writing or electronically, as required by the Director.
 - c. The Director's review of the information resubmitted by the applicant shall be accomplished within another 30-day period of review for completeness.
3. **Expiration of Application.**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 120 days or less as specified by the Director following the date of the letter, the application shall expire and be deemed withdrawn without any further action by the City, unless a written request for an extension is submitted by the applicant and approved by the Director.
 - b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.
4. **Made Available for Public Review.** After an application has been accepted as complete, in compliance with the Public Records Act, the application may be made available for public review as requested.

5. **Environmental Information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines.
- B. Referral of Application.** At the discretion of the Director, or where otherwise required by the Development Code or state or federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.
- C. Project Review Procedures.**
1. **Investigation of Facts.** Following receipt of a completed application, the Director shall investigate the facts necessary for action.
 2. **Inspection of Premises.**
 - a. **Pre-inspections.** The Director shall have access to the subject premises in order to make an inspection(s) to confirm the statements contained in the application and accompanying graphic materials and to make a judgment as to its suitability.
 - b. **Post-inspections.** After approval, the Director shall have access to the subject premises to confirm compliance with the Development Code and all conditions of permit approval.

18.82.080 – Environmental Assessment

- A. CEQA review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:
1. The proposed project is exempt from the requirements of CEQA;
 2. The proposed project is not a "project" as defined by CEQA;
 3. A Negative Declaration may be issued;
 4. A Mitigated Negative Declaration may be issued; or
 5. An Environmental Impact Report (EIR) shall be required.
- B. Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and the City's CEQA guidelines.
- C. Special studies required.** One or more special studies, paid for in advance by the applicant, may be required to complete the City's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

Chapter 18.84 -- Zoning Clearances

Sections:

- 18.84.010 – Purpose and Intent
- 18.84.020 – Applicability/Permit Requirement
- 18.84.030 – Review Authority
- 18.84.040 – Review Procedures
- 18.84.050 – Post Decision Procedures

18.84.010 – Purpose and Intent

Zoning Clearance is the procedure used by the City to verify a proposed land use or structure complies with the uses allowed in the applicable zone and the development standards applicable to the use or structure.

18.84.020 – Applicability/Permit Requirement

- A.** A Zoning Clearance is required when any provision of the Development Code indicates a Zoning Clearance is a prerequisite to establishing a land use or structure, including before the initiation or commencement of any use of land not requiring the construction of a structure; before the City issues a new or modified building permit, grading permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure; whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued; for a change of lessee, operator, or owner even when the change does not involve a change in the use being conducted on the subject property, to ensure the new lessee, operator, or owner is made aware of requirements applicable to the subject use and any conditions of approval imposed through a discretionary permit authorizing the use.
- B.** A Zoning Clearance shall be obtained before the City issues a new or modified business license in compliance with Municipal Code Chapter 5.04.

18.84.030 – Review Authority

The Director may issue a Zoning Clearance only after confirming that the proposed land use and/or structure is in full compliance with all of the applicable provisions of the Development Code.

18.84.040 – Review Procedures

Zoning Clearance approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

18.84.050 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Zoning Clearance application.

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Chapter 18.86 -- Site Plan and Design Review

Sections:

- 18.86.010 – Purpose and Intent
- 18.86.020 – Applicability
- 18.86.030 – Review Authority
- 18.86.040 – Application Filing, Processing, and Review
- 18.86.050 – Findings and Decision
- 18.86.060 – Discretionary Action by Higher Review Authority
- 18.86.070 – Issuance of Other Required Permits and Approvals
- 18.86.080 – Minor Changes by Director
- 18.86.090 – Post Decision Procedures

18.86.010 – Purpose and Intent

- A. Purpose.** The purpose of this chapter is to provide a process for the appropriate review of development projects by the applicable Review Authority
- B. Intent.** The intent of this chapter is to ensure all approved projects :
 1. Promote the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable specific plan, the applicable standards specified in the Development Code, and any applicable design guidelines;
 2. Respect the physical and environmental characteristics of the site;
 3. Ensure safe and convenient access and circulation for pedestrians and vehicles;
 4. Exemplify high-quality design practices;
 5. Encourage the maintenance of a distinct neighborhood and/or community identity; and
 6. Minimize or eliminate negative or undesirable visual impacts.

18.86.020 – Applicability

- A. Site Plan and Design Review Required.** No one shall construct any structure or site improvement, or alter, move, rebuild, relocate, or significantly enlarge or modify any existing structure or site improvement specified in Table 7-2 unless a Site Plan and Design Review application is first reviewed and approved or conditionally approved by the applicable Review Authority in compliance with this chapter.
- B. Compliance with Chapter Required.** No building or grading permit shall be issued until the applicable requirements of this chapter have been met.

18.86.030 – Review Authority

- A. Applicable Review Authority.** The Review Authority for Site Plan and Design Review shall be as specified in Table 7-1.
1. **Director Review.** The Director may consider and act on projects without a public meeting. At the discretion of the Director, proposals listed as Director review items which may have the potential to be incompatible with or have an adverse effect on existing and surrounding property may be elevated to the level of Commission review.
 2. **Commission Review.** The Commission shall consider and act on projects at a scheduled Commission meeting. The Commission shall also act as the Review Authority for appeals of the Director's decisions.
 3. **Council Review.** The Council shall consider and act on projects at a scheduled Council meeting. The Council shall also act as the Review Authority for appeals of the Commission's decisions.

Table 7-2 Review Authority for Site Plan and Design Review	Review Level⁽¹⁾⁽²⁾	
	Director	Commission⁽³⁾
RESIDENTIAL CONSTRUCTION ACTIVITIES		
Residential New Construction		
New Single Family Homes	Decision	Appeal
New Duplex Units	Decision	Appeal
Multi-family (attached or detached)	Recommend	Decision
Residential Additions, Modifications, and/or Accessory Structures		
All Residential Additions, Modifications, and/or Accessory Structures	Decision	Appeal
Other Residential Construction or Improvements (6)		
Façade or exterior improvements in the single- and two-family zones	Decision	Appeal
Façade or exterior improvements multi-family zones	Decision	Appeal
NON-RESIDENTIAL CONSTRUCTION ACTIVITIES		
Accessory structures	Decision	Appeal
New Construction, Additions and Modifications		
Additions, New Construction or Modifications < 1,000 sq. ft.	Decision	Appeal
Additions, New Construction or Modifications > greater than 1,001 sq. ft.	Recommend	Decision
Other Non-Residential Construction		
Façade or exterior improvements <1,000 sq. ft.	Decision	Appeal
Façade or exterior improvements >1,000 sq. ft.	Recommendation	Decision
Landscaping	Decision	Appeal
SIGNS AND SIGN PROGRAMS		
Comprehensive Sign Programs	Decision	Appeal
Signs (excluding freeway and monument signs) permanent and temporary	Decision	Appeal
Freeway signs	Decision	Decision
Monument signs	Decision	Appeal
OTHER REVIEW		
Joint and Off-Site Parking Plans	Decision	Appeal
Newspaper Racks	Decision	Appeal
Outdoor Dining	Decision	Appeal
Planned Development Permits	Recommend	Recommend
Subdivisions/Condominiums Creation of 1 Lot (Lot Split) 2-4 Lot Subdivisions 5 or more new lots	Decision Recommend Recommend	Decision Decision
Lot Merger	Decision	Appeal

Table 7-2 Review Authority for Site Plan and Design Review	Review Level⁽¹⁾⁽²⁾	
	Director	Commission⁽³⁾
Lot Line Adjustment	Decision	Appeal

Notes:

1. "Decision" means the Review Authority makes the final decision on the matter; "Appeal" means the Review Authority may consider and decide upon appeals of the decision of a lower Review Authority; "Recommend" means the Review Authority provides preliminary review and forwards input to the higher Review Authority for consideration.
2. The Review Authority may defer action and refer the request to the higher Review Authority for the final decision.
3. All decisions of the Commission are appealable to the Council.

- B. Determination of Review Authority by Director.** The applicable Review Authority for items not listed in Table 7-2 shall be determined by the Director.

18.86.040 – Application Filing, Processing, and Review

- A. Application Filing.** All projects requiring an application for a Site Plan and Design Review shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence to support the required findings.
- B. Review with Other Land Use Applications.** If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval, the applicant shall file the information required together for concurrent review with the application for discretionary approval.
- C. Application Review.**
1. Each application for Site Plan and Design Review shall be reviewed to ensure the application is consistent with the purpose of this chapter, applicable development standards and regulations, and any adopted design guidelines and policies which may apply. Upon receipt of a complete application, the applicable Review Authority shall review the design, location, site plan configuration, and the effect of the proposed development on surrounding development by comparing the project plans to established development standards, regulations, and applicable design guidelines/ policies.
 2. Written notice shall be sent to the applicant before consideration of the application by the applicable Review Authority.
 3. After the application has been deemed complete, the Review Authority shall either approve or deny the application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this chapter and various regulations of the City.
- D. Standards of Review.** When reviewing development plans subject to Site Plan and Design Review, the following criteria, as well as the General Plan and any applicable Specific Plan in addition to other principles of good design, shall be considered as part of the review:
1. **Compatibility.** Compatibility shall be ensured and determined by use of the following criteria:

- a. The arrangement, design, location, and size of all structures should be visually harmonious with the project site and with the surrounding sites and structures.
 - b. New development, alteration, and/or enlargement of existing development should enhance and improve the appearance of the project's vicinity and be compatible with the character and quality of surrounding development.
 - c. The proposed development should protect the development site as well as surrounding properties from noise, odor, vibration, and other impacts that may have an adverse impact.
 - d. The height and bulk of proposed structures on the site should be in scale with the height and bulk of structures on surrounding sites, and should not visually dominate their sites or call undue attention.
 - e. The location and configuration of structures should minimize interference with the privacy and views of occupants of surrounding structures.
2. **Architectural Design and Detail.** Architectural design and detail shall be provided in all proposed development and shall be evaluated by use of the following criteria:
- a. Every effort should be given to design new structures in keeping with a recognized and established architectural style utilizing massing, materials, details, and similar elements of that style.
 - b. Elements of good urban design and architecture should be implemented in all projects including, but not limited to building articulation, building colors, fenestration, massing, materials, and other architectural elements.
 - c. Where no consistent architectural style or pattern is present, building design and massing should be used to complement existing development.
 - d. Architectural treatment of all structures should be visually coordinated.
 - e. Long, plain building walls should be avoided by incorporating building articulation (e.g., arcades, decks, material variation, porches, public art, roofline variation, varied setbacks, and windows) and other similar methods.
 - f. Garish, inharmonious, or out-of-character colors should not be used on any structure, face, or roof visible from the street or from an adjoining site.
 - g. Roof-mounted equipment shall be fully screened. Acceptable methods of screening may include parapet walls or some other creative manner as an architectural solution. Individual equipment screens may only be used for structures after all other methods of screening have been explored.
 - h. Rooflines on a structure should create design interest and be compatible throughout the structure and with existing structures and surrounding development.
 - i. The design of the structures, driveways, landscaping, lighting, loading facilities, parking areas, signs, solar facilities, and other features should show proper consideration for the functional aspects of the site (e.g., vehicle, pedestrian, and bicycle circulation) and the visual effect of the development on surrounding development.

- j. Amenities and other design features should be provided on larger development projects.
 - k. Green building practices should be used whenever feasible.
 - l. Electrical rooms with switchgear and similar items should be located within an electrical room and integrated into the structure's footprint.
 - m. Interior roof access shall be used. Exterior roof ladders are prohibited.
3. **Landscape, Lighting, Parking, Signs, and Other Design Details.** Landscaping, lighting, parking, signs, and other design details shall be provided in all proposed development and shall be determined by use of the following criteria:
- a. **Equipment and Utilities.**
 - (1) Utility boxes and other similar equipment should be located where they are well screened from public view.
 - (2) Mechanical equipment on the site shall be appropriately screened from public view.
 - (3) When possible, all utilities should be installed underground.
 - b. **Fences/Walls.**
 - (1) Fencing, walls, solid waste enclosures, and accessory structures should be harmonious with the principal structure and other structures on the site.
 - (2) Retaining walls that are visible from public views should be limited in height, whenever possible. Decorative block or formed concrete should be used for all retaining walls. When taller retaining walls are necessary, they should be designed to reduce visual impact.
 - (3) Barbed wire fences are expressly prohibited.
 - c. **Landscaping.**
 - (1) Landscaping should be designed in a way as to accent the property. Special effort should be given to colorful, creative, and varied planting designs that use native and native-compatible species that provide visual interest and water efficiency.
 - (2) Attention shall be given to selecting parking lot trees that provide the maximum amount of shade.
 - (3) When mature trees are present on a site, every effort should be made to assess the value of the trees and, if reasonable, the trees should be incorporated into the proposed landscape plans.
 - (4) Pedestrian paths should be incorporated into site design to provide access and visual interest and to provide the most effective pedestrian access to structures.

- (5) Decorative hardscape should be integrated into project areas to provide visual interest.
- (6) In the parking and driveway areas, decorative hardscape should be used at driveway access points and nodes in the parking area.
- (7) In pedestrian areas, decorative hardscape should be used near entries, within patio areas, and at other focal points in the project.
- (8) All landscaping shall conform to the provisions related to landscaping and trees.

d. **Lighting.**

- (1) Lighting shall be located so as to avoid glare and to reflect the light away from adjoining property and rights-of-way while recognizing the importance of security.
- (2) Wall-mounted lighting fixtures should be decorative and be compatible with the architectural style of the structure(s). Wall packs and fixtures that spread uncontrolled light shall be prohibited.
- (3) Pole-mounted lighting should be of an appropriate scale to complement the structure that it serves. Wherever possible, decorative poles and fixtures should be used.
- (4) All outdoor lighting shall conform to the provisions related to outdoor lighting.

e. **Parking.**

- (1) Parking and loading facilities should function efficiently with minimum obstruction of traffic on surrounding streets while facilitating on-site circulation
- (2) Wherever possible, driveway access to parking areas should have as shallow of a slope as possible to provide proper drainage and facilitate ease of access.
- (3) All parking and loading facilities shall conform to the provisions related to off-street parking and loading, including back-up space.

f. **Signs.**

- (1) Signs should be creatively designed so as to improve the aesthetic aspects of the development as well as identify a business or location.
- (2) With a focus on graphic design, signs shall be clearly readable and shall utilize materials, textures, colors, and illumination that complement the structure and site design.
- (3) During project design and review, consideration should also be given to the location and size of signs to ensure visual compatibility and vehicular and pedestrian safety.

- (4) For ground-mounted signs, landscape shall be incorporated with plans for the signs.
 - (5) All signs shall conform to the provisions signs.
- E. On-site Inspection.** The Director may perform an on-site inspection of the subject parcel before confirming the project complies with all of the applicable criteria and provisions.
- F. Public Hearing and Notice Provisions.**
- 1. **Public Notice and Hearing Requirements.** When a public notice and hearing is required, notice of the hearing shall be given and the hearing shall be conducted as set forth in the provisions related to public notices and hearing. Public notice and hearing requirements for Site Plan and Design Review applications are as follows:
 - a. **Review by Director.** No public notice or hearing shall be required for the Director's review, except when the Site Plan and Design Review application is accompanied by a companion quasi-judicial or legislative matter which would otherwise require a public hearing.
 - b. **Review by Commission.** Public notice and hearing is required for review by the Commission of all projects listed in Table 7-2 for which the Commission is the Review Authority.
 - 2. **Specific Applications.** Public notice and hearing requirements for specified Site Plan and Design Review applications are as follows:
 - a. For all single-family new construction structures or single-family second-story additions, notice shall be provided to all abutting residential property owners (i.e., properties located immediately adjacent to or across the street from the subject site) before the initial decision.
 - b. For all non-single-family new construction structures or additions exceeding 500 square feet and when adjacent to a residential zone, notice shall be provided to all abutting residential property owners (i.e., properties located immediately adjacent to or across the street from the subject site) before the initial decision.
- G. Appeal Provisions.** The Review Authority's decision may be appealed

18.86.050 – Findings and Decision

- A. Meets Requirements.** The Review Authority shall determine whether or not the application meets requirements.
- B. Review Authority's Action.**

The application shall be considered in a timely manner as required by the Government Code after it is deemed complete. An application for a Site Plan and Design Review may be approved, conditionally approved, or denied by the Review Authority. In approving a Site Plan and Design Review application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval is in compliance with the required findings.

- C. Required Findings.** The Review Authority may approve a Site Plan and Design Review application only after first making all of the following findings.

1. The proposed development is consistent with the General Plan and any applicable specific plan and is in compliance with all applicable provisions of the Development Code and all other City ordinances and regulations;
2. The proposed development is to be constructed on a suitable site, adequate in shape, size, topography, and other circumstances to accommodate the proposed development;
3. The proposed development complies with the applicable standards of review; and
4. The proposed development is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

18.86.060 – Discretionary Action by Higher Review Authority

If the application is filed concurrently with another discretionary land use application, the decision to approve or deny the Site Plan and Design Review shall be made by the authority responsible for reviewing the other discretionary land use application, in compliance with the applicable review procedure for the discretionary review

18.86.070 – Issuance of Other Required Permits and Approvals

- A. Permits for Grading, Structures, and Uses.** Upon approval or conditional approval of a new or revised Site Plan and Design Review, permits may be issued for grading, structures, and uses, unless another provision of this code imposes additional limitations or requirements.
- B. Compliance with Site Plan and Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this chapter, except in compliance with the approved Site Plan and Design Review and the conditions imposed.
- C. Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable Review Authority.
- D. Expiration.** Construction of improvements permitted by a Site Plan and Design Review approval shall be “exercised” or commenced within 24 months of the actual date of approval.
- E. Extension.** Upon receiving a written request filed at least 30 days before the expiration of any approved time period, the Director may grant an extension for a period not exceeding 12 additional months; provided, it is determined there has been no subsequent change in the findings, conditions of approval, and applicable regulations governing the approval.

18.86.080 – Minor Changes by Director

Minor changes in a Site Plan and Design Review which do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director.

18.86.090 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Site Plan and Design Review application.

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Chapter 18.88 -- Administrative Use Permits and Conditional Use Permits

Sections:

- 18.88.010 – Purpose and Intent
- 18.88.020 – Applicability
- 18.88.030 – Application Requirements
- 18.88.040 – Review Authority
- 18.88.050 – Project Review, Notice, and Hearing
- 18.88.060 – Findings and Decision
- 18.88.070 – Conditions of Approval
- 18.88.080 – Permit Expiration
- 18.88.090 – Post Decision Procedures

18.88.010– Purpose and Intent

- A. Purpose.** The purpose of this chapter is to provide two distinct procedures for reviewing land uses which may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as permitted uses either impractical or undesirable due to potential and unforeseeable impacts to the surrounding area.
- C. Intent.** The Administrative Use Permit and Conditional Use Permit procedures are intended to provide sufficient flexibility in the use regulations in order to further the objectives of the Development Code and to provide the City with the opportunity to impose special conditions in order to mitigate potential impacts that could result from allowing the use(s) at the requested location.

18.88.020 – Applicability

- A. When Required.** Approval of a Use Permit is required to authorize proposed land uses specified in Article 2 as being allowable in the applicable zone when subject to the approval of an Administrative Use Permit or Conditional Use Permit.

18.88.030 – Application Requirements

Public Structures and Uses. Location of electric power, gas, water and oil lines, public utility or public service uses or public structures in any zone when found to be necessary for the public health, safety, convenience, or welfare, except that a Conditional Use Permit is not required for local distribution lines. An application for a Use Permit shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence to support of the required findings.

18.88.040 – Review Authority**A. Administrative Use Permits.**

1. **Administrative Use Permits shall be approved or denied** by the Director.
2. The Director may choose to refer any Administrative Use Permit application to the Commission for review and final decision.

B. Conditional Use Permits. Conditional Use Permits shall be approved or denied by the Commission, except as otherwise specified.**18.88.050 – Project Review, Notice, and Hearing**

Each application shall be reviewed by the Director to ensure the proposal complies with all applicable requirements of the Development Code.

A. Administrative Use Permits.

1. An application for an Administrative Use Permit may be submitted by the property owner or by an agent on the owner's behalf. The application shall be made to the Community Development Department on a form provided by the City and with all applicable fees and submittal materials. Generally no public hearing is required.
2. If the proposed use requires a division of land, an application for a land division permit shall be submitted in conjunction with the application for a Use Permit. Approval of the Administrative Use Permit shall not become effective until final approval of the land division permit; provided, that if the land division is proposed in phases, the approval of the Administrative Use Permit shall take effect upon final approval of the phase of the land division containing the property on which the specially permitted use is to be located.
3. **Review Procedure.**
 - a. The Director shall send a written notice of the application to each of the adjacent property owners as shown by the latest available assessment roll of the County of San Mateo. The notice shall advise the property owners that a written protest or request for an administrative hearing, or both, may be filed with the Director within ten calendar days from the date of the notice.
 - b. If any written protests are filed by adjacent property owners within the time prescribed in the notice, but no request for hearing is made, the Director shall consider the protests in determining whether to approve, conditionally approve, or deny the application and shall render a decision without conducting an administrative hearing.
 - c. If a request for an administrative hearing is received within the time prescribed in the notice, the Director shall fix a time and place for the hearing and shall give written notice of the hearing to the applicant and the person or persons requesting the hearing. The hearing shall be scheduled within 60 days of receipt of a request for administrative hearing. Within 10 working days of the conclusion of the hearing, the Director shall approve, conditionally approve, or deny the application and shall furnish a copy of his or her written decision to the applicant and the person or persons who requested the hearing.

4. Review and Decision on an Administrative Use Permit.

- a. The Director shall be the final decision-maker for Administrative Use Permits. If there is not an administrative hearing, the Director shall render a decision within 60-days of formal notice of application completeness, subject to findings and conditions necessary to make the use compatible with surrounding uses. If the appropriateness of the use cannot be assured at the proposed location, the application for Administrative Use Permits shall be denied as being incompatible with existing uses or uses permitted by right in the district. The decision by the Director may be appealed to the Commission within 15 calendar days after the decision is issued. Any appeal must be made in writing and shall state how the Director erred or abused discretion.
- b. The Director may refer any Administrative Use Permit application to the Commission for the purpose of processing the same as a Conditional Use Permit in accordance with the public hearing procedures.

5. Administrative Use Permit Limitations.

- a. Approval of an Administrative Use Permit authorizes only the particular use for which the permit is issued and may include a limit on time the use may continue.
- b. No use authorized by an Administrative Use Permit shall be enlarged, extended, increased in intensity or relocated unless an application is made to modify the Administrative Use Permit in accordance with the procedures set forth in the Development Code.
- c. A new permit is required for any new business or activity on the site, including resumption of any business or activity within a structure which has been vacant or abandoned for a period in excess of 90 consecutive calendar days.
- d. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by this Code and by the county, state, federal, or other agencies.

6. Appeals. The Director's decision is appealable to the Commission .

B. Conditional Use Permits.

1. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision on the application.
2. Notice of the hearing shall be provided and the hearing shall be conducted as set forth in the provisions related to public notices and hearings..
3. The Commission's decision is appealable to the Council

18.88.060 – Findings and Decision

A. Required Findings. The Review Authority may approve, conditionally approve, or deny a Use Permit only after first making all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan;

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of the Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity, as detailed in the General Plan or any applicable Specific Plan;
4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use; and
5. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

B. Extension of use permits.

1. A noticed public hearing shall be conducted on an application for extension.
2. The Commission may grant the extension if it finds and determines the proposed use, and the conditions under which it would be operated or maintained, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or in the vicinity;
3. Extension of a Conditional Use Permit is not a matter of right and the Commission may deny the application or grant the same subject to conditions.

18.88.070 – Conditions of Approval

In approving a Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure approval will comply with the required findings.

18.88.080 – Permit Expiration

Any Use Permit that is not actively exercised for a continuous period of 180 days shall become invalid. The 180 days does not apply to a change of tenancy in an office building.

18.88.090 – Post Decision Procedures

The procedures and requirements related to permit implementation, and to appeals and revocation apply following the decision on an Administrative Use Permit or Conditional Use Permit application.

Chapter 18.90 -- Variances and Minor Variances

Sections:

- 18.90.010 – Purpose and Intent
- 18.90.020 – Applicability
- 18.90.030 – Review Authority
- 18.90.040 – Application Filing, Processing, and Review
- 18.90.050 – Findings and Decision
- 18.90.060 – Precedents
- 18.90.070 – Conditions of Approval
- 18.90.080 – Use of Property before Final Action
- 18.90.090 – Post Decision Procedures

18.90.010 – Purpose and Intent

A. Purpose and Intent

1. The purpose of this chapter is to provide procedures for reviewing situations where, because of special circumstances applicable to the property, the strict application of the Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone.
2. It is the intent that specific findings are required and associated conditions are applied to work together to guarantee the approval of a Variance or Minor Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.
3. The difference between a Variance and a Minor Variance is that the Minor Variance must specify the "...the kinds of variances which may be granted ... and the extent of variation which the ... adjustment may allow..." in compliance with Government Code Section 65901.

B. Limitations.

This chapter does not grant the power to approve Variances and Minor Variances which allow land uses not otherwise allowed in the zone.

18.90.020 – Applicability

- A. **Variances.** A Variance may allow any adjustment from any of the development standards required by the Development Code if the required findings are made. .
- B. **Minor Variances.** A Minor Variance may be granted only for the items specified in Table 7-3 and only if the required findings are made. .

Table 7-3 Types of Minor Variances Allowed		Maximum Variance
1.	Allowable height of a fence, hedge, or wall. An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear setback.	Up to seven feet
2.	Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	10 percent
3.	Impervious surface coverage. An increase of the maximum allowable impervious surface coverage.	10 percent
4.	Projections. An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
5.	Reduction of landscape standards. Reduction of required on-site landscaping standards.	10 percent
6.	Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
7.	Signs. Sign regulations (other than prohibited signs).	10 percent
8.	Structure heights. An increase in the maximum allowed height of structures.	5 percent
9.	Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.	10 percent
10.	Nonconforming Adjustments	10 percent

18.90.030 – Review Authority

- A. Responsibility.** The applicable Review Authority shall approve or deny Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the findings required.
- B. Applicable Review Authority.** Variances and Minor Variances may be approved in compliance with the following:
1. **Commission.** The Commission may approve Variances in compliance with this chapter and state law; and
 2. **Director.** The Director may approve Minor Variances without a public hearing, or may defer action and refer the application to the Commission for review and final decision, in compliance with this chapter and state law.

18.90.040 – Application Filing, Processing, and Review

- A. Filing.** An application for a Variance or Minor Variance shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence to support the required findings.

- B. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this chapter.
- C. Notice and Hearings.**
1. **Variations – Public Hearing Required.** A public hearing shall be required for the Commission’s decision on a Variance application. The public hearing shall be scheduled once the Director has determined the application complete. Notice of the hearing shall be given and the hearing shall be conducted as set forth in the provisions related to public notices and hearing.
 2. **Minor Variations.** Notice of the public hearing for a Minor Variance application shall be mailed not less than ten (10) days before the date set for the hearing to the owners of all property abutting the subject property, as shown on the latest assessment roll of the County.
 3. **Appeals.** The Director’s decision is appealable to the Commission.

18.90.050 – Findings and Decision

- A. Responsibility.** The applicable Review Authority shall approve or deny Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the required findings.
- B. Authorized Actions.** The Review Authority shall record the decision in writing and shall set forth the findings upon which the decision is based.
- C. Required Findings.** The Review Authority may approve a Variance or Minor Variance application only after first making all of the following findings:
1. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity under an identical zoning classification;
 2. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
 3. Approving the Variance or Minor Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and
 4. The requested Variance or Minor Variance would not allow a use or activity not otherwise expressly authorized by the regulations governing the subject parcel.
 5. The requested Variance or Minor Variance is consistent with the objectives of the General Plan, any applicable specific plan, and the Development Code.
- D. Denial of a Minor Variance.** The Director’s decision to deny a Minor Variance application shall not prohibit or affect the right of the applicant to file an application for a Variance.

18.90.060 – Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Variance is not admissible evidence for the approval of a new Variance or Minor Variance.

18.90.070 – Conditions of Approval

In approving a Variance or Minor Variance application, the applicable Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.

18.90.080 – Use of Property before Final Action

No permits or approvals shall be issued for any improvement involved in an application for a Variance or Minor Variance until and unless the same shall have become final.

18.90.090 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Variance or Minor Variance application.

Chapter 18.92 -- Planned Development Permit

Sections:

- 18.92.010 – Purpose and Intent
- 18.92.020 – Applicability
- 18.92.030 -- Modification of Development Standards
- 18.92.040 – Application Filing, Processing, and Review
- 18.92.050 – Review Authority
- 18.92.060 – Project Review, Notice, and Hearing
- 18.92.070 – Findings and Decision
- 18.92.080 – Planned Unit Development Permit Amendment
- 18.92.090 – Specific Development Standards
- 18.92.100 – Conditions of Approval
- 18.92.110 – Use of Property before Final Action
- 18.92.120 – Post Decision Procedures

18.92.010 – Purpose and Intent

The Planned Development Permit allows for review and approval of customized development standards for projects where flexibility in standards can produce unique living and business environments. In exchange for provision of one or more community benefits. The Planned Development Permit is intended to:

- A. Provide for Efficient Use of Land and Excellence of Design.** Create a process that provides for flexibility in the application of Development Code standards to proposed development projects under limited and unique circumstances. The purpose is to: encourage the comprehensive master planning of land development in order to achieve an integrated and harmonious relationship between all elements of the project; allow consideration of innovative site planning and project design; facilitate more effective design responses to site features, uses on adjoining properties, and environmental impacts; produce a more efficient use of land and encourage the creation and preservation of open space as part of the development process; and achieve higher quality site planning and excellence of design and a more desirable living and working environment than may otherwise be possible through the strict application of the development standards.
- B. Provide for Enhanced Amenities and Innovation in Energy Efficiency.** Require enhanced amenities and provide incentives for enhanced energy-efficiency and sustainable building approaches than generally required; and
- C. Meet City's Expectations.** Meet the City's expectations that each Planned Development Permit project be of obvious and significantly higher quality than would be achieved through conventional design practices and standards.

18.92.020 – Applicability

- A. Allowed Development Projects.** A Planned Development Permit may be requested for a residential, industrial, office, commercial retail, mixed-use, or business campus-type development project. The issuance of a Planned Development Permit is not a matter of right and may be denied or subject to conditions if the proposed modification of any zone standard will adversely

affect existing or anticipated uses in the immediate neighborhood or will adversely affect surrounding properties or their occupants.

- B. Minimum Site Area.** A Planned Development Permit may only be requested for a site with a minimum of five acres of land area.
- C. Planned Development Permit Precedes Building or Grading Permits.** For projects proposing a Planned Development Permit, a building or grading permit shall not be issued until the Planned Development Permit has been approved and becomes effective.
- D. Land Uses Limited to those Allowed in the Underlying Zone.** A Planned Development Permit may not authorize a land use activity not allowed in the underlying zone. A separate Administrative Use Permit or Conditional Use Permit may be processed concurrently. The Planned Development Permit shall not authorize any modification of the maximum density of development allowed for the entire site, unless it qualifies for a density bonus. If the density on one portion of the site is increased in order to achieve a lower density on another portion of the same site, the permit shall expressly prohibit any increase in density with respect to the lower density portion and the restriction shall be recorded in the Office of the County Recorder as a covenant running with the land.

18.92.030 – Modification of Development Standards

- A.** The Planned Development Permit may adjust or modify applicable development standards including: lot coverage, floor area ratio (FAR), distance between structures, height, setbacks, parking, open space and ground floor retail requirements. Where setbacks are reduced below the minimum required, the applicant must demonstrate that reductions will encourage better design of the overall project. Where a structure is allowed to have a height in excess of the maximum for the zone an increase in any or all of the setbacks for the structure may be required. No reduction in parcel size or setback shall result in a reduction in the minimum amount of open space required by the zone regulations to be established for the entire development.
- B.** Residential development projects with density or intensity standards increased above the maximums allowed in the zone may only be approved in compliance with Government Code Section 65915 and Chapter 18.36.
- C.** Any request to adjust or modify applicable development standards shall include clear, written justification for each adjustment or modification, and shall include proposals for enhanced on- and off-site amenities that contribute to the overall quality of the development project. In a residential subdivision, average parcel sizes may be used for the subdivision of land and individual parcels may be created having less than the minimum site area required by the zone regulations; provided, however, where any parcel is reduced in size below the minimum site area, an amount of usable land equal to 75 percent of the reduction shall be dedicated as permanent open space on one or more of the other parcels within the subdivision. The permanent open space shall be a dedicated lot for the benefit of the entire subdivision. For example, if the minimum lot size is 5,000 square feet and the applicant is requesting a reduction to 4,000 square feet at least 750 square feet shall be dedicated to useable open space within the subdivision.
- D.** All Planned Developments must provide City Council approved community benefits.

18.92.040 – Application Filing, Processing, and Review

An application for a Planned Development Permit shall be filed and processed in compliance with standard application processing procedures. It is the responsibility of the applicant to provide evidence in support the required findings.

18.92.050 – Review Authority

All Planned Development Permits shall be reviewed by the Commission, which shall make a recommendation to the Council. The Council is the Review Authority for Planned Development Permits.

18.92.060 – Project Review, Notice, and Hearing

A. Application Review.

1. Each application for a Planned Development Permit application shall be analyzed by the Director to ensure the application is consistent with the purpose of this chapter.
2. The Director shall submit a staff report and recommendation to the Commission and Council for its consideration. The staff report shall describe the proposed project enhancements that justify deviation from the standard development requirements.

B. Notice and Hearings.

1. A public hearing shall be required for the Council action on a Planned Development Permit application.
2. The public hearing shall be scheduled once the Director has deemed the application complete.
3. Notice of the hearing shall be given and the hearing shall be conducted as set forth in the provisions related to public notices and hearings.

18.92.070 – Findings and Decision

The Council may approve or conditionally approve a Planned Development Permit application by resolution only after first making all of the following findings:

1. The Planned Development Permit will:
 - a. Accommodate only uses allowed within the subject base zone;
 - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;
 - c. Be generally in compliance with all of the applicable provisions of the Development Code relating to both on- and off-site improvements necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this chapter and the subject base zone(s), including prescribed development standards and applicable design guidelines, except for those provisions adjusted/modified in compliance with this chapter; and
 - d. Ensure compatibility of property uses in the surrounding neighborhood, consistent with the General Plan and any applicable Specific Plan.
2. The proposed project will produce a comprehensive development of superior quality and excellence of design than might otherwise occur from more typical development applications and a strict application of zone regulations;

3. Appropriate standards and conditions have been imposed to ensure modification of standards will not be detrimental to the public health, safety, or general welfare;
4. Appropriate on-site pedestrian and vehicular circulation and traffic control is designed into the development to ensure facilities equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards;
5. The site is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity;
7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed uses;
8. If the development proposes to mix residential and commercial uses whether in a vertical or horizontal manner, the residential use is appropriately buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents; and
9. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, and scale.
10. The project has provided direct and tangible community benefit(s), as approved by the Council.

18.92.080 – Planned Unit Development Permit Amendment

- A. **Requested Changes.** Requested changes to an approved Planned Development Permit, other than those allowed by this section, shall be submitted to the Commission for review and recommendation. After review by the Commission, the Council shall determine whether or not to modify a Planned Development.
- B. **Added Stipulations Deemed Reasonable and Necessary.** The Council may, as a condition of approval, impose additional stipulations, changes, and/or conditions to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of this chapter.
- C. **Minor Changes by Director.** Minor changes in the Planned Development Permit may be approved by the Director . if required by engineering or other circumstances not foreseen at the time the permit was granted, and provided the change does not cause any of the following:
 1. A change in the use or character of the development;
 2. An increase in the overall density or intensity of development; and/or
 3. A reduction or change in the amount or character of required open space or landscaped areas.

18.92.090 – Specific Development Standards

- A. Landscaping.** Landscaping shall be provided in compliance with the provisions related to landscaping and trees, unless modified.
- B. Off-street parking.** Off-street parking provisions shall be provided in compliance with the provisions related to off-street parking and loading), unless modified .
- C. Signs.** Signs shall be provided in compliance with the provisions related to signs, unless modified.

18.92.100 – Conditions of Approval

In approving a Planned Development Permit, the Council may impose any conditions deemed reasonable and necessary to ensure approval will comply with the required findings required.

18.92.110 – Use of Property before Final Action

No permits or approvals shall be issued for any use or construction involved in an application for a Planned Development Permit until and unless the Planned Development Permit shall have become final.

18.92.120 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Planned Development Permit application.

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Chapter 18.94 -- Temporary Use Permits

Sections:

- 18.94.010 – Purpose and Intent
- 18.94.020 – Definition
- 18.94.030 – Applicability
- 18.94.040 – Exempt Temporary Uses
- 18.94.050 – Allowed Temporary Uses
- 18.94.060 – Application Filing and Processing
- 18.94.070 – Director Review
- 18.94.080 – Findings and Decision
- 18.94.090 – Conditions of Approval
- 18.94.100 – Condition of Site Following Temporary Use
- 18.94.110 – Post Decision Procedures

18.94.010– Purpose and Intent

The purpose of this chapter is to allow for short-term activities compatible with adjacent and surrounding uses when conducted in compliance with this chapter.

18.94.020 – Definition

A temporary (short-term) land use activity is a land use that is interim, non-permanent, and/or seasonal in nature, and lasting a short period of time, generally not more than 30 consecutive days but in no event longer than 365 consecutive days.

18.94.030 – Applicability

- A. Short-Term Activities.** A Temporary Use Permit allows short-term activities which might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. Categories of Land Uses.** The categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use: exempt and allowed. Allowed uses are further differentiated by length of time the use is in operation.

18.94.040 – Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with provisions related to allowed temporary uses.

- A. Construction Sites – On-Site.**
 - 1. On-site contractors' construction/storage uses, in conjunction with an approved construction project on the same parcel. One adult caretaker may be present during non-construction hours.

2. The construction and/or storage use shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
- B. Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Director.
- C. Publicly Owned Property.** Events conducted on publicly owned property, subject to the approval of a Special Event Permit under the Municipal Code.

18.94.050 – Allowed Temporary Uses

The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with the specified time limits and conditions of approval. No Temporary Use Permit shall be issued if another temporary use has occurred on the subject property within the previous 30 days (whether by the same applicant or otherwise).

- A. Contractors' Construction Sites – Off-Site.** Temporary use of a site for an off-site contractor's construction, staging, or storage area(s). The permit may be effective for up to 180 days and extended in 180-day increments, with Director approval, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
- B. Allowed Temporary Uses**
1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food markets/events, outdoor entertainment/sporting events, petting zoos, rodeos, rummage sales (not garage or yard sales), and swap meets limited to six consecutive days or less within any 30-day period, or six two-day weekends, within a 12-month period. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
 2. Outdoor display and sale events conducted by a retail business, including auto dealerships, holding a valid business license, issued in compliance with Municipal Code Chapter 5.04 may be allowed a maximum of six outdoor sale events (excluding City-sponsored activities). An outdoor sale event shall be no longer than seven consecutive days in duration. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
 3. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots), issued in compliance with the provisions in Municipal Code Chapter 5.04; provided, the length of the activity may not exceed 45 days in any 365-day period (e.g. from October 1st through October 31st of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th of the same year for Christmas tree sales).
 4. Car washes, limited to one event each month for each site, not exceeding three days in length, and prohibited within the residential zones of the City. Sponsorship shall be limited to charitable, educational, fraternal, religious, educational, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
 5. Temporary uses on the same lot shall be separated by at least 30 days. Additional time shall be added in between Temporary Use Permits at the discretion of the Director.

- C. Temporary Residential Real Estate Sales Offices.** One temporary real estate office may be located in any approved residential subdivision located within any residential or mixed use zone.
1. The office shall be used only for the sale of residential property located within the subdivision in which the office is located.
 2. The temporary real estate office shall be removed no later than at the end of two years following the date of the recording of the final map of the subject subdivision in which the office is located.
 3. If any parcels within the subdivision have not been sold at the end of the original two-year period, the Director may approve extensions for the continuation of the real estate office on a month-to-month basis.
- D. Other Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

18.94.060 – Application Filing and Processing

- A. Filing.** An application for a Temporary Use Permit shall be filed with the Department in the following manner:
1. An application for a Temporary Use Permit shall be filed and processed in compliance with standard application processing procedures). It is the responsibility of the applicant to provide evidence to support the required findings
 2. The application shall be filed with the Department at least 45 days before the date that the proposed temporary use is scheduled to take place.
- B. Types of Temporary Use Permits.**
1. **Minor Temporary Use Permit.** Permit for use lasting from one to six days.
 2. **Administrative Temporary Use Permit.** Permit for use lasting from seven to 30 days. The days maybe consecutive.
 3. **Major Temporary Use Permit.** Permit for use lasting from 31 to 365 days. The days maybe consecutive.
- C. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this chapter.

18.94.070 – Director Review

- A. Director Action.** The Director may take action on a Temporary Use Permit for a temporary use operated in compliance with conditions of approval as follows:
1. A Minor Temporary Use Permit may be approved administratively without notice or hearing.
 2. An Administrative Temporary Use Permit may be approved administratively by the Director, with notice provided to abutting property owners.

3. A Major Temporary Use Permit may be approved after notice and hearing to adjacent property owners by the Director. The Director may defer action and refer the application to the Commission for review and final decision.

- B. Referral of Application.** Each Temporary Use Permit application shall also be referred, as needed, to the Chief of Police, Fire Marshal, Building Official, Environmental Health Official, Public Works Director, or their designees, for their recommendations for approval, modification, conditions, or denial in compliance with their respective entitlements and regulations.

18.94.080 – Findings and Decision

- A. Decision.** The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.
- B. Required Findings.** A Temporary Use Permit application may be approved, with or without conditions, only after all of the following findings are made:
1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
 2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
 3. The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;
 4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
 5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director; and
 6. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit.

18.94.090 – Conditions of Approval

- A. Applicable Standards.** The standards for parking, automobile and delivery truck ingress and egress, structure setbacks, heights, landscaping requirements, and other structure and property development standards which apply to the category of use or the zone of the subject property shall be used as a guide for determining the appropriate development standards for temporary uses. The Temporary Use Permit may authorize variation from the specific requirements as may be appropriate, so long as variations do not negatively impact adjoining properties to an unacceptable level.
- B. May Impose Conditions.** In approving a Temporary Use Permit application, the Review Authority may impose conditions deemed reasonable and necessary to ensure approval will comply with the required findings.

- C. Appropriate Conditions.** Conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
1. Fixed period of time;
 2. Operating hours and days;
 3. Temporary pedestrian and vehicular circulation;
 4. Regulation of nuisance factors;
 5. Regulation of temporary structures;
 6. Litter, sanitary, and medical facilities;
 7. Waste collection, recycling, and/or disposal;
 8. Police/security and safety measures;
 9. Signs;
 10. Performance bond or other security;
 11. Limitations on alcoholic beverage sales;
 12. Compliance with applicable provisions; and
 13. Other conditions.

18.94.100 – Condition of Site Following Temporary Use

- A. Removal of Evidence.** Each site occupied by a temporary use shall be cleaned of all temporary structures, debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
- B. Deposit Required.** A security deposit shall be filed with the Director before initiation of any proposed temporary use for the purpose of defraying any cost of site clean-up by the City in the event the applicant fails to leave the property clean and free of debris associated with the approved temporary use. The amount of the security deposit shall be as specified in the Master Fee Schedule.

18.94.110 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a Temporary Use Permit application.

Chapter 18.96 -- Accessory Dwelling Unit

Sections:

- 18.96.010 – Purpose and Intent
- 18.96.020 – Definition
- 18.96.030 – One Accessory Dwelling Unit Per Site
- 18.96.040 – Development Standards
- 18.96.050 – Occupancy Restrictions
- 18.96.060 – Accessory Dwelling Unit Permit Required
- 18.96.070 – Modification of Standards
- 18.96.080 – Use Permit Required
- 18.96.090 – Findings Required for Permit Issuance
- 18.96.090 – Duration of Permit
- 18.96.100 – Determination of Compliance
- 18.96.110 – Recordation of Permit
- 18.96.120 – Revocation of Permit
- 18.96.130 – Legalization of Existing Units
- 18.96.140 – Inspections
- 18.96.150 – Illegal Accessory Units
- 18.96.160 – Post Decision Procedures

18.96.010 – Purpose and Intent

The purpose and intent of this chapter is:

- A. To increase the supply of affordable housing by allowing accessory dwelling units (also known as second units) in conformance with Government Code Section 65852.2 to be established on lots zoned for single family or multiple family dwellings and containing a single-family dwelling;
- B. To establish standards for the development and occupancy of accessory dwelling units to ensure they are compatible with neighboring uses and structures, adequately equipped with public utility services, do not result in negative traffic or public safety impacts, and are safe for human occupancy; and
- C. To strict or prohibit accessory dwelling units which create unreasonable traffic, safety, privacy or other adverse impacts, and to prevent adverse impacts on any real property listed in the California Register of Historic Places

18.96.020 – Definition

Accessory Dwelling Unit or Accessory Unit (ADU). As used in this chapter means a separate dwelling unit providing complete independent living facilities for one or more persons containing living, sleeping, kitchen and sanitation facilities which are defined as a partial bathroom (a water closet, sink or a toilet) or a full bathroom (water closet, sink and a toilet). An existing single family residence may be converted to an accessory unit in conjunction with the development of a new main dwelling unit on the site and in conformity with the development standards for a new accessory unit as set forth in this chapter. Subject to the restrictions contained in this chapter, an accessory unit may be either attached to, or detached from or incorporated into the main dwelling unit. An Accessory Dwelling Unit also includes an efficiency unit, as

defined in Health and Safety Code Section 17958.1 and a manufactured home, as defined in Health and Safety Code Section 18007.

18.96.030 – One Accessory Dwelling Unit Per Site

Only one Accessory Dwelling Unit shall be permitted on any one site. The unit shall not be sold separately from the primary residence, nor rented for a term of less than 30 days.

18.96.040 – Development Standards

Except as otherwise provided in this chapter, each Accessory Dwelling Unit shall comply with all of the following development standards:

- A. **Zoning.** The lot is within a single family or multiple family zoning district and already contains one legally created single-family dwelling.
- B. **Density.** The accessory unit shall be deemed to comply with the density allowed in the General Plan Land Use Element Map and shall not be considered to exceed the allowable density for the lot upon which it is located.
- C. **Lot size.** If the accessory unit is attached to the main dwelling or incorporated within the main dwelling, the site area of the lot upon which the unit is located shall be not less than 5,500 square feet. If the accessory unit is detached from the main dwelling, the lot upon which the unit is located shall be not less than 7,500 square feet. Detached accessory units must be located in the rear of the lot.
- D. **Unit size.** The floor area of an attached accessory unit shall not exceed 50 percent of the living area (interior habitable area) of the existing single family dwelling, not including the garage, if any. In no instance shall an attached accessory unit exceed 1,000 square feet. Detached accessory units shall be no more than 700 square feet, except that unit size may be increased by one square foot for each 10 square feet of lot area in excess of 6,500 square feet, up to a maximum size of 1,000 square feet. Total floor area of the main dwelling and the accessory unit shall not exceed the permissible floor area or lot coverage for the underlying zoning district.
- E. **Building Codes.** The accessory unit shall comply with applicable building, health and fire codes. No passageway (pathway unobstructed to the sky extending from a street to an entrance of the unit) shall be required in conjunction with the construction of an accessory dwelling unit. Accessory units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
- F. **Open Space.** A minimum of 750 square feet of open space shall be maintained on the lot.
- G. **Parking.**
 - 1. **Requirements:** A minimum of one uncovered off-street parking space shall be provided for the accessory unit in addition to the off-street parking spaces required for the main dwelling. The parking space may be provided in an existing driveway or by tandem parking, unless a specific finding is made that such parking is not feasible due to specific site, topographical or fire and life safety conditions.
 - 2. **Exceptions to the Parking Requirements** - No parking standards shall be imposed if:
 - a. The accessory dwelling unit is located within one-half mile of a public transit corridor as defined in Health and Safety Code Section 50093.5.

- b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
- c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e. Where there is a car share vehicle located within one block of the accessory dwelling unit.

H. Water and Sewer.

- 1. The accessory dwelling unit shall not be required to install a new or separate utility connection directly between the unit and the utility and shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges if it meets the following requirements: the unit is (a) contained within the existing space of a single-family residence or an existing legally-constructed accessory structure, (b) has independent exterior access from the existing residence, and (c) the side and rear setbacks are sufficient for fire safety.
- 2. All other accessory dwelling units are required to have new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge. Any fee or charge shall be proportionate to the burden upon the water or sewer system of the proposed accessory dwelling unit, based on unit size or the number of plumbing fixtures. The fee or charge shall not exceed the reasonable cost of providing the service.

I. Access. The accessory unit shall be served by the same driveway access to the street as the existing main dwelling.

J. Common entrance. If the accessory dwelling unit is attached to the main dwelling, both the accessory unit and the main dwelling unit must be served by a common entrance or a separate entrance to the accessory unit must be located on the side or at the rear of the main dwelling.

K. ADUs In Existing Structures. Prior to submitting an application for review, a proposal for an ADU within an existing structure must receive a Zoning Clearance letter from the Department. The Director shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit (1) is contained within the existing space of a single-family residence or existing legally-constructed accessory structure, (2) has independent exterior access from the existing residence, and (3) the side and rear setbacks are sufficient for fire safety.

L. Setback for Garage Conversion. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

M. Setbacks for Detached Units. Detached units shall be set back 6 feet from the rear property line and existing house. The units also shall be three feet from side property lines for interior lots. The street side property line for an accessory unit on a corner lot shall be a minimum of 12 feet.

18.96.050 – Occupancy Restrictions

- A. Either the existing main dwelling or the accessory unit shall be occupied as the principal place of residence of the record owner of the lot. In the case of ownership by a corporation, partnership, trust or association, either the main dwelling or the accessory unit shall be the place of residence of an officer, director or shareholder of the corporation, a partner in the partnership, a trustor, trustee or beneficiary of the trust, a member of the association, or an employee of any such organization.
- B. The accessory unit may not be occupied by more than three people as permanent living quarters, unless otherwise approved by the Commission pursuant to this chapter.
- C. The accessory unit, or the main unit if the accessory unit is owner occupied, may not be rented out on a short term (less than 30 days) basis.
- D. This section shall apply to either a new or existing accessory unit for which a permit is granted pursuant to this chapter.

18.96.060 – Accessory Dwelling Unit Permit Required

Review of an Accessory Dwelling Unit Permit application for compliance with the development standards compliance with standards set forth in this chapter is ministerial in nature and requires approval of the Director. A determination about compliance with standards shall be made within 120 days of the determination that the application submittal is complete.

- A. **Contents of application.** An application for an accessory unit permit shall be filed with the Director on such form as the Director shall prescribe. The application shall be accompanied by information required by the Director, including but not limited to the following:
 1. An accurate scale drawing of the site showing lot size, streets, property lines, the location of all existing and proposed structures, the location of all existing and proposed off-street parking spaces and driveways (including permeable pavers or open-cell concrete blocks) on the site, and the location of existing trees and landscaping;
 2. Floor plan and elevations of existing and proposed structures, including a calculation of the floor area and coverage of each and all structures and the floor area of the accessory unit;
 3. A boundary survey of the lot on which the accessory unit is proposed showing all existing and proposed structures, parking spaces, and driveways (including permeable pavers or open-cell concrete blocks), and other paved surfaces.
- B. **Processing fee.** A processing fee established by resolution of the Council shall be paid to the City at the time of filing the application for an Accessory Dwelling Unit permit.

18.96.070 – Modification of Standards

The Commission may modify any of the development standards set forth in Sections 18.96.040 and 18.96.050 except lot sizes if the Commission determines that such modification will better achieve the purposes and objectives of this chapter and provided the Commission is able to make all of the findings required for issuance of an Accessory Dwelling Unit permit as prescribed in Section 18.96.090.

The Commission shall have authority to waive or modify either or both of the occupancy restrictions if the Commission determines that, by reason of special circumstances in a particular case, the application of

such restrictions will result in extreme hardship upon the owner or occupant of the property. The Commission may impose such conditions as it deems necessary or appropriate in order to mitigate any actual or potential adverse impacts from the granting of a waiver or modification

18.96.080 – Use Permit Required

An Accessory Dwelling Unit application to waive or modify the development standards set forth in this chapter requires approval by the Commission of a Use Permit pursuant to Chapter 18.88.

18.96.090 – Findings Required for Permit Issuance

Except as otherwise provided in Section 18.96.130 related to permit revocation, the Commission may grant an application for an Accessory Dwelling Unit Permit as applied for or in modified form, if, on the basis of the application and the evidence submitted, the Commission makes all of the following findings:

- A. The proposed accessory unit will not unreasonably interfere with the privacy otherwise available to residents of adjoining properties;
- B. The proposed accessory unit is designed to be compatible with the exterior appearance and character of the existing main dwelling;
- C. The proposed accessory unit is designed to be compatible with the existing neighborhood in terms of form, bulk, height, material and landscaping; and
- D. The proposed accessory unit will not cause unreasonable noise, traffic congestion, parking congestion, or overload existing public facilities or utilities.

18.96.100 – Duration of Permit

An Accessory Unit Dwelling Permit may be granted for a specified period of time, with or without the right to apply for extensions, or may be allowed to continue indefinitely for so long as the holder of such permit complies with the applicable restrictions and standards contained in this chapter and the conditions of approval of the Use Permit. Such Use Permit shall run with the land and the conditions of approval thereof shall be binding upon all successive owners of the property on which the accessory unit is located for so long as the Use Permit remains in effect.

18.96.110 – Determination of Compliance

The Director may at any time, either upon Director initiative or when instructed by the Commission to do so, request the holder of an Accessory Dwelling Unit Permit and Use Permit to certify that such holder has complied and continues to comply with all of the applicable standards and restrictions of this chapter and all conditions as set forth in the Accessory Unit Permit and Use Permit. The Director may request the holder to furnish such information and documents as the Director deems necessary in order to verify the truth or accuracy of any statements contained in the certification

18.96.120 – Recordation of Permit

The original Accessory Dwelling Unit Use Permit shall be recorded in the office of the Recorder for San Mateo County. All of the restrictions and conditions applicable to such Use Permit shall be set forth therein, including the occupancy restrictions.

18.96.130 – Revocation of Permit

In addition to the grounds for revocation of a Use Permit set forth in Chapter 18.88, the Commission may revoke any Accessory Dwelling Unit Permit upon a finding that:

- A. The holder of the Accessory Dwelling Unit Permit has violated any of the permit conditions: or
- B. The holder of the Accessory Dwelling Unit Permit has failed to provide a certification of compliance after being requested to do so; or
- C. The owner of the property has failed to establish the accessory unit within a reasonable time after the granting of the permit: or
- D. The accessory unit has been eliminated through alteration of the structure in which such unit was contained; or
- E. Any of the findings required for issuance of the permit can no longer be made.

18.96.140 – Legalization of Existing Accessory Units

- A. **Purpose of section.** It is in the public interest that all residents of the City live in safe, sanitary housing conditions. Accessory units currently exist which were created prior to the adoption of this chapter. In order to encourage the legitimization of such units under the law, the owners of property on which accessory units are located should be encouraged to legalize such units provided the units are determined to be both safe and sanitary for continued human occupancy. Conversely, if existing accessory units are not safe and sanitary for continued human occupancy, the City has the responsibility to either ensure they are made both safe and sanitary or their use for human occupancy is discontinued. The purpose of this section is to establish special procedures and standards for legalization of existing accessory units that are or can be made fit for human occupancy.
- B. **Scope of section.** This section shall apply only to accessory units established prior to January 8, 1990 within a structure for which a building permit was issued, or otherwise was lawfully constructed, and which complied with any applicable zoning or development standards in force at the time of construction. Any accessory unit established from and after January 8, 1990 shall be deemed a new unit subject to the development standards of this chapter.
- C. **Contents of application.** Application for an Administrative Use Permit to legalize an existing accessory unit shall be filed with the Director. The application shall be accompanied by the following:
 - 1. An accurate scale drawing of the site showing streets, property lines, the location of all existing and proposed structures, the location of all off-street parking spaces and driveways on the site, and the location of existing trees and landscaping;
 - 2. Floor plan and elevations of existing and proposed structures, including a calculation of the floor area of each structure;
 - 3. Inspection report by an independent contractor, as required by Section 18.96.070;
 - 4. The name of each occupant of the accessory unit, if any, together with a copy of any written lease or rental agreement between the owner and such occupant;

5. A list of the names and addresses of all persons owning property immediately adjacent to the site, as shown by the latest available assessment roll of the County of San Mateo or as otherwise known to the applicant;
 6. If the accessory unit is served by a septic system, a description thereof together with a drawing showing the location of the septic tank and leach field on the site; and
 7. Evidence of the date on which the accessory unit was established, in a form and substance satisfactory to the Director.
- D. Processing fee.** A processing fee shall be paid to the City at the time of filing the application for an Administrative Use Permit. If the application is voluntarily filed by the property owner the fee shall be 50 percent of the amount then charged as the normal Accessory Dwelling Unit Permit application fee. If the application is filed in response to a written notice from the City to do so, the fee shall be the amount then charged as the normal Accessory Dwelling Unit Permit application fee.
- E. Procedure.** Upon the filing of an application for an Administrative Use Permit to legalize an existing accessory unit, the following procedure shall be followed:
1. The Director shall send a written notice of the application to each of the adjacent property owners as shown by the latest available assessment roll of the County of San Mateo. The notice shall advise such property owners that a written protest or request for an administrative hearing, or both, may be filed with the Director within 10 days from the date of the notice.
 2. If any written protests are filed by adjacent property owners within the time prescribed in the notice but no request for hearing is made, the Director shall consider such protests in determining whether to approve, conditionally approve or deny the application and shall render a decision without conducting an administrative hearing.
 3. If a request for an administrative hearing is received within the time prescribed in the notice, the Director shall fix a time and place for the conduct of such hearing and shall give written notice to the applicant and the person or persons requesting the hearing. Within 10 working days of the conclusion of the hearing, the Director shall either approve, conditionally approve or deny the application and shall furnish a copy of the decision to the applicant and the person or persons who requested the hearing.
- F. Standards.** Existing accessory units shall comply with the following standards:
1. In lieu of compliance with the California Building Code, the accessory Unit shall comply with the California Housing Code as adopted by the City and shall otherwise comply with applicable health and fire codes;
 2. Where the accessory unit is served by a septic tank and sanitary sewer service is not available for connection by such unit, the septic system shall be inspected and approved by the County Health Department. In addition, the applicant shall execute and record a deferred improvement agreement wherein the applicant and any successors will be obligated to connect the Accessory Unit, and the main dwelling if also served by a septic system, to a sanitary sewer whenever the same becomes available and to pay the proportionate share of the installation cost; and
 3. The accessory unit shall comply with such other standards which, in the judgment of the Director, are necessary or appropriate to mitigate adverse impacts on adjacent properties.

- G. Findings.** The Director may grant the application for an Administrative Use Permit to legalize an existing accessory unit as applied for or in modified form if, on the basis of the application and the evidence submitted, the Director makes all of the following findings:
1. The unit complies with the provisions of the California Housing Code and applicable provisions of the health and fire codes;
 2. The unit is compatible with the exterior appearance and nature of the existing main dwelling on the site; and
 3. The unit does not unreasonably interfere with the privacy otherwise available to the residents of adjacent properties.
- H. Disqualified existing units.** Any accessory unit established prior to January 8, 1990, which does not qualify for legalization under this section by reason of not having been lawfully constructed, shall be deemed a new unit subject to the provisions of this chapter.
- I. Burden of proof.** Wherever in this section the legalization of an existing accessory unit or the occupancy thereof depends upon the establishment of any event occurring on or before a specified date, the burden of proof shall be upon the applicant.

18.96.150 – Inspections

- A.** Where the application is for legalization of an existing accessory unit or approval of a proposed unit to be attached to the main dwelling, an inspection of the property shall be conducted to determine that the existing accessory unit, and any main dwelling to which an accessory unit will be attached by a common wall, will comply with all applicable building, health, fire and zoning codes. If an Administrative Use Permit is granted, a further inspection to determine such compliance shall be conducted after any construction or alteration work is completed. Such inspections shall be performed by the City or by an independent contractor retained by the City for such purpose, and the cost shall be paid by the applicant.
- B.** The inspections to be conducted pursuant to this section shall not constitute an assumption by the City, or by anyone acting in its behalf, of any liability with respect to the physical condition of the property, nor shall the issuance of an Accessory Dwelling Unit Permit constitute a representation or warranty by the City to the owner of the property or any other person that such property fully complies with all applicable building, health and fire codes.

18.96.160 – Illegal Accessory Units

The establishment or continuance of an accessory unit without a permit as required under this chapter is declared to be unlawful and shall constitute a misdemeanor violation of this chapter and a public nuisance. Any violation of this chapter shall be subject to the enforcement provisions and penalties as prescribed in Chapter 18.118.

18.96.170 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on an Accessory Dwelling Unit Permit application.

Chapter 18.98 -- Reasonable Accommodations

Sections:

- 18.98.010 – Purpose and Intent
- 18.98.020 – Applicability
- 18.98.030 – Application Requirements
- 18.98.040 – Review Authority
- 18.98.050 – Review Procedures
- 18.98.060 – Findings and Decision
- 18.98.070 – Conditions of Approval
- 18.98.080 – Rescission, Expiration or Discontinuance of Reasonable Accommodation
- 18.98.090 – Post Decision Procedures

18.98.010 – Purpose and Intent

This chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (“the Disability Acts”) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

18.98.020 – Applicability

A. Eligible Applicants.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. This chapter is intended to apply to those persons who are defined as disabled under the Disability Acts.

B. Eligible Request.

1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for Reasonable Accommodation shall comply with the provisions of this chapter.

18.98.030 – Application Requirements

- A. Application.** An application for a Reasonable Accommodation shall be filed and processed in compliance with standard application processing procedures).
- B. Filing with Other Land Use Applications.** If the project involves both a request for Reasonable Accommodation and some other discretionary approval, the applicant shall file the information required together with the materials required for the other discretionary approval.
- C. Responsibility of the Applicant.** It is the responsibility of the applicant to provide evidence to support the required findings.

18.98.040 – Review Authority

- A. Director.** A request for Reasonable Accommodation shall be reviewed, and a decision shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.
- B. Other Review Authority.** A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority reviewing the discretionary land use application.

18.98.050 – Review Procedures

- A. Director Review.** The Director shall make a written decision and either approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation.
- B. Other Review Authority.** The written decision on whether to approve, conditionally approve, approve with modifications, or deny the request for Reasonable Accommodation shall be made by the Review Authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with the provisions of this chapter.

18.98.060 – Findings and Decision

The written decision to approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation consistent with the Disability Acts shall be based on consideration of all of the following factors:

- A.** Whether the housing which is the subject of the request will be used by an individual defined as disabled under the Disability Acts;
- B.** Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Disability Acts;
- C.** Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
- D.** Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
- E.** Potential impact on surrounding uses;

- F. Physical attributes of the property and structures; and
- G. Other Reasonable Accommodations that may provide an equivalent level of benefit.

18.98.070 – Conditions of Approval

In approving a request for Reasonable Accommodation, the Review Authority may impose conditions deemed reasonable and necessary to ensure the Reasonable Accommodation will comply with the required findings.

18.98.080 – Rescission, Expiration or Discontinuance of Reasonable Accommodation

- A. **Rescission or Expiration.** An approval or conditional approval of an application may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site.), unless allowed to remain as set forth in this section.
- B. **Discontinuance.**
 - 1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
 - 2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:
 - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Development Code; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
 - 3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

18.98.090 – Post Decision Procedures

The procedures and requirements related to permit implementation and to appeals and revocation apply

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Chapter 18.100 -- Permit Implementation, Time Limits, and Extensions

Sections:

- 18.100.010 – Purpose and Intent
- 18.100.020 – Conformance to Approved Plans
- 18.100.030 – Effective Dates of Permits
- 18.100.040 – Acknowledgement and Acceptance of Conditions
- 18.100.050 – Applications Deemed Approved
- 18.100.060 – Permits to Run with the Land
- 18.100.070 – Performance Guarantees
- 18.100.080 – Expiration
- 18.100.090 – Time Extensions
- 18.100.100 – Changes to an Approved Project
- 18.100.110 – Resubmittals

18.100.010 – Purpose and Intent

This chapter provides requirements for the implementation or "exercising" of the permits or approvals required or offered by the Development Code, including time limits and procedures for approving extensions of time.

18.100.020 – Conformance to Approved Plans

- A. Compliance.** All work performed under a building permit for which project drawings and plans have received approval by the Director, Commission, or Council shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable Review Authority.
- B. Changes.** Changes to an approved project shall be submitted and processed in compliance with this chapter.

18.100.030 – Effective Dates of Permits

A. Approvals, Permits, and Variances.

- 1. **Zoning Clearance.** Site Plan and Design Review, Administrative Use Permit, Conditional Use Permit, Variance or Minor Variance, Planned Development Permit, or Temporary Use Permit become effective 15 days following the date the decision was rendered by the applicable Review Authority, unless an appeal is filed prior to the effective date.
- 2. **Denials are effective the date of determination.**

B. Issued on the Effective Date.

- 1. Permits, certificates, and/or other approvals shall not be issued until the effective date; provided no appeal of the Review Authority's decision has been filed.

2. Public Resources Code Section 21167 et seq., specify the applicable time constraints for CEQA compliance. Failure by the applicant to comply with all applicable CEQA time constraints makes the applicant responsible for all associated risks.

18.100.040 – Acknowledgement and Acceptance of Conditions

- A. Appeal.** If the applicant wishes to appeal any or all of the final conditions of approval, the applicant shall file an appeal within 15 days following the actual date the decision was rendered by the applicable Review Authority
- B. Full Understanding and Acceptance.** The applicant, upon receipt of the approved copy of the permit with attached conditions, shall execute an Acknowledgment and Acceptance of Conditions agreement with the City, certifying full understanding and acceptance of the final conditions of approval.
- C. Signed and Dated.** The applicant shall return the Acknowledgment and Acceptance of Conditions agreement to the Department, properly signed and dated, within 30 days following the date of the Acknowledgement.

18.100.050 – Applications Deemed Approved

Applicable Provisions. Any application deemed approved by operation of law under Government Code Section 65956(b) is subject to all applicable provisions of the Development Code, which shall be fully satisfied by the applicant before a building permit is issued or a land use not requiring a building permit is exercised or established.

18.100.060 – Permits to Run with the Land

Conditions Apply. All conditions of approval continue to apply after a change in property ownership.

18.100.070 – Performance Guarantees

- A. Deposit of Security.**
 1. As a condition of approval of an Site Plan and Design Review, Administrative Use Permit, Conditional Use Permit, Variance or Minor Variance, Planned Development Permit, Reasonable Accommodation, or Temporary Use Permit, upon a finding that the City's health, safety, and welfare warrant, the Review Authority may require the execution of a covenant to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the permit in the event that the obligor fails to perform.
 2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).
 3. The security shall, as required by law or otherwise at the option of the City, be in the form of cash, a bond or certified check.
 4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director, in conjunction with the City Engineer, where applicable.

5. Security required shall be payable to the City.
- B. Release of Security.** Upon satisfactory compliance (as determined by the Director) with all applicable provisions of the conditions specified in the approval/permit, the security shall be released.
- C. Failure to Comply.**
1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs, including any additional costs exceeding the security deposit, and measurable costs for administration.
 2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

18.100.080 – Expiration

- A. Expiration of Permit or Approval.** Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Map Act shall comply with the following expiration provisions.
1. **Shall Be Exercised.**
 - a. To ensure continued compliance with the provisions of the Development Code, the permit or approval shall be exercised within 24 months following the date of approval, unless by conditions of the permit or approval a different time is prescribed; otherwise the permit or approval shall be deemed void, unless an extension is approved by the applicable Review Authority.
 - b. Any time limit set by the applicable Review Authority shall be reasonable and based upon the size and the nature of the proposed project.
 - c. If after construction commencement, work is discontinued for a minimum period of 120 days, the permit or approval shall expire and be deemed void.
 - d. For an Administrative or Conditional Use Permit, once all construction is completed and the allowed use established, the applicable of time limits shall be as set forth in the permit or defined in Chapter 18.88.
 2. **Allowable Phasing.**
 - a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the Review Authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the pre-existing base zone and then develop the remaining phases in compliance with this section, without prior Review Authority approval.
 - b. Pre-approved phases.
 - (1) If a project is to be built in pre-approved phases, each subsequent phase shall have 12 months from the date of construction commencement of the prior phase to the date of construction commencement for the next

phase, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.

(2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map.

(3) Shall Be Exercised before Expiration. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

- (a) Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or
- (b) Diligently continued the approved construction activities in a timely manner in compliance with the subject building permit and not lapsed for longer than allowed by this section; or
- (c) Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

B. Effect of Expiration. Where the permit or approval has expired and/or has been deemed void:

- 1. No further action is required by the City;
- 2. No further reliance may be placed on the previously approved permit or approval;
- 3. The applicant shall have no rights previously granted under the permit or approval;
- 4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and
- 5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development.

18.100.090 – Time Extensions

A. Director Action to Extend.

- 1. The Director shall have the authority to extend the permit period for up to one additional 12-month period.
- 2. The applicant's written request for an extension of time shall be on file with the Department at least 30 days before expiration of the permit or approval, together with the filing fee required by the Master Fee Schedule.
- 3. Public hearing not required.
 - a. A public hearing shall not be required for the Director's decision on an extension of time.
 - b. The Director may conduct a public hearing if deemed appropriate by the Director.

- B. Director Denies Extension.** In the event the Director denies the request for extension, the applicant may appeal the decision.
- C. Required Findings.** An extension of the permit or approval may be granted only if the Director first makes all of the following findings:
1. There have been no changes in circumstances or law that would preclude the Director from making the findings upon which the original approval was based; and
 2. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) undertaken by the applicant.
- D. Not a Matter of Right.** The granting of an extension of a discretionary approval is not a matter of right and the Review Authority may deny the application or grant the application subject to new or different conditions.

18.100.100 – Changes to an Approved Project

- A. Application.**
1. A development or new land use shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this section.
 2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reason(s) for the request.
 3. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the operation, use, or physical characteristics of the project as originally proposed by the applicant or approved by the Review Authority.
 4. Changes may be requested either before or after construction or establishment and operation of the approved use but shall not be implemented until first approved by the applicable Review Authority.
- B. Notice and Hearing.** If the matter originally required a noticed public hearing, the Review Authority shall hold a noticed public hearing, except for the minor changes. The Review Authority retains the right to require a public hearing even if the original approval did not include a hearing.
- C. Minor Changes by Director.** Minor changes are those which do not alter the project significantly, such as a revision equal to less than 10 percent of the square footage, modification of a roofline not altering height, or a change to a mitigation measure not effecting impact. The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:
1. Are consistent with all applicable provisions of the Development Code and the spirit and intent of the original approval.
 2. Do not involve a feature or aspect of the project that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;

- b. A specific consideration by the Review Authority in granting the permit or approval.
- 3. Do not involve any expansion or intensification of the use or structure.
- D. **Major Changes.** Major changes include changes to the project involving features or aspects such as substantial revisions to square footage, changes in density or a revision which results in a CEQA impact. Major changes shall only be approved by the original Review Authority through a new application, processed in compliance with the Development Code.

18.100.110 – Resubmittals

- A. The Director shall determine whether a new application is for a planning permit or amendment which is the same or substantially similar to a previously approved or denied permit or amendment, and shall either process or reject the application.
- B. The Director's determination may be appealed to the Commission.

Title 18 – Development Code
Article 8 –
Development Code Administration

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Chapter 18.104 – Administrative Responsibility

Sections:

- 18.104.010 – Purpose and Intent
- 18.104.020 – Planning Agency and Advisory Agency
- 18.104.030 – Planning Manager
- 18.104.040 – Planning Commission
- 18.104.050 – City Council
- 18.104.060 – Subject Matter Experts

18.104.010 – Purpose and Intent

The purpose of this chapter is to describe the authority and responsibilities of the City Council, Planning Commission, Planning Manager, Planning and Housing Division, and Planning and Housing Division staff in the administration of the Development Code.

18.104.020 – Planning Agency and Advisory Agency

The Planning and Housing Division staff and the Planning Manager, function as the Planning Agency, when so required by provisions of the Government Code. The Planning Commission is the Advisory Agency, in compliance with Government Code Section 65101.

18.104.030 – Planning Manager

- A. **Appointment.** The Planning Manager, referred to in the Development Code as the Director, shall be appointed by the City Manager.
- B. **Duties and Authority.** The Director shall:
 1. Have the responsibility to perform all of the functions designated by state law;
 2. Perform the duties and functions prescribed in the Development Code, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA).
 3. Have the authority to defer action on an application and refer the request to the Commission for consideration and final action;
 4. Perform other responsibilities assigned by the City Manager, Commission or Council, and
 5. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.
- C. **Imposition of Conditions.** In making decisions on applications, the Director may impose conditions the Director deems reasonable and necessary to implement the General Plan, any applicable specific plans, the Municipal Code, and to further the public health, safety and general welfare of the community.

18.104.040 – Planning Commission

- A. Establishment.** The Planning Commission, referred to in the Development Code as the Commission, is designated in Municipal Code Chapter 2.48 and consists of five members appointed by the Council.
- B. Duties and Authority.** The Commission performs the duties and functions prescribed in Municipal Code Chapter 2.48 and the Development Code, and the Council may from time to time by resolution, prescribe additional powers and duties not inconsistent with state law, including the following:
1. The review of development projects, including referrals from the Director;
 2. The review of appeals from the Director's decisions and the Director's and Department staff's determinations; and
 3. The recommendation to the Council on legislative matters, on development agreements and amendments, Development Code amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, related CEQA environmental documents, and other applicable policy or regulatory matters related to the City's planning process.
- C. Imposition of Conditions.** In making decisions on applications, the Commission may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable specific plans, the Municipal Code, and to further the public health, safety and general welfare of the community.
- D. Meeting Rules.** The Commission shall conduct public hearings and meetings in compliance with standard procedures and the requirements of state law.

18.104.050 – City Council

The City Council shall perform the duties and functions prescribed in the Development Code, which include all of the following:

- A. Review Authority on Specified Legislative Planning Matters.** Final legislative decisions on development agreements and amendments, Development Code amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, related CEQA environmental documents, and other applicable policy or Development Code matters related to the City's planning process.
- B. Appeals.** The review of appeals filed from Commission decisions.
- C. Imposition of Conditions.** In making decisions on applications, the Council may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable specific plans, the Municipal Code, and to further the public health, safety, and general welfare of the community.
- D. Meeting Rules.** The Commission shall conduct public hearings and meetings in compliance with standard procedures and the requirements of state law.

18.104.060 – Subject Matter Experts

Subject Matter Experts. If, during the processing of a development application it becomes necessary to hire a subject matter expert, the report shall be prepared under the authority of the City. If an applicant submits a technical report, it shall be third party reviewed, at the applicant's expense, by a firm of the City's choosing.

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Chapter 18.106 – Public Notices and Hearings

Sections:

- 18.106.010 – Purpose and Intent
- 18.106.020 – Notice of Hearing
- 18.106.030 – Hearing Procedures
- 18.106.040 – Recommendation by Commission
- 18.106.050 – Decision and Notice
- 18.106.060 – Effective Date of Decision

18.106.010 – Purpose and Intent

This chapter provides procedures for public hearings required by the Development Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted in compliance with this chapter and state law.

18.106.020 – Notice of Hearing

When the Development Code requires a noticed public hearing, the public shall be provided notice of the hearing in compliance with applicable state law, including but not limited to Government Code Section 65090 et seq., and Section 66451.3, Public Resources Code 21000 et seq., and as required by this chapter.

A. **Content of Notice.** Notice of a public hearing shall include all of the following information.

1. **Project Information.** The date of filing of the application and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.
2. **Hearing Information.** The date, time, and place of the hearing and the name of the Review Authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department where an interested person may call or visit to obtain additional information
3. **Statement on Environmental Document.** If a proposed Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, the hearing notice shall include a statement that the Review Authority will also consider approval of the environmental document.

B. **Method of Notice Distribution.**

1. **Mailing.** Notice shall be mailed or delivered at least 10 days before the scheduled hearing to all of the following:
 - a. One publication in a newspaper of general circulation in the City, within 10 days preceding the date of the hearing;

- b. Mailing a postal card notice not less than 10 days prior to the date of the hearing to the owners of property within 300 feet of the exterior limits of the property or properties which is the subject of the application, as shown on the last equalized assessment roll.
 - c. Any person who has filed a written request for notice with the Director and has paid the required fee for the notice.
2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091.
 3. **Additional Notice.** In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method the Director determines is necessary or desirable.

18.106.030 – Hearing Procedures

- A. **Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued Hearing.** Any hearing may be continued from time to time without further written notice provided the chair of the Review Authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

18.106.040 – Recommendation by Commission

After a public hearing the recommendation and findings of the Commission shall be forwarded to the Council if the matter is not final with the Commission.

18.106.050 – Decision and Notice

- A. **Decision.**
 1. The Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a subsequent meeting. At the conclusion of a hearing conducted by the Director, instead of rendering a decision the Director may refer the matter to the Commission for review and final decision. Within 10 working days of the conclusion of a hearing, a decision shall be rendered.
 2. Unless otherwise required by law, an affirmative vote by a majority of those voting shall be required for any formal action by the applicable Review Authority.
 3. Tie votes of the Review Authority for matters that legally require findings shall result in no action by the Review Authority.
 4. All decisions shall be in writing and, if required by law, shall contain written findings.
- B. **Notice of decision.** Following the final decision on an application for a permit or other approval required by the Development Code, the City shall provide written notice of its final action to the applicant and to any person who specifically requested notice of the City's final action.

- C. Notifying County Assessor.** Whenever a Zoning Map amendment, Administrative Use Permit, Conditional Use Permit, Minor Variance, or Variance is granted with respect to any property, the City shall, within 30 days, notify the County Assessor of the action in compliance with Government Code Section 65863.5.

18.106.060 – Effective Date of Decision

- A. Director or Commission decision.** The decision of the Director or Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the final decision is rendered if no appeal of that decision has been filed.
- B. Council decision.**
1. **Adopted by ordinance.** A decision of the Council adopted by ordinance is final and becomes effective on the 31st day following the date the ordinance is adopted by the Council, unless otherwise provided in the adopting ordinance, unless the provisions in state law for a referendum are followed.
 2. **Adopted by resolution.** Except for actions related to General Plans, a decision of the Council adopted by resolution is final and is effective on the date the decision is rendered, unless the provisions in state law for a referendum are followed.

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Chapter 18.108 – Development Agreements

Sections:

- 18.108.010 – Purpose and Intent
- 18.108.020 – Application Requirements
- 18.108.030 – Filing, Processing, and Review
- 18.108.040 – Contents of Development Agreement
- 18.108.050 – Execution and Recordation
- 18.108.060 – Amendment and Cancellation of Development Agreements
- 18.108.070 – Periodic Review
- 18.108.080 – Effect of Development Agreements
- 18.108.090 – Approved Development Agreements

18.108.010 – Purpose and Intent

A. Purpose and Intent.

1. A development agreement is a contract between the City and a person with a legal or equitable interest in land subject to development.
2. A development agreement is intended to provide assurance to the applicant/contracting party that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of execution of the agreement, regardless of any subsequent changes to City policies, rules, and regulations after project approval, unless deemed necessary for public health and safety by the City Council or a regulatory agency, or as otherwise provided in Government Code Section 65866 or Section 65869.5.
3. In return, the City is provided assurance that the project would further important citywide goals and policies which have been officially recognized by the Council, and that the project will provide the City with significant, tangible benefits beyond those that may be commonly required by the City through project conditions of approval.

B. Construing the Provisions.

In construing the provisions of any development agreement, those provisions shall be read to fully effectuate, and to be consistent with, the language of this chapter, the Government Code, and the agreement itself, consistent with standard rules of contract interpretation. Should any apparent discrepancies among the meaning of these documents arise, reference shall be made to the following documents, and in the following order:

1. The provisions of Government Code Section 65864 et seq;
2. The provisions of this chapter; and
3. The plain terms of the development agreement itself.

18.108.020 – Application Requirements

A. Equitable Interest.

Person(s) having a legal or equitable interest in real property may apply to enter into a development agreement provided all of the following criteria are met:

1. The status of those having a legal or equitable interest in the subject real property is established to the satisfaction of the Director. An applicant may also include an authorized agent; and
 2. The application is made on approved forms, contains all lawfully required documents, materials, and information, and is filed with the Department as required by the Development Code.
- B. Director Review and Recommendations.** The Director is empowered to receive, review, process, and prepare, together with recommendations for Commission and Council consideration, all applications for development agreements. The Director may call upon all other City departments for timely assistance.
- C. Fees.** Processing fees, as established by the Master Fee Schedule, shall be collected for an application for a development agreement. Additionally, appropriate fees shall be established and collected for amendments to a development agreement and the required periodic review.

18.108.030 – Filing, Processing, and Review

- A. Filing.** An application for a development agreement shall be filed with the Department and shall be accompanied by detailed data and materials identified in the most current Department handout for development agreement applications. If a development agreement is applied for in conjunction with other development approvals, the entire application shall be processed comprehensively as a package.
- B. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this chapter.
- C. Notice and Hearings.**
1. The Director, upon finding the application for a development agreement complete and in compliance with the provisions of the California Environmental Quality Act (CEQA), shall set the application together with recommendations for public hearing before the Commission. Following conclusion of the public hearing, the Commission shall make a written recommendation, in the form of a resolution, to the Council that it approve, conditionally approve, or deny the application based on the required findings.
 2. Upon receipt of the Commission's recommendations, the City Clerk shall set the application and written report of the Commission for a public hearing before the Council. Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application based on the required findings.
 3. Notice of the hearings shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with Government Code Section 65867.
- D. Findings and Decision.** The City Council may approve a development agreement only if it first makes all of the following findings:
1. The development agreement is in the best interests of the City;
 2. The development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plan, and the Development Code;

3. The development agreement will promote the public convenience, health, interest, safety, and general welfare of the City;
4. The project will be compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;
5. The project will not adversely affect the orderly development of property or the preservation of property values;
6. The project will further important Citywide goals and policies that have been officially recognized by the Council; and
7. The project will provide the City with important, tangible benefits beyond those that may be required by the City through project conditions of approval.

18.108.040 – Contents of Development Agreement

A. Mandatory Contents. As set forth in Government Code Section 65865.2, a development agreement shall

1. Specify the:
 - a. Duration of the agreement;
 - b. Allowed uses for the subject property; and
 - c. Density/intensity of the allowed uses.
2. Describe the:
 - a. Maximum height and size of proposed structures by clearly identifying and referring to the documents and exhibits approved;
 - b. Provisions, if any, for reservation or dedication of land for public purposes; and
 - c. Provisions, if any, for the protection from either a future growth control ordinance or a future increase in development and/or effect fees;
3. Provide for an amendment review procedure which may incorporate the following:
 - a. Director approval for minor modifications, as defined in the development agreement, which are then submitted to the Planning Commission on the consent calendar; and
 - b. Council approval for major amendments pursuant to Government Code Section 65868.
4. Upon a finding by the City Council, adopted following a noticed public hearing, and based upon substantial evidence, the City Council may suspend or modify one or more provisions of an approved development agreement in order to address the subsequent discovery of health and safety issues posing an imminent threat or danger to public health and safety, such as a new and previously unstudied and unmitigated environmental health hazard. Any such suspension or modification shall be processed in accordance with Government Code Section 65868.

B. Permissive Contents. A development agreement may contain:

1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, the conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density/intensity of development specified in the agreement;
2. Provisions requiring construction be commenced within a specified time and that the project, or any single phase, be completed within a specified time;
3. Terms and conditions relating to applicant financing, including reimbursement, of necessary public improvements and facilities including applicant participation in benefit assessment proceedings; and
4. Other terms, conditions and requirements as the Council may deem necessary and proper, including requirement(s) for ensuring performance of all provisions of the agreement in a timely manner by the applicant/contracting party.

18.108.050 – Execution and Recordation**A. Adoption of Ordinance Becomes Effective.**

1. If the Council approves the development agreement, it shall do so by the adoption of an ordinance.
2. The City shall not execute a development agreement until on or after the date upon which the ordinance approving the agreement becomes effective.

B. Recordation of Agreement. A development agreement shall be recorded by the applicant/developer in the County Recorder's Office no later than 10 days after it is executed. A copy of the recorded document shall be provided to the Director.**18.108.060 – Amendment and Cancellation of Development Agreements****A. Proposed Amendment or Cancellation.** Either party to the agreement may propose an amendment to or cancellation of the development agreement.**B. Procedures.** Amendment to or cancellation of the development agreement must be publicly noticed but only requires a hearing before the City Council.**C. City Initiated Amendment or Cancellation.** Where the City initiates the amendment or cancellation of the development agreement, it shall first give notice to the property owner of its intention to initiate the proceedings at least 10 days before giving public notice to consider the amendment or cancellation. If the City initiates an amendment or cancellation, it may only do so based upon the provisions of the Government Code.**18.108.070 – Periodic Review****A. Subject to Periodic Review.**

1. Every development agreement approved and executed shall be subject to periodic City review during the full term of the agreement.

2. The City shall review the development agreement upon initiation by the applicant/contracting party or its successor(s)-in-interest, but at least every 12 months from the date the agreement is entered into, as required by Government Code Section 65965.1.
 3. The time for review may be shortened either by agreement between the parties or by initiation in one or more of the following ways:
 - a. Affirmative vote of a majority of the members of the Commission; or
 - b. Affirmative vote of at least three members of the Council.
 4. The review schedule shall be specified in the development agreement.
- B. Purpose of Periodic Review.** The purpose of the periodic review is to determine whether the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms and conditions of the development agreement. The burden of proof is on the applicant/contracting party or its successor(s) to demonstrate compliance, to the full satisfaction of, and in a manner prescribed by, the City.
- C. Notice of Periodic Review.**
1. The applicant/contracting party or its successor(s)-in-interest shall initiate the review proceeding by filing an application.
 2. Upon receipt of a complete application, the Director shall begin the review proceeding by giving notice the City intends to undertake a periodic review of the development agreement to the applicant/contracting party or its successor(s)-in-interest, to any person who has filed a written request for notice with the Director and has paid the required fee for the notice.
 3. The Director shall give the notice at least 10 days in advance of the time when the matter will be considered by the Commission.
- D. Review by Commission.** Review shall be conducted by the Commission, unless otherwise provided for in the development agreement.
1. The Commission shall conduct a hearing at which the applicant/contracting party or its successor(s)-in-interest shall demonstrate good faith compliance with the terms of the development agreement.
 2. The burden of proof is on the applicant/contracting party or its successor(s)-in-interest.
- E. Findings.** The Commission shall determine, upon the basis of substantial evidence, whether or not the applicant/contracting party or its successor(s)-in-interest has, for the period under review, complied in good faith with the terms and conditions of the development agreement.
- F. Procedure Upon Findings.**
1. **Has complied.**
 - a. If the Commission finds and determines the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and a notice of the determination shall be sent to the Council and the applicant/contracting party or its successor(s)-in-interest.

- b. The Council shall review the Commission's action.
 - c. If the Council so desires, it can schedule a public hearing for further review.
2. **Has not complied.** If the Commission finds and determines the applicant/contracting party or its successor(s)-in-interest has not complied in good faith with the terms and conditions of the development agreement, the Commission shall forward its recommendation to the Council and the Council may hold a public hearing to modify or terminate the agreement, as provided by Government Code section 65865.1.

G. Modification or Termination of Development Agreement.

1. **Proceedings upon modification or termination.** If the City determines to proceed with modification or termination of the development agreement, the City shall give notice to applicant/ contracting party or its successor(s)-in-interest of its intention to do so. The notice shall contain all of the following:
- a. The time and place of the hearing, which shall be conducted by the Council;
 - b. A statement as to whether or not the City proposes to terminate or to modify the development agreement; and
 - c. Other information that the City considers necessary to inform applicant/contracting party or its successor(s)-in-interest of the nature of the proceedings.
2. **Hearing on modification or termination of development agreement.**
- a. At the time and place set for the hearing on modification or termination, the applicant/contracting party or its successor(s)-in-interest shall be given an opportunity to be heard.
 - b. At the hearing, the Council may affirm, modify, or reject the determination of the Commission.
 - c. The Council may refer the matter back to the Commission for further proceedings or for report and recommendation.
 - d. The Council may impose those conditions to the action it takes as it considers reasonable and necessary to protect the interests of the City.
 - e. The decision of the Council on the modification or termination shall be final.

18.108.080 – Effect of Development Agreements

- A. Rules in Force at the Time of Execution.** Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the agreement.
- B. Application of New Rules.** In compliance with Government Code Section 65866, a development agreement shall not prevent the City in subsequent actions applicable to the property from applying new policies, regulations, and rules which do not conflict with those policies, regulations, and rules applicable to the property; nor shall a development agreement

prevent the City from conditionally approving or denying any subsequent development project application on the basis of existing or new policies, regulations, and rules.

18.108.090 – Approved Development Agreements

Development agreements approved by the Council shall be on file with the City Clerk.

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Chapter 18.110 – Covenants of Easement

Sections:

- 18.110.010 – Purpose and Intent
- 18.110.020 – Requirements
- 18.110.030 – Contents of Covenant
- 18.110.040 – Acceptance and Recordation
- 18.110.050 – When Effective
- 18.110.060 – Enforceability
- 18.110.070 – Release of Covenant

18.110.010 – Purpose and Intent

The purpose of this chapter is to provide for the creation of an easement by a recorded Covenant of Easement by an owner of real property, as authorized by Government Code section 65871, for parking, ingress, egress, emergency access, light and air access, landscaping, open space purposes, or access to and/or operation and maintenance of a water or storm water treatment measure.

18.110.020 – Requirements

At the time of recording of the Covenant of Easement, all the real property benefited or burdened thereunder shall be in common ownership.

18.110.030 – Contents of Covenant

A covenant of easement recorded pursuant to this chapter shall be executed by the owner of the burdened property and shall include:

1. A legal description of the real property to be subject to the easement; and
2. A legal description of the real property to be benefited by the easement; and
3. Identification of the approval, permit or designation which was granted in reliance upon recordation of the covenant, or for which recordation of the covenant is or was a requirement; and
4. A description of the purpose(s) of the easement.

18.110.040 – Acceptance and Recordation

- A. Acceptance.** The Director may accept a Covenant of Easement on behalf of the City when such an easement is required as a condition of land use approval, permit or designation.
- B. Recordation.** The Covenant of Easement shall be recorded in the County Recorder's Office no later than 30 days after it is executed. A copy of the recorded document shall be provided to the Director.

18.110.050 – When Effective

- A. The covenant of easement shall be effective when recorded and shall act as an easement pursuant to Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property.
- B. From and after the time of its recordation, the covenant shall impart notice to all persons to the extent afforded by the recording laws of California.

18.110.060 – Enforceability

Upon recordation, the burdens of the covenant shall be binding upon, and the benefits shall inure to, all successors in interest to the affected real property. Nothing in this chapter shall create in any person other than the City and the owner of real property benefited or burdened by the covenant standing to enforce or to challenge the covenant or any amendment to the covenant or release from it.

18.110.070 – Release of Covenant

The Planning Commission, or City Council on appeal of the decision of the Planning Commission, may approve and authorize recordation of a release of a Covenant of Easement.

A. Petition for Release.

A petition for release of a Covenant of Easement may be made by any person whether or not that person has title to the real property, and shall be filed in writing with the Director. The form of the petition and the information required to be set forth in them shall be prescribed by the Director. The Director shall not accept any petition for filing unless:

1. All information and data is set forth and shown as required by the form;
2. The petition is verified by the party making the petition; and
3. The applicable filing fee has been paid. The fee shall be as set forth in the Master Fee Schedule established by resolution of the Council.

B. Hearing by Planning Commission.

1. The Director shall set a date for the public hearing by the Planning Commission. The date of hearing shall be not less than 20 nor more than 60 days after the date the application was accepted as complete. Notice shall be provided in accordance with Chapter 106.
2. The Director shall provide a report and recommendation to the Commission, and shall file with the Commission all papers, documents, and exhibits which are part of the file. The Commission may decide to grant the petition, conditionally grant the petition or deny the petition.
3. The decision of the Commission shall be mailed to all persons entitled to notice.
4. The decision of the Commission shall become final as set forth in Chapter 106; provided, however, that if a written notice of appeal is timely filed, the decision of the Commission shall not be final, and it shall be of no force or effect.

C. Findings.

The Planning Commission, or the City Council on appeal, may grant the petition for release of the Covenant of Easement only upon a finding that the restriction of the property is no longer necessary to achieve the land use goals of the City.

D. Release to be Recorded.

Within 15 days after the action granting a petition for release has become final, the Director shall cause the release to be recorded in the County Recorder's Office.

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Chapter 18.112 – Permit Modifications and Revocations

Sections:

- 18.112.010 – Purpose and Intent
- 18.112.020 – Modifications
- 18.112.030 – Revocations
- 18.112.040 – Findings to Modify or Revoke
- 18.112.050 – Notice and Hearing Required
- 18.112.060 – Appeals

18.112.010 – Purpose and Intent

This chapter provides procedures for City-initiated modification or revocation of previously approved permits or approvals.

18.112.020 – Modifications

The City's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, outdoor lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect or condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

18.112.030 – Revocations

The City's action to revoke a permit or approval, instead of modification, shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.

18.112.040 – Findings to Modify or Revoke

- A. Permits.** An Administrative Use Permit, Conditional Use Permit, or other City planning permit or approval, except a Variance or Minor Variance, may be modified or revoked by the Review Authority that originally approved the permit, if the Review Authority makes any one of the following findings:
1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and general welfare require the modification or revocation;
 2. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;

3. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated and/or the permit is in violation of any code, law, ordinance, regulation, or statute;
4. The approved use or structure has not been exercised within 12 months of the date of approval;
5. The approved use or structure has ceased to exist or has been suspended for a period in excess of 180 days.
6. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or
7. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or general welfare or the manner of operation constitutes or is creating a nuisance.

B. Variances and Minor Variances. A Variance or Minor Variance may be modified or revoked by the Review Authority which originally approved the Variance or Minor Variance, if the Review Authority makes any one of the following findings, in addition to any one of the findings specified above:

1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance; or
2. One or more of the conditions of the Variance or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance.

18.112.050 – Notice and Hearing Required

A. Hearing.

1. The appropriate Review Authority shall hold a noticed public hearing to modify or revoke a permit or approval granted.
2. At least 10 days before the public hearing, notice shall be mailed or delivered to the owner as shown on the County's latest equalized assessment roll and to the project applicant, if not the owner of the subject property, for which the permit or approval was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.

B. Mailing of Notice. Notice shall be deemed delivered two days after being mailed through the United States Postal Service, postage paid, or by some other method providing for proof of delivery.

18.112.060 – Appeals

A. The decision of the Director may be appealed to the Commission and the decision of the Commission may be appealed to the Council. The decision of the Council shall be final.

- B.** A noticed public hearing shall be required for the appeal of a decision to modify or revoke a permit or approval.
- C.** At the conclusion of the hearing, the Review Authority may sustain the prior Review Authority's decision to modify or revoke the permit or approval, or overturn the decision and order reinstatement of the permit or approval.

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Chapter 18.114 – Amendments

Sections:

- 18.114.010 – Purpose and Intent
- 18.114.020 – Initiation of Amendment
- 18.114.030 – Processing, Notice, and Hearings
- 18.114.040 – Commission Action on Amendment
- 18.114.050 – Council Action on Amendment
- 18.114.060 – Findings and Decision
- 18.114.070 – Effective Dates

18.114.010 – Purpose and Intent

This chapter provides procedures for the amendment of the Development Code, the General Plan, and the Official Zoning Map.

18.114.020 – Initiation of Amendment

- A. **Who May initiate.** An amendment may be proposed by the Director or initiated by the Commission or Council.
- B. **General Plan or Zoning Map Amendments Only.** For the General Plan or the Zoning Map, an amendment may be initiated by the filing of an amendment application with the Department by any or all of the owners or authorized agent(s)/representative(s) of property owners for which the amendment is sought.

18.114.030 – Processing, Notice, and Hearings

- A. **Application Filing and Processing.**
 - 1. If initiated by the filing of an amendment application, the application shall be processed in compliance with standard application processing procedures.
 - 2. It is the responsibility of the applicant to provide evidence in support of the required findings.
- B. **Timing of General Plan Amendments.** The mandatory elements of the General Plan may be amended up to four times in a single calendar year, as authorized by and subject to the provisions of Government Code Section 65358.
- C. **Public Hearings Required.** The Commission and Council shall each conduct one or more public hearings regarding the amendment.
- D. **Notice and Hearing.** Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with the provisions of the Development Code and as specified in Government Code Sections 65353, 65355, 65854, and 65856.

E. Abandonment of Amendment Proceedings.

1. **Withdrawn by Applicant.** Upon the consent of the Commission, any application for an amendment may be withdrawn upon the written request of a majority of all the persons who signed the application.

18.114.040 – Commission Action on Amendment

- A. All Amendments.** After the public hearing, the Commission shall forward a written recommendation, in the form of a resolution, together with the reasons for the recommendation, to the Council whether to approve, approve in modified form, or deny the proposed amendment, based on the required findings.
- B. Recommendation for Approval of Development Code or Zoning Map Amendments.** A recommendation for approval or approval in modified form of a Development Code or Zoning Map amendment shall require only a majority vote.
- C. Recommendation for Approval of General Plan Amendments.** A recommendation for approval or disapproval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the Commission as required by Government Code Section 65354.
- D. Denial by Commission.** A recommendation against the proposed amendment requires only a majority vote.

18.114.050 – Council Action on Amendment

- A. All Amendments.** Upon receipt of the Commission's recommendation to approve, or approve in modified form, the proposed amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the required findings.
- B. Approval of Development Code or Zoning Map Amendments.** The action by the Council to approve the Commission's recommendation regarding a Development Code or Zoning Map amendment shall be by a majority vote of the members present, adopted by ordinance, and shall be final and conclusive.
- C. Approval of General Plan Amendments.** The action by the Council to approve the Commission's recommendation regarding a General Plan amendment shall require the affirmative vote of not less than a majority of the total voting members in compliance with Government Code Section 65356, adopted by resolution, and shall be final and conclusive.
- D. Referral to Commission.** If the Council proposes substantial modification(s) not previously considered by the Commission, the proposed modification(s) shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 and 65857. Failure of the Commission to report back to the Council within the time limits identified in Government Code Sections 65356 and 65857 following the referral shall be deemed approval by the Commission of the proposed modification(s).

18.114.060 – Findings and Decision

An amendment to the Development Code, the General Plan, or the Official Zoning Map may be approved only if all of the following findings are first made, as applicable to the type of amendment.

A. Findings for General Plan Amendments.

1. The amendment is internally consistent with all other provisions of the General Plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The affected site is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

B. Findings for Development Code and Zoning Map Amendments.**1. Findings Required for all Development Code and Zoning Map Amendments**

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
 - b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. **Additional Finding for Development Code Amendments.** The proposed amendment is internally consistent with other applicable provisions of the Development Code.
 3. **Additional Finding for Zoning Map Amendments.** The affected site is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

18.114.070 – Effective Dates

- A. General Plan.** A General Plan amendment takes effect 30 days after adoption by a resolution of the Council.
- B. Development Code and Zoning Map.** A Development Code or Zoning Map amendment becomes effective on the 31st day following the adoption of an ordinance by the Council.

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Chapter 18.116 – Appeals

Sections:

- 18.116.010 – Purpose and Intent
- 18.116.020 – Appeal Subjects and Jurisdiction
- 18.116.030 – Calls for Review
- 18.116.040 – Filing and Processing of Appeals
- 18.116.050 – Judicial Review

18.116.010 – Purpose and Intent

This chapter establishes procedures for the appeal of determinations and decisions rendered by the Planning and Housing Division staff, the Director and the Commission.

18.116.020 – Appeal Subjects and Jurisdiction

- A. Development Code Administration and Interpretation.** Decisions and actions of the staff and Director may be appealed to the Commission:
1. **Interpretations.** Any determination on the meaning or applicability of regulations believed to be in error, and not resolved with the Director;
 2. **Determinations.** Any non-permit determination (e.g., a decision of application status or process requirements) or permit determination; and
 3. **Enforcement Actions.** Any enforcement action.
 4. **Commission Decisions.** Any decision of the Commission may be appealed to the Council.

18.116.030 – Calls for Review

- A. Council Review.**
1. **Council.** The Council may call for a review of any determination or decision rendered by the staff, the Director or the Commission.
 2. **Majority Vote Required.** A review may only be commenced by the affirmative vote of the majority of the members present.
- B. Process for Calling for a Review.**
1. **Initiation by Council Members.**
 - a. One or more Council members may initiate a call for review of a determination or decision by filing a written request with the City Clerk before the effective date of the action, generally 15 days following the date of the determination or decision.

- b. The Council may call directly for the review of a Director determination or decision or refer the matter to the Commission to review and take action or provide a written recommendation to the Council.
 2. **Consideration.** The Commission or Council, as applicable, shall consider the matter at its next available regularly scheduled meeting.
 3. **Request for Transcript.** If the Commission or Council requests a transcript for use at the review hearing, a transcript shall be prepared and a copy shall be made available for inspection by any interested party. Fees shall be collected from applicants to create transcripts. Creation of a transcript may delay the scheduling of a hearing.
 4. **Notice to Applicant.** If the decision of a discretionary application is being reviewed, the applicant shall be informed of the aspects of the application and the determination or decision to be considered.
 5. **Effect of Call for Review.**
 - a. A call for review shall stay the effective date of a determination or decision until the Review Authority can make a decision.
 - b. The timely filing of a call for review does not extend the time in which an appeal of a determination or decision shall be filed.
 6. **Filing of an Appeal Pending a Call for Review.**
 - a. **Right to File an Appeal.** Any person may file a timely appeal even though a call for review has been filed.
 - b. **Effect of Filing an Appeal.** The filing of the appeal serves to protect the rights of the appellant(s).
 7. **Notice and Public Hearing.**
 - a. A review hearing shall be a public hearing if the original determination or decision required a public hearing.
 - b. Notice of the public hearing shall be the same as for the original determination or decision.
 8. **Fees Not Required.** Fees shall not be required in conjunction with the filing of a call for review by a member of Council.
- C. Concurrent Commission Recommendations.** When the Commission makes a recommendation to the Council on a legislative matter, any concurrent companion decision(s) by the Commission on an application concerning in whole or in part the same parcel(s) shall also be deemed to be timely called up for review by the Council.

18.116.040 – Filing and Processing of Appeals

- A. **Timing and Form of Appeal.** An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.

1. The facts and the basis shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous Review Authority in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.
2. The appeal shall be filed with the Planning Department, as applicable, within 15 days following the actual date the decision was rendered.
3. The appeal shall be accompanied by the filing fee set forth in the Fee Schedule.
 - a. Additional fees may be collected on a time and materials to cover the full cost of the appeal including but not limited to: field investigation; preparation of necessary reports; preparation of site maps; mailing notices; printing and posting notices and legal publications, transcriptions of meetings or other items deemed necessary for preparation of the administrative record.
 - b. These fees shall be paid to the Director at the time the appeal is filed or when the City subsequently invoices.
4. The appeal shall be accompanied by a written verification by at least one of the petitioners attesting to the truth and correctness of all facts and materials presented with the appeal petition. The verification shall be signed before a notary public or other officer authorized to administer oaths.
5. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable Review Authority.

B. Scope of Planning Permit Appeals

An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, which are part of the record. The record consists of all correspondence, minutes, reports, transcripts, written and oral testimony at the public hearing, and any other documents or evidence considered or relied upon by the Review Authority in the decision-making process.

C. Report and Scheduling of Hearing.

1. When an appeal has been filed, the Director shall prepare a report, including all of the application materials, and schedule the matter for a public hearing by the appropriate Review Authority within 90 days of the filing of the appeal.
2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with standard hearing procedures.
 - a. Notice shall be mailed to the applicant and to all persons who spoke at the public hearing on the matter being appealed, to all persons who submitted written evidence before or during the public hearing on the matter being appealed, and to all persons whose names appear on the latest adopted County assessment roll as owning property located within 300 feet of the exterior boundaries of the parcel subject to the appeal.
 - b. Notice shall also be published once in a newspaper having general circulation in the City not later than 10 calendar days before the hearing date.
3. Any interested party may appear and be heard regarding the appeal.

D. Decision.

1. During the appeal hearing, the issues that may be raised and considered by the Review Authority are not limited to those raised by the appellant, and may include any aspect of the proposed project, whether or not originally considered as part of the decision being appealed. The Review Authority may:
 - a. Affirm, affirm in part, modify, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the Development Code; or
 - b. Impose additional conditions of approval, which may address issues or concerns other than the subject of the appeal.
2. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission, as applicable, for further consideration.
3. In the event of a tie vote by the Review Authority on an appeal, the decision being appealed shall stand.
4. **Provision of Notice of Decision.**
 - a. Following the final decision on an application for a permit or other approval required by the Development Code, the City shall provide notice of its final decision to the appellant, applicant, property owner/owner's representative, and to any person who specifically requested notice of the City's final action.
 - b. The notice of the final decision shall contain relevant findings, conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

- E. Effective Date of Appeal Decisions.** Final action by the applicable Review Authority shall be effective immediately if no additional appeals are available.

18.116.050 – Judicial Review

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with the Development Code unless and until all available appeals to the Commission and Council have been first exhausted.

Chapter 18.118 – Enforcement

Sections:

- 18.118.010 – Purpose and Intent
- 18.118.020 – Permits and Licenses
- 18.118.030 – Enforcement Responsibility
- 18.118.040 – Violations
- 18.118.050 – Inspections
- 18.118.060 – Initial Enforcement Action
- 18.118.070 – Legal Remedies
- 18.118.080 – Recovery of Costs
- 18.118.090 – Additional Permit Processing Fees
- 18.118.100 – Re-inspection Fees
- 18.118.110 – Remedies Cumulative

18.118.010 – Purpose and Intent

This chapter establishes provisions intended to ensure compliance with the requirements of the Municipal Code, the Development Code, and any conditions of planning permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

18.118.020 – Permits and Licenses

All departments, officials, and public employees of the City who are assigned the authority or duty to issue certificates, licenses, permits, and other approvals shall comply with the provisions of the Development Code.

- A. Permits in Conflict with Development Code.** Certificates, licenses, permits, and other approvals for uses or structures in conflict with the provisions of the Development Code shall not be issued.
- B. Permits Deemed Void.** Any certificate, license, permits, and other approvals issued in conflict with the provisions of the Development Code is void and of no effect.

18.118.030 – Enforcement Responsibility

- A. Responsibility of Director.** The Director shall exercise the authority provided in California Penal Code Section 836.5 and issue notices of violation, stop work orders, and citations for any violations pertaining to the use of any land, and the addition, alteration, construction, conversion, installation, moving, reconstruction, or use of any structure.
- B. Additional Responsibility to Enforce.** All officers of the City shall render any and all necessary assistance to the Director for enforcement.

18.118.040 – Violations

A. Violations.

1. Any use of land or structures operated or maintained and any structure constructed or maintained contrary to the provisions of the Development Code is hereby declared to be a violation of the Development Code and any person responsible for the violation may be held accountable as set forth in Municipal Code Chapter 1.12, Chapter 1.14 and Chapter 8.08.
2. The violation of any required condition imposed on a permit or approval shall constitute a violation of the Development Code and may constitute grounds for revocation or modification of the permit, or any other remedy available to the City under the Municipal Code or the Development Code.
3. Any violations of the Development Code or any required condition(s) imposed on a permit or approval granted shall be treated as a strict liability offense regardless of intent.

B. Public Nuisance. Any use or structure altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved, or operated contrary to the provisions of the Development Code or any applicable condition(s) of approval imposed on a permit or approval, or any property found to be maintained in violation of Municipal Code Chapter 8.08 is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties established by in the Municipal Code.

C. Criminal Violations. Any person, whether an agent, principal, or otherwise, violating, permitting, or causing the violation of any provision of the Development Code or any permit issued in compliance with the Development Code shall be guilty of a misdemeanor or an infraction at the election of the City and/or its prosecuting official, and upon conviction thereof, shall be punishable as established by Municipal Code Chapter 1.12.

D. Continuing Violation. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of the Development Code or any applicable condition of approval imposed on a permit is committed, continued, or allowed to continue and the violator shall be punished accordingly.

E. Stop Work Order.

1. Any construction in violation of the Development Code or any conditions imposed on a permit shall be subject to the issuance of a "Stop Work Order" or other similar notice issued by the City.
2. Any violation of a Stop Work Order or other similar notice shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the Municipal Code and this chapter.

18.118.050 – Inspections

A. Pre-approval inspections. Every applicant seeking a permit or any other approval in shall allow the City officials handling the application access to any premises or property that is the subject of the application.

B. Post approval inspections. If the permit or other request is approved, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

18.118.060 – Initial Enforcement Action

- A. Procedures for Initiating Enforcement.** This section describes the procedures for initiating enforcement action in cases where the Director has determined real property within the City is being used, maintained, or allowed to exist in violation of the provisions of the Development Code.
- B. Encourage Voluntary Cooperation.** It is the objective of these provisions to encourage the voluntary cooperation of property owners or other responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this chapter may be avoided. These provisions shall not limit or prevent the City from taking any other steps necessary to obtain compliance with this Development Code.
- C. Notice to Responsible Parties.** The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include all of the following information:
1. A description of each violation and citations of applicable Development Code provisions being violated;
 2. A time limit for correcting the violation(s);
 3. A statement that the City intends to charge the property owner and/or the person in possession or control for all administrative costs associated with the abatement of the violation(s) and/or initiate legal action; and
 4. A statement that the property owner or person in possession or control may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violation(s).
- D. Time Limit for Correction.**
1. The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction.
 2. The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the Director determines that the violation(s) constitutes a more serious hazard to public health or safety.
- E. Use of Other Enforcement Procedures.** Enforcement procedures may be employed by the City after or instead of the provisions of this section where the Director determines the process in this section would be ineffective in securing the correction of the violation(s) within a reasonable time.

18.118.070 – Legal Remedies

- A. Civil Actions.** Any structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained or any use of any land, structure, or premises established, conducted, operated, or maintained contrary to the provisions of the Development Code is hereby declared to be unlawful and a public nuisance and the City Attorney may upon request of the Director, and shall upon request of the Commission or Council, commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to any courts as may have jurisdiction to grant relief as will abate and remove the

structure and restrain and enjoin any person from setting up, erecting, building, maintaining or using any structure or using any property contrary to the provisions of the Development Code.

- B. Costs and Damages.** Any person violating any provisions of the Development Code or any permit issued shall be liable to the City for all of the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation(s), including reasonable attorney fees and costs. In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation(s), the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by the defendant.

18.118.080 – Recovery of Costs

This section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of the Development Code in cases where no permit is required in order to correct a violation. The intent of this section is to recover City administrative costs reasonably related to enforcement.

A. Record of Costs.

1. The Department shall maintain records of all administrative costs incurred by responding City departments, including City Attorney costs, associated with the processing of violations and enforcement, and shall recover the costs from the property owner and/or the person in possession or control.
2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council, or the actual rate charged to the City.

- B. Notice.** Upon investigation and a determination that a violation of any of the provisions of the Development Code or any condition(s) imposed on a permit or approval is found to exist, the Director shall notify the record owner and/or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner and/or the person in possession or control for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

C. Summary of Costs and Notice.

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the property owner and/or person having possession or control of the property by certified and first class mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days following the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner and/or person in possession or control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.

4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment or a lien on the property in compliance with Government Code Section 54988, at the City's election.
5. The obligation to pay any unpaid costs shall be made a personal obligation of the property owner and/or person in possession or control. The obligation may be recovered against the property owner and/or the person in possession or control through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law. The City shall be entitled to recover costs of the civil action, including attorney's fees.

D. Request for Hearing on Costs. Any property owner and/or other person having possession and control of the subject property who receives a summary of costs shall have the right to a hearing before the Director.

1. A request for hearing shall be filed with the Department within 10 days following the service by mail of the Department's summary of costs, on a form provided by the Department.
2. Within 30 days following the filing of the request, and on 10 days' written notice to the property owner and/or the person in possession or control, the Director shall hold a hearing on objections, and determine their validity.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
 - a. Whether there is a present ability to correct the violation(s);
 - b. Whether the property owner and/or the person in possession or control moved promptly to correct the violation(s);
 - c. The degree of cooperation provided by the property owner and/or the person in possession or control; and
 - d. Whether reasonable minds can differ as to whether a violation(s) exists.
4. The Director's decision shall be appealable directly to the Council.

18.118.090 – Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any permit required by the Development Code, shall pay double the permit processing fees established by the Fee Schedule for the correction of the violations, before being granted a permit for a use or structure on the site.

18.118.100 – Re-inspection Fees

A. Amount and Applicability of Re-inspection Fee.

1. A re-inspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of the Development Code or the Municipal Code, adopted Building Code, or state law.
 - a. The fee amount shall be established by the Master Fee Schedule.

- b. The fee may be assessed for each inspection or re-inspection conducted when the particular violation for which an inspection or re-inspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, if the correction has been made to the satisfaction of the Director.

B. Continuation of the Original Case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of the Development Code or the Municipal Code for less than 90 days, the violation shall be deemed a continuation of the original case, and all inspections or re-inspections, including the first inspection for the repeated offense, shall be charged a re-inspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating the Development Code or the Municipal Code.
3. Any re-inspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of the Development Code or the Municipal Code, or costs incurred by the City for the abatement of a public nuisance.

18.118.110 – Remedies Cumulative

- A. Cumulative, not exclusive.** All remedies contained in the Development Code for the handling of violations or enforcement shall be cumulative and not exclusive of any other applicable provisions of any law.
- B. Other remedies.** Should a person be found guilty and convicted of a misdemeanor or infraction for the violation of any provision of the Development Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).